

1 HB373  
2 198295-1  
3 By Representative Weaver  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 09-APR-19



1 1975, to allow the board to enter into the Enhanced Nurse  
2 Licensure Compact as a means of providing uniformity in  
3 licensing requirements and interstate practice throughout  
4 party states; and to make technical changes relating to the  
5 multistate licensure of nurses.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 34-21-1, 34-21-2, 34-21-21,  
8 34-21-22, and 34-21-25 of the Code of Alabama 1975, are  
9 amended to read as follows:

10 "§34-21-1.

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

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

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

16 "(3) COMPACT. The Enhanced Nurse Licensure Compact  
17 provided in Article 7.

18 "(4) COORDINATED LICENSE INFORMATION SYSTEM. A  
19 licensing integrated database and process for collecting,  
20 storing, and sharing nurse licensure and enforcement  
21 information that includes all licensed registered nurses and  
22 licensed practical/vocational nurses. The system includes all  
23 disciplinary history of each nurse, as administered by a  
24 nonprofit organization and controlled by licensing boards.

25 "~~(3)~~(5) PRACTICE OF PROFESSIONAL AND PRACTICAL  
26 NURSING. Nursing is a profession the practice of which is  
27 defined as:







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 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                   "(h) Any person whose license is ordered suspended  
2                   or revoked may appeal to the circuit court or a court of like  
3                   jurisdiction of Montgomery County, from any order of the board  
4                   under this section, within 30 days from date of the decision  
5                   of the board. The trial of appeals shall be conducted in like  
6                   manner, as nearly as may be, as provided for in the Alabama  
7                   Administrative Procedure Act.

8                   "(i) Any organization, registered nurse, licensed  
9                   practical nurse, or other person who in good faith reports  
10                  information to the board alleging that any person licensed or  
11                  applying for a license to practice nursing may be guilty of  
12                  the acts, offenses, or conditions set out in Section 34-21-7  
13                  or subsection (b), shall not be liable to any person for any  
14                  statement or opinion made in that report.

15                  "(j) Not later than October 1, 1994, the board shall  
16                  establish a voluntary Disciplinary Alternative Program to  
17                  promote early identification, intervention, treatment, and  
18                  rehabilitation of any licensed nurse whose competence is found  
19                  to be impaired or compromised because of the use or abuse of  
20                  drugs, alcohol, controlled substances, chemicals, or other  
21                  substances or as a result of a physical or mental condition  
22                  rendering the person unable to meet the standards of the  
23                  nursing profession. The intent of the program is to provide a  
24                  voluntary alternative to traditional disciplinary actions.

25                  "(l) When a registered nurse or licensed practical  
26                  nurse voluntarily seeks treatment for use or abuse of drugs,  
27                  controlled substances, alcohol, chemicals, or other















1 the practice of nursing as a registered nurse or licensed  
2 practical nurse in a remote state.

3 (12) NURSE. A registered nurse or licensed practical  
4 nurse as those terms are defined by the practice laws of the  
5 party state.

6 (13) PARTY STATE. Any state that has adopted this  
7 compact.

8 (14) REMOTE STATE. A party state, other than the  
9 home state.

10 (15) SINGLE STATE LICENSE. A nurse license issued by  
11 a state participating in the compact that authorizes practice  
12 only within the issuing state and does not include a  
13 multistate licensure privilege to practice in any other state.

14 (16) STATE. A state, territory, or possession of the  
15 United States and the District of Columbia.

16 (17) STATE PRACTICE LAWS. The laws, rules, and  
17 regulations of a party state that govern the practice of  
18 nursing, define the scope of nursing practice, and create the  
19 methods and grounds for imposing discipline. The term does not  
20 include requirements necessary to obtain and retain a license,  
21 except for qualifications or requirements of the home state.

22 §34-21-122.

23 (a) A multistate license to practice registered or  
24 licensed practical nursing issued by a home state to a  
25 resident in that state shall be recognized by each party state  
26 as authorizing a nurse to practice as a registered nurse or as



















1 (g) Any information contributed to the coordinated  
2 licensure information system that is subsequently required to  
3 be expunged by the laws of the party state contributing that  
4 information shall also be expunged from the coordinated  
5 licensure information system.

6 (h) The compact administrator of each party state  
7 shall furnish a uniform data set to the compact administrator  
8 of all other party states, which shall include, at a minimum,  
9 all of the following:

10 (1) Identifying information.

11 (2) Licensure data.

12 (3) Information related to alternative program  
13 participation.

