

1 HB309
2 166106-1
3 By Representative Johnson (R)
4 RFD: Boards, Agencies and Commissions
5 First Read: 18-MAR-15

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8 SYNOPSIS: Under existing law, the licensing of nurses
9 is administered by the Alabama Nursing Board.

10 This bill would increase membership of the
11 Alabama Nursing Board from 13 to 15 members by
12 adding two additional advance practice nurses.

13 This bill would allow any individual or
14 organization representing nurses to nominate an
15 eligible nurse for appointment to the board.

16 This bill would also clarify that an
17 advanced practice registered nurse or a physician's
18 assistant, in addition to a physician or dentist,
19 may delegate orders to a registered nurse or
20 licensed practical nurse.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 Relating to nursing; to amend Sections 34-21-1 and
27 34-21-2, Code of Alabama 1975, to increase membership of the

1 Alabama Nursing Board from 13 to 15 members by adding two
2 additional advance practice nurses; to allow any individual or
3 organization representing nurses to nominate an eligible nurse
4 for appointment to the board; and to clarify that an advanced
5 practice registered nurse or a physician's assistant, in
6 addition to a physician or dentist, may delegate orders to a
7 registered nurse or licensed practical nurse.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 "§34-21-1.

12 "For purposes of this chapter, the following terms
13 shall have the respective meanings ascribed by this section:

14 "(1) BOARD. The Board of Nursing created hereunder.

15 "(2) ADVISORY COUNCILS. Advisory councils provided
16 for under the terms of this chapter.

17 "(3) PRACTICE OF PROFESSIONAL AND PRACTICAL NURSING.
18 Nursing is a profession the practice of which is defined as:

19 "a. Practice of Professional Nursing. The
20 performance, for compensation, of any act in the care and
21 counselling of persons or in the promotion and maintenance of
22 health and prevention of illness and injury based upon the
23 nursing process which includes systematic data gathering,
24 assessment, appropriate nursing judgment and evaluation of
25 human responses to actual or potential health problems through
26 such services as case finding, health teaching, health
27 counselling; and provision of care supportive to or

1 restorative of life and well-being, and executing medical
2 regimens including administering medications and treatments
3 prescribed by a licensed or otherwise legally authorized
4 physician, ~~or dentist,~~ assistant to physician, or advanced
5 practice nurse. A nursing regimen shall be consistent with and
6 shall not vary any existing medical regimen. Additional acts
7 requiring appropriate education and training designed to
8 maintain access to a level of health care for the consumer may
9 be performed under emergency or other conditions which are
10 recognized by the nursing and medical professions as proper to
11 be performed by a registered nurse.

12 "b. Practice of Practical Nursing. The performance,
13 for compensation, of acts designed to promote and maintain
14 health, prevent illness and injury and provide care utilizing
15 standardized procedures and the nursing process, including
16 administering medications and treatments, under the direction
17 of a licensed professional nurse or a licensed or otherwise
18 legally authorized physician, ~~or dentist,~~ assistant to
19 physician, or advanced practice nurse. Such practice requires
20 basic knowledge of the biological, physical, and behavioral
21 sciences and of nursing skills but does not require the
22 substantial specialized skill, independent judgment, and
23 knowledge required in the practice of professional nursing.
24 Additional acts requiring appropriate education and training
25 may be performed under emergency or other conditions which are
26 recognized by the nursing and medical professions as proper to
27 be performed by a licensed practical nurse.

1 "(4) LICENSED PROFESSIONAL NURSE. A person who is
2 currently licensed to practice professional nursing.

3 "(5) LICENSED PRACTICAL NURSE. A person who is
4 currently licensed to practice practical nursing.

5 "§34-21-2.

