

SB224 INTRODUCED



1 SB224
2 CR1VQJQ-1
3 By Senators Elliott, Orr, Gudger
4 RFD: County and Municipal Government
5 First Read: 19-Mar-24



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, occupational and professional licensing boards are responsible for regulating different professions and occupations.

This bill would establish the Office of Occupational and Professional Licensing within the Department of Labor to serve as a centralized entity providing leadership, support, and oversight to certain professional or occupational licensing boards operating within the state.

This bill would provide for the appointment of an executive director, deputy directors, and other staff for the office, including investigators, and would provide uniformity for certain provisions relating to licensing, fees, funding, and expenses.

Commencing on October 1, 2025, this bill would transfer to the office the Board of Examiners of Assisted Living Administrators, Alabama Athletic Commission, Alabama Board of Athletic Trainers, State Board of Auctioneers, Alabama Professional Bail Bonding Board, Alabama Behavior Analyst Licensing Board, Board of Examiners in Counseling, Alabama Board of Electrical Contractors, Alabama Electronic Security Board of Licensure, State Board of Genetic Counseling, Alabama Board of Licensure for Professional Geologists, Board



SB224 INTRODUCED

29 of Home Medical Equipment, Alabama Board for Registered
30 Interior Designers, Alabama Licensure Board for
31 Interpreters and Transliterations, Alabama Board of
32 Examiners of Landscape Architects, Alabama Board of
33 Examiners in Marriage and Family Therapy, Alabama
34 Massage Therapy Licensing Board, State Board of
35 Midwifery, Alabama Board of Optometry, State Board of
36 Podiatry, Alabama Private Investigation Board, Alabama
37 State Board of Prosthetists and Orthotists, and the
38 Alabama Security Regulatory Board.

39 Commencing on October 1, 2026, this bill would
40 transfer to the office the State Board for Registration
41 of Architects, Alabama Board of Court Reporting, State
42 Board of Examiners for Dietetics/Nutrition Practice,
43 State Board of Registration for Foresters, Board of
44 Hearing Instrument Dealers, Board of Nursing, Board of
45 Examiners of Nursing Home Administrators, Alabama State
46 Board of Occupational Therapy, Alabama Onsite
47 Wastewater Board, Board of Physical Therapy, Polygraph
48 Examiners Board, Alabama Board of Examiners in
49 Psychology, Alabama State Board of Respiratory Therapy,
50 Alabama Board of Social Work Examiners, and the Alabama
51 Board of Examiners for Speech-Language Pathology and
52 Audiology.

53 This bill would maintain the validity of
54 occupational and professional licenses issued before
55 the transfer and the continuance of the rules of a
56 transferred occupational or professional licensing



SB224 INTRODUCED

57 board adopted before the transfer.

58 This bill would transfer the Sickle Cell
59 Oversight and Regulatory Commission and all documents,
60 records, functions, and responsibilities of the
61 commission to the Department of Public Health.

62 This bill would also transfer the Alabama
63 Drycleaning Environmental Response Trust Fund Advisory
64 Board and all documents, records, functions, and
65 responsibilities of the board to the Alabama Department
66 of Environmental Management.

67

68

69

70

A BILL

71

TO BE ENTITLED

72

AN ACT

73

74

To establish the Office of Occupational and

75

Professional Licensing within the Department of Labor; to add

76

Chapter 2B to Title 25, Code of Alabama 1975; to provide for

77

the leadership, support, and oversight of certain occupational

78

and professional licensing boards; to provide for an executive

79

director, deputy directors, and the employment of staff for

80

the boards; to provide uniform standards for fees and; to

81

continue existing licenses and rules; to provide for the

82

transfer of the following boards commencing on October 1,

83

2025: the Board of Examiners of Assisted Living

84

Administrators, Alabama Athletic Commission, Alabama Board of



SB224 INTRODUCED

85 Athletic Trainers, State Board of Auctioneers, Alabama
86 Professional Bail Bonding Board, Alabama Behavior Analyst
87 Licensing Board, Board of Examiners in Counseling, Alabama
88 Board of Electrical Contractors, Alabama Electronic Security
89 Board of Licensure, State Board of Genetic Counseling, Alabama
90 Board of Licensure for Professional Geologists, Board of Home
91 Medical Equipment, Alabama Board for Registered Interior
92 Designers, Alabama Licensure Board for Interpreters and
93 Transliterations, Alabama Board of Examiners of Landscape
94 Architects, Alabama Board of Examiners in Marriage and Family
95 Therapy, Alabama Massage Therapy Licensing Board, State Board
96 of Midwifery, Alabama Board of Optometry, Alabama Private
97 Investigation Board, State Board of Podiatry, Alabama State
98 Board of Prosthetists and Orthotists, and the Alabama Security
99 Regulatory Board by amending sections of the Code of Alabama
100 1975, in Chapter 2A, Title 34; Chapter 9, Title 41; Chapter
101 40, Title 34; Chapter 4, Title 34; Chapter 13, Title 15;
102 Chapter 5A, Title 34; Chapter 8A, Title 34; Chapter 36, Title
103 34; Chapter 1A, Title 34; Chapter 13A, Title 34; Chapter 41,
104 Title 34; Chapter 14C, Title 34; Chapter 15C, Title 34;
105 Chapter 16, Title 34; Chapter 17, Title 34; Chapter 17A, Title
106 34; adding Chapter 43A, Title 34; amending in Chapter 19,
107 Title 34; Chapter 22, Title 34; Chapter 24, Title 34; Chapter
108 25B, Title 34; Chapter 25A, Title 34; and Chapter 27C, Title
109 34; to provide for the transfer of the following boards
110 commencing on October 1, 2026: the State Board for
111 Registration of Architects, Alabama Board of Court Reporting,
112 State Board of Examiners for Dietetics/Nutrition Practice,



SB224 INTRODUCED

113 State Board of Examiners for Dietetics/Nutrition Practice,
114 State Board of Registration for Foresters, Board of Hearing
115 Instrument Dealers, Board of Examiners of Nursing Home
116 Administrators, Alabama State Board of Occupational Therapy,
117 Alabama Onsite Wastewater Board, Board of Physical Therapy,
118 Polygraph Examiners Board, Alabama Board of Examiners in
119 Psychology, Alabama State Board of Respiratory Therapy,
120 Alabama Board of Social Work Examiners, and Alabama Board of
121 Examiners for Speech-Language Pathology and Audiology Board by
122 amending sections of the Code of Alabama 1975, in Chapter 2,
123 Title 34; Chapter 8B, Title 34; Chapter 34, Title 34; Chapter
124 34A, Title 34; Chapter 2A, Title 34; Chapter 14, Title 34;
125 Chapter 20, Title 34; Chapter 39, Title 34; Chapter 21A, Title
126 34; Chapter 24, Title 34; Chapter 25, Title 34; Chapter 26,
127 Title 34; Chapter 27B, Title 34; Chapter 30, Title 34; the by
128 amending sections in Chapter 28A, Title 34; to amend Section
129 22-10B-3, to transfer the Sickle Cell Oversight and Regulatory
130 Commission to the Department of Public Health; to amend
131 Section 22-30D-8, Code of Alabama 1975, to transfer the
132 Alabama Drycleaning Environmental Response Trust Fund Advisory
133 Board to the Alabama Department of Environmental Management;
134 to repeal Sections 34-4-53, 34-12-32, 34-17-25, 34-24-253,
135 34-30-54, 34-36-5, and 34-40-7, Code of Alabama 1975, relating
136 to member compensation and fees, and to repeal Chapter 43,
137 Title 34, Code of Alabama 1975, providing for the Alabama
138 Board of Massage Therapy; and to provide for various effective
139 dates.

140 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



SB224 INTRODUCED

141 Section 1. Chapter 2B is added to Title 25 of the Code
142 of Alabama 1975, to read as follows:

143 CHAPTER 2B. OFFICE OF OCCUPATIONAL AND PROFESSIONAL
144 LICENSING.

145 §25-2B-1

146 For the purposes of this chapter, the following terms
147 have the following meanings:

148 (1) BOARD. A board, commission, or other entity
149 established for the primary purpose of licensing and
150 regulating a specific occupation or profession that is subject
151 to oversight and administration by the Office of Occupational
152 and Professional Licensing of the Department of Labor.

153 (2) EXECUTIVE DIRECTOR. The individual appointed by the
154 Secretary of Labor as executive director of the office.

155 (3) FUND. The Occupational and Professional Licensing
156 Fund created by this chapter.

157 (4) LICENSE. The certificate or license issued to an
158 individual that certifies he or she is qualified to perform a
159 particular occupation or profession. The term includes a
160 certificate of registration, temporary license, or similar
161 formal grant of permission.

162 (5) OFFICE. The Office of Occupational and Professional
163 Licensing within the Department of Labor, responsible for the
164 oversight and administration of certain occupational and
165 professional licensing boards.

166 §25-2B-2

167 (a) There is created within the Department of Labor the
168 Office of Occupational and Professional licensing. The mission



SB224 INTRODUCED

169 of the office is to protect the health, safety, and welfare of
170 the public by licensing qualified individuals and entities and
171 enforcing standards of professional conduct for professions
172 and occupations.

173 (b) (1) The Secretary of Labor shall appoint and shall
174 set the qualifications for an executive director and shall
175 appoint deputy directors, as needed, who shall act in the
176 absence of the executive director and who shall perform other
177 functions of the executive director as the executive director
178 may direct. The executive director and deputy directors shall
179 serve in the exempt service. The compensation of the executive
180 director and deputy directors shall be fixed by the Secretary
181 of Labor, and they shall hold office at the pleasure of the
182 Secretary of Labor.

183 (2) The executive director may employ additional
184 personnel, including administrative law judges, attorneys, and
185 investigators, as necessary to carry out this chapter and to
186 provide leadership, support, and oversight required for each
187 board to exercise its powers and fulfill its duties. Except as
188 otherwise provided in this chapter, all personnel shall be
189 subject to the state Merit System Act.

190 (c) An individual hired to conduct investigations for
191 the boards shall meet standards established by the executive
192 director.

193 §25-2B-3

194 (a) The executive director, with the approval of the
195 Secretary of Labor, may enter into and terminate contracts on
196 behalf of the office or any board, subject to the State



SB224 INTRODUCED

197 Procurement Law, as necessary to implement this chapter.

198 (b) The rights, privileges, entitlements, or duties of
199 parties to contracts, leases, agreements, or other
200 transactions entered into by a board on or before the date a
201 board becomes subject to this chapter, shall continue to exist
202 and shall not be impaired or diminished by reason of the board
203 being subject to this chapter. After the date a board becomes
204 subject to this chapter, no existing agreement or contract
205 between a board and a third party may be renewed or otherwise
206 amended unless the agreement or contract complies with this
207 chapter.

208 §25-2B-4

209 On the date a board becomes subject to this chapter,
210 all the rights, duties, assets, employees, records,
211 liabilities, property, real or personal, and all other effects
212 existing in the name of each board shall be transferred to,
213 and under the jurisdiction of, the office. By resolution, a
214 board may transfer its rights, duties, assets, employees,
215 records, liabilities, property, or other effects to the office
216 before the date specified by this act if approved by the
217 Secretary of Labor or the executive director.

218 §25-2B-5

219 (a) The Occupational and Professional Licensing Fund is
220 created within the State Treasury. The office shall collect,
221 on behalf of each board, all funds the board is entitled to
222 receive. Collected funds shall be deposited into the fund and
223 shall be used to implement this chapter and perform required
224 board functions. The executive director shall allocate and



SB224 INTRODUCED

225 disburse funds budgeted and allotted pursuant to the Budget
226 Management Act and Article 4 of Chapter 4 of Title 41.

227 (b) For purposes of this section, required board
228 functions include the maintenance of existing board programs
229 that benefit an occupation or profession including, but not
230 limited to, grant, wellness, and training programs, if the
231 executive director determines that maintenance of the program
232 will not require a material increase in any fee collected by
233 the office. The authority provided by this subsection shall
234 expire on September 31, 2028.

235 §25-2B-6

236 (a) The executive director shall possess all powers
237 necessary and proper to provide administrative support and
238 oversight to each board, including all of the following:

239 (1) To serve as the custodian of all board records.

240 (2) To receive and process all license applications.

241 (3) By rule, to set all administrative fees including,
242 but not limited to application, license, renewal, examination,
243 and wellness program fees and set the dates, times, and
244 locations of license examinations.

245 (4) To schedule the time and place for all hearings.

246 (5) To issue all licenses.

247 (6) To conduct investigations on behalf of each board
248 and issue subpoenas when authorized.

249 (7) To collect all fees, fines, and other monies due
250 each board and deposit all monies collected into the fund.

251 (8) To implement and enforce the rules and
252 administrative decisions of each board.



SB224 INTRODUCED

253 (b) All board orders shall be signed and attested to by
254 the executive director, or his or her designee, in the name of
255 the applicable board, with the seal of that board attached.
256 Any notice or legal process necessary to be served upon a
257 board may be served upon the executive director.

258 (c) Any document, material, or other information in the
259 possession or control of the office that is obtained by or
260 disclosed in the course of an application, examination, or
261 investigation is confidential, privileged, and not subject to
262 subpoena or discovery.

263 §25-2B-7

264 (a) Each board member shall be paid a per diem amount
265 of one hundred dollars (\$100) for each day spent attending a
266 board meeting or other official function of the board and
267 shall be reimbursed for travel expenses at the same rate and
268 under the same circumstances as a state employee is paid for
269 each day he or she attends to business of the board. A board
270 member's request for per diem or reimbursement of travel
271 expenses is subject to approval by the executive director.

272 (b) Board meetings and hearings shall be held in the
273 City of Montgomery, at a site determined by the executive
274 director, or at a different site upon request of the chair and
275 approval by the executive director.

276 (c) Nothing in this chapter shall be construed to alter
277 the requirements of the Open Meetings Act; provided that board
278 members may participate in a board meeting in person, by means
279 of telephone conference, video conference, or other similar
280 communications equipment so that all individuals participating



SB224 INTRODUCED

281 in the meeting may hear each other at the same time.
282 Participation by such means shall constitute presence in
283 person at the meeting for all purposes, including for purposes
284 of establishing a quorum, and the affirmative vote of a
285 majority of the members necessary for any action of the board.

286 §25-2B-8

287 (a) The executive director shall adopt rules pursuant
288 to the Alabama Administrative Procedure Act relating to
289 administrative fees and to the administration of examinations
290 of applicants for licensing by each board pursuant to Section
291 25-2B-6. The rules may provide for the setting of fees, dates,
292 times, and locations of examinations, and other similar
293 matters related to the administration of an examination.

294 (b) Nothing in this chapter shall preclude a board from
295 adopting rules to establish examination standards including,
296 but not limited to, criteria, grading procedures, passing
297 score requirements, and other matters pertaining to
298 substantive material included on an examination.

299 (c) A board, by rule, may establish examination
300 standards developed in agreement or in conjunction with a
301 national association of state boards, or other related
302 national association, for the administration of a nationally
303 recognized uniform examination.

304 (d) Rules adopted by a board before the date of
305 transfer to the office, that are under the jurisdiction of the
306 executive director, shall continue in effect until the
307 executive director expressly amends, repeals, or adopts new
308 rules pursuant to the Alabama Administrative Procedure Act.



SB224 INTRODUCED

309 §25-2B-9

310 (a) The executive director, by rule, may establish
311 administrative fees necessary for the operation of a board
312 including, but not limited to, an application fee, original
313 license fee, license renewal fee, inspection fee, permit fee,
314 wellness program fee, and late penalty fee. Each fee shall be
315 reasonable and shall be determined in a manner that the total
316 amount of fees charged by the board shall approximate the
317 total of the direct and indirect costs to the state of the
318 operations of the board. Fees may be refunded as determined by
319 the executive director.

320 (b) The executive director, by rule, shall determine
321 the term, expiration, renewal period, and late penalty dates
322 for each license issued by a board through the office.

323 §25-2B-10

324 (a) The executive director, on behalf of each board,
325 may issue or deny a temporary license to an applicant who
326 otherwise satisfies all of the qualifications and criteria
327 required for the issuance of a license.

328 (1) If a temporary license is issued to an applicant by
329 the executive director, that decision shall be reviewed by the
330 applicable board at the next meeting of the board, during
331 which time the board may decide to grant or deny a full
332 license to the temporary licensee.

333 (2) If the executive director denies issuing a
334 temporary license to an applicant, that decision shall be
335 reviewed by the applicable board at the next meeting of the
336 board, during which time the board may decide to grant or deny



SB224 INTRODUCED

337 a full license to the applicant.

338 (b) The executive director, on behalf of each board,
339 may temporarily renew a license pursuant to criteria
340 established by the board for the renewal of a license. A
341 temporary renewal issued by the executive director shall be
342 reviewed by the applicable board at the next meeting of the
343 board, during which time the board may decide to grant or deny
344 the license renewal.

345 §25-2B-11

346 Each board remains subject to the Alabama
347 Administrative Procedure Act. Any rule adopted, amended, or
348 repealed by a board, as authorized by this chapter, shall be
349 approved by the executive director before certification
350 pursuant to Section 41-22-6. An emergency rule shall be
351 approved before filing pursuant to Section 41-22-5.

352 §25-2B-12

353 (a) Nothing in this chapter shall be construed to
354 invalidate, override, or amend the Military Family Jobs
355 Opportunity Act, Section 31-1-6, or any licensing compact
356 entered into by this state or any board.

357 (b) The provisions of this chapter are cumulative and
358 supplemental and shall be construed in pari materia with other
359 laws relating to the boards placed under the oversight of the
360 office pursuant to this chapter. Those laws or parts of laws
361 in direct conflict or inconsistent with this chapter are
362 superseded to the extent of the conflict or inconsistency.

363 §25-2B-13

364 (a) Each board shall continue to be subject to the



SB224 INTRODUCED

365 Alabama Sunset Law in the same manner and schedule as provided
366 by law.

367 (b) Commencing with the 2028 Regular Session of the
368 Alabama Legislature, and every fourth regular session
369 thereafter, the Secretary of Labor, through the executive
370 director of the office, shall submit to the co-chairs of the
371 Alabama Sunset Committee, a report recommending the
372 continuation, consolidation, or termination of those boards
373 regulated by this chapter.

374 Section 2. Relating to the Board of Examiners of
375 Assisted Living Administrators; to amend Sections 34-2A-1,
376 34-2A-2, 34-2A-3, 34-2A-6, 34-2A-8, 34-2A-9, 34-2A-10,
377 34-2A-11, 34-2A-12, and 34-2A-13 of the Code of Alabama 1975,
378 to read as follows:

379 "§34-2A-1

380 For purposes of this chapter, the following terms ~~shall~~
381 have the following meanings:

382 (1) ASSISTED LIVING ADMINISTRATOR. Any individual who
383 is charged with the general administration of an assisted
384 living facility or a ~~speciality~~ specialty care assisted living
385 facility, whether or not the individual has an ownership
386 interest in the facility, and whether or not his or her
387 functions and duties are shared with one or more other
388 individuals.

389 (2) ASSISTED LIVING FACILITY. Any facility, including
390 both assisted living facilities and ~~speciality~~ specialty care
391 assisted living facilities, that is defined as such for
392 licensing purposes pursuant to Section 22-21-20. For purposes



SB224 INTRODUCED

393 of this chapter, the term "~~assisted living facility~~" shall not
394 include family assisted living facilities as the term is
395 defined in the rules and regulations promulgated by the
396 Department of Public Health.

397 (3) BOARD. The Board of Examiners of Assisted Living
398 Administrators of ~~the State of Alabama~~ this state.

399 (4) EXECUTIVE DIRECTOR. The executive director of the
400 ~~board~~ Office of Occupational and Professional Licensing as
401 defined in Section 25-2B-1.

402 (5) PRACTICE OF ASSISTED LIVING ADMINISTRATION. The
403 planning, organizing, directing, and control of the operation
404 of an assisted living facility.

405 ~~(6) PROVISIONAL ASSISTED LIVING ADMINISTRATOR. An~~
406 ~~individual who has been issued a provisional license by the~~
407 ~~board.~~

408 ~~(7) PROVISIONAL LICENSE. A temporary license issued to~~
409 ~~a provisional assisted living administrator by the board."~~

410 "§34-2A-2

411 (a) ~~All administrators of assisted living facilities or~~
412 ~~specialty care assisted living facilities as recorded in the~~
413 ~~records of the State Department of Public Health shall be~~
414 ~~issued a provisional license, as defined herein, upon the~~
415 ~~effective date of this act. On and after September 1, 2003, no~~
416 No assisted living facility in the state may operate unless it
417 is under the supervision of an administrator who holds a
418 currently valid assisted living administrator's license, ~~or~~
419 ~~new initial provisional license,~~ issued by the board. No
420 person shall practice or offer to practice assisted living



SB224 INTRODUCED

421 administration in this state or use any title, sign, card, or
422 device to indicate that he or she is an assisted living
423 administrator unless the person shall have been duly licensed
424 as an assisted living administrator ~~or as a provisional~~
425 ~~assisted living administrator~~ in this state. In the event an
426 assisted living administrator dies, unexpectedly resigns,
427 becomes incapacitated, or has his or her license revoked, the
428 person or persons then responsible for the management of the
429 assisted living facility shall immediately notify the board
430 and the State Board of Health. The board may issue an
431 emergency permit to a person performing the functions of
432 administrator in the assisted living facility for a reasonable
433 period of time from the date of death, unexpected resignation,
434 incapacitation, or revocation of the license of the assisted
435 living administrator, but not to exceed 120 days. Although the
436 State Board of Health, in its discretion, may permit the
437 assisted living facility to continue to operate under the
438 supervision of a person issued an emergency permit, nothing in
439 this section shall be construed as prohibiting the State Board
440 of Health from denying or revoking the license of the assisted
441 living facility where the State Board of Health has determined
442 that the person with the emergency permit does not demonstrate
443 an ability or willingness to comply with State Board of Health
444 rules governing assisted living facilities or where the State
445 Board of Health has determined that the facility is not
446 otherwise in compliance with those rules.

447 (b) Nothing in this section shall be construed to
448 prohibit a licensed assisted living administrator from



SB224 INTRODUCED

449 supervising more than one assisted living facility if specific
450 permission is granted by the State Department of Public
451 Health."

452 "§34-2A-3

453 (a) (1) There is created a Board of Examiners of
454 Assisted Living Administrators. Commencing on October 1, 2025,
455 the board shall be subject to the leadership, support, and
456 oversight of the Executive Director of the Office of
457 Occupational and Professional Licensing pursuant to Chapter 2B
458 of Title 25.

459 (2) The board shall be composed of nine members, seven
460 members as set out in this subsection, and two additional
461 consumer members as set out in subsection (b). The membership
462 of the board shall be inclusive and reflect the racial,
463 gender, geographic, urban/rural, and economic diversity of the
464 state. The seven original members shall be composed as
465 follows: Five members shall be assisted living administrators
466 duly licensed and registered under this chapter; one member
467 shall be a physician licensed under the laws of the state; and
468 one shall be a licensed nursing home administrator who in the
469 same or contiguous facility manages assisted living beds.
470 Appointments to the board for those positions to be held by
471 assisted living administrators shall be made by the Governor
472 from a list of three nominees for each position to be
473 submitted to the Governor by the Assisted Living Association
474 of Alabama, Inc. The appointment of the nursing home
475 administrator shall be made from a list of three nominees
476 submitted to the Governor by the Alabama Nursing Home



SB224 INTRODUCED

477 Association, Inc. The appointment to the board of the member
478 for the position to be held by a physician shall be made from
479 a list of three nominees submitted to the Governor by the
480 Medical Association of the State of Alabama.

481 (b) Within 30 days of March 1, 2002, the Governor shall
482 appoint two consumer members of the board. The consumer
483 members shall vote in all matters. At least one consumer
484 member shall be 65 years of age or older and no consumer
485 member, or a spouse or immediate family member of a consumer
486 member, shall be a licensee of the board or be employed in the
487 assisted living profession.

488 (c) When the terms of all members of the board expire
489 in April 2005, the Governor shall appoint five members to
490 two-year terms and four members to three-year terms as
491 follows: Three assisted living administrators, the licensed
492 nursing home administrator, and one consumer member shall be
493 appointed to two-year terms; two assisted living
494 administrators, the licensed physician, and one consumer
495 member shall be appointed to three-year terms. Thereafter, all
496 members shall serve three-year terms of office.

497 (d) All members of the board shall be citizens of the
498 United States and shall be residents of the state.

499 (e) Except as otherwise provided in this section, each
500 member shall serve three-year staggered terms and no board
501 member shall serve more than two consecutive full three-year
502 terms. All members shall continue to serve until the Governor
503 appoints a successor.

504 (f) The Governor may remove any board member for



SB224 INTRODUCED

505 misconduct, incapacity, incompetence, or neglect of duty after
506 the board member so charged has been served with a written
507 statement of charges and has been given an opportunity to be
508 heard. Absence from any three consecutive meetings of the
509 board within a calendar year, without cause acceptable to the
510 Governor and the board, shall be deemed cause for removal.

511 (g) Any vacancy created by the death, resignation, or
512 removal of any board member shall be filled by the Governor
513 for the unexpired term in the same manner as required by this
514 chapter to make appointments.

515 ~~(h) Each member of the board shall receive a per diem~~
516 ~~fee of not less than fifty dollars (\$50) nor more than one~~
517 ~~hundred dollars (\$100) to be determined by the board for the~~
518 ~~time spent in the performance of official duties. Each member~~
519 ~~shall be reimbursed for all necessary and proper travel and~~
520 ~~incidental expenses incurred in implementing this chapter as~~
521 ~~is provided to state employees by the laws of the state and~~
522 ~~regulations of the State Personnel Director. In setting the~~
523 ~~per diem fee, the board shall give due consideration to funds~~
524 ~~which are available for that purpose.~~

525 ~~(i)~~ (h) The board shall hold four or more meetings a
526 year. A majority of the members of the board shall constitute
527 a quorum at any meeting except as provided in Section
528 34-2A-13. A majority vote of the members present shall be
529 sufficient to transact the business of the board except as
530 provided in Section 34-2A-13. Meetings may be called by the
531 chair or by a majority of the members of the board. Members
532 shall be given seven days' written notice of all meetings.



SB224 INTRODUCED

533 ~~(j)~~ (i) The board shall annually elect from its members
534 a chair and a vice-chair, at the first meeting of the board
535 held after October 1 of each year, and each shall serve until
536 the first meeting held after October 1 of the following year.
537 In the event of the death, resignation, or removal of the
538 chair from the board, the vice-chair shall succeed as chair
539 for the remainder of the unexpired term. In the event of the
540 death, resignation, removal, or succession to the office of
541 chair of a vice-chair, a successor shall be elected by the
542 board to fill the remainder of the unexpired term as
543 vice-chair. The chair, or in the absence of the chair, the
544 vice-chair, shall preside at all meetings of the board. ~~The~~
545 ~~chair of the board may appoint an executive director to the~~
546 ~~board, with the consent of the members of the board, who shall~~
547 ~~serve at the pleasure of the board. The board shall fix the~~
548 ~~salary of the executive director.~~ The executive director shall
549 be the executive officer to the board but may not be a member
550 of the board. The executive director shall have those powers
551 and shall perform those duties as are prescribed by law and
552 the rules ~~and regulations~~ of the board. ~~A clerk and sufficient~~
553 ~~deputy clerks to adequately assist the board and executive~~
554 ~~director in the keeping of the records and in the performance~~
555 ~~of their duties may be appointed by the board subject to the~~
556 ~~Merit System~~ consistent with Chapter 2B of Title 25.

557 ~~(k)~~ (j) The board is subject to the Alabama Sunset Law
558 of 1981, and is classified as an enumerated agency pursuant to
559 Section 41-20-3. The board shall automatically terminate on
560 October 1, 2004, and every four years thereafter, unless a



SB224 INTRODUCED

561 bill is passed that the board be continued, modified, or
562 reestablished."

563 "§34-2A-6

564 ~~There is hereby established a separate special revenue~~
565 ~~trust fund in the State Treasury to be known as the Board of~~
566 ~~Examiners of Assisted Living Administrators Fund.~~ All receipts
567 collected by the board under the provisions of this chapter
568 shall be deposited into ~~this fund and shall be used only to~~
569 ~~carry out the provisions of this chapter. Receipts may be~~
570 ~~disbursed only by warrant of the state Comptroller upon the~~
571 ~~State Treasury, upon itemized vouchers approved by the chair~~
572 ~~of the board. No funds may be withdrawn or expended except as~~
573 ~~budgeted and allotted according to Sections 41-4-80 to~~
574 ~~41-4-98, inclusive, and Section 41-19-12, and only in amounts~~
575 ~~as stipulated in the general appropriation bill or other~~
576 ~~appropriation bills.~~ the Occupational and Professional
577 Licensing Fund. A financial audit shall be conducted by the
578 Examiners of Public Accounts of all receipts and expenditures,
579 and a written report of the audit shall be given to each board
580 member."

581 "§34-2A-8

582 (a) The board shall admit to examination for licensure
583 as an assisted living administrator any candidate who submits
584 evidence of good moral character and suitability as prescribed
585 by the board and who submits evidence to the board that he or
586 she is at least 19 years of age, a citizen of the United
587 States or, if not a citizen of the United States, a person who
588 is legally present in the United States with appropriate



SB224 INTRODUCED

589 documentation from the federal government, that he or she is a
590 high school graduate or has completed an educational program
591 equivalent thereto, and that he or she has completed any
592 additional educational requirements prescribed by the board.
593 The board may exempt the educational requirements for
594 practicing administrators on March 1, 2002, based on
595 acceptable experience and tenure in the applicant's current
596 position. Each candidate shall also be required, prior to
597 admission to the examination, to pay an examination fee
598 established by ~~the board pursuant to its rule-making authority~~
599 rule of the executive director.

600 (b) The ~~board~~ executive director may establish an
601 application fee for the internship or administrator in
602 training (AIT) program, if such a program is established, and
603 a fee for preceptor, certification, and recertification of any
604 administrator in training (AIT) program ~~pursuant to its~~
605 ~~rule-making authority~~.

606 (c) The board may establish a replacement license fee
607 for any licensing card previously issued by the board that has
608 been stolen, lost, or misplaced."

609 "§34-2A-9

610 (a) The board shall determine the subjects of
611 examinations for applicants for licensure as assisted living
612 administrators, or licensure or certification of specialty
613 care assisted living administrators if established, and the
614 scope, content, and format of the examinations, which in any
615 examination shall be the same for all candidates. The
616 examinations shall include examination of the applicant to



SB224 INTRODUCED

617 demonstrate his or her proficiency in the rules and
618 regulations of health and safety; ~~provided, however, that the~~
619 ~~examination given to initial provisional licensees shall be~~
620 ~~limited to these rules and regulations.~~ The examinations may
621 consist of written or oral questions, or both.

622 (b) Examinations shall be held at least four times each
623 year, at times and places designated by the ~~board~~ executive
624 director."

625 §34-2A-10

626 (a) The board shall issue a license to an applicant, on
627 a form provided for that purpose by the board, certifying that
628 the applicant has met the requirements of the laws, rules, and
629 regulations entitling him or her to serve, act, practice, and
630 otherwise hold himself or herself out as a duly licensed
631 assisted living administrator and has paid a fee established
632 by the ~~board pursuant to its rule-making authority~~ executive
633 director for original licensure, provided the applicant meets
634 all of the following qualifications:

635 (1) Has successfully complied with the educational and
636 training requirements of this chapter and of the rules ~~and~~
637 ~~regulations~~ of the board promulgated under this chapter.

638 (2) Has paid an application fee established by the
639 ~~board pursuant to its rule-making authority for all applicants~~
640 executive director.

641 (3) Has qualified for and passed the examination
642 provided for in this chapter.

643 (b) The ~~board~~ executive director may establish and
644 collect a fee ~~pursuant to its rule-making authority~~ for the



SB224 INTRODUCED

645 issuance of a temporary emergency permit issued pursuant to
646 Section 34-2A-2."

647 "§34-2A-11

648 (a) The board ~~may~~, subject to this chapter and the
649 rules ~~and regulations~~ of the board prescribing the
650 qualifications for an assisted living administrator license,
651 may issue a license to an assisted living administrator who
652 has been issued a license by the proper authorities of any
653 other state or issued a certificate of qualification by any
654 national organization, upon complying with the provisions of
655 licensure, payment of a fee established by the ~~board pursuant~~
656 ~~to its rule-making authority~~ executive director, and upon
657 submission of evidence satisfactory to the board of all of the
658 following:

659 (1) That the other state or national organization
660 maintained a system and standards of qualification and
661 examinations for an assisted living administrator license or
662 certificate which were substantially equivalent to those
663 required in this state at the time the other license or
664 certificate was issued by the other state or national
665 organization.

666 (2) That the other state gives similar recognition and
667 endorsement to assisted living administrator licenses of this
668 state. The ~~board~~ executive director may charge a fee for
669 completion of a reciprocity questionnaire, pursuant to its
670 rule-making authority.

671 (b) Any person who has a license in good standing in
672 this state, and continuously maintains such license as a



SB224 INTRODUCED

673 licensed nursing home administrator, shall be exempt from the
674 licensure requirement herein if the person at the time of
675 application has responsibility for administration of an
676 assisted living facility subject to the following conditions:

677 (1) If the person wishes to also be issued a license as
678 an assisted living administrator, the person shall pay an
679 annual administrative fee as determined by the ~~board~~ executive
680 director and document initially and annually thereafter the
681 good standing of the nursing home administrator license.

682 ~~(2) If any person requests an exemption from the~~
683 ~~licensure requirements provided herein during the initial~~
684 ~~18-month licensing period described in subsection (a) of~~
685 ~~Section 34-2A-2, the initial license issued shall be a~~
686 ~~provisional license until the end of the 18-month period at~~
687 ~~which time, and thereafter, an active license shall be issued.~~

688 ~~(3)~~ (2) Any assisted living administrator license issued
689 according to subdivision (1) ~~or subdivision (2) of this~~
690 ~~subsection~~ shall become void if the requisite nursing home
691 administrator license becomes void. Further, the license shall
692 become inactive, as described in subsection (e) of Section
693 34-2A-12, if the licensee no longer has responsibility for an
694 assisted living facility. After ~~12 months~~ a period of time in
695 inactive status, as determined by the executive director, the
696 license shall expire and become void.

697 (c) Any person who is an administrator/chief executive
698 officer of an acute care hospital in this state shall be
699 exempt from the licensure requirement herein if the person at
700 the time of application has responsibility for administration



SB224 INTRODUCED

701 of an assisted living facility subject to the following
702 conditions:

703 (1) If the person wishes to also be issued a license as
704 an assisted living administrator, the person shall pay an
705 annual administrative fee as determined by the ~~board~~ executive
706 director and document initially and annually thereafter their
707 continued employment as an administrator/chief executive
708 officer of an acute care hospital.

709 ~~(2) If any person requests an exemption from the~~
710 ~~licensure requirements provided herein during the initial~~
711 ~~18-month licensing period described in subsection (a) of~~
712 ~~Section 34-2A-2, the initial license issued shall be a~~
713 ~~provisional license until the end of the 18-month period at~~
714 ~~which time, and thereafter, an active license shall be issued.~~

715 ~~(3)~~ (2) Any assisted living administrator license issued
716 according to subdivision (1) or subdivision (2) of this
717 subsection shall become void if the person no longer is the
718 administrator/chief executive officer of a hospital. Further,
719 the license shall become inactive, as described in subsection
720 (e) of Section 34-2A-12 if the licensee no longer has
721 responsibility for an assisted living facility. After ~~12~~
722 ~~months~~ a period of time in inactive status, as determined by
723 the executive director, the license shall expire and become
724 void.

725 ~~(4)~~ (3) For the purpose of this subsection, the term
726 "acute care hospital" shall be defined as a health institution
727 planned, organized, and maintained for offering to the public
728 generally facilities and beds for use in the diagnosis and/or



SB224 INTRODUCED

729 treatment of illness, disease, injury, deformity, abnormality,
730 or pregnancy, when the institution offers such care of service
731 for not less than 24 consecutive hours in any week to two or
732 more individuals not related by blood or marriage to the owner
733 and/or chief executive officer/administrator and, in addition,
734 the hospital may provide for the education of patients,
735 medical and health personnel, as well as conduct research
736 programs to promote progress and efficiency in clinical and
737 administrative medicine."

738 "§34-2A-12

739 (a) Every individual who holds a valid current license
740 as an assisted living administrator issued by the board under
741 this chapter shall immediately upon issuance have the right
742 and privilege of acting and serving as an assisted living
743 administrator and of using the abbreviation "A.L.A." after his
744 or her name. Thereafter, the individual shall annually be
745 required to make application to the board for a renewal of
746 license and to report any facts requested by the board on
747 forms provided for that purpose.

748 (b) Upon making application for a renewal of a license,
749 the individual shall pay an annual license fee established ~~as~~
750 ~~determined~~ by the ~~board pursuant to the rule-making authority~~
751 executive director and, at the same time, shall submit
752 evidence satisfactory to the board that during the year
753 immediately preceding application for renewal he or she has
754 complied with the requirements of the board concerning the
755 continuation of education of assisted living administrators.

756 (c) Upon receipt of the application for renewal of a



SB224 INTRODUCED

757 license, the renewal fee, and the evidence with respect to
758 continuing education, the board shall issue a license renewal
759 to the assisted living administrator.

760 (d) (1) Failure to secure an annual renewal of a license
761 based on a failure to meet the continuing education
762 requirements, shall result in the expiration of the license.
763 An expired license may not be reactivated. All persons holding
764 an expired license shall be required to submit a new
765 application and follow all procedures for new licensure and
766 pay a reapplication fee established by the board.

767 (2) A licensee who complies with the continuing
768 education requirements, but who does not renew within ~~90 days~~
769 a prescribed period following its due date as prescribed by
770 the executive director, shall be deemed delinquent and may
771 renew ~~within the 90-day period~~ by paying a late renewal fee
772 established by the ~~board pursuant to its rule-making authority~~
773 executive director. A license that is not renewed within the
774 ~~90-day prescribed~~ period shall be deemed expired and is
775 subject to reapplication as provided in subdivision (1).

776 (e) A licensee who holds a current license and who is
777 not practicing as an assisted living administrator may place
778 that license into an inactive status upon written application
779 to the board. Any licensee whose license has been placed on
780 inactive status may not engage in the practice of assisted
781 living administration.

782 (f) A licensee whose license is on inactive status who
783 wishes to reactivate that license may do so by making
784 application to the board. The applicant shall attach proof of



SB224 INTRODUCED

785 having completed twice the annual hours' requirement of
786 approved continuing education credits within one year of
787 making application for license reactivation and shall pay a
788 reactivation fee established by the ~~board~~ executive director
789 pursuant to its rule-making authority. A licensee may not have
790 his or her license in inactive status for more than five
791 years. After five years in inactive status, the license
792 automatically expires.

793 (g) The board shall maintain a file of all applications
794 for licensure that includes the following information on each
795 applicant: Residence, name, age, the name and address of his
796 or her employer or business connection, the date of
797 application, educational experience qualifications, action
798 taken by the board, serial numbers of licenses issued to the
799 applicant, and the date on which the board acted on or
800 reviewed the application.

801 (h) The board shall maintain a list of current
802 licensees of the board and shall furnish the list on demand to
803 any person who pays a fee established by the ~~board pursuant to~~
804 ~~its rule-making authority~~ executive director. The State
805 Department of Public Health and other state agencies with a
806 direct need shall be provided copies at no cost.

807 (i) The board shall adopt a program for continuing
808 education for its licensees ~~by September 1, 2002. After that~~
809 ~~date, successful~~. Successful completion of the continuing
810 education program by board licensees shall be required in
811 order to obtain a renewal license.

812 (j) Continuing education shall not result in a passing



SB224 INTRODUCED

813 or failing grade."

814 "§34-2A-13

815 (a) The board may discipline its licensees by the
816 adoption and collection of administrative fines, not to exceed
817 five thousand dollars (\$5,000) per violation, and may
818 institute any legal proceedings necessary to effect compliance
819 with this chapter.

820 (b) The license of any person practicing or offering to
821 practice assisted living administration may be revoked or
822 suspended by the board, or the person may be reprimanded,
823 censured, or otherwise disciplined in accordance with the
824 provisions of this section upon decision and after due hearing
825 in any of, but not limited to, the following cases:

826 (1) Upon proof that the person has willfully or
827 repeatedly violated any of the provisions of this chapter or
828 the rules enacted in accordance with this chapter.

829 (2) Conduct or practices deemed to be detrimental to
830 the lives, health, safety, or welfare of the residents or
831 patients of any assisted living facility or health care
832 facility in this state or any other jurisdiction.

833 (3) Conviction in this state or any other jurisdiction
834 of a felony or any crime involving the physical, sexual,
835 mental, or verbal abuse of an individual.

836 (4) Conviction in this state or any other jurisdiction
837 of any crime involving fraud.

838 (5) Pleas of nolo contendere, nolo contender, no
839 contender, no contest, or guilty in any case involving a lewd
840 or lascivious act against a child or an adult, inappropriate



SB224 INTRODUCED

841 sexual conduct with a child or an adult, or any other crime in
842 which the punishment could include a sentence of imprisonment
843 exceeding one year.

844 (c) The board shall have the jurisdiction to hear all
845 charges brought under this section against any person having
846 been issued a license as an assisted living administrator ~~or~~
847 ~~having been issued a license as a provisional assisted living~~
848 ~~administrator~~, and, upon a hearing, shall determine the
849 charges upon their merits. If the board determines that
850 disciplinary measures should be taken, the board may revoke
851 his or her license, suspend him or her from practice, or
852 reprimand, censure, or otherwise discipline the person.

853 (d) All proceedings under this section shall be
854 conducted by the board, according to its administrative rules,
855 and the Alabama Administrative Procedure Act.

856 (e) Any party aggrieved by a final decision or order of
857 the board suspending, revoking, or refusing to issue a license
858 is entitled to a review of the decision or order by taking an
859 appeal to the circuit court of the county in which the
860 assisted living administrator or applicant resides. In such
861 cases, the appeal shall be taken by filing notice thereof with
862 the circuit court within 30 days of the date of notice by the
863 board of its decision. Appeals from any order or judgment
864 rendered thereon by the circuit court to the Supreme Court of
865 Alabama shall be available as in other cases.

866 (f) The board shall report to the Department of Public
867 Health all final disciplinary actions taken under this
868 section."



SB224 INTRODUCED

869 Section 3. Relating to the Alabama Athletic Commission;
870 to amend Sections 41-9-1021, 41-9-1023, 41-9-1024, 41-9-1025,
871 41-9-1026, 41-9-1028, and 41-9-1029 of the Code of Alabama
872 1975, to read as follows:

873 "§41-9-1021

874 As used in this article, the following terms shall have
875 the following meanings:

876 (1) AMATEUR. An individual who engages in a match,
877 contest, or exhibition of boxing, tough man contests,
878 wrestling, mixed martial arts, or other form of unarmed
879 combat, for no compensation or thing of value for
880 participating, which is governed or authorized by any of the
881 following:

- 882 a. U.S.A. Boxing.
- 883 b. The Alabama High School Athletic Association.
- 884 c. The National Collegiate Athletic Association.
- 885 d. Amateur Athletic Union.
- 886 e. Golden Gloves.
- 887 f. The local affiliate of any organization listed in
888 this subdivision.
- 889 g. USA Wrestling.
- 890 h. The National Junior College Athletic Association.
- 891 i. The National Association of Intercollegiate
892 Athletics.
- 893 j. The National Collegiate Wrestling Association.
- 894 k. Any organization licensed by the commission.

895 (2) BARE KNUCKLE BOXING. The original form of boxing,
896 involving two individuals fighting without boxing gloves or



SB224 INTRODUCED

897 other padding on their hands.

898 (3) BOXING MATCH. A contest between two individuals in
899 which contestants score points in rounds of two or three
900 minutes by striking with gloved fists the head and upper torso
901 of the opponent or by knocking the opponent down and rendering
902 the opponent unconscious or incapable of continuing the
903 contest by the blows, which contest is held in a square ring
904 supervised by a referee and scored by three judges.

905 (4) BOXING REGISTRY. A registry created or designated
906 pursuant to subsection (k) of Section 41-9-1024.

907 (5) CHARITABLE ORGANIZATION. An entity described by
908 either of the following:

909 a. Section 501(c)(3), Internal Revenue Code of 1986 (26
910 U.S.C. § 501(c)(3)).

911 b. Section 170(c), Internal Revenue Code of 1986 (26
912 U.S.C. § 170(c)).

913 (6) COMMISSION. The Alabama Athletic Commission.

914 (7) EXECUTIVE DIRECTOR. The executive director of the
915 Office of Occupational and Professional Licensing as defined
916 in Section 25-2B-1.

917 ~~(7)~~ (8) EXHIBITION. A contest where the participants
918 engage in the use of boxing skills and techniques, bare
919 knuckle skills and techniques, tough man skills and
920 techniques, wrestling skills and techniques, or mixed martial
921 arts skills and techniques, or any or all of these, and where
922 the objective is to display the skills and techniques without
923 striving to win.

924 ~~(8)~~ (9) FACE VALUE. The dollar value of a ticket or



SB224 INTRODUCED

925 order shall reflect the dollar amount that the customer shall
926 pay in order to view the match, contest, exhibition, or
927 entertainment event. Face value shall include any charges or
928 fees, such as dinner, gratuity, parking, surcharges, or any
929 other charges or fees which are charged to and must be paid by
930 the customer in order to view the match, contest, exhibition,
931 or entertainment event. It shall exclude any portion paid by
932 the customer for federal, state, or local taxes.

933 ~~(9)~~ (10) GROSS RECEIPTS. Any of the following:

934 a. The gross price charged for the sale or lease of
935 broadcasting, television, closed circuit, or motion picture
936 rights without any deductions for commissions, brokerage fees,
937 distribution fees, production fees, advertising, or other
938 expenses or charges.

939 b. The face value of all tickets sold.

940 ~~(10)~~ (11) MANAGER. An individual who, under contract,
941 agreement, or other arrangement with a boxer, bare knuckle
942 boxer, or a mixed martial arts competitor, undertakes to
943 control or administer, directly or indirectly, a matter on
944 behalf of a boxer or a mixed martial arts competitor. The term
945 includes, but is not limited to, a person who functions as a
946 booking agent, adviser, or consultant.

947 ~~(11)~~ (12) MATCHMAKER. A person who is employed by or
948 associated with a promoter in the capacity of booking and
949 arranging professional matches, contests, or exhibitions of
950 boxing, bare knuckle boxing, or mixed martial arts between
951 opponents or who proposes professional matches, contests, or
952 exhibitions of boxing, bare knuckle boxing, or mixed martial



SB224 INTRODUCED

953 arts and selects and arranges for the participants in such
954 events and for whose activities in this regard the promoter is
955 legally responsible.

956 ~~(12)~~ (13) MIXED MARTIAL ARTS. Unarmed combat involving
957 the use of any combination of techniques from different
958 disciplines of the martial arts, including, without
959 limitation, grappling, submission holds, throws, and striking
960 or kicking with the hands, feet, knees, or elbows. The term
961 mixed martial arts includes kickboxing.

962 ~~(13)~~ (14) PERSON. An individual, partnership, firm,
963 association, corporation, or combination of individuals of
964 whatever form or character.

965 ~~(14)~~ (15) PHYSICIAN. A doctor of medicine or doctor of
966 osteopathy licensed to practice medicine in the State of
967 Alabama.

968 ~~(15)~~ (16) PROFESSIONAL. A person who is participating or
969 has participated in a match, contest, or exhibition of boxing,
970 bare knuckle boxing, wrestling, or mixed martial arts which is
971 not governed or authorized by one or more of the organizations
972 listed in subdivision (1) and any of the following:

973 a. Has received or competed for or is receiving or
974 competing for any cash as a salary, purse, or prize for
975 participating in any match, contest, or exhibition of boxing,
976 bare knuckle boxing, wrestling, or mixed martial arts.

977 b. Is participating or has participated in any match,
978 contest, or exhibition of boxing, bare knuckle boxing,
979 wrestling, or mixed martial arts to which admission is granted
980 upon payment of any ticket for admission or other evidence of



SB224 INTRODUCED

981 the right of entry.

982 c. Is participating or has participated in any match,
983 contest, or exhibition of boxing, bare knuckle boxing,
984 wrestling, or mixed martial arts which is or was filmed,
985 broadcast, or transmitted for viewing.

986 d. Is participating or has participated in any match,
987 contest, or exhibition of boxing, bare knuckle boxing,
988 wrestling, or mixed martial arts which provides a commercial
989 advantage by attracting persons to a particular place or
990 promoting a commercial product or enterprise.

991 ~~(16)~~ (17) PROFESSIONAL MATCH OF BOXING, BARE KNUCKLE
992 BOXING, WRESTLING, MIXED MARTIAL ARTS, OR UNARMED COMBAT. A
993 boxing match, contest, or exhibition; a bare knuckle boxing
994 match, contest, or exhibition; a wrestling match; a mixed
995 martial arts match, contest, or exhibition; or other unarmed
996 combat match, contest, or exhibition, which is not governed or
997 authorized by one or more of the organizations listed in
998 subdivision (1) and which does any of the following:

999 a. Rewards a boxer, bare knuckle boxer, wrestler, mixed
1000 martial arts competitor, or other unarmed combat competitor
1001 participating with cash as a salary, purse, or prize for such
1002 participation.

1003 b. Requires for admission payment of a ticket or other
1004 evidence of the right of entry.

1005 c. Is filmed, broadcast, or transmitted for viewing.

1006 d. Provides a commercial advantage by attracting
1007 persons to a particular place or promoting a commercial
1008 product or enterprise.



SB224 INTRODUCED

1009 ~~(17)~~ (18) PROFESSIONAL WRESTLING. Any organized event
1010 between two unarmed contestants in which participants compete
1011 primarily for the purpose of providing entertainment to
1012 spectators that may or may not comprise a bona fide athletic
1013 contest or competition.

1014 ~~(18)~~ (19) PROMOTER. The person primarily responsible for
1015 organizing, promoting, and producing a match, contest, or
1016 exhibition of professional boxing, bare knuckle boxing, tough
1017 man contest, professional wrestling, or mixed martial arts and
1018 who is legally responsible for the lawful conduct of the
1019 professional match, contest, or exhibition.

1020 ~~(19)~~ (20) PURSE or RING EARNINGS. The financial
1021 guarantee or any other remuneration, or part thereof, which a
1022 professional boxer, bare knuckle boxer, wrestler, or mixed
1023 martial arts competitor participating in a match, contest, or
1024 exhibition will receive and includes any share of any payment
1025 received for radio broadcasting, television, or motion picture
1026 rights.

1027 ~~(20)~~ (21) TOUGH MAN CONTEST. A boxing match and
1028 tournament where each contestant wears headgear and oversized
1029 gloves. A contestant in a tough man contest is not an amateur
1030 or a professional and cash prizes may be awarded.

1031 ~~(21)~~ (22) UNARMED COMBAT. Any form of competition
1032 between human beings in which both of the following occurs:

1033 1. One or more blows are struck which may reasonably be
1034 expected to inflict injury on a human being.

1035 2. There is some compensation or commercial benefit
1036 arising from such competition, whether in the form of cash or



SB224 INTRODUCED

1037 non-cash payment to the competitors or the person arranging
1038 the competition; the sale of the right to film, broadcast,
1039 transmit, or view the competition; or the use of the
1040 competition to attract persons to a particular location for
1041 some commercial advantage or to promote a commercial product
1042 or commercial enterprise."

1043 "§41-9-1023

1044 (a) There is created the Alabama Athletic Commission
1045 composed of six members. Commencing on October 1, 2025, the
1046 commission shall be subject to the leadership, support, and
1047 oversight of the Executive Director of the Office of
1048 Occupational and Professional Licensing pursuant to Chapter 2B
1049 of Title 25.

1050 (b) (1) All appointing authorities shall coordinate
1051 their appointments so that diversity of gender, race, and
1052 geographical areas is reflective of the makeup of this state.
1053 The six initial members shall be as follows:

1054 a. Two members appointed by the Governor.

1055 b. One member appointed by the Alabama Athlete Agents
1056 Commission.

1057 c. One member appointed by the Speaker of the House of
1058 Representatives.

1059 d. One member appointed by the President of the Senate.

1060 e. One member appointed by the President Pro Tempore of
1061 the Senate.

1062 (2) Initial appointments by the Governor shall be for
1063 one and three years, the initial appointment by the Speaker of
1064 the House of Representatives shall be for four years, the



SB224 INTRODUCED

1065 initial appointment of the President of the Senate shall be
1066 for two years, and the initial appointment of the President
1067 Pro Tempore of the Senate shall be for one year. The initial
1068 appointment by the commission shall be for four years. All
1069 subsequent appointments shall be for terms of four years.
1070 Vacancies shall be filled for the unexpired terms under the
1071 same procedures and requirements as appointments for full
1072 terms. Each member of the commission shall be a resident of
1073 this state.

1074 (c) The commission shall elect a chair from among its
1075 membership for a term of one year. While serving as chair, a
1076 member may not vote on any matter coming before the
1077 commission. The commission may elect a vice chair from its
1078 membership for a term of one year. Any member serving as chair
1079 shall be eligible for successive election to the office by the
1080 commission. The chair may designate another member of the
1081 commission to perform the duties of chair in his or her
1082 absence. The ~~commission may employ an~~ executive director ~~to~~
1083 shall manage the day-to-day operations of the commission
1084 ~~within the available funds of the commission.~~

1085 (d) A medical advisory panel of the commission shall be
1086 appointed by the Governor and shall consist of four persons
1087 licensed to practice medicine in this state, with one member
1088 each representing the specialties of ophthalmology and general
1089 medicine and two members representing the specialty of sports
1090 medicine. The medical advisory panel shall advise and assist
1091 the commission and its staff regarding issues and questions
1092 concerning the medical safety of professional boxers, bare



SB224 INTRODUCED

1093 knuckle boxers, tough man contestants, professional wrestlers,
1094 amateur mixed martial arts competitors, professional mixed
1095 martial arts competitors, and other unarmed combat competitors
1096 including, but not limited to, matters relating to medical
1097 suspensions. The medical advisory panel may meet separately
1098 from the commission to discuss and formulate recommendations
1099 for the commission in connection with medical safety. Members
1100 of the medical advisory panel shall not be counted in
1101 determining a quorum of the commission and shall not vote as
1102 commission members.

1103 (e) Each member of ~~the commission and~~ the medical
1104 advisory panel shall be reimbursed for expenses and travel as
1105 provided for public officials of this state."

1106 "§41-9-1024

1107 (a) (1) The commission shall be the sole regulator of
1108 professional boxing in this state and shall have authority to
1109 protect the physical safety and welfare of professional boxers
1110 and serve the public interest by closely supervising all
1111 professional boxing in this state.

1112 (2) The commission shall be the sole regulator of
1113 professional and amateur matches, contests, or exhibitions of
1114 mixed martial arts and shall have the authority to protect the
1115 physical safety and welfare of professional competitors in
1116 mixed martial arts and serve the public interest by closely
1117 supervising all competitors in mixed martial arts. The
1118 commission shall regulate professional and amateur mixed
1119 martial arts to the same extent as professional boxing unless
1120 any rule of the commission is not by its nature applicable to



SB224 INTRODUCED

1121 mixed martial arts.

1122 (3) The commission shall be the sole regulator of
1123 professional matches, contests, or exhibitions of wrestling
1124 and shall have the authority to protect the physical safety
1125 and welfare of professional competitors in professional
1126 wrestling and serve the public interest by closely supervising
1127 all competitors in professional wrestling. The commission
1128 shall regulate professional wrestling to the same extent as
1129 professional boxing unless any rule of the commission is not
1130 by its nature applicable to professional wrestling.

1131 (4) The commission shall have the sole authority to
1132 license a wrestling sanctioning organization to safeguard the
1133 public health, to protect competitors, and to provide for
1134 competitive matches by requiring each licensed organization to
1135 abide by rules adopted by the commission. The commission, at
1136 the request of a licensed sanctioning organization, may
1137 provide direct oversight of any event sanctioned by the
1138 organization for a fee negotiated between the commission and
1139 the licensed sanctioning organization.

1140 (5) The commission shall have the sole authority to
1141 license the promoters of tough man contests to safeguard the
1142 public health, to protect competitors, and to provide for
1143 competitive matches by requiring each licensed promoter to
1144 abide by rules adopted by the commission. The commission, at
1145 the request of a promoter, may provide direct oversight of any
1146 tough man match for a fee negotiated between the commission
1147 and the promoter.

1148 (6) The commission shall be the sole regulator of



SB224 INTRODUCED

1149 professional bare knuckle boxing matches, contests, or
1150 exhibitions of bare knuckle boxing and shall have the
1151 authority to protect the physical safety and welfare of
1152 professional competitors in bare knuckle boxing and serve the
1153 public interest by closely supervising all competitors in bare
1154 knuckle boxing. The commission shall regulate professional
1155 bare knuckle boxing to the same extent as professional boxing
1156 unless any rule of the commission is not by its nature
1157 applicable to bare knuckle boxing.

1158 (7) The commission shall be the sole regulator and
1159 shall have the sole authority to regulate any form of unarmed
1160 combat held in the state as the commission deems necessary.

1161 (b) The commission shall have the sole jurisdiction to
1162 license the promotion or holding of each match, contest, or
1163 exhibition of professional boxing, bare knuckle boxing, tough
1164 man contests, professional wrestling, amateur mixed martial
1165 arts, professional mixed martial arts, or other form of
1166 unarmed combat promoted or held within this state.

1167 (c) The commission shall have the authority to license
1168 participants in any match, contest, or exhibition of
1169 professional boxing, professional bare knuckle boxing,
1170 professional wrestling, amateur mixed martial arts,
1171 professional mixed martial arts, or other form of unarmed
1172 combat held in this state.

1173 (d) The commission shall have the authority to direct,
1174 manage, control, and supervise all matches, contests, or
1175 exhibitions of professional boxing, professional bare knuckle
1176 boxing, tough man contests, professional wrestling, amateur



SB224 INTRODUCED

1177 mixed martial arts, or professional mixed martial arts
1178 including, but not limited to, the authority to enforce safety
1179 measures and restrict access to certain areas for the
1180 protection of the public and participants. The commission may
1181 adopt bylaws for its own management and adopt and enforce
1182 rules consistent with this article. The commission may
1183 immediately implement medical guidelines that have been vetted
1184 by the medical advisory panel and approved by the commission
1185 and competition guidelines that have been approved by the
1186 commission. Medical and competition guidelines approved by the
1187 commission pursuant to this subdivision are exempt from the
1188 Alabama Administrative Procedure Act.

1189 (e) The commission shall have the sole authority to
1190 inquire into the plans or arrangements for compliance of a
1191 licensed organization with rules adopted by the commission.
1192 The commission may require a wrestling sanctioning
1193 organization to pay an annual licensure fee and any other fee
1194 determined necessary by the ~~board~~ executive director and may
1195 penalize any organization for violation of this article or any
1196 rule adopted by the commission pursuant to this article.

1197 (f) The commission may appoint one or more inspectors
1198 as duly authorized representatives of the commission to ensure
1199 that the rules are strictly observed. The inspectors shall be
1200 present at all professional matches, contests, or exhibitions
1201 of boxing, bare knuckle boxing, wrestling, or mixed martial
1202 arts.

1203 (g) The commission may designate physicians as duly
1204 authorized representatives of the commission to conduct



SB224 INTRODUCED

1205 physical examinations of boxers, bare knuckle boxers, or mixed
1206 martial arts competitors licensed under this article and shall
1207 designate a roster of physicians authorized to conduct
1208 prefight physicals and serve as ringside physicians in all
1209 professional boxing, professional bare knuckle boxing, tough
1210 man, or mixed martial arts matches held in this state.