14 (4) Other information that may facilitate the  
15 administration of this compact, as determined by commission  
16 rules.

17 (i) The compact administrator of a party state shall  
18 provide all investigative documents and information requested  
19 by another party state.

20 §34-21-126.

21 (a) The party states hereby create and establish a  
22 joint public entity known as the Interstate Commission of  
23 Nurse Licensure Compact Administrators.

24 (1) The commission is an instrumentality of the  
25 party states.

26 (2) Venue is proper, and judicial proceedings by or  
27 against the commission shall be brought solely and











1                   (5) To cooperate with other organizations that  
2 administer state compacts related to the regulation of nursing  
3 including, but not limited to, sharing administrative or staff  
4 expenses, office space, or other resources.

5                   (6) To hire employees, elect or appoint officers,  
6 fix compensation, define duties, grant such individuals  
7 appropriate authority to carry out the purposes of this  
8 compact, and to establish the personnel policies and programs  
9 relating to conflicts of interest, qualifications of  
10 personnel, and other related personnel matters of the  
11 commission.

12                   (7) To accept any and all appropriate donations,  
13 grants and gifts of money, equipment, supplies, materials, and  
14 services, and to receive, utilize, and dispose of the same;  
15 provided that at all times the commission shall avoid any  
16 appearance of impropriety or conflict of interest.

17                   (8) To lease, purchase, accept appropriate gifts or  
18 donations of, or otherwise to own, hold, improve, or use, any  
19 property, whether real, personal, or mixed; provided that at  
20 all times the commission shall avoid any appearance of  
21 impropriety.

22                   (9) To sell, convey, mortgage, pledge, lease,  
23 exchange, abandon, or otherwise dispose of any property,  
24 whether real, personal, or mixed.

25                   (10) To establish a budget and make expenditures.

26                   (11) To borrow money; provided that the borrowing of  
27 money shall not be constituted as a debt of the State of







1 commission shall file a notice of proposed rulemaking on the  
2 website of the commission and on the website of each licensing  
3 board or the publication in which each party state would  
4 otherwise publish proposed rules.

5 (d) The notice of proposed rulemaking shall include  
6 all of the following:

7 (1) The proposed time, date, and location of the  
8 meeting in which the rule shall be considered and voted upon.

9 (2) The text of the proposed rule or amendment, and  
10 the reason for the proposed rule or amendment.

11 (3) A request for comments on the proposed rule from  
12 any interested person.

13 (4) The manner in which interested persons may  
14 submit notice to the commission of their intention to attend  
15 the public hearing and any written comments.

16 (e) Before adoption of a proposed rule, the  
17 commission shall allow persons to submit written data, facts,  
18 opinions, and arguments, which shall be made available to the  
19 public.

20 (f) The commission shall grant an opportunity for a  
21 public hearing before it adopts a rule or amendment to a rule.

22 (g) The commission shall publish the place, time,  
23 and date of the scheduled public hearing.

24 (1) Hearings shall be conducted in a manner  
25 providing each person who wishes to comment a fair and  
26 reasonable opportunity to comment orally or in writing. All











1                   §34-21-129.

2                   (a) This compact shall become effective and binding  
3                   on the earlier of the date of legislative enactment of this  
4                   compact into law by not less than 26 states or December 31,  
5                   2019. All party states, that also participated in the prior  
6                   Nurse Licensure Compact, which is superseded by this compact,  
7                   shall be deemed to have withdrawn from the Nurse Licensure  
8                   Compact on the first day of the sixth month after the  
9                   effective date of this compact.

10                  (b) Each party state shall continue to recognize the  
11                  multistate licensure privilege of a nurse to practice in that  
12                  party state issued under the Nurse Licensure Compact until the  
13                  party state has withdrawn from the Nurse Licensure Compact.

14                  (c) A party state may withdraw from this compact by  
15                  enacting a general law repealing this compact. Withdrawal by a  
16                  party state may not take effect until six months after the  
17                  effective date of the repeal.

18                  (d) The withdrawal or termination of a party state  
19                  shall not affect the continuing requirement of the state  
20                  licensing board of that state to report adverse actions and  
21                  significant investigations occurring before the effective date  
22                  of the withdrawal or termination.

23                  (e) Nothing contained in this compact shall be  
24                  construed to invalidate or prevent any nurse licensure  
25                  agreement or other cooperative arrangement between a party  
26                  state and a nonparty state that is made in accordance with any  
27                  other provision of this compact.