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

1 "(b) (1) The Governor shall appoint the members of
2 the board who are licensed professional nurses from a list of
3 nominees who ~~are selected by the Board of Nursing Nomination~~
4 ~~Committee and furnished to the Governor by the Alabama State~~
5 ~~Nurses' Association, and such list, when furnished, shall~~
6 ~~contain at least twice the number of nominees as there are~~
7 ~~appointments to be made or vacancies to be filled. The Alabama~~
8 ~~State Nurses' Association, on or before December 1 of each~~
9 ~~year, or at such other times as necessary, shall furnish the~~
10 ~~Governor with a list of licensed professional nurses qualified~~
11 ~~for appointment to the board. In the nominating and meet the~~
12 ~~qualifications under subsection (d). Nominations may be made~~
13 ~~by any licensed professional nurse or any organization~~
14 ~~representing licensed professional nurses no later than~~
15 ~~December 1 following notification by the board of an upcoming~~
16 ~~vacancy. A nurse who is interested and eligible and wishes to~~
17 ~~nominate himself or herself shall do so by submitting a letter~~
18 ~~of interest and resume to the Governor. An organization or~~
19 ~~nurse may nominate another nurse by submitting a letter of~~
20 ~~recommendation and resume of the candidate to the Governor. In~~
21 ~~the~~ appointing process, due care shall be taken to ensure the
22 maintenance of qualified representation from the fields of
23 nursing education, nursing administration, clinical nursing,
24 and advanced practice nursing.

25 "(2) The Governor shall appoint ~~two of~~ the members
26 of the board who are ~~to be~~ licensed practical nurses from a
27 list of nominees ~~furnished him or her by the Board of~~

1 ~~Directors of the Licensed Practical Nurses Association of~~
2 ~~Alabama, and such list, when furnished, shall contain at least~~
3 ~~twice the number of nominees for the vacancies to be filled.~~
4 ~~The Board of Directors of the Licensed Practical Nurses~~
5 ~~Association of Alabama, on or before December 1 of each year~~
6 ~~in which the term of office of a board member or a nominee of~~
7 ~~the Board of Directors shall expire, or at such other time as~~
8 ~~necessary, shall furnish the Governor with such list of~~
9 ~~licensed practical nurses qualified for appointment to the~~
10 ~~board. who meet the qualifications under subsection (e).~~

11 Nominations may be made by any licensed practical nurse or any
12 organization representing licensed practical nurses no later
13 than December 1 following notification by the board of an
14 upcoming vacancy. A nurse who is interested and eligible and
15 wishes to nominate himself or herself shall do so by
16 submitting a letter of interest and resume to the Governor. An
17 organization or nurse may nominate another nurse by submitting
18 a letter of recommendation and resume of the candidate to the
19 Governor.

20 ~~"(3) The Governor shall appoint two members on the~~
21 ~~board who are to be licensed practical nurses from a list of~~
22 ~~nominees furnished him or her by the Board of Directors of the~~
23 ~~Alabama Federation of Licensed Practical Nurses, Incorporated,~~
24 ~~and such list, when furnished, shall contain at least twice~~
25 ~~the number of nominees for the vacancies to be filled. The~~
26 ~~Board of Directors of the Alabama Federation of Licensed~~
27 ~~Practical Nurses, Incorporated, on or before December 1 of~~

1 ~~each year in which the term of office of the board member~~
2 ~~filled by the nominee of such board of directors shall expire,~~
3 ~~or at such other times as necessary, shall furnish the~~
4 ~~Governor with a list of licensed practical nurses qualified~~
5 ~~for appointment to the board.~~

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

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

13 "(1) Be a graduate of a state-approved educational
14 program for the preparation of practitioners of professional
15 nursing.

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

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

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

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

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

3 "(2) Be a graduate of a state-approved vocational
4 educational program for the preparation of practitioners of
5 licensed practical nursing.

6 "(3) Be a currently licensed practical nurse in
7 Alabama.

8 "(4) Have a minimum of five years' successful
9 nursing experience.

10 "(5) Be actively engaged in licensed practical
11 nursing in this state immediately preceding and during
12 appointment.