1211 (h) (1) The commission ~~or any agent duly designated by~~
1212 ~~the commission~~ may do any of the following:

1213 a. Make investigations.

1214 b. Hold hearings.

1215 c. Issue subpoenas to compel the attendance of
1216 witnesses and the production of books, papers, and records.

1217 d. Administer oaths to and examine any witnesses for
1218 the purpose of determining any question coming before it under
1219 this article or under the rules adopted pursuant to this
1220 article.

1221 e. Swear out a warrant of arrest against any person
1222 violating the criminal provisions of this article, and the
1223 commission shall not be liable in damages or to any action for
1224 damages by reason of swearing out a warrant or for causing the
1225 arrest and detention or imprisonment of any person under such
1226 warrant, unless the commission or agent fails to act in a
1227 reasonably prudent manner.

1228 f. Assess fines, not to exceed ten thousand dollars
1229 (\$10,000) per violation, for violations of the rules and
1230 guidelines of the commission.

1231 (2) During an investigation of any allegation which, if
1232 proven, would result in criminal or civil sanctions as



SB224 INTRODUCED

1233 provided in this article, the commission may withhold all or a
1234 portion of the gross receipts to which the person under
1235 investigation is entitled until such time as the matter has
1236 been resolved.

1237 (i) The commission may engage in activities that
1238 promote amateur boxing, amateur wrestling, and amateur mixed
1239 martial arts in this state and contract with any nonprofit
1240 organization which is exempted from the taxation of income. To
1241 support amateur boxing, amateur wrestling, and amateur mixed
1242 martial arts in this state, the commission may promote
1243 voluntary contributions through the application process or
1244 through any fund-raising or other promotional technique deemed
1245 appropriate by the commission.

1246 (j) Pursuant to 15 U.S.C. § 6301, et seq., the
1247 commission may issue to each boxer who is a resident of this
1248 state an identification card bearing the photograph of the
1249 boxer and in such form and containing such information as the
1250 commission deems necessary and appropriate. The commission
1251 shall ensure that the form and manner of issuance of the
1252 identification cards comply with any applicable federal law or
1253 regulation. The commission may charge an amount not to exceed
1254 one hundred dollars (\$100) per card for the issuance or
1255 replacement of each identification card.

1256 (k) The commission may create a boxing registry or
1257 designate a nationally recognized boxing registry and register
1258 each boxer who is a resident of this state or who is a
1259 resident of another state which has no boxing registry.

1260 (l) The commission may inquire into the financial



SB224 INTRODUCED

1261 backing of any professional match, contest, or exhibition of
1262 boxing, bare knuckle boxing, wrestling, or mixed martial arts
1263 and obtain answers to written or oral questions propounded to
1264 all persons associated with the professional event.

1265 (m) The commission, pursuant to rule, may license any
1266 concessionaire, ring announcer, photographer, or other person
1267 receiving any portion of the gate proceeds from a match,
1268 contest, or exhibition held in the state pursuant to this
1269 article."

1270 "§41-9-1025

1271 ~~The commission shall designate a person to serve as~~
1272 ~~executive director and the~~ executive director shall issue
1273 licenses and identification cards and perform other duties as
1274 the commission may direct in the enforcement of this article."

1275 "§41-9-1026

1276 ~~(a)~~ The commission shall meet upon the call of the
1277 chair or upon the call of any two members. The business of the
1278 commission shall be conducted by a majority vote of the
1279 members present. A majority of the commission members shall
1280 constitute a quorum.

1281 ~~(b) The chair, if necessary, may within 10 days of~~
1282 ~~receiving an application and license fee call a meeting of the~~
1283 ~~commission for the purpose of approving or rejecting an~~
1284 ~~application for a license or match permit which has been~~
1285 ~~submitted to the commission. The meeting shall be held within~~
1286 ~~20 days of the call of the chair at a place designated by the~~
1287 ~~chair."~~

1288 "§41-9-1028



SB224 INTRODUCED

1289 A member ~~or employee~~ of the commission and any person
1290 who administers or enforces this article or rules adopted in
1291 accordance with this article shall not be a member of,
1292 contract with, or receive any compensation from any person or
1293 organization who authorizes, arranges, or promotes matches,
1294 contests, or exhibitions of professional boxing, professional
1295 bare knuckle boxing, tough man contests, professional
1296 wrestling, amateur mixed martial arts, or professional mixed
1297 martial arts or who otherwise has a financial interest in any
1298 activity or licensee regulated by the commission. The term
1299 compensation does not include funds held in escrow for payment
1300 to another person in connection with a professional match,
1301 contest, or exhibition of boxing, bare knuckle boxing,
1302 wrestling, or mixed martial arts."

1303 "§41-9-1029

1304 (a) ~~(1)~~ No person shall promote or hold a match,
1305 contest, or exhibition of professional boxing, professional
1306 bare knuckle boxing, tough man contests, professional
1307 wrestling, amateur mixed martial arts, or professional mixed
1308 martial arts within this state without first applying for and
1309 obtaining a promoter's license from the commission.

1310 ~~(2) Licenses shall be issued annually and shall expire~~
1311 ~~on December 31 of each calendar year.~~

1312 (b) Promoters shall apply to the commission for a
1313 license required by subsection (a) ~~on a form provided by the~~
1314 ~~commission~~. The application shall be accompanied by a
1315 nonrefundable fee ~~not to exceed two hundred fifty dollars~~
1316 ~~(\$250). The application shall also be accompanied by~~



SB224 INTRODUCED

1317 established by the executive director and a performance bond
1318 in an amount and under any conditions required by the
1319 ~~commission~~ executive director.

1320 (c) (1) In addition to the license required by
1321 subsection (a), a match, contest, or exhibition of
1322 professional boxing, professional bare knuckle boxing, tough
1323 man contests, professional wrestling, amateur mixed martial
1324 arts, or professional mixed martial arts within this state
1325 shall not be staged unless a match permit has been issued by
1326 the commission for the match, contest, or exhibition.

1327 (2) Each application for a match permit shall be on a
1328 form provided by the ~~commission~~ executive director and shall
1329 be accompanied by a nonrefundable application fee ~~not to~~
1330 ~~exceed two hundred fifty dollars (\$250)~~ established by the
1331 executive director. The ~~commission~~ executive director may
1332 charge an additional match fee in accordance with rules
1333 adopted by the ~~commission~~ executive director.

1334 (d) The commission, prior to issuing any match permit,
1335 may require a performance bond in addition to that required in
1336 subsection (b).

1337 (e) The ~~commission~~ executive director may refund any
1338 portion of the match permit fee in excess of two hundred fifty
1339 dollars (\$250) to any person who paid the excess fee if the
1340 match, contest, or exhibition of professional boxing,
1341 professional bare knuckle boxing, tough man contests,
1342 professional wrestling, amateur mixed martial arts, or
1343 professional mixed martial arts for which the fees were paid
1344 is not held.



SB224 INTRODUCED

1345 (f) The commission shall have the sole authority to
1346 certify the results of each amateur mixed martial arts match,
1347 contest, or exhibition held within the state."

1348 Section 4. Relating to the Alabama Board of Athletic
1349 Trainers; to amend Sections 34-40-2, 34-40-3, 34-40-5,
1350 34-40-8, 34-40-11, and 34-40-14 of the Code of Alabama 1975,
1351 to read as follows:

1352 "§34-40-2

1353 As used in this chapter, the following terms shall have
1354 the following meanings, respectively, unless the context
1355 clearly indicates otherwise:

1356 (1) ADVISORY COUNCIL. The Advisory Council of the State
1357 Board of Medical Examiners and the Alabama Board of Athletic
1358 Trainers created pursuant to Section 34-40-3.2.

1359 (2) ATHLETIC INJURY. An injury or condition sustained
1360 as a result of, or limiting the preparation for or
1361 participation in, an exercise, sport, game, recreational
1362 activity, or any other activity that requires a level of
1363 strength, endurance, flexibility, or agility that is
1364 comparable to the level of strength, endurance, flexibility,
1365 or agility required for an exercise, sport, game, or
1366 recreational activity; or any injury that a physician deems
1367 would benefit from athletic training services.

1368 (3) ATHLETIC TRAINER. An individual licensed by the
1369 Alabama Board of Athletic Trainers and under the direction or
1370 referral, or both, of a licensed physician after meeting the
1371 requirements of this chapter and rules adopted pursuant to
1372 this chapter.



SB224 INTRODUCED

1373 (4) ATHLETIC TRAINING PRACTICE. Practice by an athletic
1374 trainer of any of the following:

1375 a. The application of care for an athletic injury,
1376 including the application or provision of: (i) principles,
1377 methods, and procedures of recognition, examination,
1378 assessment, clinical evaluation, prevention, management,
1379 emergency care, disposition, or rehabilitation and
1380 reconditioning of athletic injuries; (ii) appropriate
1381 preventive and supportive devices; (iii) treatment using
1382 physical modalities such as heat, cold, light, mechanical
1383 devices, electric stimulation, manual therapy techniques,
1384 aquatic therapy, sound, or therapeutic exercise; and (iv) any
1385 other physical agent that is included within the written
1386 protocols allowed by the State Board of Medical Examiners and
1387 prescribed by a physician.

1388 b. The organization and administration of athletic
1389 training programs, including health care administration and
1390 professional responsibility.

1391 c. The provision of athletic training, education, and
1392 guidance to physically active individuals, coaches, medical
1393 personnel, and the community in the prevention and care of
1394 athletic injuries.

1395 d. The recognition of potential illnesses and referrals
1396 to a physician for diagnosis and treatment.

1397 e. The provision of injury prevention services
1398 developed for physically active individuals.

1399 (5) BOARD. The Alabama Board of Athletic Trainers.

1400 (6) EXECUTIVE DIRECTOR. The Executive Director of the



SB224 INTRODUCED

1401 Office of Occupational and Professional Licensing as defined
1402 in Section 25-2B-1.

1403 ~~(6)~~ (7) INJURY PREVENTION. Care and guidance related to
1404 risk management, including biomechanics, conditioning,
1405 flexibility, energy requirements, strength training, and
1406 fitness.

1407 ~~(7)~~ (8) PHYSICAL THERAPIST. A physical therapist
1408 licensed by the Alabama State Board of Physical Therapy.

1409 ~~(8)~~ (9) PHYSICIAN. A physician licensed by the Medical
1410 Licensure Commission of Alabama.

1411 ~~(9)~~ (10) PHYSICIAN SUPERVISION. a. An athletic trainer
1412 acting under the supervision of a physician if:

1413 1. The activities are undertaken pursuant to a verbal
1414 or written order of the physician who has evaluated the
1415 physically active individual; or

1416 2. The activity is undertaken in accordance with a
1417 written protocol signed by the physician which describes the
1418 athletic injury encountered and directs appropriate medical
1419 interventions consistent with the qualification, training, and
1420 experience of the athletic trainer. The State Board of Medical
1421 Examiners shall establish medical criteria for any protocol
1422 used by athletic trainers and shall specify those conditions
1423 and circumstances that require referral to the physician for
1424 further evaluation.

1425 b. Physician supervision establishes a formal
1426 relationship between an athletic trainer and a physician under
1427 which the athletic trainer is authorized to practice as
1428 evidenced by a written protocol approved by the State Board of



SB224 INTRODUCED

1429 Medical Examiners and requires professional oversight and
1430 direction pursuant to the rules of the State Board of Medical
1431 Examiners and the Alabama Board of Athletic Trainers as
1432 recommended by the advisory council. No rule adopted pursuant
1433 to this paragraph shall be effective without the approval of
1434 both the State Board of Medical Examiners and the board."

1435 "§34-40-3

1436 (a) The Alabama Board of Athletic Trainers is created.
1437 Commencing on October 1, 2025, the board shall be subject to
1438 the leadership, support, and oversight of the Executive
1439 Director of the Office of Occupational and Professional
1440 Licensing pursuant to Chapter 2B of Title 25. The board shall
1441 be composed of nine members who shall serve four-year terms.
1442 Members may not serve more than three consecutive four-year
1443 terms. Three members shall be a member of a minority class,
1444 one of whom shall be a physician member. The composition of
1445 the board shall be as follows:

1446 (1) Six members who are athletic trainers, appointed by
1447 the Alabama Athletic Trainers' Association in accordance with
1448 subsection (b), one of whom shall also be a physical
1449 therapist.

1450 (2) Three physicians actively engaged in the treatment
1451 of athletic injuries or illnesses, appointed by the Medical
1452 Association of the State of Alabama.

1453 (3) The President of the Alabama Athletic Trainers'
1454 Association who shall serve as an ex officio member of the
1455 board and whose term of office shall be yearly to coincide
1456 with his or her term as President of the Alabama Athletic



SB224 INTRODUCED

1457 Trainers' Association.

1458 (b) The Alabama Athletic Trainers' Association shall
1459 conduct an annual meeting at which all athletic trainers
1460 holding a current license under this chapter shall have the
1461 right to attend, nominate, and vote for the athletic trainer
1462 members of the board. The association shall regulate and
1463 prescribe the date, hour, and place of the meeting, the method
1464 of nomination, and the manner of voting. At least 30 days
1465 prior to the meeting, the board shall send notices to each
1466 current licensee at the address shown on the current
1467 registration notifying of the exact date, hour, and place of
1468 the meeting, the purpose of the meeting, and of the right to
1469 attend and vote. To qualify as a board member pursuant to this
1470 subsection, a person shall be a citizen of the United States
1471 and a resident of this state and have acted as an athletic
1472 trainer for three years within this state immediately
1473 preceding appointment.

1474 (c) In making the initial appointments, the Alabama
1475 Athletic Trainers' Association shall appoint one athletic
1476 trainer whose term will expire in 1994, two athletic trainers
1477 whose terms will expire in 1995, one athletic trainer whose
1478 term will expire in 1996, and two athletic trainers whose
1479 terms will expire in 1997. The Medical Association of the
1480 State of Alabama shall appoint one physician whose term will
1481 expire in 1994, one physician whose term will expire in 1995,
1482 and one physician whose term will expire in 1996. All
1483 appointments expire on December 31 of the year specified.

1484 (d) Each appointee to the board shall qualify by taking



SB224 INTRODUCED

1485 an oath of office within 15 days from the date of the
1486 appointment. In the event of death, resignation, or removal of
1487 any member, except for physician members, the vacancy of the
1488 unexpired term shall be filled by the board.

1489 (e) The board shall elect a chair, a vice-chair, and a
1490 secretary from its members for a term of one year and may
1491 appoint any committees and formulate any rules it considers
1492 necessary to carry out its duties pursuant to this chapter.
1493 The board shall meet at least twice each year. Additional
1494 meetings may be held at the call of the chair or at the
1495 written request of any two members of the board. The secretary
1496 shall keep a record of the proceedings of the board. The board
1497 may adopt rules consistent with this chapter which are
1498 necessary for the performance of its duties. ~~The board may~~
1499 ~~employ an executive secretary and any officers and employees~~
1500 ~~as may be necessary to carry out the duties of the board.~~ The
1501 State Board of Medical Examiners and the board shall jointly
1502 approve any rule or policy that interprets, explains, or
1503 enumerates the permissible acts, functions, or services
1504 rendered by an athletic trainer as those acts, functions, and
1505 services are defined in Section 34-40-2. Any rule or policy
1506 adopted in violation of this requirement is invalid. The ~~board~~
1507 executive director shall prescribe methods and forms for
1508 license applications, license certificate, license renewal,
1509 verification of license, continuing education verification,
1510 and any forms for information required from licensees to carry
1511 out the duties of the board. The board shall adopt an official
1512 seal and a license certificate of suitable design.



SB224 INTRODUCED

1513 ~~(f) Members of the board shall receive one hundred~~
1514 ~~dollars (\$100) for every day actually spent in the performance~~
1515 ~~of their duties and in addition thereto shall be reimbursed~~
1516 ~~according to the state travel policy for other expenses in the~~
1517 ~~same amounts and under the same conditions as state employees~~
1518 ~~are reimbursed.~~

1519 ~~(g)~~ (f) The ~~board~~ executive director shall pass upon the
1520 qualifications of applicants for licensure as an athletic
1521 trainer and issue licenses and annual renewals to athletic
1522 trainers. The ~~board~~ executive director shall fix fees for such
1523 applications, licenses, renewals, verification of licensure,
1524 replacement of licenses, name changes of licensees,
1525 publication fees, or other administration fees deemed
1526 necessary to carry out this chapter."

1527 "§34-40-5

1528 (a) Any individual seeking licensure as an athletic
1529 trainer shall be a citizen of the United States or, if not a
1530 citizen of the United States, an individual who is legally
1531 present in the United States with appropriate documentation
1532 from the federal government, and meets at least one of the
1533 following requirements:

1534 (1) Satisfactory completion of all Board of
1535 Certification, Inc., or its successor organization,
1536 qualifications; certification as an athletic trainer in good
1537 standing by the Board of Certification, Inc.; and eligibility
1538 for a National Provider Identifier.

1539 (2) Licensure by reciprocity. The board shall grant,
1540 without examination, licensure to any qualified athletic



SB224 INTRODUCED

1541 trainer holding a license certificate or registration in
1542 another state if that state maintains licensure qualifications
1543 that are substantially equivalent to those required in this
1544 state, and gives similar reciprocity to licensees of this
1545 state.

1546 (b) Any individual desiring to be licensed, desiring a
1547 renewal of an existing license, desiring verification of
1548 licensure, reinstatement of a license, replacement of a
1549 license, or name changes for a licensee as an athletic trainer
1550 in this state shall make and file with the board a written
1551 application or request as prescribed by the ~~board~~ executive
1552 director. The application shall be accompanied by the payment
1553 of a fee, as set by the ~~board~~ executive director, to include
1554 publication fees or other administrative fees deemed necessary
1555 to carry out the provisions of this chapter. Any licensee who
1556 fails to renew his or her license ~~within 90 days following~~
1557 ~~expiration of the previous license~~ shall be required to file a
1558 new application and pay an application fee with the board."

1559 "§34-40-8

1560 All licenses issued by the board to athletic trainers
1561 shall expire ~~on the last day of December each year~~ pursuant to
1562 rules adopted by the executive director. The license may be
1563 renewed on payment of a renewal fee, fixed by the ~~board~~
1564 executive director, completion of continuing education, and
1565 current licensee information, as may be needed. ~~The board may~~
1566 ~~reduce the renewal fee for a licensee who has been licensed~~
1567 ~~less than six months before his or her license expires.~~ The
1568 board shall adopt a program of continuing education for its



SB224 INTRODUCED

1569 licensees. The successful completion of the annual continuing
1570 education program shall be a requisite for the renewal of
1571 licenses issued pursuant to this chapter."

1572 "§34-40-11

1573 (a) Any person whose application for a license is
1574 denied is entitled to a hearing before the board if the person
1575 submits a written request to the board. Proceedings for
1576 revocation or suspension of a license shall be commenced by
1577 filing charges with the board in writing and under oath. The
1578 charges may be made by any person or persons. The ~~secretary~~
1579 executive director shall fix a time and place for a hearing
1580 and shall cause a written copy of the charges or reason for
1581 denial of a license, together with a notice of the time and
1582 place fixed for hearing to be served on the applicant
1583 requesting the hearing or the licensee against whom the
1584 charges have been filed at least 20 days prior to the date set
1585 for the hearing. Service of charges and notice of hearing may
1586 be given by certified mail to the last known address of the
1587 licensee or applicant. At the hearing, the applicant or
1588 licensee has the right to appear either personally or by
1589 counsel, or both, to produce witnesses, to have subpoenas
1590 issued by the board, and to cross-examine the opposing or
1591 adverse witnesses. The board is not bound by the strict rules
1592 of procedure or by the laws of evidence in the conduct of the
1593 proceedings, but the determination shall be founded upon
1594 sufficient legal evidence to sustain it. The board shall
1595 determine the charges on their merits and enter an order in a
1596 permanent record setting forth the findings of fact and law,



SB224 INTRODUCED

1597 and the action taken. On application, the board may reissue a
1598 license to a person whose license has been cancelled or
1599 revoked, but the application may not be made prior to the
1600 expiration of a period of six months after the order of
1601 cancellation or revocation has become final; and the
1602 application shall be made in the manner and form as the board
1603 may require.

1604 (b) A person whose application for a license has been
1605 refused or whose license has been cancelled, revoked, or
1606 suspended by the board may take an appeal, within 30 days
1607 after the order is entered in the judicial circuit of his or
1608 her residence or in the Montgomery County Circuit Court, to
1609 any court of competent jurisdiction.

1610 (c) Appeal from the judgment of the court lies as in
1611 other civil cases."

1612 "§34-40-14

1613 ~~There is hereby created in the State Treasury a fund to~~
1614 ~~be known as the Athletic Trainers Fund.~~ All receipts of the
1615 Alabama Athletic Trainers Board shall be deposited into ~~this~~
1616 ~~fund. The expenses incurred by the Alabama Athletic Trainers~~
1617 ~~Board in carrying out the provisions of this chapter shall be~~
1618 ~~paid out of the Athletic Trainers Fund by warrant of the~~
1619 ~~Comptroller upon the Treasurer upon itemized vouchers,~~
1620 ~~approved by the chair of the board or his or her designee~~ the
1621 Occupational and Professional Licensing Fund. The Alabama
1622 Board of Athletic Trainers may make grants, and to otherwise
1623 arrange with qualified individuals, institutions, or agencies
1624 to develop and promote athletic training programs and



SB224 INTRODUCED

1625 continuing education programs for athletic trainers. ~~No funds~~
1626 ~~shall be withdrawn or expended except as budgeted and allotted~~
1627 ~~according to Sections 41-4-80 to 41-4-96 and Sections 41-19-1~~
1628 ~~to 41-19-12, inclusive, and only in amounts as stipulated in~~
1629 ~~the general appropriations act or other appropriations acts."~~

1630 Section 5. Relating to the State Board of Auctioneers;
1631 to amend Sections 34-4-2, 34-4-21, 34-4-27, 34-4-30, 34-4-50,
1632 34-4-51, and 34-4-54 of the Code of Alabama 1975, to read as
1633 follows:

1634 "§34-4-2

1635 For the purposes of this chapter, the following words
1636 and phrases shall have the meanings respectively ascribed by
1637 this section:

1638 (1) AUCTIONEER. Any person who has graduated from an
1639 accredited auction school and has one year's experience as an
1640 apprentice auctioneer or has two years' experience as an
1641 apprentice auctioneer in bid calling, for a fee, commission or
1642 any other valuable consideration, or with the intention or
1643 expectation of receiving the same, by the means of or process
1644 of an auction or sale at auction, offers, negotiates, or
1645 attempts to negotiate a listing contract, sale, purchase, or
1646 exchange of goods, chattels, merchandise, real or personal
1647 property or of any other commodity which may lawfully be kept
1648 or offered for sale by or at public auction.

1649 (2) BOARD. The State Board of Auctioneers.

1650 (3) APPRENTICE AUCTIONEER. Any person who for
1651 compensation or valuable consideration or otherwise is
1652 employed, directly or indirectly, by an auctioneer to deal or



SB224 INTRODUCED

1653 engage in any activity listed in subdivision (1) of this
1654 section.

1655 (4) GOODS. Any chattels, goods, merchandise, real or
1656 personal property or commodities of any form or type which may
1657 lawfully be kept or offered for sale.

1658 (5) PERSONS. Individuals, associations, partnerships,
1659 and corporations, and the word "persons" shall also include
1660 the officers, directors, and employees of a corporation.

1661 (6) AUCTION BUSINESS or BUSINESS OF AUCTIONEERING. The
1662 performing of any of the acts of an auctioneer or apprentice
1663 auctioneer as defined in this section.

1664 (7) EXECUTIVE DIRECTOR. The executive director of the
1665 Office of Occupational and Professional Licensing as defined
1666 in Section 25-2B-1."

1667 "§34-4-21

1668 (a) Any person desiring to enter into the auction
1669 business and obtain a license as an auctioneer or apprentice
1670 auctioneer shall make written application for a license to the
1671 board. Each application shall be accompanied by an examination
1672 fee ~~of an amount not to exceed one hundred fifty dollars~~
1673 ~~(\$150), as set by rule of the board, which shall be collected~~
1674 ~~from each applicant to defray the expenses of the examination~~
1675 established by the executive director. The application shall
1676 be submitted on forms prepared and furnished by the ~~board~~
1677 executive director.

1678 (b) (1) Each applicant for a license as an auctioneer
1679 shall be 19 years of age or over, and each applicant for a
1680 license as an apprentice auctioneer shall be 18 years of age



SB224 INTRODUCED

1681 or over. Each applicant for an auctioneer's license shall have
1682 served one year as an apprentice auctioneer under the
1683 supervision of a licensed auctioneer in this state and have
1684 successfully completed a course of study consisting of not
1685 less than 85 hours of classroom instruction in the
1686 fundamentals of auctioneering that satisfies the requirements
1687 of the board.

1688 (2) An application shall also be accompanied by a
1689 recommendation of an employing auctioneer. If an applicant has
1690 not successfully completed an approved course of study that
1691 satisfies the requirements of the board, in lieu thereof, he
1692 or she shall be required to serve two years as an apprentice
1693 under the supervision of a licensed auctioneer in this state.

1694 (c) (1) Any person who files a complete application with
1695 the board in the proper manner shall be entitled to take an
1696 examination to determine his or her qualifications. The board
1697 may require applicants to take and pass an examination
1698 establishing, in a manner satisfactory to the board, that the
1699 applicant has a general knowledge of ethics, reading, writing,
1700 spelling, elementary arithmetic, and the laws of this state
1701 relating to auctions and this chapter. The examination for an
1702 auctioneer's license shall be of a more exacting nature and
1703 scope than the examination for an apprentice auctioneer.

1704 (2) The board, through application and examination,
1705 shall determine whether the applicant is of good repute,
1706 trustworthy, honest, and competent to transact the business of
1707 an auctioneer, or of an apprentice auctioneer, in a manner



SB224 INTRODUCED

1708 that safeguards the interest of the public.

1709 (3) The board shall require, and it shall be the
1710 responsibility of any applicant for an initial, renewal, or
1711 reciprocal license to disclose any prior conviction, any
1712 pending criminal arrest of any nature except misdemeanor
1713 traffic violations, and any prior or pending disciplinary
1714 proceedings against the applicant before a board of
1715 auctioneers or real estate commission in this or any other
1716 state. If an applicant has been convicted of a crime in a
1717 court of competent jurisdiction of this or any other district,
1718 state, or territory of the United States or of a foreign
1719 country, the untrustworthiness of the applicant and the
1720 conviction, in itself, may be sufficient grounds for refusal
1721 of a license.

1722 (4) All auctioneers, apprentice auctioneers, and
1723 auction companies are under a continuing duty to report to the
1724 board any and all criminal arrests, charges, convictions, or
1725 disciplinary proceedings which they may incur, as well as any
1726 civil suits involving them. The board shall receive notice of
1727 any arrest, charge, criminal conviction, or commencement of
1728 disciplinary proceedings within 30 days of its occurrence.
1729 Notice of the commencement of any civil suit shall be received
1730 by the board within 30 days after service of the complaint
1731 upon the defendant in the action.

1732 (d) The board may grant a single auction license once
1733 per calendar year to any nonresident individual who is duly
1734 licensed in good standing as an auctioneer in another state,
1735 or to an auction company in another state, who makes written



SB224 INTRODUCED

1736 application to the board and provides satisfactory proof of
1737 all of the following:

1738 (1) The applicant satisfies the age, reputation, and
1739 other qualifications to be licensed as an auctioneer.

1740 (2) The applicant has paid a fee as established by ~~rule~~
1741 ~~of the board~~ the executive director.

1742 (3) The applicant has not applied for or previously
1743 obtained a license under this chapter.

1744 (4) The applicant is not the subject of a disciplinary
1745 action in any state; has not had a professional license or
1746 business license for any company in which he or she is a
1747 principal in this, or any other licensing jurisdiction,
1748 disciplined, suspended, revoked, or denied; has not been
1749 convicted of a criminal offense; and has no criminal charges
1750 pending in any jurisdiction.

1751 (5) The applicant has provided proof of financial
1752 responsibility in the form of either an irrevocable letter of
1753 credit or a cash bond or surety bond in the amount of ten
1754 thousand dollars (\$10,000). If the applicant gives a surety
1755 bond, the bond shall be executed by a surety company
1756 authorized to do business in this state. The bond shall be
1757 made payable to the board and shall be conditioned on
1758 compliance by the applicant with this chapter and the rules
1759 adopted by the board. All bonds shall be in a form approved by
1760 the board.

1761 (e) The license fee for each auctioneer, apprentice
1762 auctioneer, or auction company shall be an amount ~~to be~~
1763 determined by the ~~board, not to exceed two hundred fifty~~



SB224 INTRODUCED

1764 ~~dollars (\$250), and the license fee for each apprentice~~
1765 ~~auctioneer shall be an amount to be determined by the board,~~
1766 ~~not to exceed one hundred fifty dollars (\$150). The license~~
1767 ~~fees shall not be increased more than twenty-five dollars~~
1768 ~~(\$25) in any given year executive director.~~

1769 (f) All licenses shall expire on ~~September 30 of each~~
1770 ~~year following issuance thereof~~ a date determined by the
1771 executive director and may be renewed upon payment of the
1772 appropriate license fee as required by this chapter. ~~Renewal~~
1773 ~~of a license may be effected at any time during the months~~
1774 ~~preceding the date of expiration.~~ No examination shall be
1775 required for the renewal of any license, unless the license
1776 has been revoked or suspended. ~~If a licensee fails to renew~~
1777 ~~his or her license by the deadline of each year, he or she may~~
1778 ~~renew his or her license within 60 days after the expiration~~
1779 ~~date, upon payment of the required fee and a late fee of~~
1780 ~~twenty-five dollars (\$25) for apprentices and fifty dollars~~
1781 ~~(\$50) for auctioneers and auction companies.~~ If a licensee
1782 ~~elects not~~ fails to pay the penalty and renew his or her
1783 license, he or she shall be required to submit an application,
1784 pay the examination fee, and take the examination required for
1785 new licensees.

1786 (g) The board, by rule, shall adopt a program of
1787 continuing education for its licensees. No licensee shall have
1788 his or her license renewed unless, in addition to any other
1789 requirements of this chapter, the minimum annual continuing
1790 education requirements are met. The continuing education
1791 program shall not include testing or examination of the



SB224 INTRODUCED

1792 licensees in any manner. Any licensee 65 years of age or older
1793 shall be exempt from the continuing education requirement.

1794 (h) The board shall prepare and deliver to each
1795 licensee a license certificate and pocket card. The
1796 certificate shall be displayed openly at all times in the
1797 office of the licensee. The certificate and the pocket card of
1798 the apprentice auctioneer shall contain his or her name as
1799 well as that of the auctioneer under whose supervision he or
1800 she is employed.

1801 (i) When any auctioneer discharges an apprentice, or
1802 terminates his or her employment with the auctioneer for any
1803 reason, the auctioneer shall deliver or mail by registered or
1804 certified mail to the board the license of the discharged
1805 apprentice auctioneer. It shall be unlawful for any apprentice
1806 auctioneer to perform any of the acts contemplated by this
1807 chapter, either directly or indirectly under authority of his
1808 or her license, until the apprentice auctioneer receives a new
1809 license bearing the name and address of his or her new
1810 employer. No more than one license shall be issued to any
1811 apprentice auctioneer for the same period of time.

1812 (j) Written notice shall be given immediately to the
1813 board by each licensee of any change in his or her mailing
1814 address and the board shall issue a new license for the
1815 unexpired period. A change of mailing address without
1816 notification to the board shall automatically cancel the
1817 license previously issued. For changing a mailing address and
1818 issuance of a new license, the board shall collect a fee in an
1819 amount determined by rule of the board. Each prior license



SB224 INTRODUCED

1820 shall be returned or accounted for to the board and be
1821 canceled before the issuance of the new license. The board may
1822 require other proof considered desirable with due regard to
1823 the paramount interest of the public in the issuance of the
1824 license.

1825 (k) (1) An auctioneer who is in good standing with the
1826 board may request inactive status by submitting to the board a
1827 written application, his or her current license certificate
1828 and pocket card, and a fee. The auctioneer shall certify on
1829 the application that he or she will not perform any business
1830 of auctioneering while on inactive status. An auctioneer who
1831 has a disciplinary or suspension hearing pending against him
1832 or her may only be granted inactive status upon approval of
1833 the board. Inactive status may be renewed annually upon
1834 written application and payment of a fee. The ~~board~~ executive
1835 director, by rule, shall determine the amount of the initial
1836 application fee and the annual renewal fee.

1837 (2) An auctioneer on inactive status may be restored to
1838 active status by submitting to the board a written application
1839 requesting reactivation and providing proof of satisfying all
1840 continuing education requirements for the most recent
1841 licensure period during which the license was inactive.

1842 (l) Pursuant to Sections 41-22-1 to 41-22-27,
1843 inclusive, the Alabama Administrative Procedure Act, the board
1844 may make and enforce any necessary and reasonable rules
1845 pursuant to the application for any license.

1846 (m) The ~~board~~ executive director, by rule, may
1847 establish and charge reasonable fees relating to the



SB224 INTRODUCED

1848 administration and enforcement of this chapter for application
1849 or other processing costs; online service; continuing
1850 education provider services; copy, mailing, and filing
1851 services; and other fees as necessary to offset licensing and
1852 processing costs."

1853 "§34-4-27

1854 Each auctioneer shall ~~annually~~ pay one state license ~~in~~
1855 ~~an amount not to exceed two hundred fifty dollars (\$250)~~ fee.

1856 Each auctioneer shall also ~~annually~~ pay a county license fee
1857 ~~of twenty-five dollars (\$25)~~, established by the executive
1858 director, in each county where he or she sells by auction. No
1859 privilege license shall be required for any apprentice
1860 auctioneer when he or she is listed as the principal
1861 auctioneer. No license shall be required for any auctioneer
1862 who conducts an auction, without compensation for himself or
1863 herself, where all proceeds from the auction go to the benefit
1864 of any charitable organization. The term "auctioneer" shall
1865 include any person selling real estate, goods, wares,
1866 merchandise, automobiles, livestock, or other things of value
1867 by or at public auction. Sales at public auction involving any
1868 of the following may be conducted for compensation without a
1869 license:

1870 (1) Sales at auction conducted by the owner of any part
1871 of the goods or real estate being offered, or an attorney
1872 representing the owner, unless the owner acquired the goods to
1873 resell.

1874 (2) Sales for the estate of a decedent by an
1875 administrator, executor, or any person acting under order of



SB224 INTRODUCED

1876 any court or the attorney of an administrator, executor, or
1877 any person acting under order of any court.

1878 (3) Sales of property conveyed by deed of trust,
1879 mortgage, judgment, or ordered to be sold according to the
1880 mortgage, judgment, order, or decree.

1881 (4) All sales under legal process."

1882 "§34-4-30

1883 (a) The board may administer oaths and prescribe all
1884 necessary and reasonable rules for the conduct of a hearing.
1885 The board may take testimony of any person by deposition, with
1886 the same fees and mileage and in the same manner as prescribed
1887 by law in judicial procedure of courts of this state in civil
1888 cases. The fees and mileage shall be paid by the party at
1889 whose request the witness is subpoenaed.

1890 (b) The affirmative vote of a majority of the members
1891 of the board shall be required before any disciplinary action
1892 may be taken against a licensee in accordance with this
1893 chapter.

1894 (c) The board is declared to be a quasi judicial body,
1895 and the members ~~or the employees of the board~~ are granted
1896 immunity from civil liability and shall not be liable for
1897 damages therefrom when acting in the performance of their
1898 duties as described in this chapter."

1899 "§34-4-50

1900 (a) (1) The State Board of Auctioneers is created.
1901 Commencing on October 1, 2025, the board shall be subject to
1902 the leadership, support, and oversight of the Executive
1903 Director of the Office of Occupational and Professional



SB224 INTRODUCED

1904 Licensing pursuant to Chapter 2B of Title 25.

1905 (2) The Governor shall appoint ~~a State Board of~~
1906 ~~Auctioneers to be comprised of~~ seven auctioneer members and
1907 one consumer member to the board. All appointments shall be
1908 for a term of five years, with each auctioneer member
1909 appointed being a resident of a different congressional
1910 district and the consumer member being a resident of and
1911 appointed from the state at-large. Appointments shall end on
1912 the anniversary date of the original appointments, except
1913 appointments to fill a vacancy which shall be for the
1914 unexpired term only. No member shall serve more than two
1915 consecutive terms of office. Each member of the board and his
1916 or her successor shall have been a resident of this state for
1917 at least five years prior to his or her appointment. Each
1918 auctioneer member of the board and his or her successor shall
1919 have been a licensed auctioneer in this state for at least
1920 five years. In the event a district has no qualified candidate
1921 for appointment, the appointment may come from the state
1922 at-large. Each member shall hold office until his or her
1923 successor is appointed by the Governor. The Governor shall
1924 coordinate his or her appointments so that diversity of
1925 gender, race, and geographical area is reflective of the
1926 makeup of this state.

1927 (b) Each auctioneer member of the board shall be of
1928 good moral character and shall have been licensed by the board
1929 and actively engaged in the auction business for at least five
1930 years prior to the appointment.

1931 (c) On the appointment of a new auctioneer board



SB224 INTRODUCED

1932 member, the board, at its next meeting, shall elect one of its
1933 members as chair, one member as vice-chair, one member as
1934 secretary, and any other officers deemed necessary. The board
1935 may do all things necessary and convenient for carrying into
1936 effect this chapter. The board may adopt rules not
1937 inconsistent with this chapter or other general laws of the
1938 state.

1939 ~~(d) Except as otherwise provided in Section 34-4-53,~~
1940 ~~members of the board, board staff, and board attorneys shall~~
1941 ~~receive the same per diem and travel allowance paid to state~~
1942 ~~employees for each day they meet to conduct the official~~
1943 ~~business of the board.~~

1944 ~~(e) The board may employ an administrator who shall be~~
1945 ~~exempt from the classified service of the state, and other~~
1946 ~~staff members necessary to discharge board duties and~~
1947 ~~administer this chapter. The administrator shall be employed~~
1948 ~~on the basis of his or her education, experience, and skills~~
1949 ~~in administration and management. The board shall determine~~
1950 ~~the duties and fix the compensation of the administrator and~~
1951 ~~other staff members, subject to the general laws of the state.~~

1952 ~~(f)~~ (d) The board shall provide by rule for the
1953 investigation of any auction activity that is being promoted,
1954 managed, or supervised by unlicensed individuals in violation
1955 of this chapter ~~and may employ an investigator to assist the~~
1956 ~~board in enforcement of the laws, rules, and policies adopted~~
1957 ~~thereunder. The investigator shall be employed on the basis of~~
1958 ~~his or her education, experience, and skills in law~~
1959 ~~enforcement. The board shall determine the duties and fix the~~



SB224 INTRODUCED

1960 ~~compensation of the investigator, subject to the general laws~~
1961 ~~of the state.~~

1962 ~~(g)~~ (e) The board shall adopt a seal by which the board
1963 shall authenticate records and documents. On the seal shall be
1964 the words State Board of Auctioneers. Copies of all records
1965 and documents in the office of the board that are duly
1966 certified and authenticated by the seal of the board shall be
1967 received in evidence in all courts equally and with the same
1968 effect as the original. All public records kept in the office
1969 of the board shall be open to public inspection during
1970 reasonable hours.

1971 ~~(h)~~ (f) Each board member shall be accountable to the
1972 Governor for the proper performance of his or her duties as a
1973 member of the board. The Governor shall investigate any
1974 complaints or unfavorable reports concerning the actions of
1975 the board and take appropriate action thereon, including
1976 removal of any board member for misfeasance, malfeasance,
1977 neglect of duty, commission of a felony, incompetence, or
1978 permanent inability to perform official duties. A board member
1979 may be removed at the request of the board for failing to
1980 attend four consecutive, properly noticed meetings."

1981 "§34-4-51

1982 Each member of the board shall receive a certificate of
1983 appointment from the Governor before entering upon the
1984 discharge of the duties of his or her office. The board, ~~or~~
1985 ~~any committee thereof, shall be entitled to the services of~~
1986 ~~the state Attorney General, in connection with the affairs of~~
1987 ~~the board, or may, on approval of the Attorney General, employ~~



SB224 INTRODUCED

1988 ~~an attorney to assist or represent it in the enforcement of~~
1989 ~~this chapter before any court of competent jurisdiction, and~~
1990 ~~it~~ may take the necessary legal steps through the proper legal
1991 officers of the state to enforce the provisions of this
1992 chapter and collect the penalties provided herein. Complaints
1993 shall be prosecuted in the name of the State Board of
1994 Auctioneers."

1995 "§34-4-54

1996 The executive director of the board shall keep a record
1997 of the proceedings of the board. ~~The board shall deposit all~~
1998 ~~the funds received and credited by the board into the State~~
1999 ~~Treasury into an account hereby established to be known as the~~
2000 ~~"Alabama State Board of Auctioneers Fund."~~ All money derived
2001 under this chapter shall be deposited into the ~~fund and used~~
2002 ~~only to carry out the requirements of this chapter. No money~~
2003 ~~shall be paid out of the fund except by warrant of the~~
2004 ~~Comptroller upon the State Treasury after approval of itemized~~
2005 ~~vouchers by the executive director of the board or an~~
2006 ~~authorized designee~~ Occupational and Professional Licensing
2007 Fund."

2008 Section 6. Relating to the Alabama Professional Bail
2009 Bonding Board; to amend Sections 15-13-201, 15-13-202,
2010 15-13-203, 15-13-204, 15-13-206, 15-13-207, 15-13-210,
2011 15-13-212, and 15-13-217 of the Code of Alabama 1975, to read
2012 as follows:

2013 "§15-13-201

2014 For the purposes of this article, the following terms
2015 shall have the following meanings:



SB224 INTRODUCED

2016 (1) BOARD. Alabama Professional Bail Bonding Board.

2017 (2) EXECUTIVE DIRECTOR. The Executive Director of the
2018 Office of Occupational and Professional Licensing as defined
2019 in Section 25-28-1.

2020 ~~(2)~~ (3) PROFESSIONAL BAIL COMPANY. A person, individual
2021 proprietor, partnership corporation, or other entity, other
2022 than a professional surety company, that furnishes bail or
2023 becomes surety for a person on an appearance bond and does so
2024 for a valuable consideration.

2025 ~~(3)~~ (4) PROFESSIONAL BONDSMAN. Any individual or agent
2026 who is employed by a professional bail company or professional
2027 surety company to solicit and execute appearance bonds or
2028 actively seek bail bond business for or on behalf of a
2029 professional bail company, including any individual who has a
2030 direct or indirect ownership interest in a professional bail
2031 company.

2032 ~~(4)~~ (5) PROFESSIONAL SURETY BONDSMAN. Any individual who
2033 is employed by a professional surety company to solicit and
2034 execute appearance bonds or actively seek bail bond business
2035 for or on behalf of a professional surety company, including
2036 any individual who has a direct or indirect ownership interest
2037 in a professional surety company.

2038 ~~(5)~~ (6) PROFESSIONAL SURETY COMPANY. An insurance
2039 company, domestic or foreign corporation, or association
2040 engaged in the business of insurance, or a surety with a bail
2041 line of insurance to which has been issued a certificate of
2042 authority or certificate of compliance by the Department of
2043 Insurance to execute appearance bonds or bail bonds in



SB224 INTRODUCED

2044 criminal cases in the state.

2045 ~~(6)~~ (7) RECOVERY AGENT. Any individual, other than an
2046 attorney or law enforcement officer, utilized by a
2047 professional surety company, professional bail company, or
2048 professional bondsman to apprehend a defendant who was
2049 released on bail and who violated the terms of his or her
2050 bail."

2051 "§15-13-202

2052 (a) An individual may not hold himself or herself out
2053 to the public as a professional bondsman or a professional
2054 surety bondsman, operate as a recovery agent, or use any term,
2055 title, or abbreviation that expresses, infers, or implies that
2056 the individual is licensed as a professional bondsman unless
2057 the individual at the time holds a valid license as a
2058 professional bondsman as provided in this article.

2059 (b) All applicants shall pass an examination, unless
2060 exempted by this article, based on criteria established by the
2061 Alabama Professional Bail Bonding Board and established under
2062 Section 15-13-203 and shall comply with the continuing
2063 education requirements established by this article.

2064 (c) The board may issue an apprentice license, which
2065 expires ~~120 days after issuance~~ at a time determined by the
2066 executive director, to any applicant who satisfies all
2067 criteria for licensure except passing the examination. The
2068 board may require an applicant for licensure as an apprentice
2069 to sign an affidavit, on a form provided by the board,
2070 attesting that the applicant has no felony convictions. The
2071 board, by rule, may also provide an age exception to allow any



SB224 INTRODUCED

2072 applicant who is 19 or 20 years of age to work as an
2073 apprentice until he or she reaches the age of 21 years. The
2074 ~~board~~ executive director may charge a fee, ~~not exceeding fifty~~
2075 ~~dollars (\$50)~~, for an apprentice license."

2076 "§15-13-203

2077 (a) The Alabama Professional Bail Bonding Board is
2078 created to administer and enforce this article. Commencing on
2079 October 1, 2025, the board shall be subject to the leadership,
2080 support, and oversight of the Executive Director of the Office
2081 of Occupational and Professional Licensing pursuant to Chapter
2082 2B of Title 25. The board shall consist of all of the
2083 following members:

2084 (1) Seven professional bondsmen, one from each of the
2085 seven congressional districts of the state, nominated by the
2086 Alabama Bail Bond Association and appointed by the Governor
2087 from a list of not more than four nominees for each position
2088 on the board. For the initial terms of office, the President
2089 of the Alabama Bail Bond Association shall be the professional
2090 bondsman member of the board who represents the congressional
2091 district in which he or she resides. Each professional
2092 bondsman member appointed to the board shall be the owner of a
2093 professional bail bond company with at least five years of
2094 experience. Except as otherwise provided, no two professional
2095 bondsman members shall reside in the same congressional
2096 district. If no professional bondsman is available for
2097 nomination by the Alabama Bail Bond Association for a
2098 congressional district, the Alabama Bail Bond Association
2099 shall provide a list of four professional bondsman nominees



SB224 INTRODUCED

2100 from the state at large to the Governor for that congressional
2101 district, and the Governor shall appoint one of those nominees
2102 to fill that position on the board.

2103 (2) One serving circuit, district, or municipal court
2104 judge, nominated by the Alabama Bail Bond Association and
2105 appointed by the Governor from a list of four nominees.

2106 (3) One serving circuit or municipal court clerk,
2107 nominated by the Alabama Bail Bond Association and appointed
2108 by the Governor from a list of four nominees.

2109 (b) The appointments to the board shall be for terms of
2110 four years. The nominating and appointing authorities shall
2111 coordinate their nominations and appointments so that
2112 diversity of gender, race, and geographical areas is
2113 reflective of the makeup of this state. Vacancies shall be
2114 filled by appointment of the Governor for the unexpired
2115 portion of the term.

2116 (c) The board, pursuant to the Alabama Administrative
2117 Procedure Act, Chapter 22 of Title 41, shall adopt and enforce
2118 reasonable rules as the board determines necessary to
2119 effectively and efficiently carry out its official duty of
2120 licensing and regulating professional bail bond companies and
2121 professional bondsmen.

2122 ~~(d) Each member of the board shall receive travel and~~
2123 ~~per diem compensation for expenses incurred in the conduct of~~
2124 ~~official duties while attending meetings and transacting the~~
2125 ~~business of the board, in accordance with applicable state~~
2126 ~~travel and per diem paid to state employees. The compensation~~
2127 ~~of members shall be paid from funds available to the board in~~



SB224 INTRODUCED

2128 ~~the same manner as other expenses are paid."~~

2129 "§15-13-204

2130 (a) Pursuant to Section 36-1-12, the members ~~and~~
2131 ~~employees~~ of the board are granted immunity from civil
2132 liability and may not be liable for damages when acting in the
2133 performance of their duties under this article.

2134 (b) Board members ~~and employees~~ shall be defended by
2135 the Attorney General in regard to any criminal or civil
2136 litigation filed against them based on the performance of
2137 their official duties under this article."

2138 "§15-13-206

2139 ~~(a) There is created in the State Treasury for the use~~
2140 ~~of the Alabama Professional Bail Bonding Board a fund to be~~
2141 ~~known as the Alabama Bail Bond Board Fund.~~

2142 ~~(b) All application, apprentice, and license fees,~~
2143 ~~penalties, fines, late fees, and any other fees or funds~~
2144 ~~collected by the board under this article are to be deposited~~
2145 ~~in this fund and used only to carry out the operations of the~~
2146 ~~board~~ into the Occupational and Professional Licensing Fund.

2147 ~~(c) For the purpose of carrying out the objectives of~~
2148 ~~this article and for the exercise of the powers granted in~~
2149 ~~this article, the board may direct the disbursement of the~~
2150 ~~funds from the Alabama Bail Bond Board Fund necessary to cover~~
2151 ~~reasonable and necessary operating costs and board member~~
2152 ~~compensation and expenses as provided by this article, which~~
2153 ~~shall be paid on warrant of the Comptroller upon certificate~~
2154 ~~or voucher of the secretary of the board, approved by the~~
2155 ~~president or vice president of the board. Funds may not be~~



SB224 INTRODUCED

2156 ~~withdrawn or expended except as budgeted and allotted~~
2157 ~~according to the provisions of Article 4 of Chapter 4 of Title~~
2158 ~~41."~~

2159 "§15-13-207

2160 (a) The board may adopt rules necessary to implement
2161 this article and accomplish its objectives subject to the
2162 Alabama Administrative Procedure Act.

2163 (b) The board may adopt and establish canons of ethics
2164 and minimum acceptable professional standards of practice for
2165 licensees within any rules that it adopts.

2166 ~~(c) The board may hire personnel necessary or as~~
2167 ~~advisable to carry out the purposes of this article.~~

2168 ~~(d) The Attorney General shall provide legal services~~
2169 ~~to the board and its employees in connection with official~~
2170 ~~duties and actions of the board or the board may employ legal~~
2171 ~~counsel, when deemed necessary by the board, whose~~
2172 ~~compensation shall be fixed by the board and paid in the same~~
2173 ~~manner as the per diem and expenses of the board members are~~
2174 ~~paid."~~

2175 "§15-13-210

2176 ~~(a)~~ An application and all information on an
2177 application for licensure pursuant to this article shall be
2178 treated as confidential and shall be filed with the board on
2179 forms prescribed by the ~~board~~ executive director. The
2180 application shall include all of the following information of
2181 the applicant:

2182 (1) His or her full name.

2183 (2) His or her date of birth.



SB224 INTRODUCED

2184 (3) All residences during the immediate past five
2185 years.

2186 (4) All employment or occupations engaged in during the
2187 immediate past five years.

2188 (5) A list of convictions and pending charges involving
2189 a felony or misdemeanor in any jurisdiction.

2190 ~~(b) On or before September 1 each year, the board shall~~
2191 ~~send an email reminder to each licensee stating that the last~~
2192 ~~day for submitting an application for a license renewal is~~
2193 ~~September 30 of that year."~~

2194 "§15-13-212

2195 (a) (1) If an application for a license is denied, the
2196 board shall notify the applicant in writing and specify the
2197 grounds for denial. If the grounds are subject to correction
2198 by the applicant, the notice shall so state and specify a
2199 reasonable period of time within which the applicant shall
2200 make the required correction.

2201 (2) The applicant may submit an application for
2202 reconsideration to the board within 30 days from the date of
2203 receipt of the denial.

2204 (b) The board shall issue a license to all licensees
2205 that shall be at least 8" x 10" in size and shall be displayed
2206 on a wall of the workplace of the licensee. This license shall
2207 be deemed property of the state and subject to forfeiture to
2208 the state upon revocation.

2209 (c) All licenses issued or renewed under this article
2210 shall be valid for a period ~~from the date of issuance until~~
2211 October 31 determined by the executive director."



SB224 INTRODUCED

2212 "§15-13-217

2213 (a) A professional bondsman, professional surety
2214 bondsman, or recovery agent commencing business in any
2215 judicial circuit in this state on and after June 1, 2020,
2216 shall attend a 16-hour instructional course conducted by an
2217 educational provider approved by the board and pass an
2218 examination approved by the board and administered by an
2219 educational provider approved by the board. Upon completion of
2220 the course and passage of the examination, the individual
2221 shall be awarded a pre-licensure examination certificate by
2222 the board, copies of which may be submitted to the presiding
2223 circuit judge, or other judicial authority, along with the
2224 other requirements set forth in Section 15-13-159 or Section
2225 15-13-160. Those professional bondsmen, professional surety
2226 bondsmen, and recovery agents doing business immediately prior
2227 to June 1, 2020, are exempt from the initial instructional
2228 course and examination.

2229 (b) Unless exempted pursuant to subsection (i), a
2230 professional bondsman, professional surety bondsman, or
2231 recovery agent making an annual filing in any circuit in this
2232 state pursuant to Section 15-13-159 or Section 15-13-160 on
2233 and after March 1, 2020, shall first complete eight hours of
2234 continuing education conducted by an educational provider
2235 approved by the board. A professional bail company owner, who
2236 is at least 55 years of age and has five years of experience
2237 in the profession, shall only be required to complete four
2238 hours of continuing education. The educational provider
2239 approved by the board shall provide the board with the name of



SB224 INTRODUCED

2240 all professional bondsmen, professional surety bondsmen, or
2241 recovery agents completing eight hours of continuing
2242 education. Upon completion of the eight hours of continuing
2243 education, the individual shall request issuance of an annual
2244 continuing education certificate from the board, copies of
2245 which may be submitted to the presiding circuit judge along
2246 with the other requirements set forth in Section 15-13-159 or
2247 Section 15-13-160.

2248 (c) The instructional course, examination, or
2249 continuing education courses shall be taught or sponsored by
2250 an educational provider approved by the board, which must
2251 apply annually for authority to offer such examination or
2252 courses.

2253 (d) A list of approved course providers shall be
2254 published on the website of the board.

2255 (e) The cost of the instructional course shall be set
2256 by the approved course provider but shall not exceed five
2257 hundred dollars (\$500) per course. Upon completion of the
2258 instructional course, the approved course provider shall issue
2259 an instructional course completion certificate in a form
2260 approved by the board. This completion certificate, along with
2261 the application fee, must be presented to the board in order
2262 to take the pre-licensure examination. An instructional course
2263 completion certificate shall be valid for a period of 12
2264 months.

2265 (f) The cost of continuing education courses shall be
2266 set by the approved course provider but shall not exceed
2267 seventy-five dollars (\$75) per hour. Any fee required to be



SB224 INTRODUCED

2268 paid by a course provider for reporting continuing education
2269 course completion to the board may be added to the maximum
2270 charges provided in this subsection.

2271 (g) Each professional bondsman, professional surety
2272 bondsman, and recovery agent must renew his or her
2273 certification with the board by completing eight hours of
2274 approved continuing education ~~prior to September 30~~ each year.
2275 Late renewal ~~within the next 12 months~~ may be had by
2276 completing the eight hours of continuing education within a
2277 time period established by the executive director and paying a
2278 renewal license fee ~~of twice the amount otherwise required~~ and
2279 late penalty fee established by the executive director. If a
2280 professional bondsman, professional surety bondsman, or
2281 recovery agent fails to renew a certification ~~for a 12-month~~
2282 ~~period~~ as required, the professional bondsman, professional
2283 surety bondsman, or recovery agent will be required to take
2284 the instructional course and examination to again become
2285 certified.

2286 (h) The ~~board~~ executive director, by rule, shall set
2287 the fees to be paid ~~to the board in~~ as necessary for the
2288 administration of this section, ~~not to exceed the maximum~~
2289 ~~amounts set forth below~~ including each of the following:

2290 (1)a. Application fee for a professional bondsman,
2291 professional surety bondsman, or a recovery agent, a
2292 nonrefundable fee to be paid to take the examination and for
2293 the issuance of the pre-licensure examination certificate, per
2294 examination attempt: ~~Up to five hundred dollars (\$500)~~.

2295 b. Application fee for a professional bail company or a



SB224 INTRODUCED

2296 professional surety company, a nonrefundable fee to be paid
2297 for the issuance of an initial license: ~~Up to five hundred~~
2298 ~~dollars (\$500)~~. Payment of this fee does not alleviate the
2299 requirement that each individual professional bondsman,
2300 professional surety bondsman, and recovery agent be licensed
2301 under this chapter.

2302 (2)a. Annual license renewal fee for a professional
2303 bondsman, professional surety bondsman, or recovery agent, to
2304 be paid to receive the annual continuing education
2305 certificate: ~~From fifty dollars (\$50) up to five hundred~~
2306 ~~dollars (\$500)~~.

2307 b. Annual license renewal fee for a professional bail
2308 company or a professional surety company, to be paid to
2309 receive the renewal license: Up to one hundred dollars (\$100).

2310 (i) Any professional bondsman or professional bail
2311 company owner who, ~~on August 1, 2021,~~ is at least 65 years of
2312 age and has 15 years of experience in the profession, shall be
2313 exempt from the continuing education requirements of this
2314 article.

2315 (j) The board shall adopt rules necessary to carry out
2316 this section."

2317 Section 7. Relating to the Alabama Behavior Analyst
2318 Licensing Board; to amend Sections 34-5A-1, 34-5A-3, 31-5A-4,
2319 and 34-5A-7 of the Code of Alabama 1975, to read as follows:

2320 "§34-5A-1

2321 For the purposes of this chapter, the following terms
2322 shall have the following meanings:

2323 (1) APPLIED BEHAVIOR ANALYSIS DIRECT CONTACT



SB224 INTRODUCED

2324 TECHNICIAN. An individual who directly implements applied
2325 behavior analysis services.

2326 (2) BOARD. The Alabama Behavior Analyst Licensing Board
2327 charged with overseeing the regulation of behavior analyst
2328 professionals.

2329 (3) CERTIFYING ENTITY. The nationally accredited
2330 Behavior Analyst Certification Board, Incorporated.

2331 (4) EXECUTIVE DIRECTOR. The Executive Director of the
2332 Office of Occupational and Professional Licensing as defined
2333 in Section 25-2B-1.

2334 ~~(4)~~ (5) LICENSED ASSISTANT BEHAVIOR ANALYST. An
2335 individual who is certified by the certifying entity as a
2336 board certified assistant behavior analyst and who satisfies
2337 the criteria identified in Section 34-5A-4.

2338 ~~(5)~~ (6) LICENSED BEHAVIOR ANALYST. An individual who is
2339 certified by the certifying entity as a board certified
2340 behavior analyst and who satisfies the criteria identified in
2341 Section 34-5A-4.

2342 ~~(6)~~ (7) PRACTICE OF BEHAVIOR ANALYSIS. The design,
2343 implementation, and evaluation of instructional and
2344 environmental modifications to produce socially significant
2345 improvements in human behavior.

2346 a. The practice of behavior analysis includes all of
2347 the following:

2348 1. The empirical identification of functional relations
2349 between behavior and environmental factors, known as
2350 functional assessment and analysis.

2351 2. Interventions based on scientific research and the



SB224 INTRODUCED

2352 direct observation and measurement of behavior and
2353 environment, which utilize contextual factors, establishing
2354 operations, antecedent stimuli, positive reinforcement, and
2355 other consequences to help individuals develop new behaviors,
2356 increase or decrease existing behaviors, and elicit behaviors
2357 under specific environmental conditions.

2358 b. The practice of behavior analysis does not include
2359 psychological testing, psychotherapy, cognitive therapy, sex
2360 therapy, psychoanalysis or hypnotherapy, or long-term
2361 counseling as treatment modalities.

2362 c. The practice of behavior analysis does not include
2363 preventing or alleviating or curing of diseases or injuries.

2364 d. Nothing in this chapter shall be construed as
2365 permitting or allowing a licensed behavior analyst to
2366 prescribe or administer any drug, make a medical diagnosis,
2367 provide medical treatment, or manage a medical condition. A
2368 licensed behavior analyst may not attempt to diagnose,
2369 prescribe for, treat, or advise a client with reference to any
2370 problem, complaint, or condition falling outside the
2371 boundaries of behavior analysis."

2372 "§34-5A-3

2373 (a) (1) The Alabama Behavior Analyst Licensing Board is
2374 established ~~within the Department of Mental Health, Division~~
2375 ~~of Developmental Disabilities~~. Commencing on October 1, 2025,
2376 the board shall be subject to the leadership, support, and
2377 oversight of the Executive Director of the Office of
2378 Occupational and Professional Licensing pursuant to Chapter 2B
2379 of Title 25.



SB224 INTRODUCED

2380 (2) The board shall consist of seven members, including
2381 four licensed behavior analysts, one licensed psychologist in
2382 the state, one parent or legal guardian of a person being
2383 treated for a behavior disorder, or a person who has received
2384 services from a licensed behavior analyst, and one public
2385 member, who, ~~except for the initial members,~~ shall be
2386 appointed by the Governor, as provided in subsection (b). The
2387 membership of the board shall be inclusive and reflect the
2388 racial, gender, geographic, urban/rural, and economic
2389 diversity of the state. Each member shall serve a three-year
2390 term, ~~with initial terms being staggered so that one member~~
2391 ~~serves an initial term of one year, three members serve~~
2392 ~~initial terms of two years, and three members serve initial~~
2393 ~~terms of three years, as provided by the Commissioner of the~~
2394 ~~Department of Mental Health.~~ The public member shall be a
2395 person who is not and never was a member of any profession
2396 licensed or regulated under this chapter, or the spouse of
2397 such person, and a person who does not have and never has had
2398 a material interest in the practice of behavior analysis.

2399 (b) ~~The initial members of the board shall be board~~
2400 ~~certified behavior analysts, as recognized by the certifying~~
2401 ~~entity, and shall each become licensed as a behavior analyst~~
2402 ~~or assistant behavior analyst, pursuant to this chapter,~~
2403 ~~during his or her initial term serving on the board. These~~
2404 ~~initial board members shall be appointed by the Commissioner~~
2405 ~~of the Department of Mental Health upon recommendations~~
2406 ~~submitted by the Alabama Association for Behavior Analysis,~~
2407 ~~the Alabama Interagency Autism Coordinating Council, the~~



SB224 INTRODUCED

2408 ~~Department of Mental Health, and any other group determined~~
2409 ~~appropriate by the commissioner. Subsequent appointments~~
2410 Members shall be appointed by the Governor upon
2411 recommendations submitted by the board.

2412 (c) Any vacancy occurring other than by expiration of
2413 terms shall be filled for the remainder of the unexpired term
2414 by appointment by the Governor, upon recommendation of the
2415 board.

2416 (d) No member shall serve more than two successive
2417 three-year terms.

2418 (e) A member shall serve until a successor is appointed
2419 and assumes office.

2420 ~~(f) Members shall be paid out of the funds of the board~~
2421 ~~the same per diem as prescribed by law for state employees for~~
2422 ~~each day of attendance of board business.~~

2423 ~~(g)~~ (f) The board shall meet at least twice annually and
2424 may meet at such other times as necessary, at the call of the
2425 chair or by a majority of the members, to complete the
2426 business required.

2427 ~~(h)~~ (g) The board shall promulgate and enforce rules and
2428 the executive director shall establish fees necessary to
2429 implement this chapter.

2430 ~~(i)~~ (h) The board shall investigate all complaints
2431 relating to the practice of behavior analysis by any licensed
2432 behavior analyst, licensed assistant behavior analyst, or any
2433 person alleged to be practicing or providing supervision
2434 without a state license.

2435 (1) The board may fine, censure, revoke, or deny a



SB224 INTRODUCED

2436 license, place on probation, reprimand, or otherwise
2437 discipline a licensee on any of the following grounds:

2438 a. Conviction of a crime which the board determines to
2439 be of a nature as to render the person convicted unfit to
2440 practice as a behavior analyst.

2441 b. Violation of the professional and ethical compliance
2442 code or the rules of the board.

2443 c. Fraud or misrepresentation in obtaining a license.

2444 (2) The board may summarily suspend the license of a
2445 licensee who the board determines poses an imminent danger to
2446 the public. A hearing shall be held within 10 days after the
2447 suspension to determine whether the summary action was
2448 warranted.

2449 (3) No license may be denied, suspended, or revoked or
2450 a person otherwise disciplined without prior notice and
2451 opportunity for hearing, except that the board, without prior
2452 notice of hearing, may take action against any person
2453 convicted of a crime listed in paragraph a. of subdivision
2454 (1). No license may be denied, suspended, or revoked or a
2455 person otherwise disciplined pursuant to this section except
2456 by vote of a majority of the membership of the board.

2457 (4) Any person may file a complaint with the board
2458 seeking the denial, suspension, or revocation of a license
2459 issued or pending issuance by the board, or seeking to
2460 otherwise discipline a person for any violation of this
2461 chapter or rules adopted by the board. Complaints shall be in
2462 a form prescribed by the board. If the board determines that a
2463 complaint alleges facts which, if true, would require



SB224 INTRODUCED

2464 disciplinary action or denial, revocation, or suspension of a
2465 license, the board shall promptly institute a hearing. If the
2466 board determines that a complaint does not allege facts which
2467 warrant a hearing, the complaint may be dismissed by the
2468 board. The board, on its own motion, may institute a hearing
2469 for disciplinary action or for the denial, suspension, or
2470 revocation of a license.

2471 (5) Any person whose license has been suspended or
2472 revoked may apply to the board for vacation of the suspension
2473 or reinstatement of his or her license.

2474 ~~(j)~~ (i) Upon finding that a person governed by this
2475 chapter has practiced as a behavior analyst, advertised that
2476 he or she performs as a behavior analyst, or utilized a title
2477 or description denoting that he or she is a behavior analyst
2478 without first having obtained a license, the board may do any
2479 of the following:

2480 (1) Impose an administrative fine.

2481 (2) Issue a cease and desist order.

2482 (3) Petition the circuit court of the county where the
2483 act occurred to enforce the cease and desist order and collect
2484 the assessed fine.

2485 ~~(k)~~ (j) A majority of the membership of the board shall
2486 constitute a quorum.

2487 ~~(l)~~ (k) The board shall elect a chair from among its
2488 membership on an annual basis.

2489 ~~(m) There is established a separate special revenue~~
2490 ~~fund in the State Treasury known as the Alabama Behavior~~
2491 ~~Analyst Licensing Board Fund.~~ (l) All receipts collected by the



SB224 INTRODUCED

2492 board pursuant to this chapter shall be deposited into ~~this~~
2493 ~~fund and used to the credit of the board for its operation and~~
2494 ~~to carry out this chapter. Receipts shall be disbursed only by~~
2495 ~~warrant of the Comptroller drawn upon the State Treasury upon~~
2496 ~~itemized vouchers approved by the chair~~ the Occupational and
2497 Professional Licensing Fund."

2498 "§34-5A-4

2499 Each person desiring to obtain a license shall submit
2500 an application and authorized fees to the board. The
2501 application shall be created by the executive director and
2502 shall include evidence demonstrating that the applicant
2503 satisfies all of the following requirements:

2504 (1) Is of good moral character and conducts his or her
2505 professional activities in accordance with accepted
2506 professional and ethical standards, including:

2507 a. Compliance with the professional and ethical
2508 compliance code for behavior analysts of the certifying
2509 entity.

2510 b. Completion of a criminal background check pursuant
2511 to rule of the board. The cost of the criminal background
2512 check shall be paid by the applicant. An applicant shall
2513 submit to the board two complete sets of fingerprints and a
2514 form, sworn to by the applicant, containing his or her name,
2515 date of birth, and Social Security number for completion of
2516 the criminal background check. The board shall submit the
2517 fingerprints and form to the State Bureau of Investigations,
2518 or any entity contracted with for the purposes of furnishing
2519 criminal background checks, for a state criminal history



SB224 INTRODUCED

2520 record check. The board shall keep information received
2521 pursuant to this section confidential, except that any
2522 information received and relied upon in denying the issuance
2523 of a license in this state may be disclosed if necessary to
2524 support the denial.

2525 (2) In addition to satisfying the requirements of
2526 subdivision (1), a licensed behavior analyst applicant shall
2527 also maintain active status as a board certified behavior
2528 analyst, as recognized by the certifying entity, following
2529 passage of the board certified behavior analyst examination.

2530 (3) In addition to satisfying the requirements of
2531 subdivision (1), a licensed assistant behavior analyst
2532 applicant shall also do all of the following:

2533 a. Maintain active status as a board certified
2534 assistant behavior analyst, as recognized by the certifying
2535 entity, following passage of the board certified assistant
2536 behavior analyst examination.

2537 b. Provide proof of ongoing supervision by a licensed
2538 behavior analyst who is a current board certified behavior
2539 analyst in a manner consistent with the requirements of the
2540 certifying entity for supervision of board certified assistant
2541 behavior analysts."

2542 "§34-5A-7

2543 (a) ~~A license shall be granted for a period of two~~
2544 ~~years and shall expire on December 31 in the second year.~~

2545 Before the expiration of a license, the license may be renewed
2546 upon submission of an application for renewal, including proof
2547 of continued certification by the certifying entity and



SB224 INTRODUCED

2548 payment of the renewal fee imposed by the ~~board~~ executive
2549 director.

2550 (b) All licenses issued pursuant to this chapter shall
2551 be subject to renewal and shall expire unless renewed in the
2552 manner prescribed by the ~~rules of the board~~ executive director
2553 upon the payment of a renewal fee. The ~~board~~ executive
2554 director may provide for a late renewal of a license upon
2555 payment of a late renewal fee if all conditions for renewal
2556 have been satisfied and upon payment of a late renewal fee.
2557 Any license which has not been renewed within two years
2558 following its expiration may not be renewed, restored, or
2559 reissued thereafter. The holder of an expired license may
2560 apply for and obtain a valid license only upon compliance with
2561 all relevant requirements for issuance of a new license.

2562 (c) A suspended license is subject to expiration and
2563 may be renewed as provided in this section. Renewal of a
2564 suspended license does not entitle the applicant, while the
2565 license remains suspended and until it is reinstated, to
2566 engage in licensed activity or in other conduct or activity in
2567 violation of a license revoked on disciplinary grounds. Except
2568 as otherwise provided in this chapter, a licensed behavior
2569 analyst or licensed assistant behavior analyst who desires to
2570 return to the active practice of applied behavior analysis
2571 shall submit an application for reinstatement and shall pay
2572 the nonrefundable reinstatement fee, and any late fee or
2573 penalty fees that may be applicable. The amount of the
2574 reinstatement fee and penalty shall be established by the ~~rule~~
2575 ~~of the board~~ executive director. The applicant shall meet the



SB224 INTRODUCED

2576 same requirements as were necessary for initial licensure."

2577 Section 8. Relating to the Board of Examiners in
2578 Counseling; to amend Sections 34-8A-1, 34-8A-2, 34-8A-5,
2579 34-8A-6, 34-8A-7, 34-8A-8, 34-8A-10, 34-8A-13, 34-8A-14,
2580 34-8A-18, and 34-8A-81 of the Code of Alabama 1975, to read as
2581 follows:

2582 "§34-8A-1

2583 There is hereby created ~~a board to be known as~~ the
2584 Alabama Board of Examiners in Counseling composed of seven
2585 members, appointed by the Governor of this state ~~within 60~~
2586 ~~days after July 18, 1979~~, in the manner and for the term of
2587 office as hereinafter provided. The board shall perform such
2588 duties and have such powers as this chapter prescribes and
2589 confers upon it. Commencing on October 1, 2025, the board
2590 shall be subject to the leadership, support, and oversight of
2591 the Executive Director of the Office of Occupational and
2592 Professional Licensing pursuant to Chapter 2B of Title 25."

2593 "§34-8A-2

2594 For the purposes of this chapter, unless the context
2595 requires otherwise, the following words and phrases ~~shall~~ have
2596 the respective meanings ascribed by this section:

2597 (1) ASSOCIATE LICENSED COUNSELOR. Any person that has
2598 been licensed by the board to offer counseling services as
2599 defined in this section while under the supervision of a board
2600 approved supervisor.

2601 (2) BOARD. The Alabama Board of Examiners in
2602 Counseling.

2603 (3) COUNSELING SERVICES. Those acts and behaviors



SB224 INTRODUCED

2604 coming within the private practice of counseling.

2605 (4) EXECUTIVE DIRECTOR. The Executive Director of the
2606 Office of Occupational and Professional Licensing as defined
2607 in Section 25-2B-1.

2608 ~~(4)~~ (5) LICENSED PROFESSIONAL COUNSELOR. Any person who
2609 represents to the public by any title or description of
2610 services incorporating the words "licensed professional
2611 counselor" or "licensed counselor"; and who offers to render
2612 professional counseling services in private practice to
2613 individuals, groups, organizations, corporations,
2614 institutions, government agencies, or the general public in
2615 settings of individual or group practice for a fee, salary, or
2616 other compensation, implying licensure and training,
2617 experience, or expertise in counseling, and who holds a
2618 current, valid license to engage in the private practice of
2619 counseling, with the exception of those practitioners listed
2620 in Section 34-8A-3.

2621 ~~(5)~~ (6) PRIVATE PRACTICE OF COUNSELING. Rendering or
2622 offering to render to individuals, groups, organizations, or
2623 the general public counseling services, in settings of
2624 individual or group practice, for a fee, salary, or other
2625 compensation, involving the application of principles,
2626 methods, or procedures of the counseling profession which
2627 include, but are not restricted to:

2628 a. Counseling. To render evaluation and therapy that
2629 includes, but is not limited to, providing individual
2630 counseling, family counseling, marital counseling, group
2631 therapy, school counseling, play therapy, rehabilitation



SB224 INTRODUCED

2632 counseling, art therapy, human growth and development
2633 counseling, couples counseling, chemical abuse or dependency
2634 counseling, career counseling, and vocational disability
2635 counseling. The use of specific methods, techniques, or
2636 modalities within the practice of a licensed professional
2637 counselor is restricted to counselors appropriately trained in
2638 the use of these methods, techniques, or modalities. A
2639 licensed professional counselor or associate licensed
2640 counselor may diagnose and develop treatment plans but shall
2641 not attempt to diagnose, prescribe for, treat, or advise a
2642 client with reference to problems or complaints falling
2643 outside the boundaries of counseling services.

2644 b. Appraisal activities. Selecting, administering,
2645 scoring, and interpreting instruments designed to assess an
2646 individual's aptitudes, attitudes, abilities, achievements,
2647 interests, and personal characteristics, but shall not include
2648 the use of projective techniques in the assessment of
2649 personality.

2650 c. Counseling, guidance, and personnel consulting.
2651 Interpreting or reporting upon scientific fact or theory in
2652 counseling, guidance, and personnel services to provide
2653 assistance in solving some current or potential problems of
2654 individuals, groups, or organizations.

2655 d. Referral activities. The evaluating of data to
2656 identify problems and to determine advisability of referral to
2657 other specialists.

2658 e. Research activities. The designing, conducting, and
2659 interpreting of research with human subjects.



SB224 INTRODUCED

2660 ~~(6)~~ (7) PROVISIONAL LICENSE. A one-year, temporary
2661 licensure status equal to that of a licensed professional
2662 counselor or associate licensed counselor with specified
2663 stipulations for establishing substantial equivalency
2664 according to subdivision (4) of Section 34-8A-7."

2665 "§34-8A-5

2666 ~~(a)~~ The board shall elect annually a chair and a vice
2667 chair. ~~Each member shall receive daily compensation as~~
2668 ~~established by the board for each day actively engaged in the~~
2669 ~~duties of the board and the same travel expense allowance as~~
2670 ~~is paid to state employees for travel in the service of the~~
2671 ~~board. At the request of the executive director, a board~~
2672 ~~member may work additional days on behalf of the board. For~~
2673 ~~such activities, the board member shall be compensated at the~~
2674 ~~same daily rate for scheduled board meetings and shall receive~~
2675 ~~the same travel expense allowance as is paid to state~~
2676 ~~employees for travel in the service of the board. The amounts~~
2677 ~~shall in no case exceed funds available to the board.~~ The
2678 board shall hold at least one regular meeting each year.
2679 Additional meetings may be held at the discretion of the chair
2680 or at the written request of any three members of the board.
2681 The board shall adopt a seal which shall be affixed to all
2682 licenses and certificates issued by the board. The board shall
2683 from time to time adopt those rules and regulations as the
2684 board may deem necessary for the performance of the duties of
2685 the board. ~~The board may appoint and employ a qualified person~~
2686 ~~possessing a high degree of professional skill, not subject to~~
2687 ~~the State Merit System, to serve as executive director. The~~



SB224 INTRODUCED

2688 ~~compensation of the executive director shall be established by~~
2689 ~~the board. Four members of the board shall be empowered to~~
2690 ~~accept grants from foundations and institutions to carry on~~
2691 ~~the functions of the board.~~

2692 ~~(b) Notwithstanding any other contrary provision of~~
2693 ~~law, the executive director employed by the board may be a~~
2694 ~~practicing licensee of the board."~~

2695 "§34-8A-6

2696 (a) A licensee may request that the board designate his
2697 or her license with inactive status at any point prior to the
2698 date of renewal. Granting inactive status to a licensee
2699 revokes all privileges associated with this chapter until
2700 reactivation is requested by the licensee. Procedures for
2701 reactivating a license for practice status will be established
2702 by the ~~board~~ executive director.

2703 (b) All fees from applicants seeking licensing or
2704 certification for private practice under this chapter, and all
2705 license, certificate, or renewal fees received under this
2706 chapter shall be ~~paid to the board. No part of any fee shall~~
2707 ~~be returnable under any conditions. All fees collected in this~~
2708 ~~manner plus renewal fees and all~~ deposited in the Occupational
2709 and Professional Licensing Fund. All gifts or grants shall be
2710 deposited in the State Treasury to the credit of the ~~board.~~
2711 ~~There is appropriated from the Treasury funds to the credit of~~
2712 ~~the board to be used for printing, travel expenses of the~~
2713 ~~board, and for other necessary expenses as are necessary to~~
2714 ~~carry out the provisions of this chapter. Expenses shall be~~
2715 ~~paid under the written direction of the chair of the board, or~~



SB224 INTRODUCED

2716 ~~designee of the chair of the board, in accordance with normal~~
2717 ~~state procedure~~ Occupational and Professional Licensing Fund.

2718 (c) The board ~~is required to~~ shall charge an
2719 application fee to be determined by the ~~board~~ executive
2720 director. In addition to the application fee, the ~~board~~
2721 executive director may establish by rule a reasonable
2722 application package fee, supervising counselor approval
2723 processing fee, examination fee, provisional licensure fee,
2724 licensure reactivation fee, and fee for written verification
2725 of licensee status to a third party. The board shall determine
2726 and collect additional reasonable fees in amounts determined
2727 by the ~~board~~ executive director.

2728 (d) Every licensed professional counselor engaging in
2729 private practice in this state is required to pay ~~biennially~~
2730 ~~to the board by August 1~~ a renewal fee to be determined by the
2731 ~~board~~ executive director. The chair thereupon shall issue a
2732 document renewing his or her license for a term ~~of two years~~
2733 prescribed by the executive director. The license of any
2734 licensed professional counselor who fails to have his or her
2735 license renewed ~~biennially by August 1~~ as prescribed shall
2736 lapse. Failure to renew a license, however, shall not deprive
2737 the licensed professional counselor of the right of renewal
2738 thereafter. A lapsed license may be renewed within a period ~~of~~
2739 ~~two years after lapse~~ prescribed by the executive director
2740 upon payment of fees in arrears, or thereafter, upon payment
2741 of a renewal fee as determined by the ~~board~~ executive
2742 director. Any licensed professional counselor whose license
2743 has lapsed beyond ~~six years~~ the time period prescribed by the



SB224 INTRODUCED

2744 executive director must reapply under the ~~current regulations~~
2745 rules for initial licensure.

2746 (e) An associate licensed counselor engaging in private
2747 practice under the supervision of a supervising counselor in
2748 this state ~~is required to~~ shall pay ~~annually to the board by~~
2749 ~~the anniversary of his or her initial license issuance date~~ a
2750 renewal fee to be determined by the ~~board. The chair thereupon~~
2751 ~~shall issue a document renewing the license for a term of one~~
2752 ~~year~~ executive director. The license of any associate licensed
2753 counselor who fails to have his or her license renewed
2754 ~~annually by the anniversary of the initial license issuance~~
2755 ~~date~~ shall lapse. Failure to renew a license, however, shall
2756 not deprive the associate licensed counselor of the right of
2757 renewal thereafter. A lapsed license may be renewed within a
2758 ~~period of one year after lapse~~ time period prescribed by the
2759 executive director upon payment of fees in arrears or
2760 thereafter, upon payment of a renewal fee as determined by the
2761 ~~board~~ executive director. Any associate licensed counselor
2762 whose license has lapsed beyond ~~six years~~ the prescribed time
2763 period must reapply under the ~~current regulations~~ rules for
2764 initial licensure.

2765 (f) Any provision of law to the contrary
2766 notwithstanding, the license of any person licensed as a
2767 professional counselor who has allowed his or her license to
2768 lapse for 15 years or less, and who has been in a profession
2769 for at least eight years where counseling is a part of the
2770 daily routine of the profession including, but not limited to,
2771 service as a school principal, school vice principal, school



SB224 INTRODUCED

2772 psychometrist, or school psychologist, shall be reinstated
2773 upon the payment of a fee ~~of five hundred dollars (\$500)~~
2774 established by the executive director and the completion of 40
2775 hours of continuing education."

2776 "§34-8A-7

2777 The board shall issue a license as a licensed
2778 professional counselor to each applicant who files an
2779 application upon a form and in a manner as the ~~board~~ executive
2780 director prescribes, accompanied by a fee ~~as is required in~~
2781 ~~this chapter~~ prescribed by the executive director, and who
2782 furnishes satisfactory evidence of the following to the board:

2783 (1) The applicant is at least 19 years of age.

2784 (2) The applicant is of good moral character.

2785 (3) The applicant is not in violation of any of the
2786 provisions of this chapter and the rules and regulations
2787 adopted hereunder.

2788 (4) The applicant has received a master's degree from a
2789 regionally accredited institution of higher learning which is
2790 primarily professional counseling in content based on national
2791 standards, or the substantial equivalent in both subject
2792 matter and extent of training. The board shall use the
2793 standards of nationally recognized professional counseling
2794 associations as guides in establishing the standards for
2795 counselor licensure.

2796 (5) The applicant submits documentation of completion
2797 of 3,000 hours of supervised experience in professional
2798 counseling acceptable to the board. An applicant may subtract
2799 1,000 hours of the required professional experience for every



SB224 INTRODUCED

2800 15 graduate semester hours obtained beyond the master's
2801 degree, provided that those hours are clearly related to the
2802 field of professional counseling and are acceptable to the
2803 board. In no case may the applicant have less than 1,000 hours
2804 of the required professional supervised experience.

2805 (6) The applicant demonstrates competence and knowledge
2806 in professional counseling by passing an examination, as the
2807 board prescribes. A specialty designation may be added upon
2808 demonstration to the board that the applicant has met the
2809 recognized minimum standards as established by nationally
2810 recognized certification agencies. Upon successful passage of
2811 an examination, and upon receipt of credentials from
2812 certifying agencies the board may, by a majority of the board
2813 members present and voting, consider the credentials adequate
2814 evidence of professional competence and recommend to the chair
2815 of the board that a license with appropriate specialty
2816 designation, if any, be approved. A licensed professional
2817 counselor cannot claim or advertise a counseling specialty
2818 unless the qualifications of that specialty have been met and
2819 have been approved by the board.

2820 (7) The applicant is a citizen of the United States or,
2821 if not a citizen of the United States, a person who is legally
2822 present in the United States with appropriate documentation
2823 from the federal government."

2824 "§34-8A-8

2825 The board shall issue a license as an associate
2826 licensed counselor to each applicant who files an application
2827 upon a form and in such manner as the ~~board~~ executive director



SB224 INTRODUCED

2828 prescribes accompanied by such fees as are required by this
2829 chapter, and who furnishes satisfactory evidence of the
2830 following to the board:

2831 (1) The applicant has complied with provisions outlined
2832 in subdivisions (1), (2), (3), and (4) of Section 34-8A-7;

2833 (2) The associate licensed counselor may not practice
2834 without direct supervision by a licensed professional
2835 counselor. The plan for supervision of the associate licensed
2836 counselor is to be approved by the board prior to any actual
2837 performance of counseling on the part of the associate
2838 licensed counselor;

2839 (3) Any associate licensed counselor after meeting the
2840 requirements specified in subdivisions (5) and (6) of Section
2841 34-8A-7 may petition the board for licensure as a professional
2842 counselor."

2843 "§34-8A-10

2844 The place of examination shall be designated in advance
2845 by the ~~board~~ executive director, and such examination shall be
2846 given ~~annually~~ at such time and place determined by the
2847 executive director and under the supervision as the board may
2848 determine, and specifically at such other times as in the
2849 opinion of the ~~board~~ executive director the number of
2850 applicants warrants."

2851 "§34-8A-13

2852 The board is required to preserve an examination score
2853 of each candidate, as part of its records for a period ~~of two~~
2854 ~~years~~ following the date of examination as determined by the
2855 executive director."



SB224 INTRODUCED

2856 "§34-8A-14

2857 (a) Counselors licensed as a licensed professional
2858 counselor by the board shall be required to submit ~~biennially~~
2859 ~~at the time of renewal~~ a license renewal fee to be established
2860 by the ~~board~~ executive director. No license shall be renewed
2861 unless the renewal request is accompanied by evidence
2862 satisfactory to the board of the completion ~~during the~~
2863 ~~previous 24 months~~ of relevant professional and continued
2864 educational experience.

2865 (b) Counselors licensed as an associate licensed
2866 counselor by the board shall be required to submit ~~annually at~~
2867 ~~the time of renewal~~ a license renewal fee to be established by
2868 the ~~board~~ executive director. No license shall be renewed
2869 unless the renewal request is accompanied by evidence
2870 satisfactory to the board of the completion ~~during the~~
2871 ~~previous 12 months~~ of relevant professional and continued
2872 educational experience.

2873 (c) If any professional counselor or counselor
2874 associate duly licensed under this chapter, by virtue of
2875 additional training and experience, is qualified to practice
2876 in a specialty other than that for which he or she was deemed
2877 competent at the time of initial licensing, and wishes to
2878 offer such service under the provisions of this chapter, he or
2879 she is required to submit at the time of ~~biennial~~ renewal of
2880 licenses, additional credentials and he or she is to be given
2881 the opportunity to demonstrate his or her knowledge and
2882 application thereof in areas deemed relevant to his or her
2883 specialty. This procedure is considered a necessary part of



SB224 INTRODUCED

2884 the renewal process. No charge in addition to the renewal fee
2885 is levied."

2886 "§34-8A-18

2887 (a) In addition to any other powers and functions which
2888 may be conferred upon it by law, the board may issue an order
2889 assessing a civil penalty not less than five hundred dollars
2890 (\$500) and not more than five thousand dollars (\$5,000)
2891 against any person who holds himself or herself out to the
2892 public as a licensed professional counselor or associate
2893 licensed counselor or who uses any title or description as
2894 prescribed in subdivisions (1) and (4) of Section 34-8A-2, or
2895 who shall engage in the private practice of counseling and
2896 does not then possess in full force and virtue a valid license
2897 to engage in private practice as a licensed professional
2898 counselor or associate licensed counselor under this chapter.

2899 (b) In determining the amount of any penalty, the board
2900 shall consider the seriousness of the violation, including any
2901 threat to the health, safety, or welfare of the public, the
2902 unlawful gain or economic benefit gained by the violation, the
2903 person's history of previous violations, and the person's
2904 efforts to mitigate and comply with this chapter.

2905 (c) Civil penalties assessed in an order under this
2906 section and not paid within 60 days from the effective date of
2907 the order may be recovered in a civil action brought by the
2908 board in the Circuit Court of Montgomery County or the county
2909 in which the defendant does business.

2910 (d) Judicial review of an order entered by the board
2911 under this section shall be conducted in accordance with the



SB224 INTRODUCED

2912 pertinent provisions for the judicial review of contested
2913 cases as provided under the Alabama Administrative Procedure
2914 Act.

2915 (e) The board shall exercise its jurisdiction for
2916 disciplinary oversight of licensees during the period of their
2917 licensure. The board shall not accept voluntary surrender of a
2918 license on the part of a licensee to avoid possible
2919 disciplinary actions by the board. Securing inactive status of
2920 a license shall not negate jurisdiction of the board for a
2921 licensee's actions during any period of active licensure. If a
2922 former licensee or a licensee with inactive status is found to
2923 be in violation of the relevant state law or regulations, a
2924 public announcement of the decision of the board shall be
2925 proffered in a manner to be determined by the board.

2926 ~~(f) The Attorney General shall be the attorney of the~~
2927 ~~board, but the board may employ other counsel."~~

2928 "§34-8A-81

2929 (a) The board shall promote the early identification,
2930 intervention, treatment, and rehabilitation of licensees who
2931 may be impaired.

2932 (b) The ~~board~~ executive director may contract with any
2933 nonprofit corporation or medical professional association for
2934 the purpose of creating, supporting, and maintaining the
2935 Alabama Licensed Counselor Wellness Committee. The committee
2936 shall consist of not less than three nor more than nine
2937 licensees. Committee members shall be appointed by the board
2938 for terms of three years and shall be eligible for
2939 reappointment. The board, for just cause, may remove a



SB224 INTRODUCED

2940 committee member before the expiration of his or her term.

2941 (c) The ~~board~~ executive director may expend any
2942 available funds as necessary to cover the operational expenses
2943 of the committee including, but not limited to, the actual
2944 cost of travel, office overhead, personnel expenses, and
2945 compensation of committee members and staff. Funds expended
2946 pursuant to this subsection are not subject to competitive bid
2947 laws."

2948 Section 9. Relating to the Alabama Board of Electrical
2949 Contractors; to amend Sections 34-36-3, 34-36-4, 34-36-7,
2950 34-36-8, 34-36-9, 34-36-11, and 34-36-17 of the Code of
2951 Alabama 1975, to read as follows:

2952 "§34-36-3

2953 The following terms shall have the meanings
2954 respectively ascribed to them used in this chapter, for the
2955 purposes of this chapter, unless the context clearly requires
2956 a different meaning:

2957 (1) BOARD. The Alabama Board of Electrical Contractors.

2958 (2) EXECUTIVE DIRECTOR. The Executive Director of the
2959 ~~Alabama Board of Electrical Contractors~~ Office of Occupational
2960 and Professional Licensing as defined in Section 25-2B-1.

2961 (3) ELECTRICAL CONTRACTING. Any job or project in the
2962 State of Alabama wherein the electrical contractor proposes to
2963 bid, install, maintain, alter, or repair any electric wiring
2964 devices or equipment.

2965 (4) ELECTRICAL CONTRACTOR. Any person, firm, or
2966 corporation who is engaged in the business of soliciting and
2967 installing electrical power or control systems; maintaining,



SB224 INTRODUCED

2968 altering, or repairing electrical power or control systems,
2969 any electrical wiring devices, equipment, or any other
2970 electrical apparatus. A person who possesses the necessary
2971 qualifications, training, and technical knowledge to plan, lay
2972 out, and supervise the installation of electrical wiring,
2973 apparatus, or equipment for lighting, heating, power, or
2974 controls and who possesses any of the following
2975 qualifications:

2976 a. Four years of practical experience as a journeyman
2977 electrician in charge of jobs.

2978 b. Four years of experience in the design and
2979 construction of electrical systems.

2980 (5) JOURNEYMAN ELECTRICIAN. A person who possesses
2981 necessary qualifications, training, and technical knowledge to
2982 install electrical wiring, apparatus, or equipment lighting,
2983 heating, or power or control covered by this chapter. He or
2984 she shall work under a master or state certified electrical
2985 contractor and shall be capable of doing work according to
2986 plans and specifications furnished to him or her and in
2987 accordance with standard rules and regulations governing such
2988 work.

2989 (6) LICENSE. A valid and current certificate of
2990 registration issued by the executive director on behalf of the
2991 board which shall give the named person to whom it is issued
2992 authority to engage in the activity prescribed thereon.

2993 (7) LICENSEE. Any person holding a license.

2994 (8) PERSON. A human person, not a legal entity."

2995 "§34-36-4



SB224 INTRODUCED

2996 (a) The Alabama Board of Electrical Contractors is
2997 created. Commencing on October 1, 2025, the board shall be
2998 subject to the leadership, support, and oversight of the
2999 Executive Director of the Office of Occupational and
3000 Professional Licensing pursuant to Chapter 2B of Title 25.

3001 (b) A person to be eligible for appointment to serve on
3002 the board shall be a citizen and resident of Alabama. Each
3003 person appointed to the board from each congressional district
3004 shall be actively engaged in the electrical construction
3005 business as a qualified person with electrical construction
3006 background of not less than five consecutive years, and shall
3007 hold certificates to validate his or her competence as an
3008 electrical contractor in the electrical construction field.
3009 The two persons appointed to the board as at-large members
3010 shall be members of the Alabama State Electrical Workers
3011 Association. The membership of the board should be inclusive
3012 and should reflect the racial, gender, geographic,
3013 urban/rural, and economic diversity of the state.

3014 (c) The board shall consist of nine members to be
3015 appointed by the Governor. One member shall be appointed from
3016 each congressional district, and there shall be two at-large
3017 members who shall be appointed from within the state. The
3018 board members from the First, Second, and Third Congressional
3019 Districts shall be appointed for terms of one year; the board
3020 members from the Fourth, Fifth, and Sixth Congressional
3021 Districts shall be appointed for terms of two years; and the
3022 board member from the Seventh Congressional District as well
3023 as the at-large members shall be appointed for terms of three



SB224 INTRODUCED

3024 years. Thereafter, all board members shall be appointed for
3025 terms of three years. Each term shall expire on June 30 of the
3026 last year of the term, and no member shall serve more than two
3027 consecutive three-year terms. Vacancies on the board for any
3028 cause shall be filled by appointment by the Governor for the
3029 remainder of the unexpired term. Members shall serve until
3030 their successors are appointed.

3031 (d) The board shall meet at least semiannually and as
3032 often as necessary. The board shall meet annually to elect
3033 officers from its membership, whose initial terms shall expire
3034 on June 30 next following their election. Special meetings of
3035 the board may be held as the board provides in its rules and
3036 regulations. The board shall meet at least once in the first
3037 quarter and once in the third quarter of the year. Five
3038 members of the board shall constitute a quorum.

3039 (e) The board may adopt rules and regulations to carry
3040 out this chapter.

3041 (f) Any member of the board or duly appointed hearing
3042 officer designated by the board may administer oaths and take
3043 testimony concerning all matters within the jurisdiction of
3044 the board.

3045 (g) The board may sue and be sued in its official name.
3046 Absent negligence, wantonness, recklessness, or deliberate
3047 misconduct, members of the board are immune from liability for
3048 all good faith acts performed in the execution of their duties
3049 of the board.

3050 (h) The board shall adopt a seal for its use containing
3051 the words: Alabama Electrical Contractors' Licensing Board.



SB224 INTRODUCED

3052 ~~(i) The board may employ, and at its pleasure~~
3053 ~~discharge, an executive director. The board may hire other~~
3054 ~~officers and administrative employees which may be necessary~~
3055 ~~to implement this chapter. The board may employ, on an as~~
3056 ~~needed basis, an investigator to investigate complaints. The~~
3057 ~~board shall not employ electrical inspectors nor provide for~~
3058 ~~any electrical inspections. The board shall outline the duties~~
3059 ~~and fix the compensation and expense allowances of all~~
3060 ~~employees pursuant to the Merit System Act of Alabama.~~

3061 ~~(j)~~ (i) The board is subject to the Alabama Sunset Law
3062 and is classified as an enumerated agency pursuant to Section
3063 41-20-3. The board shall automatically terminate on October 1,
3064 2012, and every four years thereafter, unless a bill is
3065 enacted that the board be continued, modified, or
3066 reestablished.

3067 ~~(k)~~ (j) Each board member shall be accountable to the
3068 Governor for the proper performance of his or her duties as a
3069 member of the board. The Governor shall investigate any
3070 complaints or unfavorable reports concerning the actions of
3071 the board and shall take appropriate action thereon, including
3072 removal of any board member for misfeasance, malfeasance,
3073 neglect of duty, commission of a felony, incompetence, or
3074 permanent inability to perform official duties. A board member
3075 may be removed at the request of the board after failing to
3076 attend three consecutive properly noticed meetings."

3077 "§34-36-7

3078 (a) All applicants for licensure must submit a
3079 completed application, application fee, and supportive



SB224 INTRODUCED

3080 documentation of qualifications before taking an examination
3081 approved by the board. The board shall examine applicants ~~at~~
3082 ~~least once every three months~~ according to the method deemed
3083 by it to be the most appropriate to test the qualifications of
3084 applicants. Any national standardized or written examination
3085 proctored by an independent third party which the board shall
3086 approve as substantially similar to the examination required
3087 to be licensed under this chapter may be administered to all
3088 applicants in lieu of or in conjunction with any other
3089 examination which the board shall give to test the
3090 qualifications of applicants. The board shall also have the
3091 right to establish such norms of achievement as shall be
3092 required for a passing grade. The board may, by rule, adopt
3093 the National Electrical Code for the purpose of examinations.

3094 (b) The board may recognize a license issued by any
3095 other state that, in the opinion of the board, has standards
3096 of practice or licensure equal to or higher than those
3097 required by this state. The board shall actively seek to
3098 reciprocate with those states meeting such standards. The
3099 board shall actively seek to maintain those states currently
3100 under agreement.

3101 (c) No license shall be issued except in compliance
3102 with this chapter and none shall be issued except to a person
3103 or a person in a firm, partnership, association, or
3104 corporation. A firm, partnership, association, or corporation,
3105 as such, shall not be licensed. A licensee shall be a citizen
3106 of the United States or, if not a citizen of the United
3107 States, a person who is legally present in the United States



SB224 INTRODUCED

3108 with appropriate documentation from the federal government.

3109 (d) An individual who has successfully passed, on or
3110 before January 1, 2010, with a minimum score of 70 percent, or
3111 an individual who has successfully passed after January 1,
3112 2010, with a minimum score of 75 percent, a nationally
3113 standardized proctored electrical examination administered in
3114 the State of Alabama, by Block and Associates, International
3115 Code Council, Experior, Promissor, Thomson Prometric, PROV, or
3116 any other exam approved by the board, shall be deemed to be in
3117 compliance with the testing requirement set forth by the board
3118 for licensure as an electrical contractor. Individuals meeting
3119 this qualification shall also be required to complete all
3120 other qualifications set forth by this chapter and the board
3121 prior to issuance of an electrical contractor license.
3122 Electrical contractor applicants affected by this provision
3123 shall have until July 1, 2011, to apply for licensure without
3124 any further examination requirements."

3125 "§34-36-8

3126 (a) All licenses shall expire ~~annually or~~ at ~~other~~
3127 times designated by the ~~board~~ executive director. All
3128 applications for renewal of licenses shall be filed with the
3129 executive director prior to the expiration date, accompanied
3130 by the annual renewal fee prescribed by the ~~board~~ executive
3131 director.

3132 (b) The board is authorized to establish or adopt, or
3133 both, education requirements and may approve the program or
3134 programs providing education to fulfill the requirements. The
3135 board shall set the minimum standards of education. All



SB224 INTRODUCED

3136 persons holding an electrical contractor license shall be
3137 required to complete 14 hours of continuing education every
3138 two years.

3139 (c) The board may promulgate rules regarding the
3140 approval of continuing education courses and the accounting
3141 for continuing education hours.

3142 (d) Any person licensed by the board may elect an
3143 inactive status certificate by notifying the board in writing.
3144 The fee for the issuance and renewal of an inactive status
3145 certificate shall be established by the ~~board~~ executive
3146 director. The board shall provide by rule those activities
3147 which an inactive status certificate holder may engage in and
3148 for a procedure for the reinstatement as an active status
3149 certificate holder."

3150 "§34-36-9

3151 An expired license for an electrical contractor which
3152 has expired for failure to renew may only be restored within
3153 five years from the date of expiration after application and
3154 payment of the prescribed restoration fee and satisfaction of
3155 all continuing education requirements. The restoration fee
3156 shall be established by the ~~board~~ executive director and shall
3157 be due upon application for restoration. The restoration fee
3158 shall be in addition to all accrued renewal fees. Any license
3159 which has not been restored within five years following its
3160 expiration may not be renewed, restored, or reissued
3161 thereafter. The holder of such a cancelled license may apply
3162 for and obtain a valid license only upon compliance with all
3163 relevant requirements as prescribed by this chapter or by rule



SB224 INTRODUCED

3164 for issuance of a new license."

3165 "§34-36-11

3166 The board ~~is empowered to~~ may establish and charge
3167 reasonable fees for the administration of examinations,
3168 issuance of all active and inactive licenses, and supplying
3169 information to applicants, licensees, and the general public.
3170 ~~Such fees shall be commensurate with the cost of fulfilling~~
3171 ~~the duties of the board as defined in this chapter."~~

3172 "§34-36-17

3173 ~~There is hereby established a separate fund in the~~
3174 ~~State Treasury to be known as the Alabama Board of Electrical~~
3175 ~~Contractors Fund. All money derived under the provisions of~~
3176 ~~this chapter shall be deposited in this fund and used only to~~
3177 ~~carry out the provisions of this chapter. Such fund shall be~~
3178 ~~paid out only by warrant of the Comptroller upon the~~
3179 ~~Treasurer, upon itemized vouchers, approved by the director of~~
3180 ~~the board; provided, that no funds shall be withdrawn or~~
3181 ~~expended except as budgeted and allotted according to the~~
3182 ~~provisions of Sections 41-4-80 through 41-4-96 and Sections~~
3183 ~~41-19-1 through 41-19-12, and only in amounts as stipulated in~~
3184 ~~the general appropriation or other appropriation bills. Any~~
3185 ~~funds unspent and unencumbered at the end of any state fiscal~~
3186 ~~year in excess of one hundred thousand dollars (\$100,000)~~
3187 ~~shall be transferred into the State General Fund on or before~~
3188 ~~January 15 of the succeeding year. In addition, there is~~
3189 ~~hereby appropriated from the Alabama Board of Electrical~~
3190 ~~Contractors Fund to the Alabama Board of Electrical~~
3191 ~~Contractors the amount necessary to repay the State General~~



SB224 INTRODUCED

3192 ~~Fund for any and all amounts expended therefrom and such~~
3193 ~~repayment to the State General Fund shall be made as soon as~~
3194 ~~funds are available~~ into the Occupational and Professional
3195 Licensing Fund."

3196 Section 10. Relating to the Alabama Electronic Security
3197 Board of Licensure; to amend Sections 34-1A-1. 34-1A-2,
3198 34-1A-3, 34-1A-5, and 34-1A-9 of the Code of Alabama 1975, to
3199 read as follows:

3200 "§34-1A-1

3201 For the purpose of this chapter, the following terms
3202 have the following meanings unless the context clearly
3203 indicates otherwise:

3204 (1) ADMINISTRATIVE EMPLOYEE. An individual who engages
3205 in clerical duties for a licensed company, whose work is
3206 restricted to office duties, and who has access to sensitive
3207 client information including, but not limited to, Social
3208 Security numbers, customer privacy codes, customer passwords,
3209 and similar information.

3210 (2) ADMINISTRATIVE FINE. A monetary fine assessed by
3211 the board for unlicensed activity or by an individual,
3212 company, corporation, firm, or business entity.

3213 (3) ALARM MONITORING COMPANY. Any individual, company,
3214 corporation, partnership, or business, or a representative or
3215 agency thereof, authorized to provide alarm monitoring
3216 services for alarm systems or other similar electronic
3217 security systems whether the systems are maintained on
3218 commercial business property, public property, or individual
3219 residential property.



SB224 INTRODUCED

3220 (4) ALARM SYSTEM. Burglar alarms, security cameras, or
3221 other electrical or electronic device used to prevent or
3222 detect burglary, theft, shoplifting, pilferage, and other
3223 similar losses. The term does not include any fire detection,
3224 fire alarm, or fire communication system.

3225 (5) ALARM VERIFICATION. A reasonable attempt by an
3226 alarm monitoring company to contact the alarm site or alarm
3227 user by telephone or other electronic means to determine
3228 whether an alarm signal is valid prior to requesting law
3229 enforcement to be dispatched to the location and, if the
3230 initial attempted contact is not made, a second reasonable
3231 attempt to make a contact utilizing a different telephone
3232 number or electronic address or number.

3233 (6) BURGLAR ALARM. An assembly of equipment and
3234 devices, or a single device such as a solid-state unit which
3235 plugs directly into an AC line, designed to detect an
3236 unauthorized intrusion or an attempted robbery at a protected
3237 premises or signal public police or private guards to respond,
3238 or both.

3239 (7) CLOSED CIRCUIT TELEVISION SYSTEM (CCTV). A
3240 combination of electronic equipment and devices designed and
3241 arranged for the viewing, monitoring, or recording of video
3242 signals transmitted from transmitters, such as cameras, to
3243 receivers, such as monitors, digital video recorders, and
3244 network video recorders (NVR) through a closed cable or other
3245 video signal transmission method.

3246 (8) ELECTRONIC ACCESS CONTROL SYSTEM. A system that is
3247 used as a process to grant or deny an individual access to a



SB224 INTRODUCED

3248 specific area or object based upon his or her possession of an
3249 item, a code, or physical characteristic.

3250 (9) EXECUTIVE DIRECTOR. The Executive Director of the
3251 Office of Occupational and Professional Licensing as defined
3252 in Section 25-2B-1.

3253 ~~(9)~~ (10) HVAC SYSTEM. Heating, ventilation, or air
3254 conditioning devices or mechanisms to provide heating or
3255 cooling to a building or other structure or the devices used
3256 to control the temperature of the heating or cooling devices
3257 in a building or other structure.

3258 ~~(10)~~ (11) INSTALLATION. The initial placement of
3259 equipment or the extension, modification, or alteration of
3260 equipment after initial placement.

3261 ~~(11)~~ (12) LOCKSMITH.

3262 a. An individual or business entity in a commercial,
3263 residential, or automotive setting that does any of the
3264 following for compensation or other consideration:

- 3265 1. Repairs locks.
- 3266 2. Rebuilds locks.
- 3267 3. Rekeys locks.
- 3268 4. Services locks.
- 3269 5. Adjusts locks.
- 3270 6. Installs locks or mechanical locking devices.
- 3271 7. Installs or services egress controls devices.
- 3272 8. Installs or services vaults and safety deposit
3273 boxes, including those services performed by safe technicians.
- 3274 9. Creates or copies transponder keys and any other
3275 automotive keys and electronic operating devices connected to



SB224 INTRODUCED

3276 motor vehicles.

3277 10. Creates or copies key fobs, proximity keys, smart
3278 keys, door and ignition key devices, or successive electronic
3279 or other high security key technology.

3280 11. Uses any other method of bypassing a locking
3281 mechanism of any kind including, but not limited to, shimming
3282 a lock or picking and popping a lock.

3283 b. The term does not include any of the following:

3284 1. An individual whose activities are limited to making
3285 a duplicate key of an existing key.

3286 2. An individual or business entity that does not
3287 advertise providing locksmith services to the public.

3288 3. An individual or business entity that is licensed by
3289 the board on July 1, 2018, to install or service electronic
3290 access control systems, provided any lock being serviced or
3291 installed has electronic access control capabilities.

3292 4. Police, fire, medical, or other government or
3293 emergency personnel performing activities within the scope of
3294 their official duties.

3295 5. An individual operating a licensed towing and
3296 recovery service who does not advertise services as a
3297 locksmith or otherwise perform locksmith services.

3298 6. An individual or business entity who owns or manages
3299 property, or his or her agent, and who does not advertise
3300 services as a locksmith to the public.

3301 ~~(12)~~ (13) MONITORING STATION. A location where alarm
3302 signals are received as a part of an alarm system and then
3303 relayed via operator to law enforcement officials.



SB224 INTRODUCED

3304 ~~(13)~~ (14) QUALIFYING AGENT. A licensee of the board who
3305 serves in a management and supervisory position with a
3306 company.

3307 ~~(14)~~ (15) SALESPERSON. An individual who, for financial
3308 compensation or in exchange for a thing of value, sells goods
3309 or services to the public on behalf of any company, business,
3310 or other entity that sells, services, or installs alarm
3311 systems, CCTV systems, electronic access control systems, or
3312 mechanical locks.

3313 ~~(15)~~ (16) SERVICE. Necessary repair in order to return
3314 the system to operational condition.

3315 ~~(16)~~ (17) SYSTEM INSTALLER. An individual or business
3316 entity that offers to undertake, represents itself as being
3317 able to undertake, or does undertake the installation,
3318 service, or monitoring of alarm systems, CCTV systems,
3319 electronic access control systems, or mechanical locking
3320 systems for the public for any type of compensation or in
3321 exchange for a thing of value."

3322 "§34-1A-2

3323 (a) The Alabama Electronic Security Board of Licensure
3324 is created. Commencing on October 1, 2025, the board shall be
3325 subject to the leadership, support, and oversight of the
3326 Executive Director of the Office of Occupational and
3327 Professional Licensing pursuant to Chapter 2B of Title 25.

3328 (b) The board, which shall reflect the racial, gender,
3329 geographic, urban and rural, and economic diversity of the
3330 state, shall consist of the following members, who are
3331 citizens of this state, appointed by the Governor, and subject



SB224 INTRODUCED

3332 to confirmation by the Alabama Senate:

3333 (1) Two members representing the alarm system industry
3334 selected from five nominees submitted by the Alabama Alarm
3335 Association.

3336 (2) One member of the Alabama Consulting Engineers
3337 Association selected from three nominees submitted by that
3338 association.

3339 (3) One member of the Alabama Sheriffs Association
3340 selected from three nominees submitted by that association.

3341 (4) One member who is a locksmith selected from three
3342 nominees submitted by the Alabama Locksmith Association.

3343 (5) A person who is a representative of the consumers
3344 of the state.

3345 (c) (1) The terms of the board members shall be four
3346 years.

3347 (2) Of these members first appointed, two shall be
3348 appointed to four-year terms, two for three-year terms, and
3349 one for a two-year term.

3350 (3) Any vacancy occurring other than by expiration of
3351 terms shall be filled for the remainder of the unexpired term
3352 by appointment by the Governor, subject to the nominating
3353 process specified in subsection (b).

3354 (4) No member shall serve more than two successive
3355 four-year terms.

3356 (5) A member shall serve until a successor is appointed
3357 and assumes office.

3358 ~~(d) Members shall be paid out of the funds of the board~~
3359 ~~the same per diem as prescribed by law for state employees for~~



SB224 INTRODUCED

3360 ~~each day of attendance of a board or committee meeting.~~

3361 ~~(e)~~ (d) Meetings shall be held at least four times per
3362 year. Special meetings shall be held at the call of the chair
3363 or by a majority of the members.

3364 ~~(f)~~ (e) (1) The board may adopt rules of proceedings.

3365 (2) Three members of the board ~~who are physically~~
3366 ~~present~~ shall constitute a quorum.

3367 (3) The board shall elect a chair and a vice chair on
3368 an annual basis. The chair or vice chair shall call meetings
3369 of the board to order.

3370 ~~(4) Members of the board may participate in a board~~
3371 ~~meeting by means of video conference pursuant to the Alabama~~
3372 ~~Open Meetings Act. Participation by video conference shall~~
3373 ~~qualify as attendance at a meeting in person. The board may~~
3374 ~~not conduct official business unless at least three members of~~
3375 ~~the board are physically present at the board meeting.~~
3376 ~~Attendance by phone without video conference capability does~~
3377 ~~not constitute attendance at a board meeting.~~

3378 ~~(5) Members of a committee of the board may attend a~~
3379 ~~committee meeting by means of video conference pursuant to the~~
3380 ~~Alabama Open Meetings Act. Participation by video conference~~
3381 ~~shall qualify as attendance at a meeting in person. Except as~~
3382 ~~otherwise provided, a committee may not issue an order or~~
3383 ~~render a decision unless legal counsel for the board and a~~
3384 ~~member of the administrative or management staff of the board~~
3385 ~~is physically present. If legal counsel for the board is not a~~
3386 ~~member of the committee, only the physical presence of one~~
3387 ~~member of the administrative or management staff of the board~~



SB224 INTRODUCED

3388 ~~and one committee member is required to conduct committee~~
3389 ~~business if the remainder of the quorum of the committee is~~
3390 ~~satisfied by the attendance of committee members by means of~~
3391 ~~video conference. A majority of committee members shall be~~
3392 ~~physically present to constitute a quorum, conduct official~~
3393 ~~committee business, or render a decision. Attendance by phone~~
3394 ~~without video conference capability does not constitute~~
3395 ~~attendance at a committee meeting."~~

3396 "§34-1A-3

3397 The board shall have all of the following powers:

3398 (1) License and regulate individuals and business
3399 entities who hold themselves out as engaging in the business
3400 of alarm system, CCTV, or electronic access control system
3401 installation or service, as a locksmith, or as an alarm
3402 monitoring company.

3403 (2) Establish the qualifications for licensure to
3404 ensure competency and integrity to engage in these businesses
3405 and allow graduates of technical school or community college
3406 programs in related fields to qualify. Qualifications for
3407 licensure shall include the requirement that the applicant is
3408 a United States citizen or legally present in this state.

3409 (3) Examine, or cause to be examined, the
3410 qualifications of each applicant for licensure including the
3411 preparation, administration, and grading of examinations, and
3412 when necessary, requiring the applicant to supply a board
3413 approved criminal background check. A nonresident who is not
3414 physically working in the state, located more than 100 miles
3415 from the nearest state border, and whose duties are limited to



SB224 INTRODUCED

3416 administrative employee or monitoring station is exempt from
3417 the requirement of a criminal background check.

3418 (4) License qualified applicants regulated by the
3419 board. ~~Licensing of a qualified applicant should be completed~~
3420 ~~within six calendar weeks after the board receives all~~
3421 ~~required paperwork from the applicant. This time frame may be~~
3422 ~~extended during annual renewal.~~

3423 (5) Revoke, suspend, or fail to renew a license for
3424 just cause as provided in the rules of the board.

3425 (6) Levy and collect reasonable fees for licensure
3426 including, but not limited to, the application process and
3427 testing of applicants, and renewal, suspension, and reissuance
3428 of licenses, and costs of necessary hearings, that are
3429 sufficient to cover all expenses for the administration and
3430 operation of the board.

3431 (7) Levy and collect administrative fines for violation
3432 of the board's Code of Ethics, noncompliance with this chapter
3433 including, but not limited to, unlicensed activity and
3434 unethical or fraudulent behavior, and collect the costs of
3435 necessary hearings pursuant to the Alabama Administrative
3436 Procedure Act. The board may collect fines imposed by a court
3437 of competent jurisdiction. The board may file a civil action
3438 to collect all fines.

3439 (8) Adopt rules in accordance with the Alabama
3440 Administrative Procedure Act necessary to perform board
3441 duties, to ensure continued competency, to prevent deceptive,
3442 misleading, or criminal practices by board licensees, and to
3443 effectively administer the regulatory system administered by



SB224 INTRODUCED

3444 the board.

3445 (9) Register or by other means monitor employees of a
3446 licensee to ensure the employees do not impair the ability of
3447 the licensee to satisfy the requirements of this chapter.

3448 (10) Receive and investigate complaints concerning the
3449 conduct of any individual or business entity whose activities
3450 are regulated by the board, conduct hearings in accordance
3451 with procedures established by the board pursuant to the
3452 Alabama Administrative Procedure Act, and take appropriate
3453 disciplinary action if warranted.

3454 (11) Ensure that periodic inspections are conducted
3455 relating to the operations of licensees to ensure competency
3456 and lawful compliance.

3457 (12) Require the purchase of comprehensive liability
3458 insurance related to business activities in a minimum
3459 specified amount.

3460 (13) Require licensees and employees of licensees to
3461 have visible on their person a photo identification card
3462 issued by the board at all times when providing licensed
3463 services.

3464 (14) Adopt canons of ethics under which the regulated
3465 professional activities of individuals and business entities
3466 shall be conducted.

3467 ~~(15) Employ or contract for necessary personnel,~~
3468 ~~including an executive director, and provide necessary~~
3469 ~~offices, supplies, and equipment to fulfill the requirements~~
3470 ~~of this chapter.~~

3471 ~~(16)~~ (15) Delegate board powers and duties by resolution



SB224 INTRODUCED

3472 to ~~a named designee~~ the executive director.

3473 ~~(17) Enter into contracts and expend funds of the board~~
3474 ~~to fulfill the requirements of this chapter.~~

3475 ~~(18) Borrow money for the initial start-up operation of~~
3476 ~~the board until sufficient receipts are paid into the special~~
3477 ~~revenue trust fund specified in Section 34-1A-9.~~

3478 ~~(19)~~ (16) Work with the Office of the Attorney General
3479 and other law enforcement agencies to prohibit any violation
3480 of this chapter.

3481 ~~(20)~~ (17) Establish volunteer procedures for those
3482 individuals or business entities that are exempt from this
3483 chapter.

3484 ~~(21)~~ (18) Conduct inspections relating to the operations
3485 of unlicensed individuals, firms, or corporations to include
3486 the solicitation, installation, servicing, monitoring of
3487 burglar alarm systems, locking systems, or mechanisms, the
3488 holding of privacy codes for burglar alarm systems of a
3489 customer, or the selling, installation, or servicing of access
3490 control systems or CCTV to or for a customer to ensure lawful
3491 compliance with this chapter.

3492 ~~(22)~~ (19) Issue a cease and desist order to any
3493 unlicensed individual, company, corporation, firm, or business
3494 entity engaged in any activity, conduct, or practice
3495 constituting a violation of this chapter or rule adopted by
3496 the board pursuant to this chapter."

3497 "§34-1A-5

3498 (a) The board shall issue licenses authorized by this
3499 chapter to all qualified individuals in accordance with rules



SB224 INTRODUCED

3500 adopted by the board.

3501 (b) ~~(1) Effective beginning January 1, 2014, the license~~
3502 ~~fee for a two-year period as set by the board shall not exceed~~
3503 ~~three hundred dollars (\$300) for an individual and one~~
3504 ~~thousand five hundred dollars (\$1,500) for a business entity.~~

3505 ~~(2) Effective for the license year beginning January 1,~~
3506 ~~2014, and thereafter, the board may provide for the licenses~~
3507 ~~to be renewed on a staggered basis as determined by rule of~~
3508 ~~the board and, in order to stagger the license renewals, may~~
3509 ~~issue the license for less than a two-year period. The amount~~
3510 ~~of the license fees provided in subdivision (1) shall be~~
3511 ~~prorated by the board on a monthly basis for the number of~~
3512 ~~months the board issues the licenses in order to convert to~~
3513 ~~any staggered system of renewals.~~

3514 ~~(c)~~ The license shall not be transferred or assigned
3515 and is valid only with respect to the person to whom it is
3516 issued.

3517 ~~(d)~~ (c) (1) No license shall be granted if the applicant
3518 has had any prior business license revoked for fraud,
3519 misrepresentation, or any other act that would constitute a
3520 violation of this chapter.