13 "(f) There shall be one member of the board who is a
14 consumer and who is not a member of any of the health care
15 professions. The consumer member shall be appointed by the
16 Governor effective January 1, 1998, and shall serve for a term
17 of four years. His or her successor shall be appointed in a
18 like manner at the expiration of each term or upon a vacancy
19 for the remainder of an unexpired term of office. The consumer
20 member of the board shall have, presently or formerly, no
21 direct financial interest in any health care facility,
22 profession, agency, or insurer, or be or have been a health
23 care worker.

24 "(g) There shall be ~~two~~ four advanced practice nurse
25 positions to be filled ~~effective January 1, 1998,~~ in the same
26 manner as all other professional nurse positions. ~~One advanced~~
27 ~~practice nurse position shall be served for~~ Of the two

1 advanced practice nurse positions added to the board pursuant
2 to the act adding this amendatory language, one shall serve an
3 initial five-year term and successors shall serve four-year
4 terms. The remaining member appointed to an advance practice
5 nurse position shall serve, effective January 1, 2016, and the
6 other shall serve an initial four-year term, effective January
7 1, 2016 and successors shall serve four-year terms.

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

11 "(i) The board shall have the following powers and
12 perform the following duties: It shall meet at least once a
13 year and shall, at its organizational meeting and at its
14 annual meetings thereafter, elect from its members a
15 president, a vice-president, and a secretary. It may hold such
16 other and additional meetings during any year as it deems
17 necessary for the transaction of business. A majority of the
18 board, including one officer, shall constitute a quorum at any
19 meeting.

20 "(j) The board may:

21 "(1) Adopt and, from time to time, revise such rules
22 and regulations, not inconsistent with law, as may be
23 necessary to carry out this chapter.

24 "(2) Prescribe standards and approve curricula for
25 nursing educational programs preparing persons for licensure
26 under this chapter.

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

3 "(4) Approve such nursing educational programs as
4 meet the requirements of this chapter and the board. Nothing
5 in this chapter shall be construed to diminish the power of
6 the State Board of Education or other constitutionally or
7 legislatively established state agencies to govern the schools
8 under their respective jurisdictions.

9 "(5) Deny or withdraw approval from educational
10 programs for failure to meet prescribed standards. Withdrawal
11 of approval shall be effected only after a hearing in
12 accordance with board rules and regulations.

13 "(6) Examine, license, and renew the licenses of
14 duly qualified applicants and require employers to submit
15 listings of personnel covered by this chapter to the board
16 upon request.

17 "(7) Conduct investigations, hearings, and
18 proceedings concerning alleged violations of this section or
19 of the rules and regulations of the board.

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

23 "(9) Cause the prosecution of all persons violating
24 this chapter and incur such necessary expenses therefor.

25 "(10) Keep a public record of all of its
26 proceedings.

27 "(11) Keep a register of all licensees.

1 "(12) Make an annual report to the Governor.

2 "(13) Appoint and employ a qualified person, not
3 subject to the state Merit System, who shall not be a member
4 of the board, to serve as executive officer.

5 "(14) Define the duties and fix the compensation for
6 the executive officer.

7 "(15) Employ such other persons as may be necessary
8 to carry on the work of the board and provide for appropriate
9 bonding of employees. Regular employees of the board shall be
10 employed subject to the state Merit System in effect on
11 January 1, 1966, or at the time of employment.

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

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

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

23 "(19) Expend funds of the board in exercising its
24 powers and duties and in administering this chapter.

25 "(20) Determine and collect reasonable fees.

26 "(21) Adopt standards for registered and practical
27 nursing practice and for continued competency of licensees.

1 "(22) Join organizations that develop and regulate
2 the national nursing licensure examinations and promote the
3 improvement of the legal standards of the practice of nursing
4 for the protection of the public health, safety, and welfare.

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

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

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

1 "(n) Nothing in this chapter shall limit the rights
2 of affected parties to appeal decisions of the board with
3 regard to rules and regulations promulgated pursuant to this
4 chapter."

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