3521 (2)a. An applicant shall not be refused a license
3522 solely because of a prior criminal conviction, unless the
3523 criminal conviction directly relates to the occupation or
3524 profession for which the license is sought. The board may
3525 refuse a license if, based on all the information available,
3526 including the applicant's record of prior convictions, the
3527 board finds that the applicant is unfit or unsuited to engage



SB224 INTRODUCED

3528 in the business.

3529 b. The board may consult with appropriate state or
3530 federal law enforcement authorities to verify whether an
3531 applicant has a criminal record prior to granting any license
3532 and, as an aid to this duty, each applicant may be required to
3533 provide his or her fingerprints and complete an affidavit of
3534 his or her criminal record, if any, as a part of the
3535 application. The board may periodically consult with state and
3536 federal law enforcement officials to determine whether current
3537 licensees have new criminal convictions. The ~~administrative or~~
3538 ~~management staff~~ executive director of the board may also
3539 consult with state or federal law enforcement authorities to
3540 determine if a current or potential employee has a criminal
3541 conviction. Dissemination of criminal history record
3542 information shall be handled in accordance with the rules and
3543 procedures of the Alabama State Law Enforcement Agency or the
3544 Federal Bureau of Investigation, as applicable.

3545 ~~(e) (d) Any license granted pursuant to this chapter~~
3546 ~~shall be issued for a two-year period, but may be staggered~~
3547 ~~for renewal as otherwise provided.~~ Any license shall expire on
3548 a schedule established by rule of the ~~board~~ executive
3549 director, unless it is renewed pursuant to rules adopted by
3550 the ~~board~~ executive director or unless it is suspended or
3551 revoked.

3552 ~~(f) (e)~~ An affirmative vote of a majority of board
3553 members shall be required before any action to suspend or
3554 revoke a license, to impose a sanction on a licensee, or to
3555 levy an administrative fine. A board member shall disqualify



SB224 INTRODUCED

3556 himself or herself and withdraw from any case in which he or
3557 she cannot accord fair and impartial consideration.

3558 ~~(g)~~ (f) A nonresident of this state may be licensed by
3559 meeting one of the following requirements:

3560 (1) Conforming to this chapter and the rules of the
3561 board.

3562 (2) Holding a valid license in another state with which
3563 reciprocity has been established by the board.

3564 ~~(h)~~ (g) A licensee shall display the license at its
3565 normal place of business and in a manner easily readable by
3566 the general public.

3567 ~~(i)~~ (h) A notice shall be displayed prominently in the
3568 place of business of each licensee regulated pursuant to this
3569 chapter containing the name, mailing address, and telephone
3570 number of the board, and a statement informing consumers that
3571 complaints against licensees may be directed to the board.

3572 ~~(j)~~ (i) An individual, company, corporation, firm,
3573 business, or trademarked entity shall be licensed by the name
3574 advertised. The license number of a licensee or an Internet
3575 address where licensing information can be found shall be
3576 displayed in all advertising, including in social media or
3577 Internet advertising, or on any vehicle displaying advertising
3578 information, as provided by rule of the board.

3579 ~~(k)~~ (j) The board shall prepare information of consumer
3580 interest describing the regulatory functions and describing
3581 the procedures of the board by which consumer complaints shall
3582 be filed with and resolved by the board. The board shall make
3583 the information available to the general public and



SB224 INTRODUCED

3584 appropriate state agencies. The board shall provide, upon
3585 request, a listing of all licensees. The board may collect a
3586 fee for the cost of duplicating and mailing materials.

3587 ~~(j)~~ (k) Each written contract for services in the state
3588 of a licensee shall contain the name, mailing address, and
3589 telephone number of the board and a statement informing
3590 consumers that complaints against licensees may be directed to
3591 the board.

3592 ~~(m)~~ (l) Notice of the issuance, revocation,
3593 reinstatement, or expiration of every license issued by the
3594 board shall be furnished to the sheriff of the county and the
3595 chief of police, as appropriate, and the inspection department
3596 of the city where the principal place of business of a
3597 licensee is located.

3598 ~~(n)~~ (m) Information contained in alarm system records
3599 held by the board concerning the location of an alarm system,
3600 the name of the occupant residing at the alarm system
3601 location, or the type of alarm system used shall be
3602 confidential and disclosed only to the board or as otherwise
3603 required by law.

3604 ~~(o)~~ (n) A licensee, upon completing an installation,
3605 shall provide a paper copy or electronic copy of all contracts
3606 to the consumer, or his or her designee.

3607 ~~(p)~~ (o) To be eligible for a qualifying agent license,
3608 an individual applicant shall serve in a management and
3609 supervisory position with a company for not less than 33 hours
3610 per week. A qualifying agent may be subject to disciplinary
3611 action for the actions of individuals employed under his or



SB224 INTRODUCED

3612 her supervision. With the exception of a company that only
3613 performs monitoring work, each licensed company, corporation,
3614 firm, and business entity is required to have at least one
3615 licensed employee designated as a qualifying agent.

3616 "§34-1A-9

3617 ~~A separate special revenue trust fund in the State~~
3618 ~~Treasury to be known as the Alabama Electronic Security Board~~
3619 ~~of Licensure Fund is established.~~ All receipts collected by
3620 the board under this chapter are to be deposited into ~~this~~
3621 ~~fund and shall be used only to carry out the provisions of~~
3622 ~~this chapter. The receipts shall be disbursed only by warrant~~
3623 ~~of the state Comptroller upon the State Treasury, upon~~
3624 ~~itemized vouchers approved by the chair of the board. No funds~~
3625 ~~shall be withdrawn or expended except as budgeted and allotted~~
3626 ~~according to Sections 41-4-80 to 41-4-96, inclusive, and~~
3627 ~~41-19-1 to 41-19-12, inclusive, and only in amounts as~~
3628 ~~stipulated in the general appropriations bill or other~~
3629 ~~appropriations bills~~ the Occupational and Professional
3630 Licensing Fund."

3631 Section 11. Relating to the State Board of Genetic
3632 Counseling; to amend Sections 34-13A-2, 34-13A-3, 34-13A-4,
3633 34-13A-5, 34-13A-7, and 34-13A-10 of the Code of Alabama 1975,
3634 as follows:

3635 "§34-13A-2

3636 For the purposes of this chapter, the following terms
3637 shall have the following meanings:

3638 (1) ABGC. The American Board of Genetic Counseling, or
3639 its successor or equivalent.



SB224 INTRODUCED

3640 (2) ABMGG. The American Board of Medical Genetics and
3641 Genomics, or its successor or equivalent.

3642 (3) ACGC. The Accreditation Council for Genetic
3643 Counseling, or its successor or equivalent.

3644 (4) BOARD. The Alabama Board of Genetic Counseling.

3645 (5) EXAMINATION FOR LICENSURE. The ABGC or ABMGG
3646 certification examination, or the examination provided by a
3647 successor entity to the ABGC or ABMGG, to test the competence
3648 and qualifications of applicants to practice genetic
3649 counseling.

3650 (6) EXECUTIVE DIRECTOR. The Executive Director of the
3651 Office of Occupational and Professional Licensing as defined
3652 in Section 25-2B-1.

3653 ~~(6)~~ (7) GENETIC COUNSELING. The provision of services by
3654 a genetic counselor to do any of the following:

3655 a. Obtain and evaluate individual, family, and medical
3656 histories to determine genetic risk for genetic or medical
3657 conditions and diseases in a patient, his or her offspring, or
3658 other family members.

3659 b. Discuss the features, natural history, means of
3660 diagnosis, genetic and environmental factors, and management
3661 of risk for genetic or medical conditions and diseases.

3662 c. Identify, recommend, and coordinate genetic tests
3663 and other genetic related diagnostic studies as appropriate
3664 for the genetic assessment consistent with practice-based
3665 competencies provided by the ACGC.

3666 d. Integrate genetic test results and other
3667 genetic-related diagnostic studies with personal and family



SB224 INTRODUCED

3668 medical history to assess and communicate risk factors for
3669 genetic or medical conditions and diseases.

3670 e. Explain the clinical implications of genetic tests
3671 and other genetic-related diagnostic studies and their
3672 results.

3673 f. Evaluate the responses of the client or family to
3674 the condition or risk of recurrence and provide
3675 client-centered counseling and anticipatory guidance.

3676 g. Identify and utilize community resources that
3677 provide medical, educational, financial, and psychosocial
3678 support and advocacy.

3679 h. Provide written documentation of medical, genetic,
3680 and counseling information for families and health care
3681 professionals.

3682 ~~(7)~~ (8) GENETIC COUNSELING INTERN. A student enrolled in
3683 a genetic counseling program accredited by the ACGC or ABMGG.

3684 ~~(8)~~ (9) GENETIC COUNSELOR. An individual licensed by the
3685 board to engage in the practice of genetic counseling.

3686 ~~(9)~~ (10) GENETIC TEST or GENOMIC TEST.

3687 a. A test or analysis of human genes, gene products,
3688 Deoxyribonucleic acid, Ribonucleic acid, chromosomes,
3689 proteins, or metabolites that does any of the following:

3690 1. Detects genotypes, mutations, chromosomal changes,
3691 abnormalities, or deficiencies, including carrier status, that
3692 are linked to physical or mental disorders or impairments.

3693 2. Indicates a susceptibility to illness, disease,
3694 impairment, or other disorders, whether physical or mental.

3695 3. Demonstrates genetic or chromosomal damage due to



SB224 INTRODUCED

3696 environmental factors.

3697 b. The terms genetic test and genomic test do not
3698 include any of the following:

3699 1. Routine physical measurements.

3700 2. Chemical, blood, and urine analyses that are widely
3701 accepted and in use in clinical practice.

3702 3. Tests for the use of drugs.

3703 4. Tests for the presence of a pathogen.

3704 5. Analyses of proteins or metabolites that do not
3705 detect genotypes, mutations, chromosomal changes,
3706 abnormalities, or deficiencies.

3707 6. Analyses of proteins or metabolites that are
3708 directly related to a manifested disease, disorder, or
3709 pathological condition that could reasonably be detected by a
3710 health care professional with appropriate training and
3711 expertise in the field of medicine involved.

3712 ~~(10)~~ (11) NSGC. The National Society of Genetic
3713 Counselors, or its successor or equivalent.

3714 ~~(11)~~ (12) QUALIFIED SUPERVISOR. Any individual licensed
3715 as a genetic counselor, a physician licensed to practice
3716 medicine or osteopathy in this state, or an individual
3717 certified in molecular genetic pathology by the American Board
3718 of Pathology and the ABMGG.

3719 ~~(12)~~ (13) SUPERVISION. The overall responsibility of a
3720 qualified supervisor to assess the work of a genetic counselor
3721 with a temporary license, including regular meetings and chart
3722 review, if an annual supervision contract signed by the
3723 supervisor and the temporarily licensed genetic counselor is



SB224 INTRODUCED

3724 on file with both parties. The presence of a qualified
3725 supervisor is not required during the performance of the
3726 genetic counseling service."

3727 "§34-13A-3

3728 (a) The State Board of Genetic Counseling is created to
3729 implement and administer this chapter. Commencing on October
3730 1, 2025, the board shall be subject to the leadership,
3731 support, and oversight of the Executive Director of the Office
3732 of Occupational and Professional Licensing pursuant to Chapter
3733 2B of Title 25.

3734 (b) The membership of the board shall consist of all of
3735 the following:

3736 (1) One individual appointed by the Department of
3737 Genetics at the University of Alabama at Birmingham.

3738 (2) Four individuals who practice genetic counseling in
3739 Alabama and who hold a master's degree or doctoral degree in
3740 genetic counseling from an ACGC or ABMGG accredited training
3741 program, or an equivalent program approved by the ACGC or the
3742 ABMGG, appointed by the Governor.

3743 (3) One physician appointed by the Medical Association
3744 of the State of Alabama.

3745 (4) One physician appointed by the State Board of
3746 Medical Examiners.

3747 (5) One physician who specializes in pediatric genetics
3748 appointed by the Lieutenant Governor.

3749 (6) One physician appointed by the Speaker of the House
3750 of Representatives.

3751 (c) Board members appointed by the Governor shall serve



SB224 INTRODUCED

3752 for terms of two years and, upon the expiration of a term, may
3753 continue to serve until replaced or reappointed. All other
3754 board members shall serve until they are replaced by their
3755 respective appointing authority.

3756 (d) The board shall annually elect from its membership
3757 a chair, a vice chair, and a secretary.

3758 (e) The appointing authorities shall coordinate their
3759 appointments to assure the board membership is inclusive and
3760 reflects the racial, gender, geographic, urban, rural, and
3761 economic diversity of this state.

3762 (f) Unless acting unreasonably or in bad faith, no
3763 member of the board shall be civilly liable for acting within
3764 the scope of his or her duties as a board member.

3765 ~~(g) Members of the board shall serve without~~
3766 ~~compensation but, to the extent funds are available, may~~
3767 ~~receive the same per diem and travel allowance as state~~
3768 ~~employees.~~

3769 ~~(h) (1) Except as provided in subdivision (2), members~~
3770 ~~of the board may participate in a regular meeting of the board~~
3771 ~~by means of telephone conference, video conference, or similar~~
3772 ~~communications equipment pursuant to the Alabama Open Meetings~~
3773 ~~Act, Chapter 25A of Title 36.~~

3774 ~~(2) Members of the board may only participate in a~~
3775 ~~meeting of the board relating to a disciplinary action in~~
3776 ~~person."~~

3777 "§34-13A-4

3778 (a) The board may issue a license to practice genetic
3779 counseling to any individual who satisfies all of the



SB224 INTRODUCED

3780 following qualifications:

3781 (1) Is at least 21 years of age.

3782 (2) Has applied in writing to the board in a form and
3783 substance that is satisfactory to the board.

3784 (3) Has not engaged in conduct or activities that would
3785 constitute grounds for discipline under this chapter.

3786 (4) Has successfully completed either of the following:

3787 a. A master's degree in genetic counseling from an ACGC
3788 or ABMGG accredited training program, or an equivalent program
3789 approved by the ACGC or the ABMGG.

3790 b. A doctoral degree and an ABMGG accredited medical
3791 genetics training program, or an equivalent program approved
3792 by the ABMGG.

3793 (5) Has successfully completed an examination for
3794 licensure, as approved by the board.

3795 (6) Has paid fees established by board rule.

3796 (7) Has satisfied the requirements for certification
3797 established by the ABGC or its successor, or the ABMGG or its
3798 successor, if required by board rule.

3799 (8) Has satisfied any additional requirements for
3800 licensure established by board rule.

3801 (b) The ~~board~~ executive director may issue a temporary
3802 license to practice genetic counseling to any individual who
3803 has made application ~~to the board~~, has submitted evidence ~~to~~
3804 ~~the board~~ of admission to examination for licensure, and has
3805 satisfied all other requirements or conditions for licensure
3806 as provided in this section and by board rule, except for the
3807 examination requirement. A temporary license shall be valid



SB224 INTRODUCED

3808 for no more than one year. The holder of a temporary license
3809 shall practice only under the supervision of a qualified
3810 supervisor. Nothing in this subsection shall prohibit an
3811 applicant from reapplying for a temporary license if he or she
3812 otherwise satisfies the qualifications of this subsection."

3813 "§34-13A-5

3814 (a) A license issued by the board pursuant to this
3815 chapter shall be valid for ~~no more than two years, unless~~
3816 ~~otherwise specified by this chapter or board rule~~ a term
3817 prescribed by the executive director, and shall be renewable
3818 on a renewal date established by ~~board rule~~ the executive
3819 director.

3820 (b) An individual who holds an expired license, or a
3821 license on inactive status, may have the license restored by
3822 doing all of the following:

3823 (1) Making application to the board.

3824 (2) Submitting proof acceptable to the board of his or
3825 her fitness to have the license restored including, but not
3826 limited to, sworn evidence certifying his or her active
3827 practice in another jurisdiction that is satisfactory to the
3828 board.

3829 (3) Paying the required restoration fees as established
3830 by ~~board rule~~ the executive director.

3831 (c) If an individual has not maintained an active
3832 practice in another jurisdiction that is satisfactory to the
3833 board pursuant to subdivision (2) of subsection (b), the
3834 board, pursuant to an evaluation program established by rule,
3835 shall determine the fitness of an individual to resume active



SB224 INTRODUCED

3836 status and may require the individual to complete a period of
3837 evaluated clinical experience and successful completion of an
3838 examination for licensure.

3839 (d) A licensee may elect to place his or her license on
3840 inactive status by notifying the board, in writing, on a form
3841 prescribed by board rule. An inactive licensee may not
3842 practice genetic counseling in this state and shall be excused
3843 from the payment of renewal fees until he or she notifies the
3844 board of his or her desire to resume active status. An
3845 individual requesting restoration to active status shall pay
3846 the current renewal fee and shall satisfy the requirements of
3847 subsection (b)."

3848 "§34-13A-7

3849 The board may do all of the following:

3850 (1) Determine the qualifications and fitness of
3851 applicants for licensure and renewal of licensure.

3852 (2) Consistent with the laws of this state, adopt and
3853 revise rules as necessary to conduct its business, carry out
3854 its duties, and administer this chapter.

3855 (3) Examine for, approve, issue, deny, revoke, suspend,
3856 sanction, and renew the license of any applicant or genetic
3857 counselor, as applicable, pursuant to this chapter and conduct
3858 hearings in connection with those actions.

3859 (4) Conduct hearings on complaints concerning
3860 violations of this chapter, and any rule adopted pursuant to
3861 this chapter, and cause the prosecution and enjoinder of any
3862 violation.

3863 ~~(5) Establish licensure, application, examination,~~



SB224 INTRODUCED

3864 ~~certification, and other administrative fees as necessary.~~

3865 ~~(6)~~ (5) Establish continuing education requirements.

3866 ~~(7)~~ (6) Impose administrative fines, not to exceed one
3867 thousand dollars (\$1,000) per violation, for a violation of
3868 this chapter, a board rule, or a condition of a license.

3869 ~~(8)~~ (7) Accept grants from foundations, individuals, and
3870 institutions ~~to further the purposes of the board.~~

3871 ~~(9) To the extent funding is available, employ a~~
3872 ~~director and additional staff as necessary for the proper~~
3873 ~~performance of the duties of the board."~~

3874 "§34-13A-10

3875 ~~There is established in the State Treasury a separate~~
3876 ~~special revenue trust fund known as the Genetic Counseling~~
3877 ~~Fund.~~ All receipts collected by the board pursuant to this
3878 chapter shall be deposited into the ~~fund and shall be used~~
3879 ~~only to implement this chapter. The receipts shall be~~
3880 ~~disbursed only by warrant of the Comptroller upon the State~~
3881 ~~Treasury, upon itemized vouchers approved by the executive~~
3882 ~~director, or the board if no executive director is employed~~
3883 Occupational and Professional Licensing Fund. The board may
3884 make grants and otherwise arrange with qualified individuals,
3885 institutions, or agencies to develop and promote genetic
3886 counseling programs and continuing education programs for
3887 licensees. ~~No funds may be withdrawn or expended except as~~
3888 ~~budgeted and allotted according to Sections 41-4-80 to~~
3889 ~~41-4-96, inclusive, and Sections 41-19-1 to 41-19-12,~~
3890 ~~inclusive, and only in amounts as stipulated in the general~~
3891 ~~appropriations bill or other appropriations bills."~~



SB224 INTRODUCED

3892 Section 12. Relating to the Alabama Board of Licensure
3893 for Professional Geologists; to amend Sections 34-41-3,
3894 34-41-4, 34-41-5, 34-41-6, 34-41-9, 34-41-11, 34-41-12,
3895 34-41-14, 34-41-15, 34-41-16, and 31-41-17 of the Code of
3896 Alabama 1975, to read as follows:

3897 "§34-41-3

3898 When used in this chapter, the following words have the
3899 following meanings:

3900 (1) BOARD. The Alabama Board of Licensure for
3901 Professional Geologists.

3902 (2) EXECUTIVE DIRECTOR. The Executive Director of the
3903 Office of Occupational and Professional Licensing as defined
3904 in Section 25-2B-1.

3905 ~~(2)~~ (3) GEOLOGIST. A person who holds a degree in the
3906 geological sciences from an accredited college or university.

3907 ~~(3)~~ (4) GEOLOGIST-IN-TRAINING. A person who holds a
3908 degree in the geological sciences from an accredited college
3909 or university and who has successfully passed the part of the
3910 professional examination covering fundamental or academic
3911 geological subjects.

3912 ~~(4)~~ (5) GEOLOGY. The science dealing with the earth and
3913 its history; its constituent rocks, minerals, liquids, gases,
3914 and other materials of which it is composed, and the study of
3915 the processes responsible for the development and change in
3916 the component parts of the earth, for the benefit of mankind.

3917 ~~(5)~~ (6) GOOD MORAL CHARACTER. Character that tends to
3918 ensure the faithful discharge of the professional duties of
3919 the licensed professional geologist based on truth and



SB224 INTRODUCED

3920 adherence to ethical principles.

3921 ~~(6)~~ (7) LICENSE. A certificate issued by the board
3922 recognizing the individual named in this certificate as
3923 meeting the requirements for licensing under this chapter.

3924 ~~(7)~~ (8) LICENSED PROFESSIONAL GEOLOGIST. A person who
3925 holds a license as a professional geologist under this
3926 chapter.

3927 ~~(8)~~ (9) PUBLIC PRACTICE OF GEOLOGY. The performance of
3928 geological service or work, including, but not limited to,
3929 consultation, geological investigation, surveys, evaluations,
3930 planning, mapping, or review of geological work related to the
3931 public practice of geology, or both, in which the performance
3932 is related to the public welfare or safeguarding of life,
3933 health, property, and the environment except as otherwise
3934 specifically provided by this chapter. A person publicly
3935 practices or offers to publicly practice geology if the person
3936 does any of the following:

3937 a. Offers to or provides geological work or services to
3938 the public in any branch of the profession of geology.

3939 b. Represents himself or herself to be a licensed
3940 professional geologist by verbal claim, sign, advertisement,
3941 letterhead, card, or in another way.

3942 c. Implies that he or she is a licensed professional
3943 geologist or that he or she is registered under this chapter
3944 through the use of some other title.

3945 d. Holds himself or herself out as one who performs or
3946 is able to perform any geological services or work recognized
3947 by the board as the public practice of geology.



SB224 INTRODUCED

3948 This definition shall not be construed to regulate or
3949 interfere with the legitimate practice of any licensed
3950 professional, other than geologists.

3951 ~~(9)~~ (10) RESPONSIBLE CHARGE OF WORK. The independent
3952 control and direction by the use of initiative, skill, and
3953 independent judgment of geological work or the supervision of
3954 such work.

3955 ~~(10)~~ (11) SPECIALTY. A branch of geology which is
3956 recognized as a subdiscipline for purposes of certification
3957 after registration as a licensed professional geologist.

3958 ~~(11)~~ (12) SUBORDINATE. A person who assists a licensed
3959 professional geologist in the public practice of geology
3960 without assuming the responsible charge of work and who is
3961 under the direction and supervision of a licensed professional
3962 geologist.

3963 ~~(12)~~ (13) UNPROFESSIONAL CONDUCT. The practice of
3964 geology by a licensed professional geologist who willfully
3965 performs any act, causes omissions, or makes any assertions or
3966 representations which are fraudulent, deceitful, or
3967 misleading, or which in any manner whatsoever discredits or
3968 tends to discredit the profession of geology."

3969 "§34-41-4

3970 (a) There is created the Alabama Board of Licensure for
3971 Professional Geologists which shall administer and enforce
3972 this chapter. Commencing on October 1, 2025, the board shall
3973 be subject to the leadership, support, and oversight of the
3974 Executive Director of the Office of Occupational and
3975 Professional Licensing pursuant to Chapter 2B of Title 25.



SB224 INTRODUCED

3976 (b) The board shall consist of seven members appointed
3977 by the Governor from a list of nominees submitted by the
3978 board, or any entity designated by the board. Members of the
3979 board, except for the initial board, shall be licensed
3980 professional geologists. Whenever possible the membership of
3981 the board shall be inclusive and reflect the racial, gender,
3982 geographic, urban/rural, and economic diversity of the state.

3983 (c) Each member of the board shall be a citizen of the
3984 United States, a resident of the State of Alabama for at least
3985 five years immediately preceding appointment, reside in the
3986 state during the term of office, and be at least 25 years of
3987 age.

3988 (d) All members of the initial board shall be appointed
3989 by the Governor from a list of nominees who shall at the time
3990 of their appointment qualify for licensing under this chapter
3991 and become duly licensed during their term. Membership of the
3992 board shall include at least one representative member from
3993 each of the following professional subgroups of geologists:
3994 Faculty of the departments of geology at colleges and
3995 universities in the State of Alabama that grant degrees in the
3996 geological sciences; governmental agencies employing
3997 geologists; businesses, exclusive of those exempted herein;
3998 mining industry; petroleum industry; geotechnical and/or
3999 environmental engineering firms; and independent geological
4000 consultants.

4001 (e) After the establishment of the initial board, all
4002 members of the board shall be licensed under this chapter. The
4003 term of office of each member of the board shall be three



SB224 INTRODUCED

4004 years. Notwithstanding the foregoing, of the first members
4005 appointed, two shall be appointed for a term of one year, two
4006 for terms of two years, and three for terms of three years. No
4007 member shall serve more than two consecutive three-year terms,
4008 without interruption in service of at least three years.

4009 (f) Each term on the board shall expire on September 30
4010 of the year in which the term expires. When the term of a
4011 member expires, the Governor shall appoint a new member or
4012 reappoint the current member for a full term under subsections
4013 (d) and (e). If a vacancy occurs, within 90 days of the
4014 vacancy the Governor shall appoint a replacement to fill the
4015 vacancy for the remainder of the unexpired term. Except for
4016 the members of the initial board, all appointments and
4017 reappointments to the board shall be made by the Governor from
4018 a list of nominees submitted by the board, or any entity
4019 designated by the board. In appointing members to the board,
4020 the Governor shall strive to achieve diversity in race,
4021 gender, geography, residence, and economic condition.

4022 (g) The Governor may remove a member of the board only
4023 for neglect of duty, an unexcused failure to attend more than
4024 one of the regularly scheduled meetings held in a calendar
4025 year during the term in office of the member, malfeasance,
4026 violation of this chapter, or conviction of a felony or other
4027 crime of moral turpitude.

4028 ~~(h) Members of the board shall receive reimbursement~~
4029 ~~for expenses incurred in the performance of duties of one~~
4030 ~~hundred dollars (\$100) per day plus mileage payable at the~~
4031 ~~same rate as paid for state officers and employees for each~~



SB224 INTRODUCED

4032 ~~day of actual attendance at a regular or special meeting of~~
4033 ~~the board.~~

4034 ~~(i) The board may employ the necessary personnel for~~
4035 ~~performance of its functions and fix their compensation. (h)~~

4036 The board may appoint committees to aid in the performance of
4037 its functions."

4038 "§34-41-5

4039 (a) The board shall elect from its membership a chair,
4040 a vice chair, and a secretary-treasurer. The board shall adopt
4041 rules to govern its proceedings. A majority of the appointed
4042 membership of the board shall constitute a quorum for all
4043 meetings.

4044 (b) The board shall, by regulation, adopt an
4045 administrative code and a code of professional conduct, which
4046 shall be published by the board and distributed to every
4047 applicant for licensing and to every licensee under this
4048 chapter. The publication shall constitute due notice to all
4049 applicants and licensees. The board shall solicit comments
4050 from the profession at large concerning these codes and may
4051 revise and amend the codes.

4052 (c) The ~~board~~ executive director shall have the
4053 authority to prepare, and administer, ~~and grade~~ oral or
4054 written examinations, or both, as required or permitted by
4055 this chapter to test an applicant's academic preparation and
4056 ability to apply such training to the public practice of
4057 geology. The board, or the executive director at the
4058 discretion of the board, may take any actions necessary to
4059 ~~prepare, administer, and~~ grade the examinations, and to



SB224 INTRODUCED

4060 determine whether the qualifications of an applicant for
4061 licensing meet the minimum standards set forth in this
4062 chapter, ~~and to issue a license to each successful applicant.~~
4063 The board shall have the authority to adopt or recognize, in
4064 part or in whole, examinations prepared, administered, or
4065 graded by other organizations, on a regional or national
4066 basis, which the board determines are appropriate to measure
4067 the qualifications of an applicant for licensing as a
4068 professional geologist or in any specialty of geology. The
4069 examination questions, correct answers, and any individual
4070 applicant's completed examination shall be available to the
4071 board. The board shall retain the authority to determine a
4072 passing grade for purposes of registration as a professional
4073 geologist in this state.

4074 (d) The board shall consider all applications for
4075 licensing as a professional geologist or certification in any
4076 specialty thereof recognized by the board pursuant to this
4077 chapter and issue licenses as provided in this chapter. The
4078 board shall adopt a seal which shall be affixed to all
4079 licenses issued by the board.

4080 ~~(e) The board may authorize necessary expenditures to~~
4081 ~~implement this chapter from the fees which it collects. The~~
4082 ~~expenditures shall not exceed the revenues of the board during~~
4083 ~~any fiscal year.~~

4084 ~~(f)~~ (e) The board ~~shall meet within 30 days after a~~
4085 ~~quorum of its first members is appointed, and thereafter~~ shall
4086 hold at least three regular meetings each year. The board may
4087 provide for additional special meetings including hearings,



SB224 INTRODUCED

4088 extra working days for applications review, and examination
4089 proctoring. Minutes of each meeting of the board, recording
4090 the members present and the business taken, shall be signed
4091 and kept by the secretary-treasurer or an assistant secretary
4092 appointed by the board or the executive director.

4093 ~~(g)~~ (f) The ~~board~~ executive director shall establish and
4094 receive reasonable and necessary fees to be charged to the
4095 applicants and registrants ~~to support the administration and~~
4096 ~~enforcement of this chapter. The secretary-treasurer shall~~
4097 ~~prepare, certify, and file an annual report of all the~~
4098 ~~receipts, expenditures, and fund balances with the state~~
4099 ~~Comptroller.~~

4100 ~~(h)~~ (g) The board shall approve licensing through comity
4101 for any individual already licensed as a professional
4102 geologist or the equivalent in any other state, territory, or
4103 possession of the United States, or the District of Columbia,
4104 if the license is current and, in the opinion of the board,
4105 the license was issued in compliance with licensing
4106 requirements that are substantially the same as, or more
4107 stringent than, those established pursuant to this chapter.
4108 The board may require additional proof of experience, if
4109 desired.

4110 ~~(i)~~ (h) The ~~board~~ executive director shall renew
4111 certificates and reissue certificates as provided in this
4112 chapter. As a condition of reissuance or renewal, the board
4113 shall have the authority to require, in general or in
4114 individual cases, evidence of continued competence in the
4115 practice of geology through means such as, but not limited to,



SB224 INTRODUCED

4116 the review of qualifications, experiences, and requirements
4117 for continuing professional education.

4118 ~~(j)~~ (i) Each ~~present and former~~ member of the board, ~~its~~
4119 ~~agents, employees,~~ and members of committees appointed by the
4120 board to assist the board in carrying out its duties and
4121 responsibilities, shall be exempt from civil liability for any
4122 act or omission occurring while acting in an official
4123 capacity. The Attorney General or his or her appointed
4124 designee shall, without assessing charges to the board for
4125 legal services, defend the board and each present and former
4126 member of the board, ~~its agents, employees,~~ and members of
4127 committees appointed by the board in any action arising from
4128 any act or omission. The Attorney General or his or her
4129 appointed designee shall act as legal advisor to the board.

4130 ~~(k)~~ (j) The board may investigate all reasonably
4131 documented complaints of violations of this chapter and of
4132 unprofessional conduct by licensed and nonlicensed geologists.
4133 The board shall have the authority to refuse issuance or
4134 renewal of a license or to suspend or revoke a license. The
4135 board may impose sanctions including restrictions on the
4136 practice of any registrant or of a person, firm, or
4137 corporation practicing under the limitations of this chapter,
4138 for violations of this chapter or the rules and regulations
4139 promulgated hereunder.

4140 ~~(l)~~ (k) The board shall have the power to administer
4141 oaths and affirmations and to issue subpoenas to compel the
4142 attendance of witnesses and the production of evidence, and
4143 shall have the authority to issue cease and desist orders and



SB224 INTRODUCED

4144 to seek injunctions against violations of this chapter or the
4145 rules and regulations promulgated hereunder, as provided
4146 herein.

4147 ~~(m)~~ (l) The board shall, ~~within one year of its~~
4148 ~~appointment,~~ establish between it and the Alabama State Board
4149 of Professional Engineers and Land Surveyors, a memorandum of
4150 understanding, containing guidelines for resolving
4151 jurisdictional concerns that may arise between registered
4152 engineers and registered geologists.

4153 ~~(n)~~ (m) The board shall have all other powers and
4154 authority consistent with this section, not enumerated herein,
4155 as are necessary for the administration and enforcement of
4156 this chapter."

4157 "§34-41-6

4158 ~~There is established a separate revenue trust fund in~~
4159 ~~the State Treasury to be known as the "Alabama Board of~~
4160 ~~Licensure for Professional Geologists Fund."~~ All receipts and
4161 disciplinary fines collected by the board under this chapter
4162 shall be deposited ~~in this fund and used only to implement~~
4163 ~~this chapter. Monies shall be disbursed by warrant of the~~
4164 ~~state Comptroller upon the State Treasury, upon itemized~~
4165 ~~vouchers approved by the chair of the board or an authorized~~
4166 ~~designee. No funds shall be withdrawn or expended except as~~
4167 ~~budgeted and allotted according to Sections 41-4-80 to~~
4168 ~~41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and~~
4169 ~~only in amounts as stipulated in the general appropriations~~
4170 ~~bill or other appropriation bills~~ into the Occupational and
4171 Professional Licensing Fund."



SB224 INTRODUCED

4172 "§34-41-9

4173 An application for licensing as a professional
4174 geologist or a geologist-in-training shall be made under oath
4175 and shall show: (1) the education of the applicant; (2) a
4176 detailed summary of his or her actual geological work
4177 experience; (3) a signed statement that the applicant has read
4178 and shall adhere to the code of professional conduct adopted
4179 by the board; and (4) not less than five references, three or
4180 more of whom shall be geologists having personal knowledge of
4181 the geologic experience of the applicant. The ~~board~~ executive
4182 director shall determine a reasonable application fee which
4183 shall accompany each application."

4184 "§34-41-11

4185 Annual examinations shall be formulated by the board
4186 and conducted ~~by the board~~ at a time and place the ~~board~~
4187 executive director shall determine. The ~~board~~ executive
4188 director shall by ~~regulation~~ rule establish the fee required
4189 for examination."

4190 "§34-41-12

4191 (a) Upon payment of a license fee the board shall issue
4192 a ~~biennial~~ license to any applicant who has satisfactorily met
4193 all the requirements of this chapter. Licenses shall show the
4194 full name of the licensee, give a serial number, and shall be
4195 signed by both the chair and secretary-treasurer of the board
4196 under the seal of the board. The issuance of a license by the
4197 board shall be prima facie evidence that the person named
4198 therein is entitled to all the rights and privileges of a
4199 licensed professional geologist while the license remains in



SB224 INTRODUCED

4200 full force and effect.

4201 (b) ~~Each license expires on a biennial basis or at~~
4202 ~~another interval determined by the board unless the license is~~
4203 ~~renewed.~~ The executive director shall prescribe the expiration
4204 date of each license issued by the board. An application for
4205 renewal shall be filed with the ~~board~~ executive director and
4206 shall be accompanied by the renewal fee prescribed by the
4207 ~~board~~ executive director. A license which has expired for
4208 failure to renew may be restored only after application and
4209 payment of the ~~prescribed~~ restoration fee prescribed by the
4210 executive director, provided the renewal applicant meets all
4211 other provisions established by the board.

4212 (c) An applicant for renewal of a license shall have
4213 satisfactorily maintained continuing education requirements as
4214 specified by the board.

4215 (d) A new license to replace any license lost,
4216 destroyed, or mutilated may be issued subject to the rules of
4217 the board and payment of a fee established by the ~~board~~
4218 executive director."

4219 "§34-41-14

4220 (a) Each geologist, upon the issuance of a license,
4221 shall obtain from the secretary-treasurer of the board or his
4222 or her designee, at a cost prescribed by the ~~board~~ executive
4223 director, a seal of the design authorized by the board bearing
4224 the name of the licensee and the legend "Licensed Professional
4225 Geologist - State of Alabama" together with the serial number
4226 of the licensee. A licensed professional geologist shall
4227 approve, sign, and affix his or her seal to all drawings,



SB224 INTRODUCED

4228 reports, or other geologic papers, or documents involving the
4229 public practice of geology which have been prepared by the
4230 licensed professional geologist or a subordinate employee
4231 under the direction of the licensed professional geologist for
4232 the use of, or for delivery to, any person or for public
4233 record within the State of Alabama.

4234 (b) A qualified nonresident geologist practicing
4235 geology in the State of Alabama under temporary approval of
4236 the board shall sign and impress with his or her authorized
4237 licensed seal all drawings, reports, or other geologic papers,
4238 or documents involving the public practice of geology which
4239 have been prepared by a licensed geologist or a subordinate
4240 employee under his or her direction for the use of, or for
4241 delivery to, any person or for public record within the State
4242 of Alabama."

4243 "§34-41-15

4244 (a) The ~~board~~ executive director shall keep a register
4245 of all applications for licensing. The register shall include:

- 4246 (1) The name, age, and address of each applicant.
4247 (2) The date of the application.
4248 (3) The place of business of the applicant.
4249 (4) The education of the applicant and other pertinent
4250 qualifications.
4251 (5) Whether an examination was required.
4252 (6) Whether the applicant was licensed in another
4253 state.
4254 (7) Whether the license was granted.
4255 (8) The dates of the actions by the board.



SB224 INTRODUCED

4256 (9) Any other information deemed necessary by the
4257 board.

4258 (b) All official records of the board or affidavits by
4259 the ~~secretary-treasurer of the board~~ executive director as to
4260 the content of such records shall be prima facie evidence of
4261 all matters required to be kept therein.

4262 (c) The board shall treat as confidential and not
4263 subject to disclosure, except to the extent required by law or
4264 by rule or regulation of the board, individual test scores and
4265 applications and material relating thereto, including letters
4266 of reference relating to an application."

4267 "§34-41-16

4268 The ~~secretary-treasurer of the board~~ executive director
4269 shall publish ~~biennially~~ periodically a roster showing the
4270 names, license numbers, places of business, and business and
4271 residence addresses of all professional geologists licensed in
4272 Alabama. Copies of this roster shall be made available to the
4273 public upon request and payment of a reasonable fee."

4274 "§34-41-17

4275 Any person may file written charges against any
4276 licensed professional geologist pursuant to rules and
4277 regulations adopted by the board. Charges or allegations shall
4278 be in writing and shall be sworn to by the person or persons
4279 making them and shall be filed with the ~~secretary-treasurer of~~
4280 ~~the board~~ executive director. The board shall investigate all
4281 valid complaints."

4282 Section 13. Relating to the Board of Home Medical
4283 Equipment; to amend Sections 34-14C-1, 34-14C-2, 34-14C-4,



SB224 INTRODUCED

4284 34-14C-4.1, 34-14C-6 and 34-14C-7 of the Code of Alabama 1975,
4285 to read as follows:

4286 "§34-14C-1

4287 As used in this chapter, the following terms shall have
4288 the following meanings:

4289 (1) BOARD. The Board of Home Medical Equipment as
4290 established by this chapter.

4291 (2) EXECUTIVE DIRECTOR. The Executive Director of the
4292 Office of Occupational and Professional Licensing as defined
4293 in Section 25-2B-1.

4294 ~~(2)~~ (3) HOME MEDICAL EQUIPMENT. Medical devices usable
4295 in a residential setting, as defined in regulations
4296 established by the board.

4297 ~~(3)~~ (4) HOME MEDICAL EQUIPMENT SERVICES. The
4298 advertisement, sale, rental, delivery, installation,
4299 maintenance, replacement of, or instruction in the use of
4300 medical equipment and related supplies used by a sick or
4301 disabled individual to allow that individual to obtain care or
4302 treatment and be maintained in a residential setting.

4303 ~~(4)~~ (5) HOME MEDICAL EQUIPMENT SERVICES PROVIDER. A
4304 corporation, other business entity, or person engaged in the
4305 business of providing home medical equipment services, either
4306 directly or through a contractual arrangement, to an unrelated
4307 sick or disabled individual in the residence of that
4308 individual."

4309 "§34-14C-2

4310 (a) (1) The Board of Home Medical Equipment is created.
4311 Commencing on October 1, 2025, the board shall be subject to



SB224 INTRODUCED

4312 the leadership, support, and oversight of the Executive
4313 Director of the Office of Occupational and Professional
4314 Licensing pursuant to Chapter 2B of Title 25.

4315 (2) The Governor shall appoint a minimum of nine
4316 persons to serve on the ~~Board of Home Medical Equipment~~ board,
4317 such persons to include a majority who are employed in the
4318 home medical equipment industry, and at least one person from
4319 each of the following categories: A consumer of home medical
4320 equipment services, a physician, a representative from the
4321 acute-care hospital community, and a representative from the
4322 home health agency community. Those persons employed in the
4323 home medical equipment industry shall be selected from a list
4324 submitted by the Alabama Durable Medical Equipment
4325 Association, or its successor. The consumer member shall be
4326 selected from a list of names submitted by the Governor's
4327 Office on Disability, or its successor. The physician member
4328 shall be selected from a list of names submitted by the
4329 Medical Association of Alabama, or its successor. The
4330 acute-care hospital community member shall be selected from a
4331 list submitted by the Alabama Hospital Association, or its
4332 successor. The home health agency community member shall be
4333 selected from a list of names submitted by the Home Care
4334 Association of Alabama, or its successor. All lists submitted
4335 for nominations shall include at least two names for each
4336 appointed position to be filled. Board members shall each be
4337 citizens of this state and shall have no record of sanctions
4338 related to fraud under federal or state law. The membership of
4339 the board shall be inclusive and reflect the racial, gender,



SB224 INTRODUCED

4340 geographic, urban/rural, and economic diversity of the state.

4341 (b) The initial members appointed to the board shall
4342 serve for terms of three to five years, with one-third of the
4343 board being replaced each year, beginning in year four.
4344 Thereafter, subsequent appointments shall be for a term of
4345 four years. No member shall serve more than two consecutive
4346 terms of office. An appointment shall end on October 1, four
4347 years from the date of the last term, and each member shall
4348 hold office until his or her successor is appointed by the
4349 Governor.

4350 ~~(c) Members of the board shall not be entitled to~~
4351 ~~compensation for service, but shall be reimbursed for~~
4352 ~~reasonable travel and meeting expenses, according to a budget~~
4353 ~~developed and approved by the board.~~

4354 ~~(d)~~ (c) The board shall have the responsibility for
4355 creating, establishing, maintaining, and enforcing regulations
4356 governing the operation of home medical equipment services
4357 providers, including the qualifications of inspectors, the
4358 nature of inspections, and the process for appeals.

4359 ~~(e)~~ (d) Whenever a vacancy occurs on the board due to
4360 the death or resignation of a currently appointed board
4361 member, or other like cause, the vacancy shall be filled by
4362 appointment by the Governor for the remainder of the unexpired
4363 term of the member, as provided under subsection (b). If a
4364 vacancy occurs among those members who are employed in the
4365 home medical equipment industry, the appointment shall be made
4366 from a list submitted by the Alabama Durable Medical Equipment
4367 Association or its successor.



SB224 INTRODUCED

4368 ~~(f)~~ (e) At the request of the board, the Governor may
4369 remove a member for failing to attend three consecutive and
4370 properly noticed meetings. The Governor may also remove a
4371 board member for any of the following reasons:

- 4372 (1) Misfeasance.
4373 (2) Malfeasance.
4374 (3) Neglect of duty.
4375 (4) Conviction of a felony.
4376 (5) Permanent inability to perform official duties.

4377 ~~(g) The board may hire personnel necessary to carry out~~
4378 ~~the provisions of this chapter. With the exception of the~~
4379 ~~executive director, all personnel shall be subject to the~~
4380 ~~provisions of the state Merit System Act.~~

4381 ~~(h)~~ (f) The board shall adopt a seal, which shall be
4382 affixed to all licenses issued by the board, and shall have
4383 all other powers necessary and proper for performing official
4384 duties.

4385 ~~(i)~~ (g) The ~~board~~ executive director may establish and
4386 charge reasonable fees relating to the administration and
4387 enforcement of this chapter including, but not limited to,
4388 application, processing, copying, mailing, filing, and other
4389 fees as necessary to offset costs.

4390 ~~(j)~~ (h) Absent negligence, recklessness, wantonness, or
4391 deliberate misconduct, members of the board are immune from
4392 liability for all good faith acts performed in the exercise of
4393 their duties as members of the board."

4394 "§34-14C-4

4395 (a) Except as otherwise provided in this chapter, a



SB224 INTRODUCED

4396 home medical equipment services provider shall be licensed
4397 ~~annually~~ by the board before the provider may engage in the
4398 provision of home medical equipment services. In Alabama, when
4399 a single business entity provides home medical equipment
4400 services from more than one location within the state, each
4401 such location shall be licensed. A provider of home medical
4402 equipment services that has a principal place of business
4403 outside this state shall maintain at least one physical
4404 location within this state, each of which shall be licensed.

4405 (b) A license applicant shall submit the application
4406 for licensing or renewal to the board on a form promulgated
4407 and required by the ~~board~~ executive director. Applicants shall
4408 pay a reasonable nonrefundable fee established by the ~~board~~
4409 executive director at the time the application is submitted.
4410 The ~~board shall have the authority to~~ executive director may
4411 set reasonable fees for applicants to obtain a license. Upon
4412 satisfaction of all applicable standards and requirements for
4413 licensure, the board shall issue a license certificate
4414 permitting the licensee to engage in providing home medical
4415 equipment services. The certificate shall be displayed
4416 prominently at each licensed location. No person, partnership,
4417 corporation, or other legal entity that is not otherwise
4418 exempted under this chapter shall provide home medical
4419 equipment services without first obtaining a license issued by
4420 the board.

4421 (c) Accreditation by the Joint Commission on
4422 Accreditation of Healthcare Organizations, the Community
4423 Health Accreditation Program, or other accrediting entities



SB224 INTRODUCED

4424 shall not be substituted for compliance with this chapter.

4425 ~~(d) Commencing on June 1, 2014, licenses issued~~
4426 ~~pursuant to this chapter shall expire on August 31 of the year~~
4427 ~~following issuance. A license may be renewed within the 60-day~~
4428 ~~period after August 31 upon payment of both the required fee~~
4429 ~~and a late fee as established by rule of the board. Any~~
4430 ~~license that is not renewed before the end of the 60-day grace~~
4431 ~~period shall lapse. A lapsed license may not be renewed unless~~
4432 ~~the holder reapplies and satisfies then current requirements~~
4433 ~~for initial licensure.~~

4434 ~~(e)~~ (d) License applicants who, upon initial inspection,
4435 are found not to comply with applicable licensing standards,
4436 shall be notified by the ~~board~~ executive director of the areas
4437 of noncompliance and shall be reinspected for compliance upon
4438 application and payment of a reasonable reinspection fee
4439 established by the ~~board of up to three hundred dollars (\$300)~~
4440 executive director.

4441 ~~(f)~~ (e) Except as provided in this chapter, the board
4442 may inspect all license applicants to determine compliance
4443 with the requirements of this chapter prior to the issuance of
4444 a license.

4445 ~~(g)~~ (f) The board may conduct random inspections upon
4446 application for renewal of a license, for cause, and as
4447 necessary to ensure the integrity and effectiveness of the
4448 licensing process.

4449 ~~(h)~~ (g) At any time upon the filing of a substantive,
4450 relevant complaint of a consumer of services or other
4451 qualified source as identified by the board, the board may



SB224 INTRODUCED

4452 inspect the operations of the provider to determine compliance
4453 with the requirements of this chapter.

4454 ~~(i)~~ (h) The board shall adopt and maintain standards for
4455 the individuals charged with conducting the inspections for
4456 the purpose of determining compliance with the requirements of
4457 this chapter. ~~Board employees or contractors may conduct~~
4458 ~~inspections.~~

4459 ~~(j)~~ (i) Upon notice of a failure to pass an inspection
4460 and obtain a license, a provider shall have 30 days to appeal
4461 the inspection results or be subject to penalties pursuant to
4462 Section 34-14C-6. Upon appeal, a provider shall have the right
4463 to an inspection review or a new inspection in accordance with
4464 procedures promulgated by the board."

4465 "§34-14C-4.1

4466 The ~~Board of Home Medical Equipment~~ executive director
4467 may establish by rule, and charge and collect, reasonable
4468 inspection fees pursuant to the Alabama Administrative
4469 Procedure Act."

4470 "§34-14C-6

4471 (a) The board may deny, suspend, or revoke a license as
4472 provided in this section.

4473 (b) A license may not be denied, suspended, or revoked
4474 except by majority vote of the board and with prior notice and
4475 opportunity for hearing in accordance with this chapter and
4476 the Alabama Administrative Procedure Act.

4477 (c) The board may institute a hearing for denial,
4478 suspension, or revocation of a license or any person may file
4479 a written complaint with the board seeking the denial,



SB224 INTRODUCED

4480 suspension, or revocation of an application for licensure or
4481 license issued by the board or the investigation of any
4482 unlicensed person or entity providing home medical equipment
4483 services. The complaint shall be in a form prescribed by the
4484 board.

4485 (d) A copy of the charges, including notice of the time
4486 and place of hearing, shall be served by certified mail,
4487 return receipt requested, at least 21 days before the
4488 scheduled hearing date to the most recent address of the
4489 applicant or licensee on file with the board, or to the last
4490 known address of any unlicensed person or entity providing
4491 home medical equipment services. If the notice and opportunity
4492 for hearing is refused or the return receipt has not been
4493 received by the board within 10 days before the scheduled
4494 hearing, the applicant, licensee, or unlicensed person or
4495 entity may be served by mailing the charges and notice by
4496 first class mail, at least seven days before the hearing date,
4497 to the most recent address on file with the board, or to the
4498 last known address of the unlicensed person or entity
4499 providing home medical equipment services.

4500 (e) The board may invoke disciplinary action as
4501 outlined in subsection (f) whenever it is established to the
4502 satisfaction of the board, after a hearing held in accordance
4503 with this chapter and the Alabama Administrative Procedure
4504 Act, that any person is guilty of any of the following acts:

4505 (1) Violation of this chapter or a rule of the board.

4506 (2) Making a material misrepresentation in furnishing
4507 information to the board.



SB224 INTRODUCED

4508 (3) Making a misrepresentation to obtain licensure or
4509 to otherwise violate this chapter.

4510 (4) Conviction of or entry of a plea of guilty or nolo
4511 contendere to any crime that is a felony under the laws of the
4512 United States, or any state or territory of the United States,
4513 or to any crime that is a misdemeanor, if an essential element
4514 of the crime is dishonesty or is directly related to providing
4515 home medical equipment services.

4516 (5) Gross negligence or gross misconduct in providing
4517 home medical equipment services.

4518 (6) Aiding, assisting, or willingly permitting another
4519 person to violate any provision of this chapter or rule of the
4520 board.

4521 (7) Failing, within 30 days, to provide information in
4522 response to a written request of the board.

4523 (8) Failing to cooperate with an inspection or with an
4524 investigation conducted by the board.

4525 (9) Engaging in dishonorable, unethical, or
4526 unprofessional conduct of a character likely to deceive,
4527 defraud, or harm the public.

4528 (10) Denial, revocation, suspension, or restriction of
4529 a license in another state or jurisdiction to provide home
4530 medical equipment services for a reason other than failure to
4531 renew the license.

4532 (11) Directly or indirectly giving to or receiving from
4533 any person, partnership, corporation, or other legal entity
4534 any fee, commission, rebate, or other form of compensation for
4535 services not actually or personally rendered.



SB224 INTRODUCED

4536 (12) A finding that a licensee on probationary status
4537 has violated the terms of the probation.

4538 (13) Willfully making or filing false records, reports,
4539 or billings in the course of providing home medical equipment
4540 services including, but not limited to, false records,
4541 reports, or billings filed with state or federal agencies or
4542 departments.

4543 (14) The use of any words, abbreviations, figures, or
4544 letters with the intention of indicating practice as a home
4545 medical equipment services provider without having first
4546 obtained a license from the board.

4547 (15) Failure to comply with state or federal laws and
4548 regulations concerning home medical equipment services
4549 providers.

4550 (16) Solicitation of home medical equipment services
4551 using false or misleading advertising.

4552 (17) Failure to display a license in accordance with
4553 this chapter.

4554 (18) Failure to report a change of name, address,
4555 control, ownership, or administration to the board within 30
4556 days after the date of change.

4557 (f) When the board finds any person guilty of any of
4558 the grounds set forth in subsection (e), the board may enter
4559 an order imposing one or more of the following penalties:

4560 (1) A letter of reprimand.

4561 (2) Imposition of probation for a period of time and
4562 subject to such conditions as may be prescribed by the board.

4563 (3) Denial of an application for an initial or renewal



SB224 INTRODUCED

4564 license.

4565 (4) Suspension of a license for a period of time
4566 established by the board, with or without automatic
4567 reinstatement.

4568 (5) Revocation of a license.

4569 (6) Payment of restitution to each consumer negatively
4570 affected by the prohibited act. Proof of such restitution
4571 shall be a signed and notarized release executed by the
4572 consumer or the estate of the consumer.

4573 (7) Assessment of the costs of the disciplinary
4574 proceedings.

4575 (g) Failure to comply with any final order of the board
4576 is also cause for suspension or revocation of a license. The
4577 board may suspend or revoke any license which has been issued
4578 based on false or fraudulent representations.

4579 (h) The board may informally resolve any alleged
4580 violation of this chapter or rule of the board by stipulation,
4581 agreed settlement, or consent order, in lieu of an
4582 administrative hearing.

4583 (i) Any entity or person found to be providing home
4584 medical equipment services without a license as required by
4585 this chapter shall be subject to an administrative fine of up
4586 to one thousand dollars (\$1,000) per day that services were
4587 provided without a license. ~~Funds collected pursuant to this
4588 chapter shall be allocated to the administration of the
4589 program.~~

4590 (j) Any entity or person found to be providing home
4591 medical equipment services without a license as required by



SB224 INTRODUCED

4592 this chapter may be administratively enjoined by the board
4593 from providing services until such time as the entity or
4594 person complies with this chapter.

4595 (k) In addition to any other disciplinary action
4596 authorized by this chapter, the board may levy and collect
4597 administrative fines for violations of this chapter or the
4598 rules or standards of the board in an amount of up to one
4599 thousand dollars (\$1,000) for each violation.

4600 (l) Any person or entity violating this chapter, upon
4601 conviction, shall be guilty of a Class A misdemeanor, and
4602 subject to fine or imprisonment, or both.

4603 (m) Any entity or person subject to the penalties
4604 prescribed by subsections (i) and (j) may pursue an appeal
4605 through the board according to rules promulgated by the board.

4606 (n) Any hearings related to matters before the board
4607 shall be conducted in Montgomery County.

4608 (o) In addition to any other penalty or disciplinary
4609 action authorized by this chapter, the board may seek an
4610 injunction against any person or entity found in violation of
4611 this chapter. In an action for an injunction, the board may
4612 demand and recover a civil penalty of fifty dollars (\$50) per
4613 day for each violation, reasonable attorney fees, and court
4614 costs. No civil penalty shall be awarded to the board if an
4615 administrative fine is assessed pursuant to subsection (i).

4616 (p) Upon the revocation or suspension of a license, the
4617 licensee shall immediately surrender the license to the board,
4618 and if the licensee fails to do so, the board may seize the
4619 license.



SB224 INTRODUCED

4620 (q) Any person aggrieved by an adverse action of the
4621 board may appeal the action to the Circuit Court of Montgomery
4622 County in accordance with the Alabama Administrative Procedure
4623 Act."

4624 "§34-14C-7

4625 ~~There is hereby established a separate special revenue~~
4626 ~~trust fund in the State Treasury to be known as the Home~~
4627 ~~Medical Equipment Fund.~~ All receipts collected by the board
4628 under the provisions of this chapter are to be deposited into
4629 ~~this fund and shall be used only to carry out the provisions~~
4630 ~~of this chapter. The receipts shall be disbursed only by~~
4631 ~~warrant of the state Comptroller upon the State Treasury, upon~~
4632 ~~itemized vouchers approved by the executive director. No funds~~
4633 ~~shall be withdrawn or expended except as budgeted and allotted~~
4634 ~~according to Sections 41-4-80 to 41-4-96, inclusive, and~~
4635 ~~41-19-1 to 41-19-12, inclusive, and only in amounts as~~
4636 ~~stipulated in the general appropriations bill or other~~
4637 ~~appropriations bills~~ the Occupational and Professional
4638 Licensing Fund."

4639 Section 14. Relating to the Alabama Board for
4640 Registered Interior Designers; to amend Sections 34-15C-3,
4641 34-15C-4, 34-15C-5, 34-15C-6, 34-15C-11, and 34-15C-14 of the
4642 Code of Alabama 1975, to read as follows:

4643 "§34-15C-3

4644 For the purposes of this chapter, the following terms
4645 shall have the following meanings:

4646 (1) BOARD. The Alabama Board for Registered Interior
4647 Designers.



SB224 INTRODUCED

4648 (2) EXECUTIVE DIRECTOR. The Executive Director of the
4649 Office of Occupational and Professional Licensing as defined
4650 in Section 25-2B-1.

4651 ~~(2)~~ (3) NCIDQ. The National Council for Interior Design
4652 Qualification.

4653 ~~(3)~~ (4) REGISTERED INTERIOR DESIGNER. An interior design
4654 professional, as defined by the NCIDQ, who is approved and
4655 registered by the board and the Secretary of State."

4656 "§34-15C-4

4657 (a) There is created the Alabama Board for Registered
4658 Interior Designers, ~~to~~ Commencing on October 1, 2025, the
4659 board shall be subject to the leadership, support, and
4660 oversight of the Executive Director of the Office of
4661 Occupational and Professional Licensing pursuant to Chapter 2B
4662 of Title 25. The board shall be comprised of seven members
4663 appointed by the Governor in the manner set forth in this
4664 section. The members of the Alabama State Board of
4665 Registration for Interior Design serving on August 1, 2010,
4666 pursuant to former Section 34-15B-4, shall immediately serve
4667 as board members of the Alabama Board for Registered Interior
4668 Designers created by this chapter. For continuity purposes, a
4669 board member serving on August 1, 2010, shall continue to
4670 serve under this chapter for the remainder of his or her term,
4671 and according to the appointment schedule, for which he or she
4672 was appointed by the Governor pursuant to former Section
4673 34-15B-4.

4674 (b) All appointments occurring after August 1, 2010,
4675 shall be for terms of four years, except an appointment to



SB224 INTRODUCED

4676 fill a vacancy, which shall be for the unexpired term only. No
4677 member shall serve more than two consecutive terms of office.
4678 All members shall continue to serve until a successor is
4679 appointed by the Governor.

4680 (c) The composition of the board shall be as follows:

4681 (1) Five members of the board shall be registered
4682 interior designers, shall be engaged in the full-time practice
4683 of interior design, and shall be appointed from districts
4684 provided in subsection (e).

4685 (2) One member shall be a professional educator, who
4686 teaches in a college or university level interior design
4687 program, and who is a registered interior designer or was
4688 previously registered or certified by the former Alabama State
4689 Board of Registration for Interior Design. If no educator with
4690 these qualifications is willing and able to serve on the
4691 board, this position shall be filled by an educator who has
4692 the necessary credentials to be registered and who agrees to
4693 apply for a certificate of registration within the first year
4694 of his or her service on the board.

4695 (3) One member shall be a consumer who is not a design
4696 professional. The consumer member may not be employed in the
4697 fields of construction, architecture, engineering, interior
4698 design, interior decorating, or any related field.

4699 (d) Of the seven members listed in subsection (c), at
4700 least one shall be a member of a minority race, and the total
4701 membership of the board shall reflect the racial, gender,
4702 urban/rural, and economic diversity of the state.

4703 (e) The five registered interior design members of the



SB224 INTRODUCED

4704 board, appointed by district, shall be appointed as follows:

4705 (1) Five districts shall be created: Northern, Central,
4706 Western, Eastern, and Southern. One practicing registered
4707 interior designer shall be appointed from each district.

4708 a. The Northern District shall be comprised of
4709 Lauderdale, Colbert, Lawrence, Limestone, Morgan, Cullman,
4710 Marshall, Madison, Jackson, DeKalb, Cherokee, Etowah, Calhoun,
4711 and Cleburne Counties.

4712 b. The Central District shall be comprised of Blount,
4713 Jefferson, St. Clair, and Talladega Counties.

4714 c. The Western District shall be comprised of Marion,
4715 Winston, Lamar, Fayette, Franklin, Walker, Pickens,
4716 Tuscaloosa, Sumter, Greene, Hale, Bibb, Perry, Dallas,
4717 Marengo, Choctaw, Lowndes, Shelby, and Wilcox Counties.

4718 d. The Eastern District shall be comprised of Randolph,
4719 Clay, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore,
4720 Lee, Macon, Montgomery, Bullock, Pike, Coffee, Dale, Henry,
4721 Barbour, Russell, and Crenshaw Counties.

4722 e. The Southern District shall be comprised of Butler,
4723 Covington, Conecuh, Escambia, Houston, Monroe, Clarke,
4724 Washington, Mobile, Geneva, and Baldwin Counties.

4725 (2) When appropriate, the chair of the board shall
4726 notify in writing each registered interior designer, by
4727 district of residence, of the time and place for a district
4728 nomination meeting. The purpose of the district nomination
4729 meeting shall be to select members to serve on a statewide
4730 nominating committee. The district nomination meeting, held
4731 for the purpose of selecting new members to serve on the



SB224 INTRODUCED

4732 statewide nominating committee, shall be held every four
4733 years, or as required, for the purpose of filling vacancies on
4734 the statewide nominating committee.

4735 (3) At the district nomination meeting, the members of
4736 each district shall select a chair for their respective
4737 district for that meeting, shall proceed according to Robert's
4738 Rules of Order, as most recently revised, and shall select one
4739 person to serve on the statewide nominating committee. Minutes
4740 of the meeting shall be recorded, signed by the chair of the
4741 meeting, and a copy of the signed minutes shall be provided to
4742 the chair of the board and the chair of the statewide
4743 nominating committee. The person shall be selected by a
4744 plurality of the vote and shall be a registered interior
4745 designer who resides in the district.

4746 (f) (1) The statewide nominating committee shall be
4747 composed of one person from each of the five districts listed
4748 in subsection (e). Each person selected for the statewide
4749 nominating committee shall immediately notify the chair of the
4750 board and the chair of the statewide nominating committee of
4751 his or her selection.

4752 (2) A new statewide nominating committee shall be
4753 elected every four years for the purpose of filling any
4754 vacancies or expired terms which may occur on the board. The
4755 statewide nominating committee shall be convened, by call of
4756 the chair of the statewide nominating committee or notice from
4757 a majority of the members thereof, as soon as practical
4758 whenever a vacancy occurs on the board or at any time within
4759 60 days preceding the expiration of the term of a board



SB224 INTRODUCED

4760 member. All appointments to the board shall be made in the
4761 manner provided in this section.

4762 (3) If a vacancy occurs on the statewide nominating
4763 committee, the chair of the statewide nominating committee
4764 shall notify the chair of the board, who shall call a district
4765 nominating committee meeting to fill the vacancy. Only
4766 practicing registered interior designers may vote in a
4767 district nomination meeting or serve upon the statewide
4768 nominating committee.

4769 (4) The statewide nominating committee shall be
4770 convened, by call of the chair of the statewide nominating
4771 committee or notice from a majority of the members thereof, as
4772 soon as practical whenever a vacancy occurs on the board or at
4773 any time within 60 days preceding the expiration of the term
4774 of a board member. All appointments to the board shall be made
4775 in the manner provided in this section.

4776 (5) Each board member nominated by the statewide
4777 nominating committee shall reside in the district from which
4778 he or she is appointed.

4779 (6) The statewide nominating committee shall select and
4780 submit the names of at least two registered interior designers
4781 to the Governor no later than 60 days of the expiration of the
4782 term of a board member, or no later than 60 days of any
4783 vacancy on the board.

4784 (g) The Governor may remove any member of the board for
4785 misconduct, incapacity, incompetence, or neglect of duty after
4786 the member so charged has been served with a written notice of
4787 the same and has been given an opportunity to be heard by the



SB224 INTRODUCED

4788 Governor. Absence from any three consecutive meetings of the
4789 board, without cause acceptable to the Governor, shall be
4790 deemed cause for removal of any member.

4791 ~~(h) Each member of the board shall receive the same per~~
4792 ~~diem, travel, and expense allowance as is paid by law to state~~
4793 ~~employees for the time spent in the performance of duties and~~
4794 ~~in necessary travel.~~

4795 ~~(i)~~ (h) The board shall hold two or more meetings per
4796 year for the purpose of performing its duties pursuant to this
4797 chapter. A simple majority of the members of the board shall
4798 constitute a quorum at any meeting. A simple majority vote of
4799 the members present shall be sufficient to transact the
4800 business of the board. A new chair shall be elected 60 days
4801 before the end of the term of the previous chair. If no new
4802 chair is elected before the end of the term of the previous
4803 chair, the previous chair shall continue to serve until a
4804 successor is elected. Vacancies in such chair position shall
4805 be filled by act of the board.

4806 ~~(j) The chair may appoint a full-time or part-time~~
4807 ~~executive director or administrative assistant to the board,~~
4808 ~~with the consent of the majority of the members of the board.~~
4809 ~~The executive director or administrative assistant shall serve~~
4810 ~~at the pleasure of the board. The salary of the executive~~
4811 ~~director or administrative assistant shall be set by the~~
4812 ~~board. The executive director or administrative assistant~~
4813 ~~shall serve as the executive officer to the board, but shall~~
4814 ~~not be a member of the board. The board, by majority vote of~~
4815 ~~its members, may employ additional persons, who shall serve at~~



SB224 INTRODUCED

4816 ~~the pleasure of the board, to assist the board and the~~
4817 ~~executive director or administrative assistant in the keeping~~
4818 ~~of the records and in the performance of its duties, subject~~
4819 ~~to available funding."~~

4820 "§34-15C-5

4821 The board shall perform the following duties, subject
4822 to the other provisions of this chapter:

4823 (1) Administer fully this chapter and any rules
4824 promulgated by the board pursuant to this chapter.

4825 (2) Prescribe, make, adopt, and amend such rules
4826 pursuant to the Alabama Administrative Procedure Act as the
4827 board deems necessary to carry out the provisions of this
4828 chapter.

4829 (3) For the purpose of enforcing this chapter, conduct
4830 investigations and hearings concerning charges against
4831 registered interior designers, at any time or place within the
4832 state, administer oaths and affirmations, examine witnesses,
4833 and receive evidence in the course of any such hearings.

4834 (4) Issue, in conjunction with the Secretary of State,
4835 any documentation necessary to prove that a registered
4836 interior designer is practicing in accordance with and abiding
4837 by the requirements of this chapter, for which an annual fee,
4838 in an amount determined by the ~~board~~ executive director, shall
4839 be assessed and collected.

4840 (5) Institute legal proceedings pursuant to subsection
4841 (c) of Section 34-15C-12.

4842 (6) Grant, deny, revoke, suspend, or reinstate
4843 certificates of registration.



SB224 INTRODUCED

4844 (7) Keep a record of its proceedings and make an annual
4845 report thereon to the Governor and the Legislature.

4846 (8) Establish standards and requirements of continuing
4847 education for registered interior designers.

4848 (9) Maintain an official roster of registered interior
4849 designers including, but not limited to, information required
4850 by the board for enforcement of this chapter.

4851 (10) When necessary, require the attendance of
4852 witnesses and the production of all necessary papers, books,
4853 records, documentary evidence, and materials in any hearing,
4854 investigation, or other proceeding before the board, by means
4855 of discovery as provided in the Alabama Rules of Civil
4856 Procedure.

4857 ~~(11) Employ attorneys, accountants, and other persons~~
4858 ~~as may be necessary to assist the board in carrying out this~~
4859 ~~chapter when there is a need for such services and when funds~~
4860 ~~are available for such services.~~

4861 ~~(12)~~ (11) Adopt rules providing for a registered
4862 interior designer to be classified as inactive and to avoid
4863 the payment of annual fees, so long as the inactive registered
4864 interior designer does not use the titles, stamps, or seals
4865 restricted by subsection (a) or subsection (b) of Section
4866 34-15C-9 during inactive status.

4867 ~~(13) Establish, by administrative rule, procedures for~~
4868 ~~the assessment of fees for the administration of this~~
4869 ~~chapter."~~

4870 "§34-15C-6

4871 (a) Applications for registration shall be submitted on



SB224 INTRODUCED

4872 forms prescribed and furnished by the ~~board~~ executive
4873 director. The ~~board~~ executive director shall promptly notify
4874 any applicant of the requirements and the schedule of fees
4875 established by the ~~board~~ executive director for registration.

4876 (b) The board shall register an applicant to become a
4877 registered interior designer, and to use the title of
4878 registered interior designer in the State of Alabama, only if
4879 the applicant satisfies all of the following requirements:

4880 (1) The applicant is determined by the board to be of
4881 good ethical character.

4882 (2) The applicant either:

4883 a. Has satisfied all requirements, including all
4884 education and experience requirements, for eligibility to take
4885 the NCIDQ examination; or

4886 b. Holds a degree from a National Architectural
4887 Accreditation Board (NAAB) accredited school and has met NCIDQ
4888 eligibility requirements to take the NCIDQ examination, or is
4889 a registered architect who satisfies NCIDQ eligibility
4890 requirements to take the NCIDQ examination. Such applicants
4891 may take the NCIDQ examination.

4892 (3) The applicant has successfully passed the NCIDQ
4893 examination.

4894 (4) The applicant is at least 21 years of age.

4895 (c) Notwithstanding the requirements of subsection (b),
4896 any person registered with the Alabama State Board of
4897 Registration for Interior Design on August 1, 2010, shall be
4898 registered by the Alabama Board for Registered Interior
4899 Designers, as created by this chapter, on August 1, 2010,



SB224 INTRODUCED

4900 without penalty, for the time remaining on the certificate of
4901 registration of the registered interior designer and any
4902 renewals of that certificate.

4903 (d) Certificates of registration shall expire on
4904 ~~September 30 of each year,~~ a schedule prescribed by the
4905 executive director and shall become invalid ~~on October 1 of~~
4906 ~~each year,~~ unless renewed.

4907 (e) Renewal of a certificate of registration may be
4908 accomplished at any time ~~prior to and during the month of~~
4909 ~~September by~~ before expiration by:

4910 (1) The payment of an annual fee, as prescribed by the
4911 ~~board~~ executive director, through such procedures as may be
4912 developed by the ~~board~~ executive director.

4913 (2) Submission of proof, on forms approved by the ~~board~~
4914 executive director, of compliance with all continuing
4915 education requirements established by the board.

4916 (f) A certificate of registration held by a registered
4917 interior designer serving in the Armed Forces of the United
4918 States shall not expire until ~~September 30~~ a time prescribed
4919 by the executive director following his or her discharge or
4920 final separation from the Armed Forces of the United States.

4921 (g) A registered interior designer shall maintain and
4922 post his or her certificate of registration in the primary
4923 business office where he or she practices."

4924 "§34-15C-11

4925 The board may revoke, suspend, or refuse to issue a
4926 certificate of registration, issue a private or public
4927 reprimand regarding a registered interior designer, assess and



SB224 INTRODUCED

4928 collect administrative fines against a registered interior
4929 designer not exceeding two thousand dollars (\$2,000), or
4930 proceed with any combination of the foregoing, for any of the
4931 following conduct:

4932 (1) Fraud, deceit, dishonesty, or misrepresentation,
4933 whether knowing or unknowing, in the pursuit of his or her
4934 practice or in obtaining any certificate of registration.

4935 (2) Gross negligence, misconduct, or incompetence in
4936 the pursuit of his or her practice.

4937 (3) Conviction of a felony, until civil rights are
4938 restored.

4939 (4) Incompetency as adjudged by a court having
4940 jurisdiction.

4941 (5) Violating or directly or indirectly aiding or
4942 abetting in a violation of Section 34-15C-9.

4943 (6) Practicing in this state in violation of any
4944 standards of professional conduct as may be established by
4945 rule of the board.

4946 (7) Failure to pay any ~~fee or~~ fine assessed by the
4947 board.

4948 (8) Failure to comply with any order of the board."

4949 "§34-15C-14

4950 All fees received by the board shall be deposited into
4951 ~~a fund in the State Treasury known as the Alabama Board for~~
4952 ~~Registered Interior Designers Fund, which is hereby~~
4953 ~~established. The fund shall be utilized, in the discretion of~~
4954 ~~the board, to regulate the practice of registered interior~~
4955 ~~designers and to pay any necessary expenses of the board,~~



SB224 INTRODUCED

4956 ~~including the cost of employees, legal expenses,~~
4957 ~~administrative expenses, and other expenses associated with~~
4958 ~~enforcing and administering this chapter~~ the Occupational and
4959 Professional Licensing Fund. All fees collected prior to
4960 August 1, 2010, and collected pursuant to former Chapter 15A
4961 or former Chapter 15B of this title are ratified, validated,
4962 and transferred to the fund."

4963 Section 15. Relating to the Alabama Licensure Board for
4964 Interpreters and Transliterators; to amend Sections 34-16-3,
4965 34-16-4, 34-16-5, 34-16-6, 34-16-7, 34-16-8, 34-16-9, and
4966 34-16-10 of the Code of Alabama 1975, to read as follows:

4967 "§34-16-3

4968 For purposes of this chapter, the following terms shall
4969 have the following meanings:

4970 (1) BOARD. The Alabama Licensure Board for Interpreters
4971 and Transliterators, created pursuant to Section 34-16-4.

4972 (2) CODE OF ETHICS. The tenets established by the
4973 Registry of the Interpreters for the Deaf which set guidelines
4974 governing professional conduct for interpreters and
4975 transliterators, and any other code of ethics approved by the
4976 board.

4977 (3) CONSUMER. A hard of hearing, deaf, or speech
4978 disabled person or any other person or an agency that requires
4979 the services of an interpreter or transliterator to
4980 effectively communicate and comprehend signed or spoken
4981 discourse.

4982 (4) CONTINUING EDUCATION PROGRAM or CEP. A program
4983 approved by the board to improve the skill level of licensees



SB224 INTRODUCED

4984 and permit holders.

4985 (5) EXECUTIVE DIRECTOR. The Executive Director of the
4986 Office of Occupational and Professional Licensing as defined
4987 in Section 25-2B-1.

4988 ~~(5)~~ (6) FUND. The ~~Alabama Licensure Board for~~
4989 ~~Interpreters and Transliterators Fund~~ Occupational and
4990 Professional Licensing Fund, created pursuant to Section
4991 ~~34-16-9~~ 25-2B-5.

4992 ~~(6)~~ (7) INTERMEDIARY INTERPRETER. A person who is
4993 credentialed as an interpreter and who serves in an
4994 intermediary capacity between another deaf person and another
4995 licensed or permitted interpreter or between two or more deaf
4996 persons.

4997 ~~(7)~~ (8) INTERPRETER. A person who is credentialed as a
4998 professional interpreter and who engages in the practice of
4999 interpreting among consumers. Fluency in all languages
5000 interpreted is required.

5001 ~~(8)~~ (9) INTERPRETING or TRANSLITERATING. The process of
5002 providing accessible communication between and among consumers
5003 who do not share a common means of communication. For the
5004 purposes of this chapter, interpreting means those processes
5005 known as interpretation and transliteration and includes
5006 communication modalities, including, but not limited to,
5007 visual, gestural, and tactile channels.

5008 ~~(9)~~ (10) NATIONALLY RECOGNIZED CERTIFICATION. A
5009 certification awarded to individuals who successfully complete
5010 an evaluation of interpreting skills at a professional level.
5011 The term includes a Registry of Interpreters for the Deaf



SB224 INTRODUCED

5012 certification, or an equivalent such as the National
5013 Association for the Deaf/Alabama Association for the Deaf
5014 Interpreter Assessment Program Level 4 or Level 5, or Cued
5015 Speech Certification at a national level.

5016 ~~(10)~~ (11) ORGANIZATIONS. The Alabama Association of the
5017 Deaf (AAD), a state chapter of the National Association of the
5018 Deaf (NAD); Alabama Registry of Interpreters for the Deaf
5019 (ALRID), an affiliate state chapter of the Registry of
5020 Interpreters for the Deaf, Inc., (RID).

5021 ~~(11)~~ (12) SIGN LANGUAGE. Includes all of the following
5022 communication systems:

5023 a. American Sign Language (ASL) Based. The language of
5024 the deaf community that is linguistically independent from
5025 English. The term refers to the visual gestural language used
5026 in the United States and parts of Canada and includes all
5027 regional variations.

5028 b. English Based Sign Systems. Includes, but is not
5029 limited to, all visual representations of the English language
5030 such as manually coded English, Pidgin Sign English, and Oral
5031 Interpreting.

5032 c. Sign Language. A generic term used to describe a
5033 continuum of visual-manual language and communication systems.

5034 d. Cued Speech. A system of handshapes which represents
5035 groups of consonant sounds, combined with hand placements
5036 which represent groups of vowel sounds, used with natural
5037 speech to represent a visual model of spoken language.

5038 ~~(12)~~ (13) TRANSLITERATOR. A person who is credentialed
5039 as a professional transliterator and who engages in the



SB224 INTRODUCED

5040 practice of transliteration between consumers utilizing two
5041 different modes of the same language. Fluency in both modes of
5042 language is required."

5043 "§34-16-4

5044 (a) There is created the Alabama Licensure Board for
5045 Interpreters and Transliterators. Commencing on October 1,
5046 2025, the board shall be subject to the leadership, support,
5047 and oversight of the Executive Director of the Office of
5048 Occupational and Professional Licensing pursuant to Chapter 2B
5049 of Title 25.

5050 (b) The board shall consist of nine members appointed
5051 by the Governor as follows:

5052 (1) Four members certified as interpreters or
5053 transliterators at a professional level by a nationally
5054 recognized certification, one of whom shall work in an
5055 educational setting. A list of three nominations for each of
5056 these positions shall be submitted to the Governor by ALRID.

5057 (2) Three deaf or hard of hearing members who are
5058 knowledgeable in the field of professional interpreting. A
5059 list of three nominations for each of these positions shall be
5060 submitted to the Governor by AAD.

5061 (3) Two members at-large who have an interest in and
5062 are experienced in dealing with issues that affect the deaf,
5063 hard of hearing, and interpreting communities.

5064 (c) All members of the board shall be citizens of the
5065 United States and the State of Alabama. In appointing members
5066 to the board, the nominating organizations and the Governor,
5067 to the extent possible, shall select those persons whose



SB224 INTRODUCED

5068 appointments ensure that the membership of the board is
5069 inclusive and reflects the racial, gender, geographic,
5070 urban/rural, and economic diversity of the state.

5071 (d) A list of three nominees for each position, except
5072 for the at-large positions, shall be submitted to the Governor
5073 by the designated organizations by October 1, 1998. The
5074 initial terms shall begin January 1, 1999.

5075 (e) The initial members of the board shall serve the
5076 following terms as designated by the Governor:

5077 (1) Four of the initial members shall serve for two
5078 years.

5079 (2) Three of the initial members shall serve for three
5080 years.

5081 (3) Two of the initial members shall serve for four
5082 years.

5083 (f) Subsequent terms of office shall be four years. No
5084 board member may serve more than two consecutive terms. In the
5085 event of a vacancy, the Governor shall fill the vacancy from
5086 the remaining names on the list of nominees for that position.
5087 Each board member shall serve until his or her successor is
5088 duly appointed and qualified.

5089 (g) At its first meeting each year, the board shall
5090 elect a chair, a vice chair, and a secretary. No member shall
5091 be elected to serve more than two consecutive years in the
5092 same office.

5093 (h) After the initial appointments to the board are
5094 made, the board shall meet by January 31 of the following year
5095 for the purpose of organizing and transacting business as may



SB224 INTRODUCED

5096 properly come before the board. Subsequently, the board shall
5097 meet not less than twice annually, and as frequently as it
5098 deems necessary, at such time and places as it designates. A
5099 quorum necessary to transact business shall consist of five of
5100 the members of the board.

5101 (i) The board shall have all of the following duties:

5102 (1) Act on matters concerning licensure and permitting,
5103 and the process of granting, suspending, reinstating, and
5104 revoking a license or permit.

5105 ~~(2) Set a fee schedule for granting licenses and~~
5106 ~~permits, for renewing licenses and permits, for reinstating a~~
5107 ~~lapsed license or permit, and for assessing penalties for late~~
5108 ~~renewal. The fees shall be sufficient to cover the cost of the~~
5109 ~~continued operation and administration of the board.~~

5110 ~~(3) Develop a mechanism for processing applications for~~
5111 ~~licenses, permits, and renewals.~~

5112 ~~(4)~~ (2) Establish a procedure to enable the
5113 investigation of complaints concerning the violation of
5114 ethical practices for licensed or permitted interpreters.

5115 ~~(5)~~ (3) Maintain a current register of licensed
5116 interpreters and a current register of permitted interpreters.
5117 These registers shall be matters of public record.

5118 ~~(6)~~ (4) Maintain a complete record of all board
5119 proceedings.

5120 ~~(7)~~ (5) Submit an annual report detailing the
5121 proceedings of the board to the Governor and file a copy with
5122 the Secretary of State.

5123 ~~(8)~~ (6) Adopt continuing education requirements no later



SB224 INTRODUCED

5124 than October 1 of the year in which the initial board is
5125 appointed. These requirements shall be implemented by January
5126 1 of the year following for renewal of a license or permit.

5127 ~~(j) Board members shall receive the same travel~~
5128 ~~expenses and per diem as state employees pursuant to Article 2~~
5129 ~~of Chapter 7 of Title 36 and incidental and clerical expenses~~
5130 ~~necessarily incurred in carrying out this chapter. The~~
5131 ~~compensation and expenses shall be paid out of the funds of~~
5132 ~~the board. Reimbursement shall not be made if available funds~~
5133 ~~are insufficient for this purpose."~~

5134 "§34-16-5

5135 (a) ~~After March 15, 1998, any~~ Any person who provides
5136 interpreting or transliterating services for remuneration
5137 shall be required ~~annually~~ to be licensed or permitted by the
5138 board unless that person is exempt from licensure or
5139 permitting pursuant to Section 34-16-7.

5140 (b) The initial license shall be issued upon submission
5141 of an application, an affidavit documenting current validation
5142 of a nationally recognized certification as approved by the
5143 board, and payment of the required nonrefundable annual fee ~~by~~
5144 ~~March 15~~. Licenses shall be renewed ~~annually~~, upon submission
5145 of an application and an affidavit documenting current
5146 nationally recognized certification at a professional level as
5147 approved by the board, payment of the required nonrefundable
5148 annual fee, and participation in a continuing education
5149 program approved by the board.

5150 (c) All applicants for licensure who are initially
5151 certified after January 1, 1995, shall submit an affidavit



SB224 INTRODUCED

5152 documenting that the applicant has passed an interpreter code
5153 of ethics exam approved by the board.

5154 (d) Failure to renew a license ~~on or before March 15 of~~
5155 ~~any year,~~ by the date established by the executive director
5156 shall result in a lapse of the license. ~~A lapsed license that~~
5157 ~~is not renewed within 45 days after March 15 of the year of~~
5158 ~~the lapse, shall expire.~~ The holder of the lapsed license may
5159 be reinstated by the board if the licensee is in compliance
5160 with all other relevant requirements of the board, applies to
5161 the board for renewal pursuant to ~~this section~~ procedures
5162 established by the executive director, and pays the
5163 appropriate renewal, late penalty, and reinstatement fees
5164 prescribed by the ~~board~~ executive director."

5165 "§34-16-6

5166 (a) Any person who practices as an interpreter or
5167 transliterator for remuneration on August 1, 1998, but who
5168 does not otherwise meet the requirements for licensure, may
5169 obtain a renewable permit to practice interpretation or
5170 transliteration. An initial permit shall be issued upon
5171 submission of the application, documentation of a high school
5172 diploma or GED, current employment as an interpreter, and
5173 payment of the nonrefundable annual fee. Any person who does
5174 not obtain an initial permit by March 15, 1999, may obtain a
5175 nonrenewable provisional permit to practice interpretation or
5176 transliteration upon the submission of the application,
5177 documentation of a high school diploma or GED, payment of the
5178 nonrefundable fee, and submission of three letters of
5179 recommendation from licensed interpreters that verify the



SB224 INTRODUCED

5180 skill level of the applicant.

5181 (b) In subsequent years, permit holders and
5182 nonrenewable permit holders may apply for a renewable annual
5183 permit that shall require the submission of an affidavit and
5184 supporting materials documenting that the applicant has passed
5185 an interpreter code of ethics exam as approved by the board
5186 and an interpreting performance assessment approved by the
5187 board, the payment of the required nonrefundable annual fee,
5188 and the participation in a continuing education program
5189 approved by the board. Each applicant shall also be a citizen
5190 of the United States or, if not a citizen of the United
5191 States, a person who is legally present in the United States
5192 with appropriate documentation from the federal government.

5193 ~~The affidavit shall be submitted no later than March 15~~
5194 ~~annually.~~

5195 (c) Subsequent renewal of a permit by a cued speech
5196 transliterator shall require submission of an affidavit and
5197 supporting materials documenting that the applicant has passed
5198 an interpreter code of ethics exam as approved by the board
5199 and payment of the required nonrefundable annual fee and
5200 participation in a continuing education program approved by
5201 the board. Each applicant shall also be a citizen of the
5202 United States or, if not a citizen of the United States, a
5203 person who is legally present in the United States with
5204 appropriate documentation from the federal government. ~~The~~

5205 ~~affidavit shall be submitted no later than March 15 annually.~~

5206 (d) Failure to renew a permit ~~on or before March 15 of~~
5207 ~~any year,~~ by the date established by the executive director



SB224 INTRODUCED

5208 shall result in a lapse of the permit. The holder of the
5209 lapsed permit may be reinstated by the board if the permittee
5210 is in compliance with all other relevant requirements of the
5211 board, applies to the board for renewal pursuant to this
5212 section, and pays the appropriate renewal, late penalty, and
5213 reinstatement fees prescribed by the ~~board~~ executive
5214 director."

5215 "§34-16-7

5216 The following persons shall be exempt from licensure or
5217 permitting pursuant to this chapter:

5218 (1) Any student who is enrolled in a formal American
5219 sign language program, a formal interpreter training program,
5220 or a formal interpreter or transliterator internship program.
5221 The student shall be allowed to interpret or transliterate as
5222 part of his or her training for a maximum of 16 weeks in an
5223 educational setting or 120 hours in an agency or business.

5224 (2) Any person who interprets or transliterates solely
5225 in a church, synagogue, temple, or other religious setting.

5226 (3) Any person residing outside of the State of Alabama
5227 may provide interpreting and transliterating services for up
5228 to 14 working days per calendar year without a license.

5229 (4) Any person desiring to interpret for remuneration
5230 where circumstances do not allow for fulfillment of the stated
5231 requirements for licensure or permitting may petition the
5232 board for exemption status.

5233 (5) Those public education personnel and State
5234 Department of Rehabilitation personnel, who are not hired as
5235 interpreters and transliterators and who are not as a part of



SB224 INTRODUCED

5236 their job description responsible for providing interpreting
5237 or transliteration services, in circumstances that may
5238 necessitate their function as interpreters and transliterators
5239 in emergency or incidental situations.

5240 (6) All other public education personnel hired prior to
5241 March 15, 2000, who provide interpreting and transliterating
5242 services to students. These personnel shall apply for and
5243 receive a permit specifying that their permits are restricted
5244 to interpreting and transliteration services provided in the
5245 public education setting only. The application for this permit
5246 shall be submitted to the board prior to October 1, 2000. It
5247 shall be the responsibility of the permit holder to ~~annually~~
5248 renew the permit by earning continuing education units in
5249 compliance with the requirements of the interpreters and
5250 transliterators licensure law. If personnel, who have been
5251 grandfathered in pursuant to this subdivision, for any reason
5252 should allow their permits to lapse or expire, those personnel
5253 shall lose all privileges of this exemption and shall adhere
5254 to all requirements of the interpreters and transliterators
5255 licensure law to renew their permits."

5256 "§34-16-8

5257 (a) The board may enter into a reciprocal agreement
5258 with any state, agency, or other organization that licenses,
5259 certifies, or registers professional interpreters or
5260 transliterators, or both, if the board finds that the state,
5261 agency, or organization has substantially the same
5262 requirements or more stringent requirements.

5263 (b) The reciprocity agreement shall provide that the



SB224 INTRODUCED

5264 board shall license anyone who is currently licensed,
5265 certified, or registered in that state or by that agency or
5266 other organization if that state, agency, or other
5267 organization agrees to license, certify, or register any
5268 practitioners who are currently licensed pursuant to this
5269 chapter.

5270 (c) The ~~board~~ executive director shall set by
5271 ~~regulation~~ rule the fees appropriate in processing
5272 reciprocity."

5273 "§34-16-9

5274 ~~(a) The annual fee may be increased or decreased by the~~
5275 ~~board, provided, the board shall not set an annual fee at an~~
5276 ~~amount which would not provide sufficient revenues to pay all~~
5277 ~~the costs and expenses incurred by the board in enforcing this~~
5278 ~~chapter.~~

5279 ~~(b) The annual fee shall cover a license or permit for~~
5280 ~~the 12-month period beginning March 15 of each year.~~

5281 ~~(c) There is created in the State Treasury the Alabama~~
5282 ~~Licensure Board for Interpreters and Translators Fund. All~~
5283 fees collected by the board shall be paid into the State
5284 Treasury to the credit of the ~~fund. Monies in the fund shall~~
5285 ~~be subject to withdrawal only upon warrant of the state~~
5286 ~~Comptroller to be issued upon certification of the secretary~~
5287 ~~or treasurer of the board~~ Occupational and Professional
5288 Licensing Fund.

5289 ~~(d) Any funds remaining in the State Treasury to the~~
5290 ~~credit of the board at the end of each year in excess of two~~
5291 ~~hundred fifty thousand dollars (\$250,000) shall be available~~



SB224 INTRODUCED

5292 ~~to provide for the education and training of interpreters and~~
5293 ~~translitterators in postsecondary programs. At all times the~~
5294 ~~board may retain a sum not in excess of two hundred fifty~~
5295 ~~thousand dollars (\$250,000) to meet any emergency which may~~
5296 ~~affect the efficient operation of the board. No funds shall be~~
5297 ~~withdrawn or expended except as budgeted and allocated~~
5298 ~~pursuant to Sections 41-4-80 to 41-4-96, inclusive, and~~
5299 ~~Sections 41-19-1 to 41-19-12, inclusive, and only in amounts~~
5300 ~~as stipulated in the general appropriations bill or other~~
5301 ~~appropriations bills. There shall be appropriated from the~~
5302 ~~fund to the board for the fiscal years 1997-1998 and 1998-1999~~
5303 ~~an amount deemed necessary by the board to fund the costs of~~
5304 ~~its operations."~~

5305 "§34-16-10

5306 (a) Any person may apply for a license or a permit
5307 pursuant to this chapter by filing a written application on a
5308 form prescribed by the ~~board not less than 30 days prior to~~
5309 ~~the next meeting of the board~~ executive director. The
5310 application shall be accompanied by the payment of the annual
5311 nonrefundable license fee or permit fee. The credentials of
5312 the applicant shall be reviewed according to the rules of the
5313 board.

5314 (b) If the board finds the credentials in order, a
5315 license or permit shall be issued to the applicant.

5316 (c) If the board rejects the credentials, the applicant
5317 will be notified in writing informing him or her of the
5318 reasons for rejection."

5319 Section 16. Relating to the Alabama Board of Examiners



SB224 INTRODUCED

5320 of Landscape Architects; to amend Sections 34-17-1, 34-17-2,
5321 34-17-3, 34-17-4, 34-17-6, 34-17-7, 34-17-22, 34-17-24, and
5322 34-17-26 of the Code of Alabama 1975, to read as follows:

5323 "§34-17-1

5324 For purposes of this chapter, the following words and
5325 phrases shall have the respective meanings ascribed by this
5326 section:

5327 (1) BOARD. The Alabama ~~State~~ Board of Examiners of
5328 Landscape Architects.

5329 (2) EXECUTIVE DIRECTOR. The Executive Director of the
5330 Office of Occupational and Professional Licensing as defined
5331 in Section 25-2B-1.

5332 ~~(2)~~ (3) LANDSCAPE ARCHITECT. A person who is engaged or
5333 offers to engage in the practice of landscape architecture, as
5334 hereinafter defined in this state.

5335 ~~(3)~~ (4) LANDSCAPE ARCHITECTURE. The performance of
5336 professional services such as consultation, investigation,
5337 research, planning, design, preparation of drawings and
5338 specifications and responsible supervision in connection with
5339 the development of land areas where, and to the extent that
5340 the dominant purpose of such services is the preservation,
5341 enhancement, or determination of proper land uses, natural
5342 land features, planting, naturalistic and aesthetic values,
5343 the settings and approaches to structures or other
5344 improvements, the setting of grades and determining drainage
5345 and providing for standard drainage structures, and the
5346 consideration and determination of environmental problems of
5347 land including erosion, blight, and other hazards. This



SB224 INTRODUCED

5348 practice shall include the design of such tangible objects and
5349 features as are incidental and necessary to the purpose
5350 outlined herein but shall not include the design of structures
5351 or facilities with separate and self-contained purposes such
5352 as are ordinarily included in the practice of engineering or
5353 architecture, and shall not include the making of land surveys
5354 of final plats for official approval or recordation. Nothing
5355 contained herein shall preclude a duly licensed landscape
5356 architect from performing any of the services described in the
5357 first sentence of this subsection in connection with the
5358 settings, approaches, or environment for buildings,
5359 structures, or facilities. Nothing contained in this chapter
5360 shall be construed as authorizing a landscape architect to
5361 engage in the practice of architecture, engineering, or land
5362 surveying as these terms are defined in Section 34-17-27."

5363 "§34-17-2

5364 (a) (1) There is created the Alabama Board of Examiners
5365 of Landscape Architects ~~which~~. Commencing on October 1, 2025,
5366 the board shall be subject to the leadership, support, and
5367 oversight of the Executive Director of the Office of
5368 Occupational and Professional Licensing pursuant to Chapter 2B
5369 of Title 25.

5370 (2) The board shall consist of three members. The board
5371 shall be appointed by the Governor with the advice and consent
5372 of the Senate. In appointing members to the board, the
5373 Governor shall select those persons whose appointments, to the
5374 extent possible, ensure that the membership of the board is
5375 inclusive and reflects the racial, gender, urban/rural, and



SB224 INTRODUCED

5376 economic diversity of the state. The members of the board,
5377 after the appointment of the original board, shall be
5378 registered landscape architects of recognized standing having
5379 engaged in the practice of landscape architecture in the State
5380 of Alabama for a period of two years or more at the time of
5381 their appointments and shall be citizens of this state. The
5382 terms of office of the members shall be three years, of which
5383 one term expires each year. Any vacancy occurring at any time
5384 in the membership of the board shall be filled by the Governor
5385 appointing a successor for the unexpired term.

5386 ~~(b) The members of the board shall receive no salary or~~
5387 ~~other compensation for their services as members but shall be~~
5388 ~~reimbursed for reasonable and necessary expenses incurred in~~
5389 ~~carrying out their duties.~~

5390 ~~(c)~~ (b) The board shall elect annually from its members
5391 a chair and a secretary, and the board shall hold at least two
5392 or more meetings each year.

5393 ~~(d)~~ (c) Each member of the board shall take the oath of
5394 office as prescribed by the Constitution of Alabama of ~~1901~~
5395 2022."

5396 "§34-17-3

5397 (a) The board shall have the powers and duties listed
5398 in this section.

5399 ~~(b) The board shall have such employees as may be~~
5400 ~~provided in the annual state budget.~~

5401 ~~(c)~~ (b) The board may make, adopt, and amend such rules
5402 and regulations as it deems necessary to carry out the
5403 provisions of this chapter.



SB224 INTRODUCED

5404 ~~(d)~~ (c) The board shall hold at least one meeting per
5405 year for the purpose of examining candidates for registration
5406 as landscape architects. It may hold such other meetings and
5407 hearings as required for the proper performance of its duties
5408 under this chapter.

5409 ~~(e)~~ (d) The board may adopt a seal for use in
5410 transacting its official business.

5411 ~~(f)~~ (e) The board shall keep a record of its proceedings
5412 and shall make an annual report thereon to the Governor.

5413 ~~(g)~~ (f) For the purpose of enforcing the provisions of
5414 this chapter, the board:

5415 (1) May conduct investigations and hold hearings
5416 concerning any matter covered by this chapter at any time or
5417 place within the State of Alabama.

5418 (2) May administer oaths and affirmations, examine
5419 witnesses, and receive evidence."

5420 "§34-17-4

5421 (a) The right to engage in the practice of landscape
5422 architecture is a personal right, based upon the
5423 qualifications of the individual evidenced by his or her
5424 license and is not transferable. All final drawings,
5425 specifications, plans, reports, or other papers or documents
5426 involving the practice of landscape architecture, as defined
5427 in Section 34-17-1, when issued or filed for public record,
5428 shall be dated and bear the signature and seal of the
5429 landscape architect or landscape architects who prepared or
5430 approved them.

5431 (b) A corporation, limited liability company, or



SB224 INTRODUCED

5432 partnership may be formed as a vehicle for the practice of
5433 landscape architecture, and may use any form of the title
5434 "landscape architect" in connection with the name of the
5435 business entity if both of the following conditions are
5436 satisfied:

5437 (1) One or more of the corporate officers in the case
5438 of a corporation, one or more of the managers or members in
5439 the case of a limited liability company, or one or more of the
5440 partners in the case of a partnership, is designated as being
5441 responsible for the professional services described in Section
5442 34-17-1 of the business entity and is a landscape architect
5443 under this chapter.

5444 (2) All personnel of the business entity, who act in
5445 its behalf as landscape architects, are licensed under this
5446 chapter.

5447 (c) An individual desiring to use any form of the title
5448 "landscape architect" in connection with the name of a
5449 business entity shall file with the board, as part of his or
5450 her application for licensure or any subsequent renewal, a
5451 listing of relevant information, including the names and
5452 addresses of all officers and members of the corporation,
5453 managers and members of the limited liability company, or
5454 officers and partners of the partnership, and shall indicate
5455 those individuals duly licensed to practice landscape
5456 architecture in this state who shall be in responsible charge
5457 of the practice of landscape architecture in this state
5458 through the business entity, and any other information
5459 required by the board. A form, giving the same information,



SB224 INTRODUCED

5460 shall accompany the ~~annual~~ renewal fee to be determined by the
5461 ~~board~~ executive director. In the event there is a change in
5462 any of these individuals during the year, the change shall be
5463 designated on the same form and filed with the board within 30
5464 days after the effective date of the change. If all of the
5465 requirements of this section are satisfied, the business
5466 entity may contract for and collect fees for landscape
5467 architectural services.

5468 (d) No business entity shall be relieved of
5469 responsibility for conduct or acts of its agents, employees,
5470 or officers by reason of its compliance with this section, nor
5471 shall any individual practicing landscape architecture as
5472 defined in Section 34-17-1 be relieved of responsibility for
5473 landscape architectural services performed by reason of his or
5474 her employment or relationship with the business entity.

5475 (e) This chapter shall not be interpreted to prevent a
5476 business entity and its employees from performing landscape
5477 architectural services for the business entity, subsidiary, or
5478 affiliated business entities."

5479 "§34-17-6

5480 ~~The secretary of the board shall receive and account~~
5481 ~~for all moneys derived under the provisions of this chapter~~
5482 ~~and shall not later than the tenth day of each month pay all~~
5483 ~~such moneys collected during the previous month to the State~~
5484 ~~Treasurer, who shall keep such moneys in a separate fund to be~~
5485 ~~known as the "Landscape Architect's Fund." Such fund shall be~~
5486 ~~kept separate and apart from all other moneys in the Treasury~~
5487 ~~and shall be paid out for the expenses and compensation of the~~



SB224 INTRODUCED

5488 ~~board and for enforcing this chapter only by warrant of the~~
5489 ~~Comptroller upon the Treasurer, upon itemized vouchers,~~
5490 ~~approved by the president and attested by the secretary of the~~
5491 ~~board; provided, that no funds shall be withdrawn or expended~~
5492 ~~except as budgeted and allotted according to the provisions of~~
5493 ~~Article 4 of Chapter 4 of Title 41 of this Code. Under no~~
5494 ~~circumstances shall the total amount of warrants issued by the~~
5495 ~~Comptroller in payment of the expenses and compensation of the~~
5496 ~~board and of enforcing this chapter exceed the amount provided~~
5497 ~~therefor by the Legislature in the general appropriation~~
5498 ~~bill.~~ All receipts of the board shall be deposited into the
5499 Occupational and Professional Licensing Fund."

5500 "§34-17-7

5501 (a) Any individual who, without possessing a valid,
5502 unrevoked certificate as provided in this chapter, uses the
5503 title or term "landscape architect" in any sign, card,
5504 listing, advertisement, or in any other manner implies or
5505 indicates that he or she is a landscape architect, as defined
5506 in this chapter, shall be guilty of a Class A misdemeanor and,
5507 upon conviction thereof, shall be punished as provided by law.
5508 All fines collected pursuant to this section shall be remitted
5509 by the court or officer collecting them to the State Treasurer
5510 and credited to the ~~Landscape Architect's Fund~~ Occupational
5511 and Professional Licensing Fund in the State Treasury.

5512 (b) (1) The board may institute proceedings in a court
5513 of law to enjoin any individual or business entity from
5514 violating this chapter. The proceedings shall be brought by
5515 the board in the circuit court of the city or county in which



SB224 INTRODUCED

5516 the alleged violation occurred or in which the defendant
5517 resides.

5518 (2) Upon a showing by the board that the individual or
5519 business entity has engaged in any activity, conduct,
5520 practice, or performance of any work prohibited by this
5521 chapter, the court shall grant injunctive relief enjoining the
5522 individual or business entity from engaging in the unlawful
5523 activity, conduct, practice, or performance of work.

5524 (3) Upon the issuance of a permanent injunction, the
5525 court may fine the offending party up to five thousand dollars
5526 (\$5,000) plus costs, including investigative costs and
5527 attorney fees for each offense. A judgment for a civil fine,
5528 attorney fees, and costs may be rendered in the same order in
5529 which the injunction is made absolute."

5530 "§34-17-22

5531 ~~Examinations for the license shall be held by the board~~
5532 ~~at least once each year.~~ The board shall adopt rules and
5533 regulations covering the subjects and scope of the
5534 examinations, shall publish appropriate announcements and
5535 shall conduct the examinations at the times designated by the
5536 executive director. Except as hereinafter provided in this
5537 chapter to the contrary, every applicant for licensing as a
5538 landscape architect shall be required, in addition to all
5539 other requirements, to establish by a board approved
5540 examination, which may be digital, his or her competence to
5541 plan, design, specify, and supervise the installation of
5542 landscape projects. Each board approved examination may be
5543 supplemented by such oral examinations as the board shall



SB224 INTRODUCED

5544 determine."

5545 "§34-17-24

5546 (a) Every landscape architect shall pay ~~an annual~~ a
5547 license fee to the board. ~~The fee shall be due and payable on~~
5548 ~~the first day of January of each year and shall become~~
5549 ~~delinquent after the thirty-first day of January~~ in an amount
5550 determined by the executive director.

5551 (b) If the ~~annual~~ license fee is not paid before it
5552 becomes delinquent, a delinquent penalty fee shall be added to
5553 the amount thereof ~~per year.~~

5554 (c) If the annual license fee and penalty are not paid
5555 ~~before the fifteenth day of March in the year in which they~~
5556 ~~become due~~ before the date determined by the executive
5557 director, the landscape architect's license shall be deemed
5558 expired. A landscape architect may reinstate an expired
5559 license for up to five years after the date of the original
5560 expiration by submitting to the board a complete renewal
5561 application, proof of completion of any required continuing
5562 education, payment of any accrued license fees and delinquent
5563 penalty fees, and payment of a reinstatement fee. The holder
5564 of a license that is expired for five or more years may only
5565 reinstate a license by submitting a new license application
5566 and fulfilling all then current license requirements.

5567 (d) A landscape architect may place his or her license
5568 on inactive status by ~~annually~~ submitting to the board,
5569 ~~between January 1 and January 31,~~ a request for inactive
5570 status and an inactive status fee as determined by the
5571 executive director. The holder of an inactive status license



SB224 INTRODUCED

5572 may reactivate his or her license by submitting to the board a
5573 renewal form, current license fee, and one year of continuing
5574 education credits.

5575 (e) The board shall issue a receipt to each landscape
5576 architect promptly upon payment of the ~~annual~~ license fee."

5577 "§34-17-26

5578 The board, subject to the provisions of this chapter
5579 and the rules and regulations of the board promulgated
5580 thereunder prescribing the qualifications for a landscape
5581 architect license, may permit the practice of landscape
5582 architecture in this state under a landscape architect license
5583 issued under the laws of any other state or country, upon
5584 payment of the current fee established by the ~~board~~ executive
5585 director, and upon submission of all of the following evidence
5586 satisfactory to the board:

5587 (1) That the other state or country maintained a system
5588 and standard of qualifications and examinations for a
5589 landscape architect license which were substantially
5590 equivalent to those required in this state at the time the
5591 license was issued by the other state or country.

5592 (2) That the other state or country gives similar
5593 recognition and endorsement to landscape architect licenses of
5594 this state."

5595 Section 17. Relating to the Alabama Board of Examiners
5596 in Marriage and Family Therapy; to amend Sections 34-17A-3,
5597 34-17A-6, 34-17A-7, 34-17A-8, 34-17A-11, 34-17A-12, 34-17A-13,
5598 and 34-17A-25 of the Code of Alabama 1975, to read as follows:

5599 "§34-17A-3



SB224 INTRODUCED

5600 As used in this chapter, the following terms have the
5601 following meanings, respectively, unless the context clearly
5602 indicates otherwise:

5603 (1) ADVERTISE. The issuing or causing to be distributed
5604 any card, sign, or device to any person; or the causing,
5605 permitting, or allowing any sign or marking on or in any
5606 building, radio or television, transmission or broadcast, or
5607 advertising by any media or other means designed to secure
5608 public attention.

5609 (2) BOARD. The Alabama Board of Examiners in Marriage
5610 and Family Therapy.

5611 (3) EXECUTIVE DIRECTOR. The Executive Director of the
5612 Office of Occupational and Professional Licensing as defined
5613 in Section 25-2B-1.

5614 ~~(3)~~ (4) MARRIAGE AND FAMILY THERAPIST. A person to whom
5615 a valid, current license has been issued pursuant to this
5616 chapter.

5617 ~~(4)~~ (5) MARRIAGE AND FAMILY THERAPY ASSOCIATE. An
5618 individual who has graduated from a program that meets the
5619 board course requirements, has completed the required
5620 internship, and is continuing training in marriage and family
5621 therapy under a board approved supervisory arrangement to
5622 complete a minimum two-year postgraduate supervision
5623 requirement prior to applying for his or her marriage and
5624 family therapist license.

5625 ~~(5)~~ (6) MARRIAGE AND FAMILY THERAPY INTERN. An
5626 individual who is training for designation as a marriage and
5627 family therapy associate in accordance with board requirements



SB224 INTRODUCED

5628 and under a board approved supervisory arrangement.

5629 ~~(6)~~ (7) PERSON. Any individual, firm, corporation,
5630 partnership, organization, political body, or other entity.

5631 ~~(7)~~ (8) PERSON IN TRAINING. An individual who is
5632 preparing for the practice of marriage and family therapy
5633 under qualified supervision in a training institution or
5634 facility.

5635 ~~(8)~~ (9) PRACTICE OF MARRIAGE AND FAMILY THERAPY. The
5636 process of providing professional marriage and family therapy
5637 to individuals, couples, and families, either alone or in a
5638 group. The practice of marriage and family therapy utilizes
5639 established principles that recognize the interrelated nature
5640 of the individual problems and dysfunctions in family members
5641 in order to diagnose, assess, and treat mental and emotional
5642 disorders within a marriage and family therapy treatment
5643 context. Marriage and family therapy includes, without being
5644 limited to, individual, group, couple, sexual, family, and
5645 divorce therapy and psychotherapy, whether the services are
5646 offered directly to the general public or through
5647 organizations, either public or private, for a fee or other
5648 compensation. Marriage and family therapy is a specialized
5649 mode of treatment for the purpose of resolving mental and
5650 emotional disorders and modifying intrapersonal and
5651 interpersonal dysfunctions. The terms "diagnose," "assess,"
5652 and "treat," as used in this subdivision, when considered in
5653 isolation or in conjunction with the rules of the board, shall
5654 not be construed to permit the performance of any act which
5655 marriage and family therapists are not educated and trained to



SB224 INTRODUCED

5656 perform, including, but not limited to, administering and
5657 interpreting psychological tests, intellectual,
5658 neuropsychological, personality, and projective instruments,
5659 admitting persons to hospitals for treatment for the foregoing
5660 conditions, treating persons in hospitals without medical
5661 supervision, prescribing medicinal drugs, authorizing clinical
5662 laboratory procedures or radiological procedures, or use of
5663 electroconvulsive therapy. In addition, this definition shall
5664 not be construed to permit any person licensed pursuant to
5665 this chapter to describe or label any test, report, or
5666 procedure as "psychological," or as a "psychological
5667 evaluation." A licensed marriage and family therapist may
5668 diagnose and develop treatment plans, but shall not attempt to
5669 diagnose, treat, or advise a client with reference to problems
5670 or complaints falling outside the boundaries of marriage and
5671 family therapy services. Nothing in this chapter shall be
5672 construed to authorize persons licensed under this chapter to
5673 practice medicine.

5674 ~~(9)~~ (10) QUALIFIED SUPERVISION. The supervision of
5675 clinical services in accordance with standards established by
5676 the board. The supervisor shall be recognized by the board as
5677 an approved supervisor or other designation indicating an
5678 approved supervisory position.

5679 ~~(10)~~ (11) RECOGNIZED EDUCATIONAL INSTITUTION. Any
5680 educational institution that grants a bachelor's, master's, or
5681 doctoral degree and that is recognized by the board and by a
5682 regional educational accrediting body or a postgraduate
5683 training institute accredited by the Commission on



SB224 INTRODUCED

5684 Accreditation for Marriage and Family Therapy Education.

5685 ~~(11)~~ (12) USE A TITLE OR DESCRIPTION. To hold oneself
5686 out to the public as having a particular status by means of
5687 stating on signs, mailboxes, address plates, stationery
5688 announcements, calling cards, or other instruments of
5689 professional identification."

5690 "§34-17A-6

5691 (a) There is created the Alabama Board of Examiners in
5692 Marriage and Family Therapy. Commencing on October 1, 2025,
5693 the board shall be subject to the leadership, support, and
5694 oversight of the Executive Director of the Office of
5695 Occupational and Professional Licensing pursuant to Chapter 2B
5696 of Title 25. The board shall consist of five members who are
5697 citizens of this state and appointed by the Governor. In
5698 appointing members to the board, the Governor shall select
5699 those persons whose appointments would ensure that, to the
5700 extent possible, the membership of the board reflects the
5701 geographic, gender, and racial diversity of the state as a
5702 whole. The board shall perform the duties and have the powers
5703 as prescribed and conferred by this chapter. No member of the
5704 board shall be civilly liable for any act performed in good
5705 faith for the performance of his or her duties as a member of
5706 the board.

5707 (b) The professional membership of the board shall be
5708 licensed pursuant to this chapter.

5709 (c) Vacancies on the board shall be filled for the
5710 remainder of the unexpired term. Members of the board shall
5711 serve until their successors are appointed and have qualified.



SB224 INTRODUCED

5712 Board members shall be ineligible for reappointment for a
5713 period of three years following completion of their five-year
5714 term.

5715 (d) Appointments to the board shall be made by the
5716 Governor as provided in this subsection. Not later than
5717 October 1 of each year, the Board of Directors of the Alabama
5718 Association for Marriage and Family Therapy shall submit to
5719 the Governor the names of two qualified candidates for each
5720 position on the board to be vacated by reason of expiration of
5721 a term of office. From the two candidates, the Governor shall
5722 appoint one member to serve on the board for a term of five
5723 years. Other vacancies occurring on the board shall be filled
5724 for the unexpired term by appointment of the Governor from two
5725 candidates for each vacancy submitted by the Alabama
5726 Association for Marriage and Family Therapy within 30 days
5727 after the vacancy occurs. Composition of the board shall
5728 consist of one public member, one marriage and family therapy
5729 educator, and three practicing marriage and family therapists.

5730 (e) The Governor may remove a member of the board only
5731 for neglect of duty, malfeasance, or conviction of a felony or
5732 crime of moral turpitude while in office. Notwithstanding the
5733 foregoing, no member may be removed until after a public
5734 hearing of the charges against him or her, and at least 30
5735 days' prior written notice to the accused member of the
5736 charges against him or her and of the date fixed for the
5737 hearing. No board member shall participate in any matter
5738 before the board in which he or she has a pecuniary interest,
5739 personal bias, or other similar conflict of interest."



SB224 INTRODUCED

5740 "§34-17A-7

5741 ~~(a) The board may employ a director, secretary,~~
5742 ~~attorneys, experts, and other employees as it may from time to~~
5743 ~~time find necessary for the proper performance of its duties,~~
5744 ~~and for whom the necessary funds are appropriated.~~

5745 ~~(b)~~ (a) The board shall elect annually a chair and a
5746 vice chair. ~~Each member shall receive the same per diem and~~
5747 ~~travel allowance as state employees for each day of attendance~~
5748 ~~at an official meeting of the board.~~ The board shall hold at
5749 least one regular meeting each year. Additional meetings may
5750 be held at the discretion of the chair or at the written
5751 request of any two members of the board. A majority of the
5752 current appointed members of the board shall constitute a
5753 quorum.

5754 ~~(c)~~ (b) The board shall examine and pass on the
5755 qualifications of all applicants and shall issue a license to
5756 each successful applicant attesting to his or her professional
5757 qualifications as a marriage and family therapist. The board
5758 shall adopt a seal which shall be affixed to all licenses
5759 issued by the board. ~~The board may authorize expenditures~~
5760 ~~deemed necessary to carry out this chapter from the fees which~~
5761 ~~it collects and other available appropriations, but in no~~
5762 ~~event shall expenditures exceed the revenues of the board~~
5763 ~~during any fiscal year.~~ The board may accept grants from
5764 foundations, individuals, and institutions ~~to carry on its~~
5765 ~~function.~~

5766 ~~(d) By rule, the board shall assess and collect fees as~~
5767 ~~required for the enforcement of this chapter."~~



SB224 INTRODUCED

5768 "§34-17A-8

5769 (a) Each applicant for licensure as a practicing
5770 marriage and family therapist shall submit to the board a
5771 completed application on forms prescribed by the ~~board~~
5772 executive director. The completed application shall contain
5773 the following information:

5774 (1) Satisfactory evidence that the applicant is of good
5775 moral character and has not engaged or is not engaged in any
5776 practice or conduct that would make the applicant ineligible
5777 to receive a license pursuant to Section 34-17A-14.

5778 (2) Satisfactory evidence that the applicant meets the
5779 education and experience requirements for licensure pursuant
5780 to Section 34-17A-10.

5781 (3) Other information that the executive director or
5782 board may require.

5783 (b) Applicants also shall pass an examination which has
5784 been approved by the board and shall be citizens of the United
5785 States or, if not citizens of the United States, legally
5786 present in the United States with appropriate documentation
5787 from the federal government."

5788 "§34-17A-11

5789 The board shall approve applicants for an examination
5790 ~~at least once a year~~ at a time and place designated by the
5791 ~~board~~ executive director. Examinations shall include questions
5792 in theoretical and applied fields as the board deems most
5793 suitable to test the knowledge and competence of the applicant
5794 to engage in the practice of marriage and family therapy."

5795 "§34-17A-12



SB224 INTRODUCED

5796 The board shall issue a license by examination of
5797 credentials to any person licensed or certified as a marriage
5798 and family therapist in another state which has requirements
5799 for licensure that are equivalent to or exceed the
5800 requirements of this state, provided the applicant submits an
5801 application on forms prescribed by the ~~board~~ executive
5802 director and pays the original licensure fee prescribed by
5803 ~~this chapter~~ the executive director."

5804 "§34-17A-13

5805 (a) A fee, in an amount to be determined by the ~~board~~
5806 executive director, shall be paid to the board for original
5807 licensure.

5808 (b) Licenses shall be valid for ~~two years~~ a time period
5809 prescribed by the executive director and shall be renewed
5810 biennially prior to the expiration date. The amount of the
5811 renewal fee shall be determined by the ~~board~~ executive
5812 director. Any applicant for renewal of a license that has
5813 expired shall also be required to pay a late renewal fee
5814 determined by the ~~board~~ executive director.

5815 (c) ~~On or before October 1 of the year preceding~~
5816 ~~expiration of a license, the secretary of the board shall~~
5817 ~~forward to the holder of the license a form of application for~~
5818 ~~renewal thereof.~~ No license shall be renewed unless the
5819 renewal request is accompanied by satisfactory evidence of the
5820 completion ~~during the previous 24 months~~ of relevant
5821 professional and continued educational experience. Upon the
5822 receipt of the completed application form, evidence of
5823 satisfactory professional and continued educational



SB224 INTRODUCED

5824 experience, and the renewal fee, the ~~secretary~~ executive
5825 director shall issue a new license for the renewal period.

5826 (d) Necessary administrative fees may be charged by the
5827 ~~board, including, but not limited to, reasonable costs for~~
5828 ~~copying, labels, and lists~~ executive director. Examination and
5829 license fees may be adjusted as the ~~board~~ executive director
5830 shall deem appropriate."

5831 "§34-17A-25

5832 ~~There is established a separate revenue trust fund in~~
5833 ~~the State Treasury to be known as the "Alabama Board of~~
5834 ~~Examiners in Marriage and Family Therapy Fund."~~ All receipts
5835 and disciplinary fines collected by the board under this
5836 chapter shall be deposited in this fund and used only to
5837 implement this chapter. Monies shall be disbursed only by
5838 warrant of the state Comptroller upon the State Treasury, upon
5839 itemized vouchers approved by the chair of the board or an
5840 authorized designee. No funds shall be withdrawn or expended
5841 except as budgeted and allotted according to Sections 41-4-80
5842 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and
5843 only in amounts stipulated in general appropriations bills and
5844 other appropriations bills."

5845 Section 18. Relating to the Alabama Massage Therapy
5846 Licensing Board; Chapter 43A is added to Title 34 of the Code
5847 of Alabama 1975, to read as follows:

5848 §34-43A-1

5849 This chapter shall be known and may be cited as the
5850 Alabama Massage Therapy Licensing Act.

5851 §34-43A-2



SB224 INTRODUCED

5852 For purposes of this chapter, the following terms have
5853 the following meanings:

5854 (1) ADVERTISE. To distribute a card, flier, sign, or
5855 device to any individual or entity, or to allow any sign or
5856 marking to be placed or broadcast on any building, radio,
5857 television, the Internet, or through other electronic means or
5858 to participate in the publication of any of these in a manner
5859 designed to attract public attention.

5860 (2) BOARD. The Alabama Massage Therapy Licensing Board
5861 created by this chapter.

5862 (3) EXAMINATION. The National Certification Board for
5863 Therapeutic Massage and Bodywork Examination or the Federation
5864 of State Massage Therapy Board's Massage and Bodywork
5865 Licensing Examination administered by an independent agency or
5866 another nationally or internationally accredited examination
5867 administered by an independent agency approved by the board,
5868 or state examination administered by the board. The national
5869 examination shall be accredited by the National Commission for
5870 Certifying Agencies. The board may also administer a written,
5871 oral, or practical examination.

5872 (4) EXECUTIVE DIRECTOR. The Executive Director of the
5873 Office of Occupational and Professional Licensing as defined
5874 in Section 25-2B-1.

5875 (5) LICENSE. The credential issued by the board which
5876 allows the holder to engage in the safe and ethical practice
5877 of massage therapy.

5878 (6) MASSAGE THERAPIST. An individual licensed pursuant
5879 to this chapter who practices or administers massage therapy



SB224 INTRODUCED

5880 or related touch therapy modalities to a client for
5881 compensation.

5882 (7) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or
5883 business where massage therapy is practiced by a massage
5884 therapist.

5885 (8) MASSAGE THERAPY INSTRUCTOR. A massage therapist who
5886 is approved by the board to teach the practice of massage
5887 therapy.

5888 (9) MASSAGE THERAPY or RELATED TOUCH THERAPY
5889 MODALITIES. a. The mobilization of the soft tissue which may
5890 include skin, fascia, tendons, ligaments, and muscles, for the
5891 purpose of establishing and maintaining good physical
5892 condition.

5893 b. The term includes effleurage, petrissage,
5894 tapotement, compression, vibration, stretching, heliotherapy,
5895 superficial hot and cold applications, topical applications,
5896 or other therapy that involves movement either by hand,
5897 forearm, elbow, or foot, for the purpose of therapeutic
5898 massage, and any massage, movement therapy, massage
5899 technology, myotherapy, massotherapy, oriental massage
5900 techniques, structural integration, acupressure, or polarity
5901 therapy.

5902 c. The term massage therapy may include the external
5903 application and use of herbal or chemical preparations and
5904 lubricants including, but not limited to, salts, powders,
5905 liquids, nonprescription creams, mechanical devices such as
5906 T-bars, cups, thumpers, body support systems, heat lamps, hot
5907 and cold packs, salt glow, steam cabinet baths, or



SB224 INTRODUCED

5908 hydrotherapy.

5909 d. The term does not include laser therapy, microwave,
5910 injection therapy, manipulation of the joints, or any
5911 diagnosis or treatment of an illness that normally involves
5912 the practice of medicine, chiropractic, physical therapy,
5913 podiatry, nursing, midwifery, occupational therapy,
5914 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
5915 naturopathics.

5916 (10) MASSAGE THERAPY SCHOOL. A school, approved by the
5917 board, where massage therapy is taught and which is one of the
5918 following:

5919 a. If located in Alabama, approved by the board as
5920 meeting the minimum established standards of training and
5921 curriculum as determined by the board and otherwise provided
5922 in this chapter.

5923 b. If located outside of Alabama, recognized by the
5924 board and by a regionally recognized professional accrediting
5925 body.

5926 c. A postgraduate training institute accredited by the
5927 Commission on Massage Therapy Accreditation.

5928 (11) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage
5929 parlor, nude studio, modeling studio, love parlor, adult
5930 bookstore, adult movie theater, adult video arcade, adult
5931 motel, or other commercial enterprise which has the offering
5932 for sale, rent, or exhibit, or the exhibit of, items or
5933 services intended to provide sexual stimulation or sexual
5934 gratification to the client.

5935 (12) STUDENT. Any individual who is enrolled in a



SB224 INTRODUCED

5936 massage therapy school.

5937 §34-43A-3

5938 Except as specifically provided by this chapter, no
5939 individual may do any of the following unless licensed
5940 pursuant to this chapter:

5941 (1) Advertise that he or she performs massage therapy
5942 or related touch therapy modalities.

5943 (2) Hold himself or herself out to the public as a
5944 massage therapist, using any name or description denoting
5945 himself or herself as a massage therapist, or purporting to
5946 have the skills necessary to perform massage therapy.

5947 (3) Practice massage therapy.

5948 §34-43A-4

5949 (a) The following individuals, offices, and
5950 establishments are exempt from this chapter:

5951 (1) A student who is rendering massage therapy services
5952 under the supervision of a massage therapy instructor, or any
5953 other supervisory arrangement recognized and approved by the
5954 board including, but not limited to, a temporary permit. A
5955 student shall be designated by title clearly indicating his or
5956 her training status.

5957 (2) A qualified member of another profession who is
5958 licensed and regulated under state law while in the course of
5959 rendering services within the scope of his or her license,
5960 provided that the individual does not represent himself or
5961 herself as a massage therapist.

5962 (3) An individual providing massages to his or her
5963 immediate family.



SB224 INTRODUCED

5964 (4) An individual offering massage therapy instruction
5965 who is visiting from another state, territory, or country,
5966 provided that the individual is licensed or registered as
5967 required in his or her place of residence and holds
5968 certification from a nationally recognized professional
5969 accrediting organization approved by the board. A visiting
5970 instructor may teach continuing education courses in this
5971 state for up to 100 hours per year without being licensed by
5972 the board. A visiting instructor who teaches continuing
5973 education courses in this state for 100 hours or more per year
5974 is required to be licensed by the board.

5975 (5) Members of the Massage Emergency Rescue Team, or
5976 any other nationally or internationally recognized disaster
5977 relief association, who practice massage therapy in this state
5978 only during a time declared by the Governor or the Legislature
5979 to be a city, county, or state emergency. These therapists may
5980 work in this state for a period of time approved by the board.

5981 (6) A Native American healer using traditional healing
5982 practices. A Native American healer who applies to the board
5983 for a massage therapist license shall comply with all
5984 licensing requirements.

5985 (7) An individual acting under the supervision of a
5986 physician, physical therapist, or chiropractor within the
5987 scope of his or her license, provided that the individual does
5988 not represent himself or herself as a massage therapist or
5989 receive compensation as a massage therapist.

5990 (8) The office of a chiropractor, physician, or
5991 physical therapist which employs or contracts with a massage



SB224 INTRODUCED

5992 therapist.

5993 (b) Nothing in this chapter shall be construed to
5994 authorize massage therapists to administer, dispense, or
5995 prescribe drugs, or engage in the practice of medicine in any
5996 manner including, but not limited to, providing nutrition
5997 advice or diagnosing or prescribing drugs for mental,
5998 emotional, or physical disease, illness, or injury.

5999 §34-43A-5

6000 (a) (1) There is created the Alabama Massage Therapy
6001 Licensing Board. Commencing on October 1, 2025, the board
6002 shall be subject to the leadership, support, and oversight of
6003 the Executive Director of the Office of Occupational and
6004 Professional Licensing pursuant to Chapter 2B of Title 25.

6005 (2) The purpose of the board is to protect the health,
6006 safety, and welfare of the public by ensuring that massage
6007 therapists, massage therapy establishment licensees, massage
6008 therapy schools, and massage therapy instructors meet
6009 prescribed standards of education, competency, and practice.
6010 To accomplish the purposes of this mission, the board shall
6011 establish standards to ensure completion of all board
6012 functions in a timely and effective manner and to provide open
6013 and immediate access to all relevant public information. The
6014 board shall communicate its responsibilities and services to
6015 the public as part of its consumer protection duties. The
6016 board, upon the recommendation of the executive director,
6017 shall develop and implement a long range plan to ensure
6018 effective regulation and consumer protection.

6019 (3) All rights, duties, records, property, real or



SB224 INTRODUCED

6020 personal, and all other effects existing in the name of the
6021 Alabama Board of Massage Therapy, formerly created and
6022 functioning pursuant to Chapter 43, or in any other name by
6023 which that board has been known, shall continue in the name of
6024 the Alabama Massage Therapy Licensing Board under the
6025 jurisdiction of the Office of Occupational and Professional
6026 Licensing and the executive director. Any reference to the
6027 former Alabama Board of Massage Therapy, or any other name by
6028 which that board has been known, in any existing law,
6029 contract, or other instrument shall constitute a reference to
6030 the Alabama Massage Therapy Licensing Board as created in this
6031 chapter. All actions of the former Alabama Board of Massage
6032 Therapy or the executive director of the former board done
6033 prior to June 1, 2024, are approved, ratified, and confirmed.

6034 (4) The status of any individual or entity properly
6035 licensed or registered by the former Alabama Board of Massage
6036 Therapy on June 1, 2024, shall continue under the jurisdiction
6037 of the Alabama Massage Therapy Licensing Board. Any license or
6038 registration subject to renewal on or before October 1, 2024,
6039 pursuant to this chapter shall be temporarily extended by
6040 three months, and may be temporarily extended for two
6041 additional months if determined necessary by the board.

6042 (b)(1) The board shall consist of the following nine
6043 members:

6044 a. Three active licensees appointed by the Governor.

6045 b. Two active licensees and one at-large member
6046 appointed by the Lieutenant Governor.

6047 c. Two active licensees and one at-large member



SB224 INTRODUCED

6048 appointed by the Speaker of the House of Representatives.

6049 (2) The seven active massage therapist licensee members
6050 of the board shall be appointed so that not more than one
6051 active licensee member from each United States Congressional
6052 District in the state is appointed to serve at the same time.
6053 The two members appointed from the state at large shall have
6054 never been licensed as massage therapists nor have had any
6055 direct financial interest in the massage therapy profession.
6056 One of the at-large members shall have extensive knowledge of
6057 sex trafficking and related law enforcement efforts to defeat
6058 sex trafficking. The at-large member appointed by the
6059 Lieutenant Governor and the at-large member appointed by the
6060 Speaker of the House of Representatives shall be appointed
6061 from a list of three names each provided by the Minority
6062 Leader of the Senate and the Minority Leader of the House of
6063 Representatives, respectively. The appointing authorities
6064 shall coordinate their appointments to assure the board
6065 membership is inclusive and reflects the racial, gender,
6066 geographic, urban, rural, and economic diversity of the state.

6067 (3) The members initially appointed to the board shall
6068 be appointed effective July 1, 2024. Each board member shall
6069 be selected upon personal merit and qualifications, not per
6070 membership or affiliation with an association. Each board
6071 member shall be a citizen of the United States and a resident
6072 of this state for two years immediately preceding appointment.
6073 No member of the board shall serve more than two full
6074 consecutive terms.

6075 (c) Of the initial nine appointees to the board, three



SB224 INTRODUCED

6076 members shall be appointed for terms of two years, three
6077 members shall be appointed for terms of three years, and three
6078 members shall be appointed for terms of four years as
6079 determined by lottery. Thereafter, successors shall be
6080 appointed for terms of four years, each term expiring on June
6081 30.

6082 (d) Vacancies on the board occurring prior to the
6083 expiration of a term shall be filled by the original
6084 appointing authority within 30 days after the vacancy, to
6085 serve for the remainder of the unexpired term. Each member of
6086 the board shall serve until his or her successor has been duly
6087 appointed and qualified.

6088 (e) The board shall hold its first meeting on or before
6089 August 1, 2024. At the initial meeting, and annually
6090 thereafter in the month of October, the board shall elect a
6091 chair and a vice-chair from its membership. The board shall
6092 hold quarterly meetings for the purpose of reviewing license
6093 applications. The board may hold additional meetings at the
6094 discretion of the chair and four members of the board. A
6095 quorum of the board shall be a majority of the then serving
6096 appointed board members. All meetings of the board shall be
6097 recorded electronically and a copy of the recording shall be
6098 made available, upon request, for 30 calendar days following
6099 the date of the recording.

6100 (f) An affirmative vote of a majority of the members of
6101 the board shall be required to grant, suspend, or revoke a
6102 license to practice massage therapy or a license to operate a
6103 massage therapy establishment.



SB224 INTRODUCED

6104 (g) The executive director, at the request of the
6105 board, may remove a member of the board for misfeasance,
6106 malfeasance, neglect of duty, commission of a felony,
6107 incompetence, permanent inability to perform official duties,
6108 or failing to attend two consecutive properly noticed meetings
6109 within a one-year period.

6110 (h) Members of the board are immune from liability for
6111 all good faith acts performed in the execution of their duties
6112 as members of the board.

6113 (i) Within the first six months after appointment, each
6114 new board member shall complete board member training provided
6115 by the Department of Examiners of Public Accounts and Alabama
6116 Ethics training provided by the Alabama Ethics Commission.

6117 (j) All appointees to the board shall take the
6118 constitutional oath of office and shall file the oath in the
6119 office of the Governor before undertaking any duties as a
6120 board member. Upon receiving the oath, the Governor shall
6121 issue a certificate of appointment to each appointee.

6122 §34-43A-6

6123 (a) The board shall do all of the following:

6124 (1) Qualify applicants to take the licensing
6125 examination and issue licenses to successful applicants.

6126 (2) Adopt a seal and affix the seal to all licenses
6127 issued by the board.

6128 (3) Collect fees established by the executive director
6129 and authorized by this chapter.

6130 (4) Maintain a complete record of all massage
6131 therapists and annually prepare a roster of the names and



SB224 INTRODUCED

6132 addresses of those licensees. An electronic copy of the roster
6133 shall be provided to any individual, upon request and the
6134 payment of a fee established by the board in an amount
6135 sufficient to cover the costs of production and distribution.

6136 (5) Provide for the investigation of any individual who
6137 is suspected of violating this chapter or rule of the board.

6138 (6) Adopt and revise rules as necessary to implement
6139 this chapter pursuant to the Administrative Procedure Act. All
6140 administrative rules of the former Alabama Board of Massage
6141 Therapy existing on June 1, 2024, which reference Chapter 43,
6142 shall remain in effect as rules of the Alabama Massage Therapy
6143 Licensing Board until amended or repealed by that board.

6144 (7) Provide an electronic copy of this chapter, and any
6145 amendment made to this chapter, to licensees and applicants
6146 for licensing, upon request.

6147 (8) By rule, require massage therapists, massage
6148 therapy establishments, and massage therapy schools to carry
6149 professional and general liability insurance with an "A" rated
6150 or better insurance carrier in the amount of at least one
6151 million dollars (\$1,000,000). Proof of coverage shall be
6152 provided to the board upon request.

6153 (9) Perform other functions necessary and proper for
6154 the performance of official duties.

6155 (b) The board may do any of the following:

6156 (1) Accept or deny the application of any individual
6157 applying for a license as a massage therapist or massage
6158 therapy establishment license upon an affirmative vote of a
6159 majority of the board.



SB224 INTRODUCED

6160 (2) By rule, establish criteria for certifying massage
6161 therapy instructors.

6162 (3) Adopt a code of ethics.

6163 (4) Provide for the inspection of the business premises
6164 of any licensee during normal business hours.

6165 (5) Establish a list of approved massage therapy
6166 schools.

6167 §34-43A-7

6168 (a) No individual may perform the duties of a massage
6169 therapist unless he or she holds a valid license issued by the
6170 board.

6171 (b) A massage therapist may not perform massage therapy
6172 for a sexually-oriented business, and shall be subject to all
6173 sections of Article 3 of Chapter 12 of Title 13A.

6174 (c) A massage therapist may not advertise or offer to
6175 perform services outside of the scope of his or her expertise,
6176 experience, and education for any client who is ill or has a
6177 physical dysfunction, unless the services are performed in
6178 conjunction with a licensed physician, physical therapist, or
6179 chiropractor.

6180 (d) A massage therapist or massage therapy
6181 establishment licensee may not participate in the publication
6182 of or advertise or offer to perform services on any sexually
6183 explicit website or online platform that promotes
6184 prostitution, sexually explicit services, or human
6185 trafficking. The board shall report any alleged violation of
6186 this subsection to local law enforcement for further
6187 investigation and potential prosecution.



SB224 INTRODUCED

6188 §34-43A-8

6189 (a) An applicant for licensing as a massage therapist
6190 shall apply to the board on forms provided by the executive
6191 director. Unless licensed pursuant to subsection (b), an
6192 applicant for a license shall submit evidence satisfactory to
6193 the board that he or she has met all of the following
6194 requirements:

6195 (1)a. Completed a minimum of 650 hours of instruction
6196 at a massage therapy school consisting of all of the
6197 following:

6198 1. One hundred hours of anatomy and physiology,
6199 including 35 hours of myology, 15 hours of osteology, 10 hours
6200 of circulatory system, and 10 hours of nervous system, with
6201 the remaining 30 hours addressing other body systems, as
6202 determined by the massage therapy school.

6203 2. Two hundred fifty hours of basic massage therapy,
6204 the contradistinctions of massage therapy, and related touch
6205 therapy modalities, including a minimum of 50 hours of
6206 supervised massage.

6207 3. Fifty hours of business, hydrotherapy, first aid,
6208 cardiopulmonary resuscitation, professional ethics, and state
6209 massage therapy law.

6210 4. Two hundred fifty hours of electives as determined
6211 by the massage therapy school.

6212 b. The board, by rule, may increase the minimum number
6213 of hours of instruction required for a license, not to exceed
6214 the number of hours recommended by the National Certification
6215 Board for Therapeutic Massage and Bodywork, or a successor



SB224 INTRODUCED

6216 organization approved by the board.

6217 c. In addition to paragraphs a. and b., to perform
6218 therapeutic massage on an animal, a massage therapist shall
6219 have also graduated from a nationally approved program and
6220 completed at least 100 hours of postgraduate training and
6221 education in animal anatomy, pathology, and physiology for the
6222 specific type of animal upon which he or she will perform
6223 therapeutic massage.

6224 (2) Successfully passed a state board examination or a
6225 national standardized examination approved by the board. The
6226 board may approve other state's exams on a case-by-case basis.

6227 (3) Completed a criminal history background check as
6228 required by the board.

6229 (4) Paid all applicable fees.

6230 (b) Notwithstanding the requirements listed in
6231 subdivisions (1) and (2) of subsection (a), the board may
6232 license an applicant who is licensed or registered to practice
6233 massage therapy in another state if the standards of practice
6234 or licensing of that state, at the time the applicant was
6235 originally licensed or registered, were equal to or stricter
6236 than the requirements imposed by this chapter. Before the
6237 issuance of an initial license or renewal pursuant to this
6238 subsection, an applicant may be subject to a hearing before
6239 the board to obtain additional information from the applicant
6240 that is relevant to the decision of the board in granting or
6241 denying the license or renewal. All hearings under this
6242 subsection shall be conducted pursuant to the Administrative
6243 Procedure Act and failure of the applicant to appear at the



SB224 INTRODUCED

6244 hearing may result in the denial of his or her application or
6245 renewal.

6246 (c) Upon receipt of an application, the board shall
6247 notify the applicant that his or her application is pending.
6248 If the board requires additional information from the
6249 applicant, the board shall notify the applicant and the
6250 applicant shall provide the requested information to the board
6251 within 10 business days. The board shall also notify the
6252 applicant of the approval or denial of his or her application.
6253 If an application is denied, the board shall notify the
6254 applicant in writing of the reasons for the denial.

6255 §34-43A-9

6256 (a) No massage therapy establishment shall operate in
6257 this state without a license issued by the board.

6258 (b) A sexually-oriented business may not operate as a
6259 massage therapy establishment or be licensed by the board
6260 pursuant to this chapter.

6261 (c) A massage therapy establishment shall contract with
6262 or employ only licensed massage therapists to perform massage
6263 therapy. Every massage therapist associated with or working at
6264 a massage therapy establishment shall be registered with the
6265 board and one of the licensed massage therapists shall be
6266 designated as the licensee who ensures that the massage
6267 therapy establishment complies with state law and all
6268 applicable administrative rules.

6269 (d) A massage therapy establishment license is not
6270 assignable or transferable.

6271 (e) If the holder of a massage therapy establishment



SB224 INTRODUCED

6272 license moves the location of the massage therapy
6273 establishment without changing either the name or ownership of
6274 that massage therapy establishment, the board shall waive the
6275 new establishment license fee upon the receipt of appropriate
6276 documentation from the licensee. The documentation required by
6277 the board for the waiver shall be established by rule of the
6278 board. This subsection shall not change the expiration date of
6279 a massage therapy establishment license.

6280 (f) (1) Except as provided in subdivision (2), each
6281 applicant for a massage therapy establishment license shall
6282 complete a criminal history background check pursuant to rules
6283 adopted by the board.

6284 (2) An applicant for a massage therapy establishment
6285 license, who is a massage therapist and has completed a
6286 criminal history background check as required by the board
6287 within the preceding two years, is exempt from completing the
6288 criminal history background check required in subdivision (1).

6289 (g) The physical location of a proposed massage therapy
6290 establishment shall be subject to an initial inspection by the
6291 board before a massage therapy establishment license is
6292 granted to the applicant.

6293 (h) If the physical location of a massage therapy
6294 establishment is shut down by the board or by local, state, or
6295 federal law enforcement, that physical location, for one year
6296 following the closure, may not be licensed or operate as a
6297 massage therapy establishment. After the one year prohibition
6298 expires, an applicant for a massage therapy establishment
6299 license for that physical location must appear before the



SB224 INTRODUCED

6300 board before his or her application may be approved or denied.

6301 §34-43A-10

6302 (a) An application for initial licensing or renewal of
6303 a license shall be submitted on forms provided by the
6304 executive director and accompanied by the applicable fee, as
6305 provided in Section 34-43A-12, and a recent two-by-two inch
6306 photograph showing a frontal view of the head and shoulders of
6307 the applicant, taken no more than six months before
6308 application. All documents shall be submitted in English.

6309 (b) The board may deny the application of any applicant
6310 who refuses to complete a criminal history background check as
6311 required by the board pursuant to Section 34-43A-8(a)(3) or
6312 Section 34-43A-9(f).

6313 (c) Each license issued by the board to a qualified
6314 massage therapist applicant or a massage therapy establishment
6315 applicant shall be on a preprinted sequentially numbered form.
6316 A license shall grant all professional rights, honors, and
6317 privileges relating to the practice of massage therapy.

6318 (d) Each massage therapist shall display his or her
6319 license and photograph, as provided in subsection (a), in a
6320 conspicuous manner as specified by rule of the board. Each
6321 massage therapy establishment shall prominently post its
6322 license, and the license and photograph of each massage
6323 therapist, as provided in subsection (a), who practices at the
6324 massage therapy establishment, in plain sight within the
6325 massage therapy establishment.

6326 (e) A license is the property of the board and shall be
6327 surrendered upon demand of the board.



SB224 INTRODUCED

6328 §34-43A-11

6329 (a) Each licensee, upon application for renewal of a
6330 license, shall do both of the following:

6331 (1) Submit evidence of satisfactory completion of the
6332 continuing education requirements pursuant to Section
6333 34-43A-19.

6334 (2) Complete a new criminal history background check
6335 pursuant to rules adopted by the board. The board may deny the
6336 application for renewal of any licensee who refuses to
6337 complete a criminal history background check as required by
6338 the board.

6339 (b) An individual whose license has expired and who has
6340 ceased to practice massage therapy for a period of not longer
6341 than five years may have his or her license reinstated upon
6342 payment of a renewal fee, payment of a reactivation fee,
6343 payment of a late fee, and the submission of a renewal
6344 application and evidence satisfactory to the board that the
6345 applicant has fulfilled continuing education requirements,
6346 completed a criminal history background check, and paid any
6347 criminal history background check fees required by this
6348 chapter.

6349 §34-43A-12

6350 (a) The executive director, by rule, shall assess and
6351 collect all of the following fees:

6352 (1) For an initial massage therapist license.

6353 (2) For a biennial license renewal.

6354 (3) For an initial, and for any renewal of, a massage
6355 therapy establishment license.



SB224 INTRODUCED

6356 (4) For an initial registration, and any renewal
6357 registration, as a massage therapy school in this state.

6358 (5) To register and renew registration as a massage
6359 therapy instructor in this state.

6360 (6) To reactivate an expired license.

6361 (7) For a duplicate license certificate or a name
6362 change on a license certificate. The board may issue a
6363 duplicate certificate for each massage therapy establishment
6364 on file with the board where the massage therapist practices
6365 massage therapy. The board may issue additional duplicate
6366 certificates only after receiving a sworn letter from the
6367 massage therapist that an original certificate was lost,
6368 stolen, or destroyed. The board shall maintain a record of
6369 each duplicate certificate issued on a preprinted sequentially
6370 numbered form, and the preprinted sequential number of the
6371 original certificate shall be noted on the duplicate
6372 certificate.

6373 (b) Necessary administrative fees may be set by the
6374 executive director including, but not limited to, reasonable
6375 costs for copying, labels, and lists, and the actual costs for
6376 completing a criminal history background check.

6377 (c) All receipts collected by the board under this
6378 chapter shall be deposited into the Occupational and
6379 Professional Licensing Fund.

6380 §34-43A-13

6381 (a) Any individual may file with the board a written
6382 complaint regarding an allegation of impropriety by a massage
6383 therapist, massage therapy establishment, or other individual.



SB224 INTRODUCED

6384 Complaints may be anonymous and shall be made in the manner
6385 prescribed by the board. Complaints received by the board
6386 shall be referred to a standing investigative committee
6387 consisting of a board member, the executive director, the
6388 board attorney, and the board investigator. If no probable
6389 cause is found, the investigative committee may dismiss the
6390 charges and provide a statement, in writing, to the massage
6391 therapist, massage therapy establishment, or other individual
6392 of the reasons for that decision. The statement may also
6393 include the name of the complainant, upon request of the
6394 massage therapist, massage therapy establishment, or other
6395 individual to whom the written statement is provided.

6396 (b) If probable cause is found, the board shall
6397 initiate an administrative proceeding. Upon a finding that the
6398 licensee has committed any of the following misconduct, the
6399 board shall suspend, revoke, or refuse to issue or renew a
6400 license or impose a civil penalty after notice and opportunity
6401 for a hearing pursuant to the Administrative Procedure Act:

6402 (1) The license was obtained by means of fraud,
6403 misrepresentation, fraudulent transcripts, transcripts from a
6404 non-approved school, invalidated examination scores, or
6405 concealment of material facts, including making a false
6406 statement on an application or any other document required by
6407 the board for licensing.

6408 (2) The licensee sold or bartered or offered to sell or
6409 barter a license for a massage therapist or a massage therapy
6410 establishment.

6411 (3) The licensee has engaged in unprofessional conduct



SB224 INTRODUCED

6412 that has endangered or is likely to endanger the health,
6413 safety, and welfare of the public, as defined by the rules of
6414 the board.

6415 (4) The licensee has been convicted of a felony or of
6416 any crime arising out of or connected with the practice of
6417 massage therapy.

6418 (5) The licensee has violated or aided and abetted in
6419 the violation of this chapter.

6420 (6) The licensee is adjudicated as mentally incompetent
6421 by a court of law.

6422 (7) The licensee uses controlled substances or
6423 habitually and excessively uses alcohol.

6424 (8) The licensee engaged in false, deceptive, sexually
6425 explicit, or misleading advertising.

6426 (9) The licensee engaged in or attempted to or offered
6427 or solicited to engage a client in sexual activity including,
6428 but not limited to, genital contact, within the client-massage
6429 therapist relationship.

6430 (10) The licensee has knowingly allowed the massage
6431 therapy establishment to be used as an overnight sleeping
6432 accommodation.

6433 (11) The licensee had a license revoked, suspended, or
6434 denied in any other territory or jurisdiction of the United
6435 States for any act described in this section.

6436 (12) The applicant or licensee was convicted of
6437 impersonating a massage therapist in another jurisdiction.

6438 (c) Subsequent to an official complaint, the board may
6439 request a criminal history background check of the licensee



SB224 INTRODUCED

6440 through the district attorney of the circuit in which the
6441 licensee is located.

6442 (d) An individual governed by this chapter, who has a
6443 reasonable belief that another massage therapist has violated
6444 this chapter, shall inform the board in writing within 30
6445 calendar days after the date the individual discovers this
6446 activity. Upon finding that an individual has violated this
6447 subsection, the board shall alert local law enforcement and
6448 may do any of the following:

6449 (1) Impose an administrative fine of not more than ten
6450 thousand dollars (\$10,000) according to a disciplinary
6451 infraction fine schedule adopted by rule of the board.

6452 (2) Suspend or revoke the individual's license to
6453 practice massage therapy.

6454 (e) In addition to an administrative fine of not more
6455 than ten thousand dollars (\$10,000), according to a
6456 disciplinary infraction fine schedule adopted by rule of the
6457 board, the license of any individual who has been convicted
6458 of, or has entered a plea of nolo contendere to, a crime or
6459 offense involving prostitution or any other type of sexual
6460 offense shall be permanently revoked by the board following a
6461 hearing conducted pursuant to the Administrative Procedure
6462 Act.

6463 (f) The massage therapy establishment license of any
6464 massage therapy establishment wherein an individual has been
6465 convicted of, or entered a plea of nolo contendere to, an
6466 offense involving prostitution or any other type of sexual
6467 offense against a client, or which the board determines is a



SB224 INTRODUCED

6468 sexually-oriented business, shall be permanently revoked by
6469 the board following a hearing conducted pursuant to the
6470 Administrative Procedure Act.

6471 (g) (1) Upon a finding that an individual, who is
6472 governed by this chapter, has performed massage therapy
6473 without having obtained a license, the board may do any of the
6474 following:

6475 a. Impose an administrative fine of not more than ten
6476 thousand dollars (\$10,000).

6477 b. Issue a cease and desist order.

6478 c. Petition the circuit court of the county where the
6479 act occurred to enforce the cease and desist order and collect
6480 the assessed fine.

6481 (2) Any individual aggrieved by any adverse action of
6482 the board may appeal the action to the Circuit Court of
6483 Montgomery County.

6484 (h) The board shall present any incident of misconduct
6485 to the local district attorney for review and appropriate
6486 action.

6487 (i) The board may adopt rules to implement and
6488 administer this section upon the recommendation of the
6489 executive director.

6490 §34-43A-14

6491 An individual who does not hold a license as a massage
6492 therapist, physical therapist, chiropractor, or athletic
6493 trainer, or a license for a massage therapy establishment,
6494 shall not use the words massage or bodywork on any sign or
6495 other form of advertising describing services performed by the



SB224 INTRODUCED

6496 individual or within the establishment. Any advertisement by a
6497 massage therapist or massage therapy establishment shall
6498 contain the license number of the massage therapist or massage
6499 therapy establishment.

6500 §34-43A-15

6501 Any individual who violates this chapter shall be
6502 guilty of a Class C misdemeanor.

6503 §34-43A-16

6504 (a) In addition to any criminal penalty prescribed by
6505 this chapter, the board may seek an injunction against any
6506 individual or establishment found in violation of this
6507 chapter.

6508 (b) In an action for an injunction, the board may
6509 demand and recover a civil penalty of fifty dollars (\$50) per
6510 day for each violation, reasonable attorney fees, and court
6511 costs.

6512 §34-43A-17

6513 (a) Except as otherwise provided in subsection (b),
6514 this chapter shall supersede any regulation adopted by a
6515 political subdivision of the state related to the licensing or
6516 regulation of massage therapists and massage therapy
6517 establishments.

6518 (b) This section shall not affect:

6519 (1) Local regulations relating to zoning requirements
6520 or occupational license taxes pertaining to massage therapists
6521 and massage therapy establishments.

6522 (2) Local regulations that do not relate to the
6523 practice of massage therapy by qualified individuals.



SB224 INTRODUCED

6524 (c) A county, or a municipality within its
6525 jurisdiction, may regulate individuals licensed pursuant to
6526 this chapter. Regulation shall be consistent with this chapter
6527 and shall not supersede this chapter. This section shall not
6528 be construed to prohibit a county or municipality from
6529 regulating individuals not licensed pursuant to this chapter.

6530 §34-43A-18

6531 (a) To be approved by the board, a massage therapy
6532 school shall meet all of the following requirements:

6533 (1) Submit to the board a completed application
6534 prescribed by the executive director and the registration fee
6535 specified in Section 34-43A-12.

6536 (2) Provide documentation of a curriculum which
6537 includes a minimum number of required hours of instruction in
6538 the subjects required by Section 34-43A-8.

6539 (3) Register with the board by submitting a renewal
6540 form, the renewal fee specified in Section 34-43A-12, and a
6541 then current curriculum and list of active massage therapy
6542 instructors teaching at the school.

6543 (4) On or before July 1, 2025, be certified by the
6544 National Certification Board for Therapeutic Massage and
6545 Bodywork as an assigned school.

6546 (b) Every massage therapy instructor teaching a course
6547 in massage therapy at a massage therapy school located in this
6548 state shall be licensed by the board as a massage therapist
6549 and registered as a massage therapy instructor. Instructors
6550 who are not teaching massage therapy do not need to be
6551 registered. An adjunct massage therapy instructor shall be



SB224 INTRODUCED

6552 dually licensed in the state where he or she resides or be
6553 nationally certified, or both.

6554 (c) An applicant for registration as a massage therapy
6555 instructor shall satisfy all of the following requirements:

6556 (1) Be currently licensed as a massage therapist in
6557 this state.

6558 (2) Submit to the board a completed application as
6559 prescribed by the executive director and the application fee
6560 specified in Section 34-43A-12.

6561 (3) Submit documentation of three years of experience
6562 in the practice of massage therapy. The documentation may be
6563 considered by the board on a case-by-case basis.

6564 §34-43A-19

6565 (a) The board is subject to the Alabama Sunset Law of
6566 1981, and is classified as an enumerated agency pursuant to
6567 Section 41-20-3. The board shall automatically terminate on
6568 October 1, 2026, and every four years thereafter, unless
6569 continued pursuant to the Alabama Sunset Law.

6570 (b) The board shall adopt a program of continuing
6571 education for licensees which shall be a requisite for the
6572 renewal of licenses issued pursuant to this chapter and shall
6573 not exceed the requirements of a board-approved nationally
6574 recognized board certification organization such as the
6575 National Certification Board for Therapeutic Massage and
6576 Bodywork.

6577 Section 19. Relating to the State Board of Midwifery;
6578 to amend Sections 34-19-11, 34-19-12, 34-19-13, 34-19-14, and
6579 34-19-15 of the Code of Alabama 1975, to read as follows:



SB224 INTRODUCED

6580 "§34-19-11

6581 The following words and phrases ~~shall~~ have the
6582 following meanings, unless the context clearly indicates
6583 otherwise:

6584 (1) BOARD. The State Board of Midwifery.

6585 (2) EXECUTIVE DIRECTOR. The Executive Director of the
6586 Office of Occupational and Professional Licensing as defined
6587 in Section 25-2B-1.

6588 ~~(2)~~ (3) LICENSED MIDWIFE. A practitioner who holds a
6589 certified professional midwife credential and is licensed by
6590 the board to practice midwifery.

6591 ~~(3)~~ (4) MIDWIFERY. The provision of primary maternity
6592 care during the antepartum, intrapartum, and postpartum
6593 periods."

6594 "§34-19-12

6595 (a) There is created and established a State Board of
6596 Midwifery to implement and administer this chapter. Commencing
6597 on October 1, 2025, the board shall be subject to the
6598 leadership, support, and oversight of the Executive Director
6599 of the Office of Occupational and Professional Licensing
6600 pursuant to Chapter 2B of Title 25.

6601 ~~(b) The board shall pay all of its expenses from its~~
6602 ~~own funds and no expenses shall be borne by the State of~~
6603 ~~Alabama from the State General Fund.~~

6604 ~~(e)~~ (b) The board shall consist of seven members
6605 appointed by the Governor and subject to confirmation by the
6606 Senate, from a list of qualified individuals nominated by the
6607 designated organization. Each list shall contain the names of



SB224 INTRODUCED

6608 at least two individuals for each position to be filled.

6609 ~~(d)~~ (c) The members of the board shall be appointed for
6610 staggered initial terms and subsequent terms shall be for a
6611 minimum of four years or until his or her successor has been
6612 appointed and qualified.

6613 ~~(e)~~ (d) The board shall meet at least twice each year,
6614 conducting its business in person or by electronic methods.

6615 ~~(f)~~ (e) The board shall elect one of its members to
6616 serve as chair for a two-year term. The chair may not serve
6617 consecutive terms.

6618 ~~(g)~~ (f) The composition of the board shall be as
6619 follows:

6620 (1) Four members shall hold a valid certified
6621 professional midwife credential from the North American
6622 Registry of Midwives. These members shall be appointed from a
6623 list of names submitted by the Alabama Birth Coalition or its
6624 successor organization. One of these members shall be
6625 appointed to an initial term of four years, one to a term of
6626 three years, and two to a term of two years.

6627 (2) One member shall be a nurse practitioner. This
6628 member shall be appointed to an initial term of four years.

6629 (3) One member shall be a licensed certified nurse
6630 midwife or registered nurse licensed under Article 5 of
6631 Chapter 21. This member shall be appointed from a list
6632 submitted by the Alabama Board of Nursing. This member shall
6633 be appointed to an initial term of three years.

6634 (4) One member shall have used midwifery services in
6635 the state. This member shall be appointed from a list of names



SB224 INTRODUCED

6636 submitted by the Alabama Birth Coalition. This member shall be
6637 appointed to an initial term of three years.

6638 ~~(h)~~ (g) When choosing individuals to be considered by
6639 the Governor for appointment to the board, the nominating
6640 authorities shall strive to assure membership is inclusive and
6641 reflects the racial, gender, geographic, urban, rural, and
6642 economic diversity of the state.

6643 ~~(i)~~ (h) All members of the board shall be immune from
6644 individual civil liability while acting within the scope of
6645 their duties as board members, unless conduct is unreasonable.

6646 ~~(j)~~ (i) Vacancies shall be filled by the Governor and
6647 confirmed by the Senate in the same manner as other
6648 appointments are made. In the case of a vacancy, the new
6649 appointee shall serve for the remainder of the unexpired term.

6650 ~~(k) Members of the board shall serve without~~
6651 ~~compensation but shall be allowed travel and per diem expenses~~
6652 ~~at the same rate paid to state employees, to be paid from the~~
6653 ~~funds collected for the administration of this chapter, as~~
6654 ~~funds are available.~~

6655 ~~(l) The board may employ, subject to the State Merit~~
6656 ~~System, investigators, inspectors, attorneys, and any other~~
6657 ~~agents, employees, and assistants as may from time to time be~~
6658 ~~necessary, and may use any other means necessary to enforce~~
6659 ~~the provisions of this chapter.~~

6660 ~~(m)~~ (j) (1) A licensed midwife shall file annually with
6661 the board the following information on a form prepared by the
6662 board and accessible on its website:

6663 a. The total number of births attended by the licensed



SB224 INTRODUCED

6664 midwife in the previous year, including births where the
6665 licensed midwife was assisting another licensed midwife.

6666 b. The number of maternal transfers to a health care
6667 facility from births attended by the licensed midwife,
6668 including instances where the licensed midwife was assisting
6669 another licensed midwife.

6670 c. The number of infant transfers to a health care
6671 facility from births attended by the licensed midwife,
6672 including instances where the licensed midwife was assisting
6673 another licensed midwife.

6674 d. The total number of maternal deaths from births
6675 attended by the licensed midwife, including instances where
6676 the licensed midwife was assisting another licensed midwife.

6677 e. The total number of infant deaths from births
6678 attended by the licensed midwife, including instances where
6679 the licensed midwife was assisting another licensed midwife.

6680 (2) The board shall make the information collected
6681 under this subsection available to the public in accordance
6682 with federal law.

6683 ~~(n)~~ (k) The board shall be subject to the Alabama Sunset
6684 Law, Chapter 20, Title 41, as an enumerated agency as provided
6685 in Section 41-20-3, and shall have a termination date of
6686 October 1, 2021, and every four years thereafter, unless
6687 continued pursuant to the Alabama Sunset Law."

6688 "§34-19-13

6689 All funds received by the board under this chapter
6690 shall be deposited in the State Treasury to the credit of the
6691 ~~board and all such funds are to be appropriated to the board~~



SB224 INTRODUCED

6692 ~~to defray the expenses incurred in carrying out this chapter.~~
6693 ~~The expenses shall include printing, stamps, stationery,~~
6694 ~~clerical help, travel, and other necessary expenditures~~
6695 Occupational and Professional Licensing Fund. In all cases,
6696 any fee that is received by the board shall not be refunded,
6697 and no applicant shall have the right to recover any part of a
6698 fee accompanying his or her application for licensure or
6699 otherwise paid to the board except on the death, disability,
6700 or retirement from practice of any applicant or licensee
6701 between payment of any fee and the expiration of his or her
6702 current renewal or the issuance of the initial license. The
6703 books and records of the board shall be subject to audit in
6704 the same manner and to the same extent as any other state
6705 agency. The ~~board~~ executive director shall keep a true and
6706 accurate account of all funds received by the board and all
6707 expenditures made by the board."

6708 "§34-19-14

6709 (a) The board shall do all of the following consistent
6710 with this chapter:

6711 (1) Approve, renew, suspend, or revoke licenses for the
6712 practice of midwifery.

6713 (2) Investigate and conduct hearings regarding
6714 complaints against a licensed midwife in order to determine if
6715 disciplinary action is warranted.

6716 ~~(3) Establish reasonable licensure fees, including, but~~
6717 ~~not limited to, initial application, renewal, and~~
6718 ~~reinstatement fees.~~

6719 ~~(4)~~ (3) Develop standardized forms including, but not



SB224 INTRODUCED

6720 limited to, a midwife disclosure form, informed consent form,
6721 emergency care form, and applications for licensure and
6722 renewal.

6723 ~~(5)~~ (4) Impose administrative fines, not to exceed one
6724 thousand dollars (\$1,000) per violation, for violating this
6725 chapter, a board rule, or a condition of a license.

6726 ~~(6)~~ (5) Establish levels of professional liability
6727 insurance that must be maintained by a licensed midwife at a
6728 limit of no less than one hundred thousand dollars (\$100,000)
6729 per occurrence and three hundred thousand dollars (\$300,000)
6730 aggregate.

6731 (b) (1) The board shall adopt rules pursuant to the
6732 Administrative Procedure Act to implement this chapter in a
6733 manner consistent with the most current North American
6734 Registry of Midwives Job Analysis and with essential documents
6735 developed and published by the Midwives Alliance of North
6736 America. The rules shall include, but not be limited to,
6737 provision for all of the following:

6738 a. Licensing procedures and requirements.

6739 b. Minimum initial and continuing education
6740 requirements for licensure.

6741 c. Standards by which a licensed midwife shall conduct
6742 risk assessment.

6743 d. Standards for professional conduct.

6744 e. A standard procedure for investigating complaints.

6745 f. Requirements for clinical internships for
6746 individuals seeking midwifery training.

6747 (2) The rules shall ensure independent practice.



SB224 INTRODUCED

6748 (c) A licensed midwife may not administer or perform
6749 any of the following obstetric procedures which are outside of
6750 the scope of the licensed practice of midwifery:

6751 (1) An epidural, spinal, or caudal anesthetic.

6752 (2) Any type of narcotic analgesia.

6753 (3) Forceps or a vacuum extractor-assisted delivery.

6754 (4) Abortion.

6755 (5) Cesarean section or any surgery or surgical deliver
6756 except minimal episiotomies.

6757 (6) Pharmacological induction or augmentation of labor
6758 or artificial rupture of membranes prior to the onset of
6759 labor.

6760 (7) Except for the administration of local anesthetic,
6761 administration of an anesthetic.

6762 (8) Administration of any prescription medication in a
6763 manner that violates the Alabama Uniform Controlled Substance
6764 Act.

6765 (9) Vaginal birth after a cesarean.

6766 (d) A licensed midwife may not perform either of the
6767 following:

6768 (1) Delivery of a diagnosed multiple pregnancy.

6769 (2) Delivery of a baby whose position is diagnosed as
6770 non-cephalic at the onset of labor."

6771 "§34-19-15

6772 (a) An individual desiring to be licensed as a midwife
6773 shall apply to the board on forms provided by the ~~board~~
6774 [executive director](#). Applicants for licensure shall submit
6775 evidence satisfactory to the board that he or she has met all



SB224 INTRODUCED

6776 of the following requirements:

6777 (1) Is at least 21 years of age.

6778 (2) Is a citizen of the United States or, if not a
6779 citizen of the United States, is legally present in the United
6780 States with appropriate documentation from the federal
6781 government.

6782 (3) Has obtained a certified professional midwife
6783 credential through an education program or pathway accredited
6784 by the Midwifery Education Accreditation Council or by another
6785 accrediting agency recognized by the United States Department
6786 of Education.

6787 (b) Notwithstanding subdivision (3) of subsection (a),
6788 the board may license the following:

6789 (1) An applicant who has obtained a certified
6790 professional midwife credential prior to January 1, 2020,
6791 through a nonaccredited pathway, provided the applicant
6792 obtains the Midwifery Bridge Certificate or completes an
6793 educational program or pathway accredited by the Midwifery
6794 Education Accreditation Council or by another accrediting
6795 agency recognized by the United States Department of
6796 Education.

6797 (2) An applicant who has maintained licensure in a
6798 state that does not require an accredited education, provided
6799 the applicant obtains the Midwifery Bridge Certificate or
6800 completes an educational program or pathway accredited by the
6801 Midwifery Education Accreditation Council or by another
6802 accrediting agency recognized by the United States Department
6803 of Education.



SB224 INTRODUCED

6804 ~~(c) Licenses shall be valid for a period of 24 months.~~

6805 ~~(d)~~ (c) Following the contested case provisions of the
6806 Administrative Procedure Act, the board may suspend or revoke
6807 a license, or it may refuse to grant a license to an applicant
6808 for licensure, if the licensee or applicant:

6809 (1) Has obtained a license by means of fraud,
6810 misrepresentation, or concealment of material facts, including
6811 making a false statement on an application or any other
6812 document required by the board for licensure.

6813 (2) Has engaged in unprofessional conduct pursuant to
6814 rules adopted by the board.

6815 (3) Has been convicted of any felony.

6816 (4) Has performed an act that exceeds the scope of
6817 practice granted by the board to the licensed midwife.

6818 (5) Has had his or her license revoked, suspended, or
6819 denied in any other territory or jurisdiction of the United
6820 States for any act described in this subsection.

6821 ~~(e)~~ (d) The board shall maintain an up-to-date list of
6822 every individual licensed to practice midwifery pursuant to
6823 this chapter and individuals whose licenses have been
6824 suspended, revoked, or denied. The information on the list
6825 shall be available for public inspection during reasonable
6826 business hours and the information may be shared with others
6827 as deemed necessary and acceptable by the board. The list
6828 shall include the name of the individual, the date and the
6829 cause of action, the penalty incurred, and the length of the
6830 penalty."

6831 Section 20. Relating to the Board of Optometry; to



SB224 INTRODUCED

6832 amend Sections 34-22-1, 34-22-5, 34-22-6, 34-22-20, 34-22-22,
6833 34-22-24, 34-22-40, 34-22-41, 34-22-42, and 34-22-43 of the
6834 Code of Alabama 1975, to read as follows:

6835 "§34-22-1

6836 For the purposes of this chapter, the following terms
6837 shall have the respective meanings ascribed by this section:

6838 (1) BOARD. The Alabama Board of Optometry.

6839 (2) EXECUTIVE DIRECTOR. The Executive Director of the
6840 Office of Occupational and Professional Licensing as defined
6841 in Section 25-2B-1.

6842 ~~(2)~~ (3) HUMAN EYE AND ITS ADJACENT STRUCTURES. The eye
6843 and all structures situated within the orbit, including the
6844 conjunctiva, lids, lashes, and lachrymal system.

6845 ~~(3)~~ (4) PHARMACEUTICAL AGENTS. Any diagnostic and
6846 therapeutic drug or combination of drugs that has the property
6847 of assisting in the diagnosis, prevention, treatment, or
6848 mitigation of abnormal conditions or symptoms of the human eye
6849 and its adjacent structures.

6850 ~~(4)~~ (5) PRACTICE OF OPTOMETRY. The practice of optometry
6851 is a learned profession involving the examination, measurement
6852 by objective and subjective means, diagnosis, treatment, and
6853 prevention of any departure from the normal of the human eyes,
6854 their adjacent structures, and visual system. The practice of
6855 optometry includes but is not limited to: ~~The~~the adapting and
6856 fitting of all types of lenses or devices, including~~r~~ contact
6857 lenses; the determination of refractive error and shape of the
6858 eye and visual, muscular, or anatomical anomalies of the eye
6859 through the use of any means including the use of any self



SB224 INTRODUCED

6860 testing devices and the use of any computerized or automatic
6861 refracting device; the determination and prescribing of
6862 spectacle or contact lens parameters; the administering and
6863 prescription of pharmaceutical agents rational to the
6864 diagnosis and treatment of disease of the human eye and its
6865 adjacent structures; the removal of superficial foreign bodies
6866 from the human eye and its adjacent structures; the providing
6867 of developmental and perceptual therapy for the vision system;
6868 the utilization of any method or means to diagnose and treat
6869 diseases of the human eye and its adjacent structures as
6870 determined and approved by the board, subject to the
6871 limitations of this chapter; the performance of primary eye
6872 care procedures or ordering of laboratory tests rational to
6873 the diagnosis and treatment of conditions or disease of the
6874 human eye and its adjacent structures as determined and
6875 approved by the board, subject to the limitations of this
6876 chapter. The practice of optometry shall include the
6877 prescribing and administering of narcotic analgesics pursuant
6878 to the Alabama Uniform Controlled Substances Act, except for
6879 narcotic analgesics classified under Schedule I and II, and
6880 any Schedule III pharmaceutical agents that contain
6881 Dihydrocodeinone, ("Hydrocodone"). The prescribing or
6882 administering of any other Schedule III pharmaceutical agent
6883 shall be limited to a prescription, the duration of which does
6884 not exceed 96 hours. Notwithstanding any provision of this
6885 chapter to the contrary, the practice of optometry shall
6886 include the prescribing and administering of pharmaceutical
6887 agents which are commonly known as steroids. Optometrists are



SB224 INTRODUCED

6888 prohibited from performing injections into the eyeball,
6889 cataract surgery, muscle surgery, retinal surgery, radial
6890 keratotomy, laser surgery, cryosurgery, or any other invasive
6891 surgery. The Alabama Board of Optometry shall be a certifying
6892 board as defined in Section 20-2-2, except as limited by this
6893 chapter. The practice of optometry shall include the authority
6894 to administer benedryl, epinephrine, or other medication to
6895 counteract anaphylaxis or anaphylactic reaction. The use and
6896 prescribing of pharmaceutical agents for the treatment of the
6897 human eye and its adjacent structures shall be limited to
6898 those optometrists approved by the board."

6899 "§34-22-5

6900 The board may, under rules and regulations to be
6901 promulgated by the board, issue limited licenses, in the case
6902 of teachers, to persons who hold an optometric degree where
6903 such persons are not licensed and registered to practice
6904 optometry in this state. The dean of any school of optometry
6905 within the State of Alabama which has been approved by the
6906 board shall be required to annually certify to the board the
6907 names and addresses of the members of the faculty of the
6908 school who are not licensed and registered to practice
6909 optometry in the state and shall be required to promptly
6910 notify the board of any change in personnel on the faculty.
6911 The board may issue limited licenses to applicants upon the
6912 certification of the dean of any school of optometry setting
6913 forth that the applicant is a bona fide member of the faculty
6914 of the school. The limited license shall be valid so long as
6915 the holder thereof remains a member of the faculty of the



SB224 INTRODUCED

6916 school and abides by the rules and regulations under which the
6917 same is issued. The holder of a limited license shall be
6918 subject to all provisions of this chapter regulating the
6919 practice of optometry in this state and shall be entitled to
6920 perform all services which a person licensed to practice
6921 optometry in this state would be entitled to perform, but only
6922 as a part of the program of the school and as an adjunct to
6923 his or her teaching functions in the school. A fee ~~of one~~
6924 ~~hundred dollars (\$100)~~ established by the executive director
6925 shall be paid by the applicant to the board for the issuance
6926 of a limited license. Limited license holders who are not
6927 members of a residency program at a school of optometry shall
6928 be subject to the same ~~annual~~ license renewal fees and other
6929 requirements as required of holders of regular licenses."

6930 "§34-22-6

6931 (a) It shall be unlawful for any person to perform any
6932 of the following:

6933 (1) Practice optometry in this state without having a
6934 valid, unrevoked, and unexpired license certificate and ~~annual~~
6935 renewal registration certificate as an optometrist.

6936 (2) Use or attempt to use as his or her own a diploma
6937 of an optometric school or college or a license of another
6938 person, or a forged diploma or license, or any forged or false
6939 identification.

6940 (3) Sell or offer to sell a diploma conferring an
6941 optometric degree or a license granted pursuant to this
6942 chapter or prior optometric practice laws, or to procure each
6943 diploma or license with intent that it shall be used as



SB224 INTRODUCED

6944 evidence of the right to practice optometry by a person other
6945 than the one upon whom it was conferred or to whom the license
6946 was granted, or with fraudulent intent to alter the diploma or
6947 license or to use or attempt to use it when it is so altered.

6948 (4) Willfully make any false statements in an
6949 application for examination for a certificate to practice
6950 optometry or for ~~annual~~ renewal registration.

6951 (5) Use or attempt to use pharmaceutical agents for the
6952 treatment of the human eye and its adjacent structures without
6953 having approval of the board at the time the treatment is
6954 rendered.

6955 (b) (1) Any person violating any of the provisions of
6956 this chapter shall be deemed guilty of a misdemeanor and, upon
6957 conviction, shall be punished by a fine of not more than one
6958 thousand dollars (\$1,000) and, in addition, may be imprisoned
6959 in the county jail for a period not to exceed 12 months and
6960 shall be subject to having his or her license revoked or
6961 suspended as provided in this chapter.

6962 (2) The board and its members ~~and officers~~ shall assist
6963 prosecuting officers in the enforcement of this chapter, and
6964 it shall be the duty of the board, and its members, ~~and~~
6965 ~~officers,~~ to furnish the proper prosecuting officers with the
6966 evidence as they may ascertain necessary to assist them in the
6967 prosecution of any violation of this chapter. ~~The board, may~~
6968 ~~for these purposes, make such reasonable expenditures from the~~
6969 ~~funds of the board as it may deem necessary to ascertain and~~
6970 ~~furnish the evidence.~~

6971 (3) In addition to criminal penalties, any person



SB224 INTRODUCED

6972 violating this section may be fined up to one thousand dollars
6973 (\$1000) by the board for each violation. The board may sue, if
6974 necessary, to collect the fine.

6975 (4) The board is entitled to costs and reasonable
6976 attorney fees in any civil action in which it prevails.

6977 (5) Venue for any action brought by the board pursuant
6978 to this chapter is the Circuit Court of Montgomery County."

6979 "§34-22-20

6980 (a) Every person desiring to practice optometry in this
6981 state shall be 19 years of age, or over, a citizen of the
6982 United States or, if not a citizen of the United States, a
6983 person who is legally present in the United States with
6984 appropriate documentation from the federal government, and of
6985 good moral character. The person shall have a minimum of three
6986 years of preoptometry, or the equivalent, at an accredited
6987 college or university, have completed a course of study in an
6988 accredited school or college of optometry which is approved by
6989 the board and that requires at least four years of
6990 professional study, and have passed all examinations
6991 prescribed by the board, which may include the standard
6992 examination after completion of the educational requirements.
6993 The board may accept a passing grade on a recognized national
6994 examination or a passing grade on a board examination, or
6995 both, and may require a passing grade on additional state law
6996 examinations. The standard examination may consist of tests in
6997 practical, theoretical, and physiological optics, in
6998 theoretical and practical optometry, orthoptics, ocular
6999 anatomy, physiology, pharmacology, pathology, diagnosis, and



SB224 INTRODUCED

7000 treatment of disease of the human eye and its adjacent
7001 structures, general anatomy, hygiene, and any other knowledge
7002 the board deems essential to the practice of optometry. The
7003 standard examination shall be consistent with the established
7004 teaching and recognized textbooks of accredited schools or
7005 colleges of optometry.

7006 (b) The application to take the standard examination
7007 shall be upon the form prescribed and furnished by the ~~board~~
7008 executive director and verified by the oath of the applicant,
7009 accompanied by a fee to be determined by the ~~board~~. ~~The fee~~
7010 ~~shall not be more than five hundred dollars (\$500)~~ executive
7011 director.

7012 (c) If required, the standard examination shall be held
7013 at ~~least once in each year for candidates for examination who~~
7014 ~~have applied to the board at least 30 days before the date~~
7015 ~~prescribed for the holding of the examination~~ a time and place
7016 determined by the executive director.

7017 (d) When an application and accompanying proof are
7018 found satisfactory, the board shall notify the applicant to
7019 appear for examination at a time and place fixed by the ~~board~~
7020 executive director. An applicant shall submit to the board
7021 proof that he or she has passed all examinations required by
7022 the board. The applicant shall also submit any protocols for
7023 the use of pharmaceutical agents that the board may require.
7024 When these requirements have been met by the applicant and
7025 approved by the board, the board shall grant to qualified
7026 applicants a license and a license certificate, both of which
7027 shall bear a serial number, the full name of the licensee, the



SB224 INTRODUCED

7028 date of issuance, the seal of the board, and the signature of
7029 the president and secretary of the board. A seal of approval
7030 by the board of the use of pharmaceutical agents for the
7031 treatment of the human eye and any of its adjacent structures
7032 shall be affixed to the license certificate. The ~~board~~
7033 executive director may grant a temporary license under the
7034 circumstances and conditions, ~~and in the form,~~ as may be
7035 prescribed by rules ~~and regulations~~ of the board.

7036 (e) Every license issued, whether permanent or
7037 temporary, and every ~~annual~~ registration certificate shall be
7038 in the possession of the optometrist to whom it was issued and
7039 posted in the office where he or she practices.

7040 (f) Those persons who hold valid licenses to practice
7041 optometry in the State of Alabama on October 1, 1994, shall
7042 continue to be so licensed after October 1, 1994, subject to
7043 this chapter, regardless of whether they are otherwise
7044 qualified to secure a license under this chapter. Optometrists
7045 licensed under this section may apply to the board, in a
7046 manner prescribed by the board, for approval to use
7047 pharmaceutical agents for the treatment of disease of the
7048 human eye and its adjacent structures. The board shall
7049 prescribe requirements to be met by applicants prior to
7050 approval by the board including, but not limited to, the
7051 requirement that the applicant has successfully completed at
7052 least 72 clock hours in the diagnosis and management of
7053 disease of the human eye and its adjacent structures within a
7054 three-year period preceding application for a license."

7055 "§34-22-22



SB224 INTRODUCED

7056 (a) All registered optometrists licensed in the State
7057 of Alabama are required to take annual courses of study in
7058 subjects relating to the practice of optometry. The length of
7059 study shall be prescribed by the board but shall not exceed 25
7060 clock hours in any calendar year. Licensees approved by the
7061 board to use pharmaceutical agents shall be required to take
7062 not less than 20 nor more than 25 hours of continuing
7063 education, half of which shall be in subjects relating to the
7064 diagnosis, treatment, and management of disease of the human
7065 eye and its adjacent structures. Attendance shall be at a
7066 course or courses approved by the board.

7067 (b) Continuing education requirements shall be
7068 completed ~~between October 1 and September 30 of each fiscal~~
7069 ~~year~~ prior to the time for license renewal ~~for the next fiscal~~
7070 ~~year~~ as prescribed by the board. Upon the failure of any
7071 licensee to certify compliance with continuing education
7072 requirements ~~for the fiscal year on or before the first day of~~
7073 ~~November~~, the board shall notify the licensee by registered
7074 mail addressed to his or her last address of record that
7075 certification has not been received and unless certification
7076 is received ~~on or before the first day of January~~, his or her
7077 license and license certificate shall be automatically
7078 suspended. If the certification demonstrating compliance with
7079 continuing education requirements is not received by the board
7080 ~~on or before January 1~~, the license and license certificate of
7081 the licensee which was previously granted shall automatically
7082 be suspended. Notwithstanding the foregoing, ~~between October 1~~
7083 ~~and December 31 of each year~~, the licensee shall be permitted



SB224 INTRODUCED

7084 to complete continuing education requirements which he or she
7085 has failed to complete ~~prior to the end of the fiscal year on~~
7086 ~~September 30~~ as determined by the board.

7087 (c) The license and license certificate shall be
7088 reinstated only upon the provision of satisfactory evidence to
7089 the board, in a form acceptable to the board, that the
7090 continuing education requirements ~~for the one fiscal year next~~
7091 ~~preceding the proposed reinstatement~~ have been satisfied and
7092 upon the payment of all fees required to be paid under this
7093 chapter.

7094 (d) Every licensed optometrist who desires to continue
7095 the practice of optometry in the state ~~shall annually, on or~~
7096 ~~before the first day of October,~~ at a time established by the
7097 executive director, shall pay to the secretary of the board a
7098 renewal fee ~~of one hundred sixty dollars (\$160),~~ prescribed by
7099 the executive director, for which the licensee shall receive a
7100 renewal of the registration. Every licensed optometrist
7101 approved by the board to use pharmaceutical agents shall pay
7102 an additional fee ~~of one hundred dollars (\$100)~~ as prescribed
7103 by the executive director. The licensee shall sign and verify,
7104 either physically or electronically, the accuracy of the
7105 registration and certify his or her compliance with the
7106 continuing education requirements of the board for renewal on
7107 a form provided by the ~~board~~ executive director. Upon
7108 submission of the completed form prescribed by the ~~board~~
7109 executive director, together with the aforementioned fee, the
7110 licensee shall receive the current annual registration
7111 certificate authorizing him or her to continue the practice of



SB224 INTRODUCED

7112 optometry in this state for a period of one year.

7113 (e) Any license and license certificate previously
7114 granted shall automatically be suspended if the holder fails
7115 to secure the ~~annual~~ registration certificate ~~by January 1~~
7116 ~~each year~~ as required by the executive director. Any
7117 optometrist whose license is automatically suspended by reason
7118 of failure, neglect, or refusal to secure the annual
7119 registration certificate shall be reinstated by the board upon
7120 payment of a penalty fee ~~of two hundred dollars (\$200)~~
7121 established by the executive director plus all accrued annual
7122 registration fees accompanied with the prescribed form for
7123 annual registration of the license.

7124 (f) Upon failure of any licensee to file application
7125 for the ~~annual~~ registration certificate and pay the ~~annual~~
7126 registration fee on or before the ~~first day of November each~~
7127 ~~year~~ deadline established by the executive director, the board
7128 shall notify the licensee by certified or registered mail
7129 addressed to his or her last address of record that the
7130 application and fee have not been received and that, unless
7131 the application and fee are received ~~on or before the first~~
7132 ~~day of January of the following year~~ by the time established
7133 by the executive director, the license and license certificate
7134 shall be automatically suspended.

7135 (g) The board may waive ~~annual~~ registration and the
7136 payment of fees while any licensee is prevented from
7137 practicing optometry by reason of physical disability,
7138 temporary active duty with any of the Armed Forces of the
7139 United States, or while any licensee is completely retired



SB224 INTRODUCED

7140 from the practice of optometry. The waiver of fees shall be
7141 effective so long as the disability, temporary active duty, or
7142 complete retirement continues.

7143 (h) The board shall promulgate rules for the
7144 administration of this section."

7145 "§34-22-24

7146 All fees received by the board for examinations, ~~annual~~
7147 renewal registrations, or from any other source shall be
7148 ~~utilized in regulating the practice of optometry and paying~~
7149 ~~the expenses of the board, including necessary clerk hire,~~
7150 ~~legal expenses, and per diem and expenses of the members of~~
7151 ~~the board as herein provided. Should the funds in the hands of~~
7152 ~~the board at the end of any fiscal year (October 1) be more~~
7153 ~~than two hundred thousand dollars (\$200,000), the excess of~~
7154 ~~this amount shall be paid into the State Treasury to the~~
7155 ~~credit of a special trust fund which shall be spent solely for~~
7156 ~~the purpose of constructing, operating, and maintaining a~~
7157 ~~college of optometry at the University of Alabama, in~~
7158 ~~Birmingham, equipping of facilities, student scholarships and~~
7159 ~~loans, faculty salaries and endowments, continuing education,~~
7160 ~~and research grants~~ deposited into the Occupational and
7161 Professional Licensing Fund."

7162 "§34-22-40

7163 (a) (1) In order to accomplish the purposes and to
7164 provide for the enforcement of this chapter, there is created
7165 the Alabama Board of Optometry. Commencing on October 1, 2025,
7166 the board shall be subject to the leadership, support, and
7167 oversight of the Executive Director of the Office of



SB224 INTRODUCED

7168 [Occupational and Professional Licensing pursuant to Chapter 2B](#)
7169 [of Title 25.](#)

7170 [\(2\)](#) The board may implement and enforce this chapter.
7171 On October 10, 1975, the State Board of Optometry as then
7172 constituted shall be abolished, but the members thereof shall
7173 serve as members of the Alabama Board of Optometry created by
7174 this section and shall continue to serve until their present
7175 terms of appointment expire, as set out below. The membership
7176 of the board shall be inclusive and reflect the racial,
7177 gender, geographic, urban/rural, and economic diversity of the
7178 state. Until October 1, 1992, the Alabama Board of Optometry
7179 shall consist of five persons, no two of whom shall reside in
7180 the same U.S. Congressional District. On October 1, 1993, two
7181 additional members shall be appointed to the board. The board
7182 shall than be composed of seven members, one from each United
7183 States Congressional District as follows:

7184 [\(3\)](#) The members shall be persons licensed to practice
7185 optometry in this state, each of whom shall be a citizen and
7186 resident of this state, who shall have been actively engaged
7187 in the practice of optometry for at least five years next
7188 preceding the date of their appointment. The term of one
7189 member of the board shall expire October 1, 1975, and every
7190 fifth year thereafter; the term of one member shall expire
7191 October 1, 1976, and every fifth year thereafter; the term of
7192 one member shall expire October 1, 1977, and every fifth year
7193 thereafter; the term of one member shall expire October 1,
7194 1978, and every fifth year thereafter; the term of one member
7195 shall expire October 1, 1979, and every fifth year thereafter;



SB224 INTRODUCED

7196 the term of two additional members shall begin on October 1,
7197 1993, and expire October 1, 1998, and every fifth year
7198 thereafter. Each member of the board shall be appointed by the
7199 Governor from a list of five names of qualified persons
7200 certified to him or her by the board.

7201 (b) When the term of any member of the board expires,
7202 that person shall continue to serve until his or her successor
7203 is appointed and qualified.

7204 (c) For the purpose of preparing the list of five
7205 names, the board shall conduct an annual meeting at least 30
7206 days prior to October 1 of each year, at which all
7207 optometrists licensed to practice and holding a current annual
7208 registration certificate pursuant to this chapter may attend,
7209 nominate, and vote. The board may regulate and prescribe the
7210 place and hour of the meeting, the method of nomination, and
7211 the manner of voting. Each optometrist in attendance may vote
7212 for those persons duly nominated, and no cumulative or proxy
7213 voting shall be permitted. Each optometrist voting shall vote
7214 for five nominees in order for his or her ballot to be valid,
7215 and any ballot indicating votes for more or less than five
7216 nominees shall be null and void. The five persons receiving
7217 the greatest number of votes of those in attendance at the
7218 meeting shall be the five persons whose names shall be
7219 certified to the Governor for appointment to the board,
7220 without substitution. In order for a person to withdraw from
7221 the list, the person must do so in writing and present it to
7222 the secretary of the board prior to the submission of the list
7223 to the Governor, after eliminating the person withdrawing from



SB224 INTRODUCED

7224 the list, and the list shall be composed solely of those names
7225 remaining. At least 30 days prior to the meeting the board
7226 shall mail notices to each optometrist licensed to practice
7227 and holding a current annual registration certificate pursuant
7228 to this chapter at the address shown on his or her current
7229 registration notifying each optometrist of the exact date,
7230 place, and hour of the meeting, the purpose of the meeting,
7231 and of the right to attend and vote. In the event of a vacancy
7232 prior to the next annual meeting, the Governor shall fill the
7233 vacancy from the remaining names on the list. The Governor may
7234 remove any member for neglect of duty, incompetency, improper
7235 or unprofessional conduct, or having his or her license
7236 revoked or suspended.

7237 (d) Effective October 1, 1984, no person may serve more
7238 than two consecutive terms on the board. Time served on the
7239 board prior to October 1, 1984, shall not count toward this
7240 limitation."

7241 "§34-22-41

7242 (a) The board shall choose annually one of its members
7243 as president, one as vice-president, and one as
7244 secretary-treasurer, who each may administer oaths and take
7245 affidavits, certifying thereto under their hand and the common
7246 seal of the board.

7247 (b) The board shall meet at least once in each year ~~in~~
7248 ~~the City of Montgomery or in a place designated by the~~
7249 ~~president~~ and, in addition thereto, whenever and wherever the
7250 president thereof calls a meeting. A majority of the board
7251 shall at all times constitute a quorum. The secretary of the



SB224 INTRODUCED

7252 board shall keep a full record of the proceedings of the
7253 board, which shall at all reasonable times be open to public
7254 inspection.

7255 ~~(c) Each member of the board shall be reimbursed at the~~
7256 ~~same per diem and travel allowance amounts paid by law to~~
7257 ~~state employees for each day of attendance upon the business~~
7258 ~~of the board and, in addition thereto, the sum of two hundred~~
7259 ~~fifty dollars (\$250) per diem for each day actually spent by~~
7260 ~~each member upon the business of the board. All expenses and~~
7261 ~~per diem shall be paid out of the receipts of the board under~~
7262 ~~this chapter. The secretary shall receive compensation as~~
7263 ~~fixed by the board and shall be the custodian of all records~~
7264 ~~and the official seal of the board.~~

7265 ~~(d)~~ (c) All money received by the board shall be
7266 deposited ~~to the credit of the board in a bank selected by its~~
7267 ~~members for the use of the board, and the execution and~~
7268 ~~enforcement of this chapter and the payments of salaries,~~
7269 ~~expenses, and other authorized costs shall be paid by checks~~
7270 ~~drawn by the treasurer and countersigned by the president or~~
7271 ~~executive director of the board~~ into the Occupational and
7272 Professional Licensing Fund.

7273 ~~(e)~~ (d) The president, executive director, and treasurer
7274 shall give such bonds as the board from time to time directs.

7275 ~~(f)~~ (e) The board shall make an annual report of its
7276 proceedings to the Governor on the first Monday of January of
7277 each year."

7278 "§34-22-42

7279 The board shall exercise and perform, subject to this



SB224 INTRODUCED

7280 chapter, each of the following powers and duties:

7281 (1) Conduct examinations ~~at least once each year~~ to
7282 ascertain the qualifications and fitness of applicants for
7283 licenses to practice optometry.

7284 (2) Prescribe rules and regulations for conducting and
7285 administering an examination of applicants for licensing as
7286 optometrists and to effectuate this chapter.

7287 (3) Institute, upon a complaint or petition, hearings
7288 of charges against licensed optometrists or other persons as
7289 provided in this chapter.

7290 (4) Institute legal proceedings for violations of this
7291 chapter.

7292 (5) Grant and deny licenses in conformity with this
7293 chapter, including applications for approval to use
7294 pharmaceutical agents.

7295 (6) Formulate rules and regulations by which the board
7296 shall determine which optometry schools and colleges in or out
7297 of the State of Alabama have been duly accredited by a
7298 recognized and properly authorized accrediting agency and
7299 which accredited schools or colleges shall be approved by the
7300 board.

7301 (7) Establish standards of continuing education which
7302 shall be deemed a requisite to the renewal of licenses of
7303 applicants who are otherwise qualified to practice optometry
7304 in the State of Alabama.

7305 (8) Keep a register of optometrists containing the
7306 names and addresses of all persons to whom license
7307 certificates, temporary licenses, approvals for use of



SB224 INTRODUCED

7308 pharmaceutical agents, and limited licenses have been issued
7309 in the State of Alabama, the date of the issuance, the place
7310 or places of business in which each optometrist is engaged,
7311 and all renewals, revocations, and suspensions of licenses and
7312 certification.

7313 (9) Administer oaths and affirmations of witnesses,
7314 issue subpoenas to compel the attendance of witnesses and the
7315 production of all necessary papers, books, records,
7316 documentary evidence, and materials in any hearing,
7317 investigation, or other proceeding before the board.

7318 ~~(10) Employ or appoint an executive director, clerical~~
7319 ~~personnel, and legal advisors or counsel to assist in~~
7320 ~~implementing this chapter when there is a need for those~~
7321 ~~services and when funds are available for those purposes. The~~
7322 ~~executive director may be a licensed optometrist in this~~
7323 ~~state, but may not, while serving as the executive director,~~
7324 ~~also serve as a member of the Board of Optometry. The~~
7325 ~~executive director shall not be subject to the state Merit~~
7326 ~~System.~~

7327 ~~(11)~~ (10) Prescribe rules and regulations establishing a
7328 program of internship as a requisite to application for
7329 license, if the board deems such a program advisable.

7330 ~~(12)~~ (11) Prescribe rules and regulations establishing
7331 circumstances and conditions upon which temporary licenses may
7332 be issued by the board and the terms and conditions of the
7333 temporary licenses.

7334 ~~(13)~~ (12) Prescribe rules and regulations subject to the
7335 limitations of this chapter for the utilization of methods or



SB224 INTRODUCED

7336 means of treatment recognized as being within the scope of the
7337 practice of optometry.

7338 ~~(14)~~ (13) Prescribe rules and regulations subject to the
7339 limitations of this chapter necessary for the performance of
7340 eye care procedures reasonably necessary to the treatment of
7341 conditions or diseases of the human eye and its adjacent
7342 structures."

7343 "§34-22-43

7344 (a) The secretary of the board shall keep a registry in
7345 which shall be entered the names of all persons to whom
7346 temporary licenses, limited licenses, license certificates,
7347 approvals for the use of pharmaceutical agents, and annual
7348 registration certificates have been granted under this
7349 chapter, the numbers of the license certificates and annual
7350 registration certificates, the dates of granting the same, and
7351 other matters of record and shall keep a true and correct copy
7352 of the minutes of all board meetings, and the book so provided
7353 and kept shall be the official book of records.

7354 (b) A photostatic copy of the records, or a copy of the
7355 records certified by the secretary and under the seal of the
7356 board, shall be admitted in any of the courts of this state as
7357 prima facie evidence of the facts contained in the records and
7358 in lieu of the original records.

7359 (c) A certificate under the hand of the secretary and
7360 the seal of the board that there is not entered in the record
7361 books the name, number of, and date of granting the license
7362 certificate or renewal license certificate to a person charged
7363 with a violation of any of the provisions of this chapter



SB224 INTRODUCED

7364 shall be prima facie evidence of the facts contained therein.
7365 The certificates shall be admitted in any of the courts of
7366 this state in lieu of the records of the board.

7367 (d) The original books, records, and papers of the
7368 board shall be kept at the office of the ~~secretary of the~~
7369 ~~board, which office shall be at a place designated by the~~
7370 ~~board~~ executive director.

7371 (e) Upon the payment of a reasonable fee established
7372 from time to time by the ~~board~~ executive director, the
7373 secretary of the board shall mail a copy of the most recent
7374 registry to any person requesting it."

7375 Section 21. Relating to the State Board of Podiatry; to
7376 amend Sections 34-24-230, 34-24-250, 34-24-251, 34-24-252,
7377 34-24-255, 34-24-258, 34-24-272, and 34-24-275 of the Code of
7378 Alabama 1975, to read as follows:

7379 "§34-24-230

7380 For purposes of this title, the following terms have
7381 the respective meanings ascribed by this section:

7382 (1) ANKLE. Consists of the ankle joint that consists of
7383 the distal third of the tibia and fibula and their
7384 articulations with the talus and the soft tissue structures
7385 surrounding the foot and ankle.

7386 (2) DIAGNOSIS. The process of ascertaining a disease or
7387 ailment by its general symptoms.

7388 (3) ELECTRICAL TREATMENT. Any treatment by means and
7389 methods supplied by electric current.

7390 (4) EXECUTIVE DIRECTOR. The Executive Director of the
7391 Office of Occupational and Professional Licensing as defined



SB224 INTRODUCED

7392 [in Section 25-2B-1.](#)

7393 ~~(4)~~ [\(5\)](#) FOOT. The terminal appendage of the lower
7394 extremity and contains 28 bones and is divided into three
7395 parts - the forefoot, the midfoot, and the hindfoot. The
7396 forefoot consists of 14 phalanges, five metatarsals, and the
7397 tibial and fibular sesamoid bones. The midfoot consists of
7398 five tarsal bones and their articulations. The hindfoot
7399 consists of two tarsal bones, the calcaneus, and the talus.
7400 The foot is defined as including all 28 complete bony
7401 structures below the ankle joint.

7402 ~~(5)~~ [\(6\)](#) MANIPULATIVE TREATMENT. The use of the hand or
7403 machinery in the operation or working upon the foot or ankle.

7404 ~~(6)~~ [\(7\)](#) MECHANICAL TREATMENT. The application of any
7405 mechanical appliance made of steel, leather, felt, or any
7406 material to the foot or ankle or in the shoe for the purpose
7407 of treating any disease, deformity, or ailment.

7408 ~~(7)~~ [\(8\)](#) MEDICAL TREATMENT. The application to or
7409 prescription for the foot or ankle of pads, fiberglass,
7410 adhesives, felt, plaster, or any medicinal agency for both
7411 external and internal use in connection with treatment of
7412 local ailments of the foot or ankle. The term does not include
7413 the medical treatment of any systemic disease, but includes
7414 treatment for the local manifestations of those systemic
7415 diseases in the foot or ankle.

7416 ~~(8)~~ [\(9\)](#) PODIATRY. The diagnosis and treatment of
7417 disorders of the human foot and ankle, as described herein.

7418 ~~(9)~~ [\(10\)](#) PRACTICE OF PODIATRY. The diagnosis and medical
7419 or surgical or mechanical or manipulative or electrical



SB224 INTRODUCED

7420 treatment of any ailment of the human foot or ankle and the
7421 surgical treatment of ailments of the human foot or ankle
7422 limited anatomically to the foot or ankle. The practice of
7423 podiatry shall include the amputation of the toes and other
7424 parts of the foot and ankle, but shall not include any
7425 amputation above the Chopart joint, total ankle arthroplasty,
7426 or the administration of any anesthetic other than local. A
7427 podiatrist may prescribe drugs that relate specifically to the
7428 scope of practice authorized herein.

7429 ~~(10)~~ (11) SURGICAL TREATMENT. The use of any cutting
7430 instrument to treat a disease, ailment, or condition of the
7431 foot or ankle.

7432 "§34-24-250

7433 (a) (1) The State Board of Podiatry is created.
7434 Commencing on October 1, 2025, the board shall be subject to
7435 the leadership, support, and oversight of the Executive
7436 Director of the Office of Occupational and Professional
7437 Licensing pursuant to Chapter 2B of Title 25.

7438 (2) The Governor ~~of Alabama~~ shall appoint ~~a State Board~~
7439 ~~of Podiatry consisting of~~ to the board seven persons, each of
7440 whom shall be a citizen of the United States and of Alabama,
7441 over the age of 25, and shall have been engaged in the actual
7442 continuous practice of podiatry in the State of Alabama for at
7443 least five years next preceding his or her appointment. One
7444 member of the board shall be appointed each year, with the
7445 exception of three members being appointed every fifth year
7446 starting in 1979, for terms of five years and until their
7447 successors are appointed and qualified. No member of the board



SB224 INTRODUCED

7448 shall be reappointed for a successive term. Previous board
7449 members are eligible for nonsuccessive appointments. The
7450 Governor may remove from office at any time any member of the
7451 board for neglect of duty, incompetency, improper or
7452 unprofessional conduct, or when the license or certificate of
7453 any member has been suspended or revoked. Vacancies on the
7454 board shall be filled by appointment by the Governor in the
7455 manner provided in this section. The Governor shall furnish
7456 each member of the board at the time of appointment a
7457 certificate of appointment, and the appointee shall qualify by
7458 taking the usual oath of office ~~before the judge of probate of~~
7459 ~~his or her home county~~ within 15 days from the date of
7460 appointment.

7461 (b) ~~After April 6, 1993, each~~ Each vacant office
7462 occurring shall be first offered to each available black
7463 licensee until a black member is appointed to the board. When
7464 a black member is appointed to the board, thereafter
7465 appointments shall be made in such a manner as to ensure at
7466 least one black member on the board at all times, and the
7467 membership of the board shall be inclusive and reflect the
7468 racial, gender, geographic, urban/rural, and economic
7469 diversity of the state."

7470 "§34-24-251

7471 The State Board of Podiatry shall hold meetings at such
7472 times and places as the board may designate for the discharge
7473 of all business as may legally come before the board, and may
7474 hold additional meetings, on call of the president of the
7475 board, and the president shall call such meetings on petition



SB224 INTRODUCED

7476 of a majority of the members of the board for carrying into
7477 effect the provisions of this article. The board may transact
7478 any and all business that may legally come before the board at
7479 these meetings ~~including, but not limited to, designating~~
7480 ~~times and places for the examination of applicants for~~
7481 ~~licenses or certificates~~. The ~~secretary-treasurer~~ executive
7482 director shall transact all ad interim business for the board
7483 ~~unless otherwise specified in this article~~. A majority of the
7484 members of the board shall constitute a quorum for the
7485 transaction of business. Should a quorum not be present on the
7486 day appointed for any meeting, those present may adjourn from
7487 day to day until a quorum is present."

7488 "§34-24-252

7489 The State Board of Podiatry shall be the certifying
7490 board for podiatrists and shall have the exclusive power and
7491 authority to certify and to issue, suspend, revoke, limit, and
7492 reinstate all licenses or certificates authorizing the
7493 licensee to practice podiatry in the State of Alabama, and
7494 shall have the following authorities and shall perform the
7495 following duties:

7496 (1) To promulgate any rules and regulations for its
7497 government as it may deem necessary and proper; and for
7498 purposes of disciplining its licensees, in addition to any
7499 other powers of the board, the board may adopt and collect
7500 administrative fines, not to exceed two thousand dollars
7501 (\$2,000) per violation, and may institute any legal
7502 proceedings necessary to effect compliance with this article.

7503 (2) To provide a standard of efficiency as to the



SB224 INTRODUCED

7504 moral, educational, and experience qualifications and fitness
7505 for all persons who desire to practice podiatry in this state.

7506 (3) To elect annually one of its members as president,
7507 one as vice-president, and one as secretary-treasurer, who
7508 shall hold their respective offices for one year and until
7509 their successors are elected and qualified. If a vacancy
7510 occurs in any of the three offices, a special meeting of the
7511 board shall be called for the purpose of filling the vacancy
7512 for the unexpired term.

7513 (4) To administer any oaths and take any affidavits as
7514 are required by this article, certifying thereto under its
7515 hand and the seal of the board.

7516 (5) To assist in the prosecution of violations of this
7517 article.

7518 ~~(6) To appoint or employ a legal adviser or counsel,~~
7519 ~~when deemed necessary, whose compensation shall be fixed by~~
7520 ~~the board and paid in the same manner as the per diem and~~
7521 ~~expenses of the board are paid.~~

7522 ~~(7)~~ (6) To adopt a common seal to be affixed to its
7523 official documents.

7524 ~~(8)~~ (7) To keep a record of its proceedings, a register
7525 of persons licensed as podiatrists, and a register of licenses
7526 and certificates revoked by the board.

7527 ~~(9)~~ (8) To annually, on or before January 1, make a
7528 report to the Governor of Alabama of all its official acts
7529 during the preceding year, of its receipts and disbursements,
7530 a full and complete report of the condition of podiatry and
7531 the practice in this state, and to file duplicate copies of



SB224 INTRODUCED

7532 the report with the Secretary of State, the State Auditor, and
7533 the Alabama Department of Archives and History.

7534 ~~(10) To employ, when deemed necessary and without~~
7535 ~~regard to the state Merit System, and set the salary of, an~~
7536 ~~executive director who shall serve at the pleasure of the~~
7537 ~~board and shall administer board policy."~~

7538 "§34-24-255

7539 (a) Every person desiring to commence the practice of
7540 podiatry shall apply to the board and shall pay an application
7541 fee ~~as~~ established by the ~~board~~ executive director. The
7542 applicant shall thereafter take and pass the standard
7543 examination provided in this article and fulfill the other
7544 requirements as herein provided. The applicant shall be 19
7545 years of age or over, or the age as the board may by rule
7546 determine, shall be a citizen of the United States or, if not
7547 a citizen of the United States, a person who is legally
7548 present in the United States with appropriate documentation
7549 from the federal government, of good moral character, shall be
7550 a graduate of a college of podiatry recognized by the American
7551 Podiatric Medical Association, shall have completed a
7552 podiatric residency approved by the American Podiatric Medical
7553 Association or by the State Board of Podiatry under its rules
7554 and regulations, shall have successfully passed all parts of
7555 the examination given by the National Board of Podiatric
7556 Examiners and shall be able to pass the standard examination
7557 prescribed by the State Board of Podiatry. The standard
7558 examination shall consist of tests in practical, theoretical,
7559 and physiological podiatry, in the anatomy and physiology of



SB224 INTRODUCED

7560 the human foot, and in pathology as applied to podiatry. In
7561 addition, the standard examination shall test the knowledge of
7562 the applicant of the Podiatry Practice Act and the rules and
7563 regulations of the board. The standard examination shall not
7564 be out of keeping with established teachings and adopted
7565 textbooks of recognized schools of podiatry. If the applicant
7566 satisfactorily passes the examination provided for he or she
7567 shall be issued a license to practice podiatry.

7568 (b) The ~~board~~ executive director may establish and
7569 collect an application fee and an examination fee from
7570 applicants for licensure, and a nonrefundable reexamination
7571 fee for a second or subsequent examination."

7572 "§34-24-258

7573 All funds received by the board shall be deposited ~~to~~
7574 ~~the credit of the board in a federally insured bank selected~~
7575 ~~by the board, and the execution and enforcement of this~~
7576 ~~article and the payments of salaries, expenses, and other~~
7577 ~~authorized costs shall be paid by checks drawn by the~~
7578 ~~secretary-treasurer and countersigned by a designated member~~
7579 ~~of the board~~ into the Occupational and Professional Licensing
7580 Fund."

7581 "§34-24-272

7582 Any person who is a legal, ethical, and competent
7583 practitioner of podiatry in this state, who has been duly
7584 examined and licensed by the State Board of Podiatry, and of
7585 good moral character and known to the board as such, who shall
7586 desire to change his or her residence to another state or
7587 territory, or foreign country, shall, upon application to the



SB224 INTRODUCED

7588 board and the payment of a fee ~~of fifty dollars (\$50)~~
7589 prescribed by the executive director, receive a special
7590 certificate over the signature of the president and
7591 secretary-treasurer of the board and bearing its seal which
7592 shall give the date upon which he or she was registered and
7593 licensed."

7594 "§34-24-275

7595 Every licensed podiatrist who desires to continue the
7596 practice of podiatry, at a time determined by the executive
7597 director, shall ~~annually, on or before the first of October,~~
7598 pay to the ~~secretary-treasurer of the state~~ board a renewal
7599 registration fee in a reasonable amount set by the ~~board~~
7600 executive director and comply with such other conditions as
7601 may be prescribed by the ~~State Board of Podiatry; provided,~~
7602 ~~however, that the license shall be renewed within 30 days~~
7603 ~~after October first, or the licensee shall pay the renewal~~
7604 ~~registration fee and a penalty of \$300~~ board. Among the
7605 conditions to be prescribed by the State Board of Podiatry is
7606 the requirement that evidence be furnished by the applicant
7607 for renewal of completion of a continuing education program.
7608 Such program shall consist of no less than 12 hours, which
7609 shall be obtained at the annual state meeting of the Alabama
7610 Podiatry Association or any other continuing education program
7611 approved by the State Board of Podiatry. Any licensed
7612 podiatrist who is inactive in the practice of podiatry for a
7613 period of two years may have his or her license renewed to
7614 practice his profession on such conditions as may be
7615 prescribed by the State Board of Podiatry."



SB224 INTRODUCED

7616 Section 22. Relating to the Alabama Private
7617 Investigation Board; to amend Sections 34-25B-2, 34-25B-4,
7618 34-25B-5, 34-25B-7, 34-25B-8, 34-25B-11, 34-25B-13, 34-25B-17,
7619 34-25B-25, 34-25B-26, 34-25B-27, 34-25B-51, and 34-25B-53 of
7620 the Code of Alabama 1975, to read as follows:

7621 "§34-25B-2

7622 As used in this chapter, the following terms have the
7623 following meanings:

7624 (1) BOARD. The Alabama Private Investigation Board.

7625 (2) EXECUTIVE DIRECTOR. The Executive Director of the
7626 Office of Occupational and Professional Licensing as defined
7627 in Section 25-2B-1.

7628 ~~(2)~~ (3) FELONY. A criminal offense that is defined and
7629 punishable under the laws of this state, or an offense
7630 committed outside the State of Alabama, which if committed in
7631 this state, would constitute a felony under Alabama law; a
7632 crime in any other state or a crime against the United States
7633 which is designated as a felony; or an offense in any other
7634 state, territory, or country punishable by imprisonment for a
7635 term exceeding one year.

7636 ~~(3)~~ (4) PRIVATE INVESTIGATION. The compensated act of
7637 any individual or company engaging in the business of
7638 obtaining or furnishing information with reference to any of
7639 the following:

7640 a. A crime committed or threatened against the United
7641 States or any state or territory of the United States.

7642 b. The identity, habits, conduct, business, occupation,
7643 honesty, integrity, credibility, including, but not limited



SB224 INTRODUCED

7644 to, the credibility of an individual giving testimony in a
7645 criminal or civil proceeding, knowledge, trustworthiness,
7646 efficiency, loyalty, activity, movement, whereabouts,
7647 affiliations, associations, transactions, acts, reputations,
7648 or character of any individual.

7649 c. The location, disposition, or recovery of lost or
7650 stolen property.

7651 d. The cause or responsibility for fires, losses,
7652 accidents, damages, or injuries to individuals or to property.

7653 ~~(4)~~ (5) PRIVATE INVESTIGATION AGENCY. A corporation,
7654 firm, partnership, or other business entity that, for
7655 compensation, practices private investigation in this state
7656 and employs licensed private investigators. The term includes
7657 a business entity that practices private investigation through
7658 licensed private investigators who are solely independent
7659 contractors rather than employees.

7660 ~~(5)~~ (6) PRIVATE INVESTIGATOR. a. An individual who, for
7661 compensation, performs one or more of the private
7662 investigation services defined and regulated by this article.

7663 b. An individual who, for consideration, advertises as
7664 providing or performing private investigation. The term does
7665 not include an informant who, on a one time or limited basis,
7666 as a result of a unique expertise, ability, or vocation, and
7667 who provides information or services while under the direction
7668 and control of a licensee of the board, that would otherwise
7669 be included in the definition of private investigation.

7670 c. An individual who is engaged in private
7671 investigation and who is licensed in accordance with this



SB224 INTRODUCED

7672 article.

7673 ~~(6)~~ (7) PRIVATE INVESTIGATOR APPRENTICE. An individual
7674 who is engaged in private investigation under the supervision
7675 of a licensed private investigator and who is licensed in
7676 accordance with this article.

7677 "§34-25B-4

7678 (a) There is created the Alabama Private Investigation
7679 Board. Commencing on October 1, 2025, the board shall be
7680 subject to the leadership, support, and oversight of the
7681 Executive Director of the Office of Occupational and
7682 Professional Licensing pursuant to Chapter 2B of Title 25. The
7683 appointing authorities shall coordinate their appointments to
7684 assure the membership of the board is inclusive and reflects
7685 the racial, gender, geographic, urban, rural, and economic
7686 diversity of the state.

7687 (b) Private investigator members shall have had five
7688 years of experience as an investigator prior to his or her
7689 appointment. Beginning on August 1, 2018, each private
7690 investigator member appointed to the board shall have been
7691 licensed pursuant to this article as a private investigator
7692 for a period of at least five years prior to his or her
7693 appointment.

7694 (c) The following members shall be appointed to the
7695 board:

7696 (1) Three individuals appointed by the Governor, two of
7697 whom shall be private investigators and one of whom shall be a
7698 consumer who will represent the public at large.

7699 (2) One individual appointed by the Lieutenant



SB224 INTRODUCED

7700 Governor, who shall be a private investigator.

7701 (3) One individual appointed by the Speaker of the
7702 House of Representatives who shall be a private investigator.

7703 (4) One individual appointed by the Attorney General
7704 who shall be a private investigator.

7705 (5) One individual appointed by the Alabama State Bar
7706 Association who shall be a member in good standing of the bar.

7707 (6) One individual appointed by the Alabama Private
7708 Investigators Association who shall be a private investigator.

7709 (d) All members of the board shall be appointed for a
7710 term of four years and shall serve until their successors are
7711 appointed and qualified by subscribing to the constitutional
7712 oath of office.

7713 (e) Any vacancy occurring on the board shall be filled
7714 by the appointing authority of the vacating member for the
7715 unexpired term.

7716 (f) No member may be appointed to succeed himself or
7717 herself for more than three consecutive full terms.

7718 (g) The appointing authority may remove a member of the
7719 board for misconduct, incompetency, or willful neglect of
7720 duty. The board may recommend to the appointing authority
7721 suggested administrative actions that may be taken against a
7722 board member for missing an excessive number of meetings."

7723 "§34-25B-5

7724 (a) ~~The board is declared to be a quasi-judicial body.~~
7725 Absent negligence, wantonness, recklessness, or deliberate
7726 misconduct, the members and the employees of the board are
7727 granted immunity from civil liability and may not be liable



SB224 INTRODUCED

7728 for damages when acting in the performance of their duties
7729 under this chapter.

7730 (b) Board members ~~and employees~~ shall be defended by
7731 the Attorney General in regard to any criminal or civil
7732 litigation filed against them based on the performance of
7733 their official duties under this chapter."

7734 "§34-25B-7

7735 ~~(a) There is created in the State Treasury for the use~~
7736 ~~of the board a fund to be known as the Alabama Private~~
7737 ~~Investigation Board Fund.~~ All application and license fees,
7738 penalties, fines, and any other funds collected by the board
7739 related to private investigators, private investigator
7740 apprentices, private investigation agencies, and the
7741 implementation of this article, shall be deposited ~~in this~~
7742 ~~fund and used only to carry out the operations of the board~~
7743 into the Occupational and Professional Licensing Fund. The
7744 executive director may establish fees ~~that the board may~~
7745 ~~charge, collect, and deposit into the fund shall include~~
7746 including, but not be limited to, all of the following:

7747 (1) An application fee for an original license and for
7748 an inactive status certificate.

7749 (2) A renewal fee for a license and for an inactive
7750 status certificate.

7751 (3) A reinstatement application fee.

7752 (4) A late renewal fee.

7753 (5) A change of information fee.

7754 (6) A replacement license fee.

7755 (7) An inactive license fee.



SB224 INTRODUCED

7756 (8) An issuance fee for a private investigator license,
7757 a private investigator apprentice license, or a private
7758 investigation agency license.

7759 (9) Reasonable and necessary administrative fees that
7760 reflect the actual cost of services provided.

7761 ~~(b) No monies shall be withdrawn or expended from the~~
7762 ~~fund for any purpose unless the monies have been appropriated~~
7763 ~~by the Legislature and allocated pursuant to this chapter. Any~~
7764 ~~monies appropriated shall be budgeted and allotted pursuant to~~
7765 ~~the Budget Management Act in accordance with Article 4,~~
7766 ~~commencing with Section 41-4-80, of Chapter 4 of Title 41, and~~
7767 ~~only in the amounts provided by the Legislature in the general~~
7768 ~~appropriations act or other appropriations act.~~

7769 ~~(c) All expenses incurred by the board in implementing~~
7770 ~~and administering this article shall be paid out of the fund.~~

7771 "§34-25B-8

7772 (a) The board may promulgate rules necessary to
7773 implement this chapter and accomplish its objectives subject
7774 to the Alabama Administrative Procedure Act.

7775 (b) The board may promulgate and establish canons of
7776 ethics and minimum acceptable professional standards of
7777 practice for licensees within any rules that it adopts.

7778 ~~(c) The board may hire personnel necessary or as~~
7779 ~~advisable to carry out the purposes and provisions of this~~
7780 ~~chapter. With the exception of the Executive Director, all~~
7781 ~~personnel shall be subject to the provisions of the state~~
7782 ~~Merit System Act.~~

7783 ~~(d)~~ (c) The Attorney General shall provide legal



SB224 INTRODUCED

7784 services to the board ~~and board employees~~ in connection with
7785 official duties and actions of the board."

7786 "§34-25B-11

7787 (a) Except as provided in subsection (b), an
7788 application and all information on an application for
7789 licensure as a private investigator, private investigator
7790 apprentice, or private investigation agency shall be treated
7791 as confidential and shall be filed with the board on forms
7792 prescribed by the ~~board~~ executive director. The application
7793 shall include all of the following information of the
7794 applicant:

7795 (1) His or her full name.

7796 (2) His or her date and place of birth.

7797 (3) All residences during the immediate past five
7798 years.

7799 (4) All employment or occupations engaged in during the
7800 immediate past five years.

7801 (5) Three sets of classifiable fingerprints or
7802 electronic fingerprints or criminal history background
7803 information, or both, as approved by the board for initial
7804 licensure.

7805 (6) A list of convictions and pending charges involving
7806 a felony or misdemeanor in any jurisdiction.

7807 (b) The board may publish the name of a licensee and
7808 his or her license number, date of licensure, and license
7809 status on the website of the board and in any licensee
7810 directory printed or distributed by the board. Additionally,
7811 with written permission of the licensee, the board may release



SB224 INTRODUCED

7812 or publish contact information for a licensee, including his
7813 or her email address, website, telephone number, and address.

7814 "§34-25B-13

7815 (a) Upon receipt of an application for a license as a
7816 private investigator pursuant to this article, nonrefundable,
7817 nonprorateable application fees shall be submitted to the
7818 board by the applicant for both of the following services:

7819 (1) A request that the Alabama State Law Enforcement
7820 Agency perform a state criminal history background check on
7821 the fingerprints submitted with the application. On subsequent
7822 applications, the Alabama State Law Enforcement Agency, at the
7823 request of the board, shall review its criminal history files
7824 based upon the name, date of birth, sex, race, and Social
7825 Security number of an applicant whose fingerprints have
7826 previously been submitted to the agency for any new
7827 information since the date of the initial fingerprint
7828 submission, and shall furnish any information thereby derived
7829 to the board.

7830 (2) A request to submit the fingerprints to the Federal
7831 Bureau of Investigation for completion of a national criminal
7832 history background check.

7833 (b) After the approval of the application by the board,
7834 the board shall issue a license in a form prescribed by the
7835 board to each qualified applicant upon its receipt of a
7836 nonrefundable, nonprorateable private investigator license fee
7837 as set by the ~~board~~ [executive director](#).

7838 (c) (1) If an application for a license is denied, the
7839 board shall notify the applicant in writing and specify the



SB224 INTRODUCED

7840 grounds for denial. If the grounds are subject to correction
7841 by the applicant, the notice shall so state and specify a
7842 reasonable period of time within which the applicant shall
7843 make the required correction.

7844 (2) The applicant may submit an application for
7845 reconsideration to the board within 30 days from the date of
7846 receipt of the denial.

7847 (d) The board shall issue a license to all licensees
7848 that shall be at least 8" x 10" in size and shall be displayed
7849 on a wall of the workplace of the licensee. All licenses and
7850 identification cards issued by the board shall be deemed
7851 property of the State of Alabama and subject to forfeiture to
7852 the state upon revocation."

7853 "§34-25B-17

7854 (a) ~~All licenses issued or renewed under this article~~
7855 ~~shall be valid for a period of two years from the month of~~
7856 ~~issuance. The board shall mail to each licensee, at his or her~~
7857 ~~address of record, a notice of renewal at least 60 days prior~~
7858 ~~to the expiration of his or her license.~~ An application for
7859 renewal shall be available for download by the licensee on the
7860 website of the board. A licensee shall report any change of
7861 address to the board.

7862 (b) Each application for renewal shall be reviewed for
7863 criminal convictions and civil fraud findings.

7864 (c) An administrative late fee ~~not exceeding two~~
7865 ~~hundred dollars (\$200),~~ as prescribed by the ~~board~~ executive
7866 director, shall be assessed on any renewal application
7867 postmarked after the expiration date of the license.



SB224 INTRODUCED

7868 ~~(d) A renewal application may not be accepted by the~~
7869 ~~board more than 30 days after the expiration date of the~~
7870 ~~license. This subsection may be waived by the board for good~~
7871 ~~cause.~~

7872 ~~(e)~~ (d) A licensee may request, in writing, for the
7873 board to place his or her license on inactive status. The fees
7874 for issuing and renewing an inactive status certificate shall
7875 be established by rule of the ~~board~~ executive director. The
7876 board shall also provide, by rule, for the activities an
7877 inactive status certificate holder may engage in, and for the
7878 procedure ~~and fees~~ required to reinstate an inactive status
7879 license. Any holder of an inactive status certificate who
7880 violates the limitations of the certificate shall be subject
7881 to fines and disciplinary action established by rule of the
7882 board."

7883 "§34-25B-25

7884 ~~(a) There is created within the board a Division of~~
7885 ~~Investigation that shall be the board's official investigative~~
7886 ~~agency.~~

7887 ~~(b)~~ (a) Each licensee shall provide to the ~~investigative~~
7888 ~~division staff~~ executive director all records that pertain to
7889 the exact nature of the complaint under investigation and upon
7890 the issuance of a subpoena.

7891 ~~(c)~~ (b) The board or ~~an~~ the executive director ~~of the~~
7892 ~~board~~ may subpoena those persons or documents necessary to any
7893 investigation undertaken under this chapter if other means
7894 including, but not limited to, notification by return receipt
7895 registered United States mail, have not produced the desired



SB224 INTRODUCED

7896 results. Any subpoena issued shall be limited to
7897 investigations by the board of its members and shall not
7898 extend to any other matter."

7899 "§34-25B-26

7900 (a) Each private investigator licensee shall complete
7901 16 hours of continuing professional education, including two
7902 hours of ethics instruction, acceptable to the board in each
7903 ~~two-year~~ renewable licensing period.

7904 (b) The board shall adopt rules as necessary to
7905 implement this section."

7906 "§34-25B-27

7907 (a) Any person offering private investigation training
7908 must first be certified by the board. The board shall ensure
7909 that the instructors employed by the training provider possess
7910 both the experience and academic credentials to ensure that
7911 the curriculum and instruction will be beneficial to those
7912 seeking to enter the profession. In order to qualify as a
7913 certified trainer or instructor, or both, the trainer shall
7914 meet the following criteria that he or she:

7915 (1) Is at least 21 years of age.

7916 (2) Has had at least three years' experience
7917 satisfactory to the board with an investigative company or
7918 proprietary entity or with any federal, United States
7919 Military, state, county, or municipal law enforcement agency
7920 relating to the block of instruction.

7921 (3) Is personally qualified to conduct the training
7922 required by this chapter and is certified by the board which
7923 shall establish standards for the instruction process.



SB224 INTRODUCED

7924 (b) A certified trainer, in his or her discretion, may
7925 instruct personally or use a combination of personal,
7926 instruction, audio, and visual training aids.

7927 (c) To assist in the implementation of a training
7928 program, the certified trainer may use as an assistant trainer
7929 any person who meets each of the following requirements that
7930 the assistant:

7931 (1) Is at least 19 years of age.

7932 (2) Has had at least one year of experience with an
7933 investigative company or any United States Military, state,
7934 county, or municipal law enforcement agency.

7935 (d) A certified trainer may be an employee of a private
7936 investigative or propriety agency or, if not, employed by an
7937 agency as a company under this chapter.

7938 (e) The certified trainer shall certify that he or she
7939 has successfully completed the training and shall submit the
7940 certification to the board.

7941 (f) The training program, ~~fees~~, and requirements shall
7942 be established by rules promulgated by the board."

7943 "§34-25B-51

7944 (a) Application for a license as a private
7945 investigation agency shall be made in writing to the board, on
7946 forms prescribed by the ~~board~~ executive director, and shall
7947 include all of the following information:

7948 (1) The name of the applicant.

7949 (2) The business name and physical and email address of
7950 the applicant.

7951 (3) A telephone number and other contact information



SB224 INTRODUCED

7952 for the applicant.

7953 (4) If the applicant is not a domestic business entity
7954 in the state, the name and contact information for the
7955 registered agent of the applicant for service of process.

7956 (5) The name, address, and contact information of a
7957 principal contact for the applicant.

7958 (6) The name, address, and contact information for at
7959 least one officer or principal of the company who holds a
7960 valid private investigator license in this state.

7961 (7) An irrevocable uniform consent to service of
7962 process.

7963 (8) A designated physical address where the records of
7964 the applicant shall be kept.

7965 (9) Any other information required by the board and
7966 reasonably necessary to grant licensure, as established by
7967 rule of the board.

7968 (b) Upon receipt of a properly completed application
7969 and payment of a license fee as ~~provided in this subsection~~
7970 established by the executive director, the board shall issue
7971 the applicant a private investigation agency license.

7972 ~~(1) For a private investigation agency domiciled within~~
7973 ~~this state, the license fee and renewal fee shall be in an~~
7974 ~~amount determined by the board, not exceeding fifty dollars~~
7975 ~~(\$50) for a private investigation agency that employs or~~
7976 ~~contracts with not more than two licensed private~~
7977 ~~investigators, and not exceeding two hundred dollars (\$200)~~
7978 ~~for a private investigation agency that employs or contracts~~
7979 ~~with three or more licensed private investigators.~~



SB224 INTRODUCED

7980 ~~(2) For a private investigation agency domiciled~~
7981 ~~outside of this state, the license fee shall be in an amount~~
7982 ~~determined by the board, not exceeding five hundred dollars~~
7983 ~~(\$500).~~

7984 (c) A private investigation agency license ~~shall be~~
7985 ~~valid for two years from the month of issuance and~~ may be
7986 renewed upon payment of the license fee provided in subsection
7987 (b) and the satisfaction of any other reasonable requirement
7988 established by rule by the board.

7989 "§34-25B-53

7990 (a) The board shall mail or email to each private
7991 investigation agency licensee a notice of renewal ~~at least 60~~
7992 ~~days~~ a reasonable time prior to the expiration of the license.
7993 An application for renewal shall be available for download by
7994 the licensee on the website of the board. A licensee shall
7995 report any change of address to the board.

7996 (b) An administrative late fee, ~~not exceeding two~~
7997 ~~hundred dollars (\$200)~~ as prescribed by rule of the ~~board~~
7998 executive director, shall be assessed on any renewal
7999 application postmarked after the expiration date of the
8000 license.

8001 ~~(c) A renewal application may not be accepted by the~~
8002 ~~board more than 30 days after the expiration date of the~~
8003 ~~license. This subsection may be waived by the board for good~~
8004 ~~cause.~~

8005 Section 23. Relating to the Alabama State Board of
8006 Prosthetists and Orthotists; to amend Sections 34-25A-3,
8007 34-25A-5, 34-25A-7, 34-25A-8, 34-25A-9, 34-25A-10, 34-25A-11,



SB224 INTRODUCED

8008 and 34-25A-12 of the Code of Alabama 1975, to read as follows:

8009 "§34-25A-3

8010 As used in this chapter, the following terms have the
8011 following meanings:

8012 (1) ACCREDITED FACILITY. A facility where prosthetic,
8013 orthotic, prosthetic and orthotic, or pedorthic care is
8014 provided to patients needing such care and has met the
8015 requirements of the board for such designation. The board
8016 shall require that all accredited facilities meet the
8017 requirements of a national certifying board, recognized by the
8018 state board in prosthetics, orthotics, and pedorthics. The
8019 requirements may include custom and non-custom items the board
8020 may determine are necessary to perform quality care and are
8021 typical in the course of business.

8022 (2) ACCREDITED PEDORTHIC FACILITY. A facility where
8023 pedorthic care may be provided that has met the requirements
8024 of the board for such designation. An accredited pedorthic
8025 facility shall contain a site that includes at least the
8026 following equipment: Sanding/grinding equipment suitable for
8027 use, an oven for plastics and foams used in the fabrication of
8028 pedorthic devices, and a vacuum device for forming pedorthic
8029 devices.

8030 (3) AUTHORIZED HEALTH CARE PRACTITIONER. A physician
8031 licensed to practice medicine or a person licensed or
8032 authorized to practice podiatry pursuant to Article 6,
8033 commencing with Section 34-24-230, of Chapter 24.

8034 (4) BOARD. The Alabama State Board of Prosthetists and
8035 Orthotists.



SB224 INTRODUCED

8036 (5) CHIROPRACTOR. A person licensed and acting within
8037 the definition as found in Section 34-24-120.

8038 (6) EXECUTIVE DIRECTOR. The Executive Director of the
8039 Office of Occupational and Professional Licensing as defined
8040 in Section 25-2B-1.

8041 ~~(6)~~ (7) MASTECTOMY FITTER. A health care professional
8042 who is specifically educated and trained in the provision of
8043 breast prostheses and post-mastectomy services, including
8044 patient assessment, formulation of a treatment plan,
8045 implementation of the treatment plan, and follow-up and
8046 practice management, which is consistent with national
8047 programs approved by the state board.

8048 ~~(7)~~ (8) OCCUPATIONAL THERAPIST/OCCUPATIONAL THERAPIST
8049 ASSISTANT/OCCUPATIONAL THERAPIST AIDE. A person who is
8050 licensed as an occupational therapist, or occupational therapy
8051 assistant, or occupational therapy aide as defined in Section
8052 34-39-3.

8053 ~~(8)~~ (9) ORTHOSIS. A custom-fabricated, definitive brace
8054 or support that is designed for long-term use.
8055 Custom-fabricated orthoses, also known as custom-made
8056 orthoses, are devices designed and made from raw materials or
8057 commercially available components for a specific patient and
8058 require the generation of an image, form, or mold that
8059 replicates the patient's body or body segment and involves the
8060 rectification of dimensions, contours, and volumes to achieve
8061 proper fit, comfort, and function for that specific patient.
8062 Except for the treatment of scoliosis, orthosis does not
8063 include prefabricated or direct-formed orthotic devices, as



SB224 INTRODUCED

8064 defined in this subdivision and does not include any of the
8065 following items: Commercially available knee orthoses used
8066 following injury or surgery; upper extremity adaptive
8067 equipment; finger splints; leather wrist gauntlets; face masks
8068 used following burns; wheelchair seating that is an integral
8069 part of the wheelchair and not worn by the patient independent
8070 of the wheelchair; fabric or elastic supports; corsets; arch
8071 supports, also known as non-custom or prefabricated orthotics;
8072 low-temperature formed plastic splints; trusses; elastic hose;
8073 canes; crutches; cervical collars; dental appliances, and
8074 other similar devices as determined by the board, such as
8075 those commonly carried in stock by a pharmacy, hospital,
8076 rehabilitation facility, department store, corset shop, or
8077 surgical supply facility. Prefabricated orthoses, also known
8078 as custom-fitted or off-the-shelf, are devices that are
8079 manufactured as commercially available items for no particular
8080 patient, but those devices that can be formed or shaped by a
8081 person licensed under this chapter are considered custom made.
8082 Direct-formed orthoses are devices formed or shaped during the
8083 molding process directly on the patient's body or body
8084 segment.

8085 ~~(9)~~ (10) ORTHOTIC FITTER. A health care practitioner,
8086 licensed with the board, who is specifically educated and
8087 trained in the provision of certain orthoses, including
8088 patient assessment, formulation of a treatment plan,
8089 follow-up, and practice management, consistent with national
8090 programs approved by the state board.

8091 ~~(10)~~ (11) ORTHOTICS. The science and practice of



SB224 INTRODUCED

8092 evaluating, measuring, designing, fabricating, assembling,
8093 fitting, adjusting, or servicing, as well as providing the
8094 initial training necessary to accomplish the fitting of, an
8095 orthosis for the support, correction, or alleviation of
8096 neuromuscular or musculoskeletal dysfunction, disease, injury,
8097 or deformity. The practice of orthotics encompasses
8098 evaluations and consultation and continuing care, with basic
8099 observational gait and posture analysis. Orthotists assess the
8100 need for and measure, design, manufacture, and fit orthoses to
8101 maximize function and provide not only the support but the
8102 alignment necessary to either prevent or correct deformity or
8103 to improve the safety and efficiency of mobility or
8104 locomotion, or both. Orthotic practice includes periodic
8105 evaluation and consultation to assess its effect on the
8106 patient's tissue and assure proper fit and function of the
8107 orthotic device.

8108 ~~(11)~~ (12) ORTHOTIC SUPPLIER. A person registered with
8109 the board who is employed by or has a contractual relationship
8110 with a manufacturer of orthoses or orthosis components and who
8111 has complied with the registration requirements of the board.

8112 ~~(12)~~ (13) ORTHOTIST. A person licensed to practice
8113 orthotics under this chapter.

8114 ~~(13)~~ (14) ORTHOTIST ASSISTANT. A person licensed under
8115 terms to be defined by the board and employed by the same
8116 agency as his or her licensed referring evaluator.

8117 ~~(14)~~ (15) PEDORTHIC DEVICE. Custom therapeutic shoes,
8118 diabetic shoes if prescribed by an authorized health care
8119 practitioner for the treatment of partial or complete



SB224 INTRODUCED

8120 amputation of the foot, foot ulceration, pre-ulcerative
8121 callous, or foot deformity, shoe modifications made for
8122 therapeutic purposes, partial foot prostheses, and foot
8123 orthoses and orthoses for use from the knee and below used for
8124 the treatment or alleviation, or both, of a condition that has
8125 its origin in the foot. A pedorthic device, custom or
8126 non-custom, addresses a medical condition of the foot below
8127 the ankle and is prescribed by an authorized health care
8128 practitioner.

8129 ~~(15)~~ (16) PEDORTHICS. The design, manufacture,
8130 modification, or fit of custom shoes, orthoses, and pedorthic
8131 devices to prevent or alleviate foot problems caused by
8132 disease, congenital defect, overuse, or injury.

8133 ~~(16)~~ (17) PEDORTHIST. A person who is licensed to
8134 practice pedorthics under this chapter.

8135 ~~(17)~~ (18) PHYSICAL THERAPIST/PHYSICAL THERAPIST
8136 ASSISTANT/PHYSICAL THERAPIST TECHNICIAN. A person who is
8137 licensed to practice as defined in Section 34-24-191.

8138 ~~(18)~~ (19) PHYSICIAN. A person who is a doctor of
8139 medicine or a doctor of osteopathy licensed to practice.

8140 ~~(19)~~ (20) PODIATRIST. A person licensed or authorized to
8141 practice podiatry pursuant to Article 6 of Chapter 24.

8142 ~~(20)~~ (21) PROSTHESIS. A definitive artificial limb that
8143 is alignable or articulated or, in lower extremity
8144 applications, capable of bearing weight. Prosthesis means an
8145 artificial medical device that is not surgically implanted and
8146 that is used to replace a missing limb, appendage, or other
8147 external human body part and that includes an artificial limb,



SB224 INTRODUCED

8148 hand, or foot. The term does not include artificial eyes,
8149 ears, dental appliances, ostomy products, devices such as
8150 artificial breasts or eyelashes, wigs, or other devices as
8151 determined by the board that do not have a significant impact
8152 on the musculoskeletal functions of the body.

8153 ~~(21)~~ (22) PROSTHETICS. The science and practice of
8154 evaluating, measuring, designing, fabricating, assembling,
8155 fitting, aligning, adjusting, or servicing, as well as
8156 providing the initial education necessary to accomplish the
8157 wearing and use of a prosthesis, through the replacement of
8158 external parts of a human body lost due to amputation or
8159 congenital deformities or absences. The practice of
8160 prosthetics also includes the generation of an image, form, or
8161 mold that replicates the patient's body or body segment and
8162 that requires rectification of dimensions, contours, and
8163 volumes for use in the design and fabrication of a socket to
8164 accept a residual limb to create an artificial appendage that
8165 is designed either to support body weight or to improve or
8166 restore function or cosmesis, or both. Involved in the
8167 practice of prosthetics is observational gait analysis and
8168 clinical assessment of the requirements necessary to refine
8169 and mechanically fix the relative position of various parts of
8170 the prosthesis to maximize the function, stability, and safety
8171 of the patient. The practice of prosthetics includes
8172 evaluation, consultation, and providing continuing patient
8173 care in order to assess the effect of the prosthetic device on
8174 the patient's tissues and to assure proper fit and function of
8175 the prosthetic device.



SB224 INTRODUCED

8176 ~~(22)~~ (23) PROSTHETIST. A person who is licensed to
8177 practice prosthetics under this chapter.

8178 ~~(23)~~ (24) PROSTHETIST ASSISTANT. A person licensed under
8179 terms to be defined by the board and employed by the same
8180 agency as his or her licensed referring evaluator.

8181 ~~(24)~~ (25) PROSTHETIST/ORTHOTIST. A person licensed to
8182 practice prosthetics and orthotics under this chapter.

8183 ~~(25)~~ (26) THERAPEUTIC SHOE FITTER. A health care
8184 professional who is licensed by the board and who is
8185 specifically educated and trained to provide non-custom
8186 therapeutic shoes and non-custom multi-density inserts. This
8187 includes patient assessment, formulation of a plan,
8188 implementation of the treatment plan, follow-up, and practice
8189 management."

8190 "§34-25A-5

8191 (a) Except as provided in subsection (h) or (i), no
8192 person shall administer prosthetic, orthotic, or pedorthic
8193 care in this state unless licensed or registered to do so in
8194 accordance with this chapter. The ~~board~~ executive director
8195 shall issue approved forms for application ~~prior to January 1,~~
8196 ~~2003.~~

8197 (b) In order to obtain a license as a prosthetist,
8198 orthotist, or prosthetist/orthotist in this state, an
8199 applicant shall be a citizen of the United States or, if not a
8200 citizen of the United States, a person who is legally present
8201 in the United States with appropriate documentation from the
8202 federal government, and shall do the following:

8203 (1) File a written application on forms ~~to be~~ developed



SB224 INTRODUCED

8204 ~~and approved~~ by the ~~board~~ executive director. The applicant
8205 shall meet at least one of the following requirements after a
8206 one-year grandfather period:

8207 a. The applicant shall possess a baccalaureate degree
8208 in orthotics and prosthetics from a college or university
8209 accredited by a regional accrediting agency and complete 1,900
8210 hours per discipline sought of directed employment under the
8211 supervision of a certified/licensed prosthetist, a
8212 certified/licensed orthotist or a certified/licensed
8213 prosthetist/orthotist in an accredited facility, and be
8214 certified as a prosthetist, orthotist, or
8215 prosthetist/orthotist by a national certifying board in
8216 orthotics or prosthetics approved by the state board.

8217 b. The applicant shall possess a baccalaureate degree
8218 from a regionally accredited college or university and have
8219 successfully completed a post-baccalaureate certificate course
8220 approved by the board and completed 1,900 hours of directed
8221 employment per discipline in which license is sought under the
8222 supervision of a certified/licensed prosthetist, a
8223 certified/licensed orthotist, or a certified/licensed
8224 prosthetist/orthotist in an accredited facility, and be
8225 certified by a national certifying board in prosthetics or
8226 orthotics approved by the state board.

8227 c. The applicant shall possess an associate's degree
8228 from a regionally accredited college or university, junior
8229 college, or community college and have successfully completed
8230 postsecondary coursework in anatomy, physiology, physics,
8231 biology, chemistry, algebra, and calculus and have worked



SB224 INTRODUCED

8232 under the supervision of a certified/licensed prosthetist, a
8233 certified/licensed orthotist, or a certified/licensed
8234 prosthetist/orthotist for not less than four consecutive years
8235 of the past six years in an accredited facility, and be
8236 certified by a national certifying board in prosthetics or
8237 orthotics approved by the state board.

8238 d. The applicant shall have successfully completed
8239 postsecondary coursework in anatomy, physiology, physics,
8240 biology, chemistry, algebra, and calculus and have worked
8241 under the supervision of a certified/licensed prosthetist, a
8242 certified/licensed orthotist, or a certified/licensed
8243 prosthetist/orthotist for not less than eight years of the
8244 last 12 years and be certified as a prosthetist, orthotist, or
8245 prosthetist/orthotist by a national certifying board approved
8246 by the state board.

8247 (2) Any applicant after the first year following the
8248 board's issuance of applications shall meet the requirements
8249 of subdivision (b)(1) prior to receiving a license as a
8250 prosthetist, an orthotist, or a prosthetist/orthotist.

8251 (c) In order to obtain a license as a pedorthist in
8252 this state, an applicant shall be a citizen of the United
8253 States or, if not a citizen of the United States, a person who
8254 is legally present in the United States with appropriate
8255 documentation from the federal government, and shall file a
8256 written application on forms ~~to be~~ developed by ~~and approved~~
8257 ~~by the board~~ executive director. Applicants shall be in good
8258 standing as a certified pedorthist with a national certifying
8259 board approved by the state board.



SB224 INTRODUCED

8260 (d) In order to obtain registration as an orthotic
8261 supplier, an applicant shall be a citizen of the United States
8262 or, if not a citizen of the United States, a person who is
8263 legally present in the United States with appropriate
8264 documentation from the federal government, and shall do the
8265 following:

8266 (1) File a written application on ~~forms to be~~ a form
8267 developed ~~and approved~~ by the ~~board~~ executive director. ~~Such~~
8268 ~~forms~~ The form shall require personal information such as full
8269 name, current address, educational status and history, and
8270 work history for the last five years of employment.

8271 (2) The application forms shall be accompanied, when
8272 submitted, by attestation of employment by or contractual
8273 relationship with a manufacturer of orthoses or orthosis
8274 components whether registered with the United States Food and
8275 Drug Administration or not. Attestation shall be by notarized
8276 statement signed by the president, chief operating officer, or
8277 other designated corporate official of the employing company.

8278 ~~(e) The board shall grant a license without an~~
8279 ~~examination for those qualified applicants who apply within~~
8280 ~~one year of the issuance of application forms by the board.~~
8281 ~~For purposes of this subsection, qualified applicants are~~
8282 ~~those who possess current credentials as a Certified~~
8283 ~~Prosthetist, Certified Orthotist, or Certified~~
8284 ~~Prosthetist/Orthotist issued by the American Board for~~
8285 ~~Certification in Orthotics and Prosthetics, Incorporated, or~~
8286 ~~the Board for Orthotist/Prosthetist Certification as a~~
8287 ~~prosthetist, orthotist, or prosthetist/orthotist.~~



SB224 INTRODUCED

8288 ~~(f)~~ (e) The ~~board~~ executive director may issue a
8289 ~~12-month~~ temporary license as a prosthetist, an orthotist, a
8290 pedorthist, or a prosthetist/orthotist to persons who have
8291 applied for licensure and are awaiting examination. The
8292 temporary license is renewable ~~once for a six-month period,~~ in
8293 a manner prescribed by the executive director, if the
8294 applicant fails to pass the examination at the first sitting.

8295 ~~(g)~~ (f) The board shall grant a license as a
8296 prosthetist, an orthotist, a prosthetist/orthotist, or
8297 pedorthist to an applicant in possession of a current license
8298 as a prosthetist, orthotist, prosthetist/orthotist, or
8299 pedorthist in another state or territory of the United States
8300 without examination if the board determines that the
8301 credentialing standards set by the other state or territory
8302 are substantially equivalent to the standards set by the board
8303 for this state.

8304 ~~(h)~~ (g) No person may represent himself or herself as a
8305 licensed prosthetist, licensed orthotist, licensed
8306 prosthetist/orthotist, or licensed pedorthist, use a title or
8307 description of services, or engage in the practice of
8308 prosthetics, orthotics, or pedorthics without applying for
8309 licensure, meeting the required qualifications, and being
8310 licensed by the board unless otherwise exempted by this
8311 chapter. A person not licensed with the board may not
8312 represent himself or herself as being so licensed and may not
8313 use, in connection with his or her name, the words licensed
8314 orthotist, orthotist, licensed prosthetist, prosthetist,
8315 licensed prosthetist/orthotist, prosthetist/orthotist,



SB224 INTRODUCED

8316 licensed pedorthist, pedorthist, licensed orthotic fitter,
8317 orthotic fitter, licensed mastectomy fitter, mastectomy
8318 fitter, licensed therapeutic shoe fitter, therapeutic shoe
8319 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"
8320 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F." or other
8321 letters, words, signs, numbers, or insignia indicating or
8322 implying that he or she is either a licensed prosthetist, a
8323 licensed orthotist, a licensed prosthetist/orthotist, a
8324 licensed pedorthist, a licensed mastectomy fitter, a licensed
8325 therapeutic shoe fitter, or a licensed orthotic fitter in the
8326 State of Alabama without first having a valid license. The
8327 license shall be posted in a conspicuous location at the
8328 person's work site.

8329 ~~(i)~~ (h) Nothing in this chapter shall be construed to
8330 prohibit or restrict the following:

8331 (1) The practice of prosthetics, orthotics, or
8332 pedorthics by individuals authorized and performing services
8333 within their authorized scopes of practice as adopted by the
8334 Legislature including, but not limited to, authorized health
8335 care practitioners, doctors of podiatry, chiropractors,
8336 physical therapists, and occupational therapists licensed in
8337 this state.

8338 (2) The practice of prosthetics, orthotics, or
8339 pedorthics by an individual employed by, or in the service of,
8340 the government of the United States of America while engaged
8341 in the performance of duties prescribed by the laws of the
8342 United States of America.

8343 (3) The practice of prosthetics, orthotics, or



SB224 INTRODUCED

8344 pedorthics by any person not licensed as a prosthetist,
8345 orthotist, prosthetist/orthotist, orthotic fitter, therapeutic
8346 shoe fitter, or pedorthist in accordance with this chapter who
8347 is employed in a hospital, rehabilitation facility, or
8348 authorized health care practitioner's office under the
8349 direction of an authorized health care practitioner.

8350 (4) A person fulfilling the supervised residency or
8351 internship experience requirements described in this chapter.

8352 (5) The practice of prosthetics, orthotics, or
8353 pedorthics by a clinician who is certified or licensed in
8354 another state at meetings of the Alabama Prosthetic & Orthotic
8355 Association (APOA) or similar organizations or at training
8356 events approved by the board to provide clinical services
8357 performed by a certified or licensed clinician.

8358 (6) The practice of pharmacy by an individual subject
8359 to Chapter 23 of this title."

8360 "§34-25A-7

8361 The board shall perform all the following duties:

8362 (1) Establish and publish continuing education
8363 requirements for persons licensed in this chapter.

8364 (2) Examine for, approve, deny, revoke, suspend,
8365 reinstate, and renew licensure accreditation or registration
8366 of duly qualified applicants and develop, promulgate, and
8367 establish fines, penalties, and requirements for reinstatement
8368 of licensure, accreditation, or registration.

8369 (3) Receive applications, issue licenses,
8370 accreditations, or registrations to applicants who have met
8371 the requirements for licensure, accreditation, or



SB224 INTRODUCED

8372 registration, and deny licenses, accreditations, or
8373 registrations to applicants who do not meet the minimum
8374 qualifications.

8375 ~~(4) Hire administrative, clerical, investigative, and~~
8376 ~~other staff as needed to implement this chapter and hire~~
8377 ~~individuals licensed under this chapter to serve as examiners~~
8378 ~~for any practical examinations required by the board either~~
8379 ~~within the state classified service or not within it.~~

8380 ~~(5)~~ (4) Promulgate and publish rules ~~and regulations~~ in
8381 accordance with the Administrative Procedure Act to administer
8382 this chapter. Any rule or regulation defining the scope of
8383 practice or permissible activities of a licensed orthotist,
8384 licensed prosthetist, or a licensed prosthetist/orthotist or a
8385 registered orthotic supplier shall be published jointly with
8386 the State Board of Medical Examiners.

8387 ~~(6)~~ (5) Develop and promulgate ~~requirements and~~
8388 ~~establish fees~~ rules for the licensure of mastectomy fitters,
8389 orthotic fitters, therapeutic shoe fitters, orthotic
8390 assistants, prosthetic assistants, or prosthetic/orthotic
8391 assistants. Such licenses shall be regulated and issued by the
8392 board.

8393 ~~(7)~~ (6) Prepare and administer, or approve the
8394 preparation and administration of, examinations for applicants
8395 for licensure."

8396 "§34-25A-8

8397 (a) ~~Effective October 1, 2009, the existing Alabama~~
8398 ~~State Board of Prosthetists and Orthotists is abolished.~~
8399 ~~Notwithstanding the foregoing, members on the board serving on~~



SB224 INTRODUCED

8400 ~~October 1, 2009, shall continue to serve until their~~
8401 ~~successors are appointed. Effective October 1, 2009, a new~~ The
8402 Alabama State Board of Prosthetists and Orthotists is created
8403 to administer this chapter ~~and shall be composed of nine~~
8404 ~~members as provided in this section who shall be compensated~~
8405 ~~at the rate of one hundred dollars (\$100) per day plus travel~~
8406 ~~expenses for each day they perform their duties.~~ Commencing on
8407 October 1, 2025, the board shall be subject to the leadership,
8408 support, and oversight of the Executive Director of the Office
8409 of Occupational and Professional Licensing pursuant to Chapter
8410 2B of Title 25. The board shall be composed of nine members.
8411 The board membership shall reflect the racial, gender,
8412 geographic, urban and rural, and economic diversity of the
8413 state and each member of the board shall be a resident of this
8414 state. The Attorney General of the state shall act as legal
8415 advisor of the board and shall render such legal assistance as
8416 may be necessary in carrying out the provisions of this
8417 chapter.

8418 (b) ~~After October 1, 2009, members~~ Members of the board
8419 shall be appointed as follows:

8420 (1) Three by the Governor ~~of the State of Alabama, two~~
8421 ~~of whom shall be appointed for four-year initial terms and one~~
8422 ~~of whom shall be appointed to a one-year initial term,~~ one of
8423 whom shall be licensed pursuant to this chapter; one of whom
8424 shall be a private resident of the State of Alabama who is a
8425 consumer of orthotic or prosthetic services; and one of whom
8426 shall be a physician licensed to practice medicine in the
8427 State of Alabama.



SB224 INTRODUCED

8428 (2) Two by the Lieutenant Governor ~~of the State of~~
8429 ~~Alabama, one for an initial term of four years and one for an~~
8430 ~~initial term of two years~~, both of whom shall be licensed
8431 pursuant to this chapter.

8432 (3) Two by the Speaker of the House of Representatives
8433 ~~of the State of Alabama for initial terms of three years~~, one
8434 of whom is a podiatrist licensed to practice in ~~the State of~~
8435 ~~Alabama~~ this state and one of whom shall be licensed pursuant
8436 to this chapter.

8437 (4) One by the President Pro Tempore of the Senate ~~of~~
8438 ~~the State of Alabama for an initial term of two years~~, who
8439 shall be licensed pursuant to this chapter.

8440 (5) One by the Speaker Pro Tempore of the House of
8441 Representatives ~~of the State of Alabama for an initial term of~~
8442 ~~one year~~, who shall be licensed pursuant to this chapter.

8443 (c) Any actions of the ~~Alabama State Board of~~
8444 ~~Prosthetists and Orthotists~~ board consistent with the
8445 requirements of Act 2023-326 prior to May 30, 2023, are
8446 retroactively ratified and confirmed."

8447 "§34-25A-9

8448 (a) ~~Regarding the board created by Act 2009-300,~~
8449 ~~initial appointments shall be staggered such that two members~~
8450 ~~are appointed for one year, two members are appointed for two~~
8451 ~~years, and two members appointed for three years and three~~
8452 ~~members are appointed for four years. Thereafter all members~~
8453 Members shall be appointed for four-year terms. Members shall
8454 serve until their successors are appointed and qualified,
8455 provided, no member shall serve more than eight consecutive



SB224 INTRODUCED

8456 years or two consecutive terms, whichever is greater. ~~This~~
8457 ~~legislation shall not include their initial terms, and no~~
8458 ~~hold-over term, under Section 34-25A-8(a), shall exceed 12~~
8459 ~~months.~~

8460 (b) Upon the expiration of the initial terms and all
8461 terms of office thereafter, the appointing authorities shall
8462 appoint successors for terms of four years each. A quorum
8463 shall consist of five members.

8464 ~~(c) The board may employ an executive director and such~~
8465 ~~other officers and employees it deems necessary, with or~~
8466 ~~without regard to the state Merit System, and may set the~~
8467 ~~salary and terms of employment for such officers and~~
8468 ~~employees."~~

8469 "§34-25A-10

8470 ~~There is established a separate special revenue trust~~
8471 ~~fund in the State Treasury to be known as the Alabama State~~
8472 ~~Board of Orthotists and Prosthetists Fund. All receipts and~~
8473 ~~administrative fines collected by the board pursuant to this~~
8474 ~~chapter shall be deposited in the fund and used only to~~
8475 ~~implement and administer this chapter. The receipts shall be~~
8476 ~~disbursed only by warrant of the state Comptroller, upon~~
8477 ~~itemized vouchers approved by the executive director, if one~~
8478 ~~is provided, otherwise by the chairperson of the board. Funds~~
8479 ~~shall be withdrawn or expended pursuant to Sections 41-4-80 to~~
8480 ~~41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and~~
8481 ~~only in amounts as stipulated in the general appropriations~~
8482 ~~bill or other appropriations bills~~ into the Occupational and
8483 Professional Licensing Fund."



SB224 INTRODUCED

8484 "§34-25A-11

8485 (a) The board shall issue a license or registration to
8486 any person who meets the qualifications required by this
8487 chapter and who pays the respective fees fixed by the ~~board~~
8488 executive director.

8489 (b) Any person who is issued a license as an orthotic,
8490 prosthetic, or prosthetic/orthotic practitioner or orthotic
8491 assistant, prosthetic assistant, or prosthetic/orthotic
8492 assistant under this chapter may use the words licensed
8493 orthotist, licensed prosthetist, licensed
8494 prosthetist/orthotist, licensed orthotist assistant, licensed
8495 prosthetist assistant, or licensed prosthetist/orthotist
8496 assistant, or the letters "L.O.," "L.P.," "L.P.O.," "L.O.A.,"
8497 "LPed," "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "C.M.F.,"
8498 "L.C.M.F," or "L.T.S.F." in connection with his or her name to
8499 denote his or her licensure. Any person issued a license as an
8500 orthotic supplier under this chapter may use the words
8501 licensed orthotic supplier or the letters "R.O.S." in
8502 connection with his or her name to denote his or her
8503 registration.

8504 (c) A license or registration issued under this chapter
8505 shall be subject to ~~annual or semiannual~~ renewal as prescribed
8506 by ~~rule or regulation duly promulgated and published by the~~
8507 ~~board~~ the executive director."

8508 "§34-25A-12

8509 (a) The ~~board shall promulgate rules and regulations~~
8510 ~~for~~ executive director shall set all licensure fees,
8511 registration fees, renewal fees, and accreditation fees. ~~The~~



SB224 INTRODUCED

8512 ~~application fee for licensure as an orthotist, prosthetist,~~
8513 ~~orthotist assistant, prosthetist assistant,~~
8514 ~~prosthetist/orthotist, or pedorthist shall not exceed two~~
8515 ~~hundred fifty dollars (\$250) and the application fee for~~
8516 ~~registration as an orthotic supplier shall not exceed one~~
8517 ~~hundred fifty dollars (\$150). The application fee for~~
8518 ~~accreditation shall not exceed three hundred fifty dollars~~
8519 ~~(\$350) per facility. The licensure fee shall not exceed nine~~
8520 ~~hundred fifty dollars (\$950) per discipline per term of~~
8521 ~~license. The accreditation fee shall not exceed nine hundred~~
8522 ~~fifty dollars (\$950) per term for each accredited facility.~~
8523 ~~Registration fees and renewal fees shall not exceed three~~
8524 ~~hundred fifty dollars (\$350) per term of registration or~~
8525 ~~renewal, and all other associated assistant fees shall not~~
8526 ~~exceed five hundred dollars (\$500) per term of license.~~

8527 (b) ~~Maximum fees as defined in subsection (a) may be~~
8528 ~~exceeded when a A late renewal fee is authorized or imposed by~~
8529 ~~the board may be established by the executive director.~~

8530 (c) The board may prescribe by rule that individuals
8531 who due to age or physical disability are unable to practice,
8532 who have retired from the practice, who are licensed in the
8533 state but are practicing out of state, or who are on temporary
8534 active duty with any of the Armed Forces of the United States
8535 shall be allowed to pay a renewal fee in an amount less than
8536 the amount paid by individuals in current practice. The amount
8537 shall be established by the ~~board~~ executive director."

8538 Section 24. Relating to the Alabama Security Regulatory
8539 Board; to amend Sections 34-27C-1, 34-27C-2, 34-27C-3,



SB224 INTRODUCED

8540 34-27C-4, 34-27C-7, 34-27C-9, and 34-27C-15 of the Code of
8541 Alabama 1975, to read as follows:

8542 "§34-27C-1

8543 For the purposes of this chapter, the following terms
8544 shall have the following meanings:

8545 (1) ARMED SECURITY OFFICER. An individual whose
8546 principal duty is that of a security officer and who at any
8547 time wears, carries, possesses, or has access to a firearm in
8548 the performance of his or her duties.

8549 (2) BOARD. The Alabama Security Regulatory Board.

8550 (3) CERTIFICATION CARD or LICENSURE CARD. The
8551 identification card issued by the ~~board~~ executive director to
8552 an individual as evidence that he or she has met the basic
8553 qualifications required by this chapter and is currently
8554 certified or licensed with the board to perform the duties of
8555 a security officer.

8556 (4) CERTIFIED TRAINER. Any person approved and
8557 certified by the board as qualified to administer, and certify
8558 as to the successful completion of, the basic training
8559 requirements for security officers required by this chapter.

8560 (5) CONTRACT SECURITY COMPANY. Any individual, firm,
8561 association, company, partnership, limited liability company,
8562 corporation, institution, or similar business entity engaged
8563 in the business of providing, or which undertakes to provide,
8564 a security officer on a contractual basis to another person or
8565 entity. The security officer provided by a contract security
8566 company is a contract security officer. In addition, any
8567 person who provides security services for more than one



SB224 INTRODUCED

8568 employer in any one week period, except for a permanent change
8569 of employment, shall be deemed to be engaged in the contract
8570 security company business and shall be licensed pursuant to
8571 this chapter.

8572 (6) EMPLOYER-EMPLOYEE RELATIONSHIP. The performance of
8573 any service for wages or under any contract of hire, written,
8574 oral, expressed, or implied by an individual, provided the
8575 employer has control or direction over the performance of the
8576 employee and provided the service is performed personally by
8577 the employee.

8578 (7) EXECUTIVE DIRECTOR. The Executive Director of the
8579 Office of Occupational and Professional Licensing as defined
8580 in Section 25-2B-1.

8581 ~~(7)~~ (8) LICENSEE. Any person or contract security
8582 company to which a license is granted in accordance with this
8583 chapter.

8584 ~~(8)~~ (9) PUBLIC ENTITY. The federal government, the
8585 state, or any political subdivision, agency, department,
8586 branch, or service of either the state or federal government,
8587 or any county or municipality, or any other unit of local
8588 government.

8589 ~~(9)~~ (10) SECURITY OFFICER.

8590 a. A person employed under contract, whose principal
8591 purpose is to protect a person or persons or property from
8592 criminal activity, and whose duties include, but are not
8593 limited to, the following:

8594 1. The detection and prevention of unauthorized
8595 intrusion or entry, larceny, vandalism, abuse, arson, or



SB224 INTRODUCED

8596 trespass on private property.

8597 2. The prevention, observation, or detection of any
8598 unauthorized activity on private property.

8599 3. The control, regulation, or direction of the flow or
8600 movements of individuals, whether by vehicle, on foot, or
8601 otherwise.

8602 b. The term does not include persons whose duties are
8603 limited to custodial duties or the reporting of violations of
8604 inhouse administrative regulations only, and who do not wear a
8605 security uniform.

8606 ~~(10)~~ (11) SWORN PEACE OFFICER. Any individual who
8607 derives plenary or special law enforcement powers from, and is
8608 an employee of, or certified by, the federal government, the
8609 state, or any political subdivision, agency, department,
8610 branch, or service of either, or of any county or
8611 municipality, or of any other unit of local government."

8612 "§34-27C-2

8613 (a) The Alabama Security Regulatory Board is created.
8614 Commencing on October 1, 2025, the board shall be subject to
8615 the leadership, support, and oversight of the Executive
8616 Director of the Office of Occupational and Professional
8617 Licensing pursuant to Chapter 2B of Title 25. Each member of
8618 the board shall be a citizen of the United States and a
8619 resident of this state, and the appointing authorities shall
8620 coordinate their appointments to assure the board membership
8621 is inclusive and reflects the racial, gender, geographic,
8622 urban, rural, and economic diversity of the state. The board
8623 shall consist of the following members:



SB224 INTRODUCED

8624 (1) Two members appointed by the Governor. The
8625 appointees shall not be qualified to be licensed under this
8626 chapter, not be engaged in the rendering of contract security
8627 service for a minimum of three years prior to appointment, not
8628 be employed by or affiliated with any other member of the
8629 board, and shall have served for five or more years in a
8630 supervisory position in law enforcement in any municipality,
8631 county, state, or district attorney's office. The members
8632 appointed by the Governor shall be selected from a list of
8633 names submitted by a recognized security association such as
8634 the American Society of Industrial Security (ASIS), the
8635 National Association of Security Companies (NASCO), or any
8636 state or private security service association that may be
8637 organized.

8638 (2) One member appointed by the Lieutenant Governor.
8639 The appointee shall represent consumers and shall not be
8640 engaged in the rendering of contract security service, and not
8641 employed by, related to, or affiliated with any other member
8642 of the board or licensee of the board.

8643 (3) One member appointed by the Speaker of the House of
8644 Representatives. The appointee shall be from an entity that
8645 employs, or has an employer-employee relationship with, a
8646 contract security company.

8647 (4) One member appointed by the Attorney General. The
8648 appointee shall be selected from a list of names submitted by
8649 the Alabama Sheriffs Association.

8650 (b) Unless otherwise provided in subsection (a), board
8651 members shall serve three-year terms of office. A vacancy in



SB224 INTRODUCED

8652 any board position shall be filled for the duration of the
8653 unexpired term in the same manner as the original appointment.
8654 Should an appointing authority fail to make an appointment to
8655 fill an unexpired or new term within 60 days after receiving
8656 notice from the board of the vacancy, the board shall make the
8657 appointment of a qualified individual within the appropriate
8658 category by majority vote of the board members present. The
8659 board shall annually elect a chair from among the membership
8660 of the board at its first meeting. The board shall meet on a
8661 quarterly basis at a date, time, and place designated by the
8662 chair. ~~Actual expenses incurred by board members in the~~
8663 ~~performance of duties on behalf of the board shall be~~
8664 ~~reimbursed from the funds of the board.~~ Decisions of the board
8665 shall be determined by a majority vote of the board members
8666 present and voting.

8667 ~~(c) The members of the board shall receive up to three~~
8668 ~~hundred dollars (\$300) per day, for a maximum of 12 days per~~
8669 ~~year, while performing their official duties, in addition to~~
8670 ~~the same per diem and mileage as provided to state employees.~~

8671 ~~(d)~~ (c) The board shall be subject to the Alabama Sunset
8672 Law, Title 41, Chapter 20, as an enumerated agency as provided
8673 in Section 41-20-3, and shall have a termination date of
8674 October 1, 2011, and every four years thereafter, unless
8675 continued pursuant to the Alabama Sunset Law."

8676 "§34-27C-3

8677 (a) The board shall have the following powers:

8678 (1) In accordance with the Administrative Procedure
8679 Act, to adopt rules not in conflict with the laws of this



SB224 INTRODUCED

8680 state which are reasonable, proper, and necessary to carry out
8681 the functions of the board in the regulation of persons
8682 engaged in providing security officers within this state. Any
8683 interested person may petition the board to adopt, amend, or
8684 repeal any rule and the board shall prescribe by rule any
8685 necessary forms for petitions and procedures for submission,
8686 consideration, and disposition of petitions.

8687 (2) To enforce compliance with this chapter.

8688 (3) To establish rules and procedures for the
8689 preparation and processing of examinations, applications,
8690 license certificates, certification cards, licensure cards,
8691 renewals, appeals, hearings, and rulemaking proceedings.

8692 (4) To determine the qualifications of licensees,
8693 certified trainers, and security officers consistent with this
8694 chapter.

8695 ~~(5) To levy and collect fees in amounts determined~~
8696 ~~necessary by the board for licensing, application processing,~~
8697 ~~background checks, including fingerprints, inspections,~~
8698 ~~investigations, and hearings.~~

8699 ~~(6) To employ or contract for necessary personnel,~~
8700 ~~including a director, pursuant to the state Merit System,~~
8701 ~~provided such persons are employed by the board on a full-time~~
8702 ~~basis exceeding 32 hours per calendar week, and provide for~~
8703 ~~necessary offices, supplies, and equipment to fulfill the~~
8704 ~~requirements of this chapter.~~

8705 ~~(7)~~ (5) To delegate its power and duties by resolution
8706 to ~~a named designee~~ the executive director.

8707 ~~(8) To enter into contracts and expend funds of the~~



SB224 INTRODUCED

8708 ~~board to fulfill the requirements of this chapter.~~

8709 ~~(9) To borrow money.~~

8710 ~~(10)~~ (6) To work with the Attorney General and other law
8711 enforcement agencies to prohibit and punish any violation of
8712 this chapter.

8713 ~~(11)~~ (7) To establish volunteer procedures for those
8714 persons or businesses that are exempt from this chapter.

8715 ~~(12)~~ (8) To engage in dialogue and to enter into
8716 reciprocal licensing agreements with governmental entities in
8717 other states that supervise and regulate the provision of
8718 private contract security services in order to ensure that
8719 security officers and armed security officers licensed by the
8720 State of Alabama have full reciprocity to operate in other
8721 states.

8722 ~~(13)~~ (9) Upon the declaration of the Governor of a state
8723 of emergency, to authorize the operation of out-of-state
8724 contract security companies and staff within the state for the
8725 duration of the state of emergency, and up to a maximum of 30
8726 days after the expiration of the state of emergency. To be
8727 eligible to operate within the state pursuant to this
8728 subdivision, the out-of-state contract security company shall
8729 satisfy all of the following requirements:

8730 a. Be licensed in another state in which the
8731 qualifications, insurance, training, and other requirements
8732 for licensure are substantially similar to those required by
8733 this chapter, as determined by the board.

8734 b. Provide notice to the board of an intention to
8735 operate in the state and submit to the board any information



SB224 INTRODUCED

8736 requested by the board.

8737 ~~(14)~~ (10) To inspect the business premises of any
8738 licensee, licensed contract security company, or unlicensed
8739 contract security company during normal business hours.

8740 ~~(15)~~ (11) To hold hearings, conduct investigations,
8741 subpoena witnesses, subpoena documents, administer oaths, and
8742 take testimony as necessary to provide for the implementation
8743 of this chapter.

8744 (b) All powers granted in this chapter and any other
8745 powers granted to the board are public and governmental
8746 functions, exercised for a public purpose, and matters of
8747 public necessity."

8748 "§34-27C-4

8749 (a) ~~Commencing on May 21, 2009, any~~ Any security
8750 officer, armed security officer, or contract security company
8751 providing private security services in this state shall apply
8752 to the board for a license or certification. Any security
8753 officer, armed security officer, or contract security company
8754 providing security services in this state before May 21, 2009,
8755 may continue to engage in business operations pending a final
8756 determination by the board, provided the security officer,
8757 armed security officer, or contract security company files an
8758 application for license. This chapter shall not abrogate the
8759 terms of a contract existing on May 21, 2009.

8760 (b) An application for licensure or certification shall
8761 include all of the following information:

8762 (1) The full name, home address, post office box, and
8763 actual street address of the business of the applicant.



SB224 INTRODUCED

8764 (2) The name under which the applicant intends to do
8765 business.

8766 (3) The full name and address of any partners in the
8767 business, principal officers, directors, and business manager,
8768 if applicable.

8769 (4) The names of at least three unrelated and
8770 disinterested individuals to be used as references for board
8771 inquiries regarding the character, standing, and reputation of
8772 the applicant.

8773 (5) Any other information, evidence, statements, or
8774 documents as may be required by the board.

8775 (c) (1) A contract security company applying for a
8776 license or certification shall include proof that the business
8777 entity has at least one individual in its employ serving as a
8778 qualifying agent who is licensed by the board as a security
8779 officer and, in addition to meeting the requirements of
8780 subsection (d), possesses three years of experience as a
8781 manager, supervisor, or administrator with a contract security
8782 company or possesses three years of supervisory experience
8783 with any federal, military, state, county, or municipal law
8784 enforcement agency.

8785 (2) No individual may serve as the qualifying agent for
8786 more than one contract security company without prior written
8787 approval of the board.

8788 (3) A contract security company shall notify the board
8789 within 10 working days if the qualifying agent for the company
8790 ceases to perform his or her duties as qualifying agent and
8791 shall obtain a substitute qualifying agent within 30 days



SB224 INTRODUCED

8792 after the original qualifying agent ceases to serve. The board
8793 may grant an extension to the company for good cause, for not
8794 more than three months.

8795 (d) Every applicant for licensure or certification
8796 shall provide the following to the board:

8797 (1) Proof that the applicant is 21 years of age or
8798 older, or 18 years of age if the individual is not allowed to
8799 carry any type of firearm in the course of his or her
8800 employment with the contract security company.

8801 (2) Proof that the applicant is a citizen of the United
8802 States or, if not a citizen of the United States, an
8803 individual who is legally present in the United States with
8804 appropriate documentation from the federal government.

8805 (3) A statement of the applicant, made under oath,
8806 declaring all of the following:

8807 a. That he or she has never been convicted in any
8808 jurisdiction of the United States of any felony or crime
8809 involving moral turpitude for which a full pardon has not been
8810 granted.

8811 b. That he or she has never been declared, by any court
8812 of competent jurisdiction, incompetent by reason of mental
8813 defect or disease, and competency has not been restored.

8814 c. That he or she is not suffering from habitual
8815 drunkenness or from narcotics addiction or dependence. The
8816 board may require certified results of medical tests for drug
8817 or alcohol use.

8818 (e) (1) In addition to the requirements of subsection
8819 (d), an applicant for licensure or certification, or renewal



SB224 INTRODUCED

8820 of licensure or certification, shall submit to the board a
8821 form, sworn to by the applicant, containing the name, date of
8822 birth, and Social Security number for completion of a criminal
8823 history background check. The applicant shall submit two
8824 complete sets of fingerprints to the board. The board shall
8825 submit the fingerprints to the Alabama State Law Enforcement
8826 Agency (ALEA) for a state criminal history record check. The
8827 fingerprints shall be forwarded by ALEA to the Federal Bureau
8828 of Investigation (FBI) for a national criminal history record
8829 check. Costs associated with conducting a criminal history
8830 background check for initial licensure or certification, or
8831 for the renewal of licensure or certification, shall be borne
8832 by the applicant. The board shall keep information received
8833 pursuant to this section confidential, except that the
8834 information received and relied upon in denying the issuance
8835 of a certificate of qualification for a license or
8836 certification to a security officer in this state may be
8837 disclosed if necessary to support the denial of the license or
8838 certification, if required by court order, or for any other
8839 reason allowed by law.

8840 (2) In addition to the requirements of subsection (d),
8841 an applicant for renewal of licensure or certification shall
8842 complete a supplemental criminal history background check
8843 approved by the board.

8844 (f) Applications for licensure and certification shall
8845 be filed with the board on a form developed by the ~~board~~
8846 executive director. The ~~board~~ executive director shall
8847 prescribe the procedures and methods of submission,



SB224 INTRODUCED

8848 consideration, and disposition of applications. An applicant
8849 corporation incorporated under the laws of this state or any
8850 other state shall be required to qualify with a certificate of
8851 authority issued by the Secretary of State and shall designate
8852 an agent for service of process. The applicant shall be issued
8853 a license or denied a license in writing within a reasonable
8854 period after receipt by the board of all required information.

8855 (g) (1) Each contract security company requesting or
8856 renewing a license shall pay a security license fee upon
8857 application to be determined by the ~~board that does not exceed~~
8858 ~~three hundred fifty dollars (\$350) and may not be increased~~
8859 ~~more than fifty dollars (\$50) per licensing period~~ executive
8860 director. A license shall expire ~~on September 30~~ and an
8861 application for renewal shall be submitted ~~to~~ on a schedule
8862 determined by the ~~board~~ executive director ~~before October 1. A~~
8863 ~~renewal application may not be accepted by the board after~~
8864 ~~October 31~~. The ~~board~~ executive director may impose a
8865 reasonable late fee on renewals not timely filed ~~by October 1~~.
8866 The board shall promptly notify an applicant if the board
8867 refuses to issue or renew a license or certification. If the
8868 board refuses to issue or renew a license or certification,
8869 the applicant or licensee may appeal the decision of the board
8870 and may request a hearing, in accordance with the rules of the
8871 board and the Administrative Procedure Act. A licensee may
8872 continue to engage in the security business while his or her
8873 appeal or renewal application is pending. The board may impose
8874 a reasonable late fee established by the executive director on
8875 any renewal that is not filed before the expiration date of



SB224 INTRODUCED

8876 the license.

8877 (2) Each security officer or armed security officer
8878 requesting or renewing a license or certification shall pay a
8879 nonrefundable security license fee to the board upon
8880 application to be determined by the ~~board that does not exceed~~
8881 ~~one hundred dollars (\$100) and may not be increased more than~~
8882 ~~twenty-five dollars (\$25) per licensing period. The license or~~
8883 ~~certification issued to a security officer or armed security~~
8884 ~~officer shall expire two years from the date of issuance~~
8885 executive director. If the board refuses to issue or renew a
8886 license or certification, the applicant or licensee shall be
8887 promptly notified. If the board refuses to issue or renew a
8888 license or certification, the applicant or licensee may appeal
8889 the decision of the board and may request a hearing, in
8890 accordance with the rules of the board and the Administrative
8891 Procedure Act. A licensee may continue to serve as a security
8892 officer or armed security officer while his or her appeal or
8893 renewal application is pending. The board may impose a
8894 reasonable late fee established by the executive director on
8895 renewals not filed before the date of expiration of the
8896 license.

8897 (h) No license or certification issued pursuant to this
8898 chapter shall be assigned or transferred by operation of law
8899 or in any other manner. A new license for an assignee or
8900 transferee of a business shall be applied for using the same
8901 procedures and requirements as set forth in this chapter for
8902 an initial license or certification applicant. The security
8903 operation of a security company may continue until the final



SB224 INTRODUCED

8904 disposition of the pending license or certification
8905 application.

8906 (i) The current license or certificate or duplicate
8907 copy of the license or certificate shall be posted and
8908 displayed at all times at all business offices of the licensee
8909 within the state.

8910 (j) The board shall be notified within 30 days of any
8911 changes in officers, directors, or management of a licensee or
8912 any changes that may reasonably affect the right of a licensee
8913 to hold a license or certificate under this chapter."

8914 "§34-27C-7

8915 (a) Within 30 days after initial employment, a security
8916 officer or armed security officer shall apply to the board for
8917 a license or certification. ~~On or after May 21, 2009, all~~ All
8918 security officers or armed security officers not exempted
8919 under Section 34-27C-17, shall apply to the board for a
8920 license or certification in accordance with this chapter. A
8921 license or certification card issued by the board shall be
8922 carried by each security officer and armed security officer
8923 while performing his or her duties. A temporary card shall be
8924 issued by the board and be in the possession of the applicant
8925 or licensee while working as a security officer or armed
8926 security officer pending the application process, the
8927 completion of training, and the issuance of his or her license
8928 or certification. Licensure and certification shall be renewed
8929 every two years on the date on which original licensure or
8930 certification was granted. A contract security company that
8931 employs a security officer or armed security officer who is in



SB224 INTRODUCED

8932 violation of this subsection shall be in violation of this
8933 chapter.

8934 (b) Each applicant for licensure or certification or
8935 renewal of licensure or certification shall submit to the
8936 board, within 30 days after initial employment or 30 days
8937 before licensure or certification expiration, the appropriate
8938 form ~~as developed by the board, a fee of twenty-five dollars~~
8939 ~~(\$25)~~ and fee as developed and established by the executive
8940 director, and proof of completion of a certified training
8941 program or refresher course.

8942 (c) Licensure or certification shall be denied or not
8943 renewed if a security officer or armed security officer does
8944 not meet the standards of a security officer or armed security
8945 officer established by the board pursuant to this chapter. In
8946 the event of denial or nonrenewal of a license or
8947 certification by the board, the applicant may appeal the
8948 action of the board. Upon receipt of a notice of appeal from
8949 the applicant, the ~~board~~ executive director shall set a
8950 hearing date and promptly notify the applicant of the hearing
8951 date. The hearing shall be held in accordance with the rules
8952 of the board and the Administrative Procedure Act.

8953 (d) A contract security company shall notify the board
8954 within 10 days after discovering any adverse information
8955 pertaining to the eligibility of an individual to be licensed
8956 or certified or any adverse information that may affect the
8957 licensure or certification status of a security officer or
8958 armed security officer.

8959 (e) The board may issue a license or certification to a



SB224 INTRODUCED

8960 security officer who has been licensed or certified as a
8961 security officer in another state if the board determines that
8962 the applicant is currently a resident of this state and the
8963 qualifying and training requirements of the issuing state are
8964 equivalent, or substantially similar, to those required by
8965 this chapter.

8966 (f) A security officer or armed security officer who
8967 works as such for six months or less per year may pay a
8968 one-time fee for special licensure by the ~~board~~ executive
8969 director. Any security officer or armed security officer who
8970 works as such for more than six months in a year shall be
8971 subject to all fees and requirements of this chapter. The
8972 ~~board~~ executive director, by rule, may establish the one time
8973 fee ~~that may not exceed one hundred dollars (\$100).~~"

8974 "§34-27C-9

8975 Any person conducting training of security officers
8976 shall be licensed or certified as a certified trainer by the
8977 board. Any person seeking licensure or certification as a
8978 certified trainer shall pay all fees required by the ~~board~~
8979 executive director and meet all of the following
8980 qualifications:

8981 (1) Be 21 years of age or older.

8982 (2) Have a minimum of two years of supervisory
8983 experience with a contract security company, a proprietary
8984 company, or in federal, state, county, or municipal law
8985 enforcement.

8986 (3) Have a minimum of one year of experience in
8987 teaching security-related courses or have attended a board



SB224 INTRODUCED

8988 approved two-week instructor's course.

8989 (4) Submit proof of compliance with all instruction and
8990 training requirements established by the board."

8991 "§34-27C-15

8992 ~~There is created in the State Treasury, with funds~~
8993 ~~expended by the board to defray the expenses of administering~~
8994 ~~this chapter, a special revenue trust fund designated as the~~
8995 ~~Security Certification Fund.~~ All receipts collected by the
8996 board under this chapter shall be deposited in the ~~fund and~~
8997 ~~shall only be used to implement this chapter. Receipts~~
8998 ~~deposited into the fund shall be disbursed only by warrants of~~
8999 ~~the state Comptroller drawn upon the State Treasury on~~
9000 ~~itemized vouchers approved by the board. No funds shall be~~
9001 ~~withdrawn or expended except as budgeted and allotted~~
9002 ~~according to Sections 41-4-80 to 41-4-96, inclusive, and~~
9003 ~~41-19-1 to 41-19-12, inclusive, and only in amounts as~~
9004 ~~stipulated in the general appropriations act, other~~
9005 ~~appropriations acts, or this chapter. At the end of any fiscal~~
9006 ~~year following May 21, 2009, any unencumbered and unexpended~~
9007 ~~balance in the fund shall not revert to the General Fund of~~
9008 ~~the State Treasury under Section 41-4-93, but shall carry over~~
9009 ~~to the next fiscal year~~ Occupational and Professional
9010 Licensing Fund."

9011 Section 25. Relating to the State Board for
9012 Registration of Architects; to amend Sections 34-2-30,
9013 34-2-33, 34-2-37, 34-2-38, 34-2-40, 32-2-41 and 34-2-42 of the
9014 Code of Alabama 1975, to read as follows:

9015 "§34-2-30



SB224 INTRODUCED

9016 For the purposes of this chapter, the following words
9017 and phrases shall have the meanings respectively ascribed by
9018 this section:

9019 (1) ARCHITECT. An individual who is legally qualified
9020 to practice architecture.

9021 (2) BUILDING. A structure consisting of foundation,
9022 walls, or supports and roof, with or without related
9023 components, systems, or other parts comprising a completed
9024 building ready for occupancy.

9025 (3) EXECUTIVE DIRECTOR. The Executive Director of the
9026 Office of Occupational and Professional Licensing as defined
9027 in Section 25-2B-1.

9028 ~~(3)~~ (4) PRACTICE ARCHITECTURE or PRACTICING
9029 ARCHITECTURE. Performing or doing, or offering or attempting
9030 to do or perform any service, work, act, or thing within the
9031 scope of the practice of architecture. An individual shall be
9032 construed to hold himself or herself out as practicing
9033 architecture when, by verbal claim, sign, advertisement,
9034 letterhead, card, or any other way, the individual represents
9035 himself or herself to be an architect with or without
9036 qualifying adjective, or when he or she implies that he or she
9037 is an architect through the use of some other title.

9038 ~~(4)~~ (5) PRACTICE OF ARCHITECTURE. When an individual
9039 holds himself or herself out as able to render or when the
9040 person does render any service by consultations,
9041 investigations, evaluations, preliminary studies, plans,
9042 specifications, contract documents, and a coordination of all
9043 factors concerning the design and observation of construction



SB224 INTRODUCED

9044 of buildings or any other service in connection with the
9045 design, observation, or construction of buildings located
9046 within the boundaries of the state, regardless of whether such
9047 services are performed in connection with one or all of these
9048 duties, or whether they are performed in person or as the
9049 directing head of an office or organization performing them.

9050 ~~(5)~~ (6) RESPONSIBLE CONTROL. Control over all phases of
9051 the practice of architecture, including, but not limited to,
9052 control over and detailed knowledge of the content of
9053 technical submissions during their preparation as is
9054 ordinarily exercised by registered architects applying the
9055 required professional standard of care."

9056 "§34-2-33

9057 (a) (1) The board shall receive applications for
9058 registration as an architect only on forms prescribed and
9059 furnished by the ~~board~~ executive director.

9060 (2) Upon receipt of the application and the payment of
9061 a fee, as established by the ~~board, the fee in no event~~
9062 ~~exceeding two hundred fifty dollars (\$250)~~ executive director,
9063 the board shall promptly notify the applicant of examination
9064 requirements for registration, if applicable.

9065 (3) The board may contract with an independent testing
9066 agency to prepare, grade, or conduct the examination. If the
9067 board determines the applicant requires examination, the
9068 applicant shall pay the actual cost of the examination
9069 directly to the board-authorized testing agency.

9070 (b) The board may issue to an applicant without further
9071 examination, a certificate of registration as an architect,



SB224 INTRODUCED

9072 provided the applicant holds an unexpired certificate issued
9073 to him or her by the National Council of Architectural
9074 Registration Boards, hereinafter referred to as NCARB.

9075 (c) The following facts established in the application
9076 shall be regarded as prima facie evidence satisfactory to the
9077 board that the applicant is fully qualified to be examined for
9078 registration:

9079 (1) Graduation after a course of study of a length as
9080 the board shall by regulation determine from a school or
9081 college of architecture accredited by the National
9082 Architectural Accrediting Board, hereinafter referred to as
9083 NAAB; and

9084 (2) An additional period of practical experience in
9085 architectural work under the responsible control of a
9086 registered architect or architects as the board by regulation
9087 shall deem appropriate.

9088 Unless exempted, applicants shall take and pass the
9089 professional examination administered by the ~~board~~ executive
9090 director or an independent testing agency approved by the
9091 board.

9092 (d) In determining the sufficiency of the
9093 qualifications of the applicant for registration, a majority
9094 vote of the members of the board shall be required.

9095 (e) Certificates for registration shall expire on
9096 December 31 a date determined by the executive director
9097 following their issuance or renewal and shall become invalid
9098 on that day unless renewed.

9099 Certificates of registrants who are or may be in the



SB224 INTRODUCED

9100 Armed Forces of the United States shall not expire until
9101 ~~December 31~~ a date following the discharge or final separation
9102 of the registrant from the Armed Forces of the United States
9103 as determined by the executive director.

9104 (f) Renewal may be accomplished at any time prior to ~~or~~
9105 ~~during the month of December~~ expiration by the payment of a
9106 fee established by the ~~board not to exceed two hundred fifty~~
9107 ~~dollars (\$250)~~ executive director.

9108 A penalty ~~not to exceed the sum of seventy-five dollars~~
9109 ~~(\$75)~~, as set by the executive director, may be added to the
9110 renewal fee for failure to renew a certificate upon such terms
9111 and conditions as the board may by regulation determine.
9112 Failure to renew a certificate of registration by ~~March 31~~ a
9113 date determined by the executive director shall result in a
9114 lapse of registration.

9115 (g) A registrant whose certificate of registration has
9116 lapsed may have it reinstated, if in compliance with other
9117 relevant requirements, by filing a reinstatement application
9118 and paying, in addition to the appropriate renewal fee and
9119 late penalty, a reinstatement fee ~~of two hundred fifty dollars~~
9120 ~~(\$250)~~ set by the executive director.

9121 (h) There is hereby created, for renewal of certificate
9122 purposes, a status to be known as emeritus status architect,
9123 which shall apply to architects who have been registered for
9124 10 consecutive years or longer, and who are 65 years of age or
9125 older, and who have retired from active practice. The annual
9126 renewal of registration for emeritus status shall be renewed
9127 without payment of a fee. If an emeritus status architect



SB224 INTRODUCED

9128 subsequently wishes to practice, he or she may do so without
9129 penalty by proper application to the board."

9130 "§34-2-37

9131 (a) It shall be lawful for a corporation, a
9132 professional corporation, a professional association, a
9133 partnership, or a limited liability company (the entity) to
9134 practice architecture in this state provided that:

9135 (1) A minimum of two-thirds of those responsible for
9136 controlling the activities of the entity, including officers,
9137 partners, directors, members, and others depending on the
9138 legal structure of the entity, are voting stockholders who are
9139 architects or professional engineers, or both, registered
9140 under the laws of any United States jurisdiction and at least
9141 one is an architect registered in Alabama.

9142 (2) Any agreement to perform such services shall be
9143 executed on behalf of the entity by a stockholding officer,
9144 partner, director, or member with authority to contractually
9145 bind the entity, who is an architect registered in the State
9146 of Alabama.

9147 (3) A stockholding officer, partner, director, or
9148 member who is an architect registered in the State of Alabama
9149 shall exercise responsible control over the particular
9150 services contracted for by the entity and that architect's
9151 name and seal shall appear on all documents prepared by the
9152 entity in its practice of architecture.

9153 (4) Other officers, partners, directors, or members
9154 shall not direct the professional judgment of the architect in
9155 responsible control over the practice of architecture by the



SB224 INTRODUCED

9156 entity.

9157 (5) The entity shall furnish the board with such
9158 information about its organization and activities as the board
9159 shall require by rule and pay an annual administrative fee as
9160 the ~~board~~ executive director may require, ~~not to exceed two~~
9161 ~~hundred fifty dollars (\$250)~~. The board shall maintain a
9162 public roster of such entities.

9163 (b) All corporations, professional corporations,
9164 professional associations, partnerships, and limited liability
9165 companies (entities) practicing architecture in the State of
9166 Alabama shall fully comply with the above requirements by July
9167 1, 2012.

9168 (c) Applications to practice as an entity described in
9169 subsection (b) shall be made ~~on an annual basis~~ as determined
9170 by the executive director. Disciplinary action for the
9171 entities shall be the same as for registered architects.
9172 Approved entities shall be responsible for the acts of their
9173 agents, employees, general partners, directors, or officers."

9174 "§34-2-38

9175 (a) To carry out ~~the provisions of~~ this chapter, there
9176 shall be a State Board for Registration of Architects,
9177 ~~consisting~~. Commencing on October 1, 2026, the board shall be
9178 subject to the leadership, support, and oversight of the
9179 Executive Director of the Office of Occupational and
9180 Professional Licensing pursuant to Chapter 2B of Title 25.

9181 (b) The board shall consist of six members, each of
9182 whom shall be appointed by the Governor from a list of three
9183 persons selected as follows:



SB224 INTRODUCED

9184 (1) All appointments as members of the board shall be
9185 architects registered and licensed pursuant to this chapter.
9186 The board shall be appointed from the following districts: One
9187 from the northern district; two from the north central
9188 district; two from the central district, and one from the
9189 southern district. The northern district shall be comprised of
9190 the Counties of Colbert, Cullman, DeKalb, Franklin, Jackson,
9191 Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall,
9192 Morgan, and Winston; the north central district shall be
9193 comprised of the Counties of Bibb, Blount, Calhoun, Cherokee,
9194 Clay, Cleburne, Etowah, Fayette, Greene, Hale, Jefferson,
9195 Lamar, Pickens, Randolph, Shelby, St. Clair, Sumter,
9196 Talladega, Tuscaloosa, and Walker; the central district shall
9197 be comprised of the Counties of Autauga, Barbour, Bullock,
9198 Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw,
9199 Dale, Dallas, Elmore, Geneva, Henry, Houston, Lee, Lowndes,
9200 Macon, Marengo, Montgomery, Perry, Pike, Russell, Tallapoosa,
9201 and Wilcox; and the southern district shall be comprised of
9202 the Counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia,
9203 Mobile, Monroe, and Washington.

9204 (2) Thirty days before the expiration of a board
9205 member's term, or for filling a vacancy otherwise occurring, a
9206 nominating committee of six members shall be selected by
9207 secret ballot from the district entitled to fill the vacancy.
9208 The nominating committee shall be elected at a meeting in the
9209 district called by the executive director of the board, who
9210 shall give notice in writing of the time and place of the
9211 called meeting to each architect in the district at least 30



SB224 INTRODUCED

9212 days in advance of the date set for the meeting. Those
9213 architects present at the called meeting may vote on the
9214 membership of the nominating committee. After the selection of
9215 the nominating committee from the district where the vacancy
9216 occurs, there shall be a meeting of the committee with the
9217 board at the same place within five days to select, by secret
9218 ballot, the names of three persons to be sent to the Governor
9219 by the executive director of the board. The Governor shall
9220 appoint one of the named persons to the board. In appointing
9221 members to the board, the Governor shall select those persons
9222 whose appointments, to the extent possible, ensure that the
9223 membership of the board is inclusive and reflects the racial,
9224 gender, geographic, urban/rural, and economic diversity of the
9225 state.

9226 (3) The term of office of the members of the board
9227 shall be four years and until their successors are appointed
9228 and qualified.

9229 (4) A member shall reside and have his or her principal
9230 office in the district from which appointed. A member's place
9231 on the board shall become vacant if the member removes either
9232 his or her residence or principal office from that district."

9233 "§34-2-40

9234 (a) The board shall hold at least four regular meetings
9235 each year.

9236 (b) The board shall elect annually a chairman and vice
9237 chairman who must be members of the board. ~~The board may~~
9238 ~~employ an executive director, clerks, experts, attorneys, and~~
9239 ~~others, as may be necessary in the carrying out of the~~



SB224 INTRODUCED

9240 ~~provisions of this chapter.~~

9241 ~~(c) The board shall have the power, with the approval~~
9242 ~~of the Governor, to fix the compensation of the executive~~
9243 ~~director and other employees.~~

9244 ~~(d)~~ (c) A quorum of the board shall consist of not less
9245 than a majority of the duly appointed board members."

9246 "§34-2-41

9247 ~~(a) The executive director of the board shall receive~~
9248 ~~and account for all moneys~~ All monies derived from the
9249 operation of this chapter shall be deposited into the
9250 Occupational and Professional Licensing Fund. ~~Such moneys~~
9251 ~~shall be certified into the treasury in a fund to be known as~~
9252 ~~the Fund of the Board for the Registration of Architects. Such~~
9253 ~~fund shall be drawn against only for the purposes of this~~
9254 ~~chapter.~~

9255 ~~The fiscal year shall commence on the first day of~~
9256 ~~October and end on the thirtieth day of September.~~

9257 ~~Each member of the board shall receive a per diem as~~
9258 ~~recommended by the board consistent with applicable state laws~~
9259 ~~for attending sessions of the board or its committee, and for~~
9260 ~~the time spent in necessary travel to attend meetings of the~~
9261 ~~board or its committee. In addition, each member of the board~~
9262 ~~shall be reimbursed for traveling and clerical expenses~~
9263 ~~incurred in carrying out the provisions of this chapter.~~

9264 ~~Expenses certified by the board as properly and~~
9265 ~~necessarily incurred in the discharge of its duties,~~
9266 ~~including, but limited to, authorized compensations,~~
9267 ~~additional legal services, experts, clerks, office rent, and~~



SB224 INTRODUCED

9268 ~~supplies, shall be paid out of the fund on the warrant of the~~
9269 ~~Comptroller of the state. Such warrant shall be issued on~~
9270 ~~requisitions signed by the chairman and executive director of~~
9271 ~~the board. At no time in any fiscal year shall the total~~
9272 ~~amount of warrants issued exceed the total amount of moneys~~
9273 ~~accumulated in this fund.~~

9274 (b) The board may make donations ~~from its surplus funds~~
9275 to any state educational institution which has an accredited
9276 school of architecture for assistance in promoting education
9277 and research programs in architecture.

9278 ~~The chairman and the executive director of the board~~
9279 ~~shall give a surety bond in an amount no less than the~~
9280 ~~previous year's budget payable to the State of Alabama and~~
9281 ~~conditioned upon the faithful performance of their duties~~
9282 ~~under this chapter. The premium of the bond shall be paid out~~
9283 ~~of the moneys in the Fund of the Board for the Registration of~~
9284 ~~Architects."~~

9285 "§34-2-42

9286 On or before January 1 of each year, the board shall
9287 submit to the Governor a report of its transactions for the
9288 preceding fiscal year, ~~together with a complete statement of~~
9289 ~~receipts and disbursements of the board for its last fiscal~~
9290 ~~year, certified by the chairman and the executive director."~~

9291 Section 26. Relating to the Alabama Board of Court
9292 Reporting; to amend Sections 34-8B-2, 34-8B-4, 34-8B-5,
9293 34-8B-10, 34-8B-11, 34-8B-12, 34-8B-13, 34-8B-15, and 34-8B-17
9294 of the Code of Alabama 1975, to read as follows:

9295 "§34-8B-2



SB224 INTRODUCED

9296 As used in this chapter, the following terms shall have
9297 the following meanings:

9298 (1) ACRA. The Alabama Court Reporters Association.

9299 (2) BOARD. The Alabama Board of Court Reporting.

9300 (3) CERTIFIED COURT REPORTER (C.C.R.). Any person
9301 licensed pursuant to this chapter to practice verbatim
9302 reporting.

9303 (4) CERTIFIED SHORTHAND REPORTER (C.S.R.). A
9304 designation of certification given by the Alabama Court
9305 Reporters Association for its certified members.

9306 (5) COURT REPORTER. Any person who is engaged in the
9307 practice of court reporting as a profession, including persons
9308 who actually report judicial proceedings in courts and persons
9309 who make verbatim records.

9310 (6) COURT REPORTING. The making of a verbatim record by
9311 means of manual shorthand, machine shorthand, closed
9312 microphone voice dictation silencer, or by other means of
9313 personal verbatim reporting of any testimony given under oath
9314 before, or for submission to, any court, referee, or court
9315 examiner or by any board, commission, or other body, or in any
9316 other proceeding where a verbatim record is required. The
9317 taking of a deposition is the making of a verbatim record.

9318 (7) CVR. Certified verbatim reporter.

9319 (8) EXECUTIVE DIRECTOR. The Executive Director of the
9320 Office of Occupational and Professional Licensing as defined
9321 in Section 25-2B-1.

9322 ~~(8)~~ (9) FISCAL YEAR. October 1 through September 30.

9323 ~~(9)~~ (10) FUND. The ~~Alabama Board of Court Reporting~~



SB224 INTRODUCED

9324 Occupational and Professional Licensing Fund.

9325 ~~(10)~~ (11) NCRA. The National Court Reporters
9326 Association.

9327 ~~(11)~~ (12) NVRA. The National Verbatim Reporters
9328 Association.

9329 ~~(12)~~ (13) RPR. Registered professional reporter.

9330 ~~(13)~~ (14) SECRETARY. A person selected by the board to
9331 serve as secretary of the board."

9332 "§34-8B-4

9333 (a) There is created the Alabama Board of Court
9334 Reporting. ~~The board shall be operative within 60 das of June~~
9335 ~~1, 2006. ACRA shall provide administrative support to the~~
9336 ~~board until such time as the board employs sufficient~~
9337 ~~employees to implement and administer this chapter. Commencing~~
9338 on October 1, 2026, the board shall be subject to the
9339 leadership, support, and oversight of the Executive Director
9340 of the Office of Occupational and Professional Licensing
9341 pursuant to Chapter 2B of Title 25.

9342 (b) The board shall consist of seven members as
9343 follows:

9344 (1) Four court reporters certified by ABCR, NCRA, NVRA,
9345 or by the board, two of whom shall be employed in official
9346 capacities and two of whom shall be employed in a freelance
9347 setting.

9348 (2) Two members in good standing with the Alabama State
9349 Bar Association.

9350 (3) One additional member.

9351 (c) Appointments to the board shall be made as follows:



SB224 INTRODUCED

9352 (1) The Governor shall appoint one official court
9353 reporter, one freelance court reporter, and one member of the
9354 Alabama State Bar Association. ACRA, NCRA, NVRA, and the
9355 Alabama State Bar Association shall respectively submit a list
9356 of three names for each appointment to the Governor for
9357 consideration.

9358 (2) The Lieutenant Governor shall appoint one member of
9359 the Alabama State Bar Association from a list of three names
9360 submitted by the Alabama State Bar Association.

9361 (3) The President Pro Tempore of the Senate shall
9362 appoint one member who is an official court reporter from a
9363 list of three names submitted by ACRA.

9364 (4) The Speaker of the House of Representatives shall
9365 appoint one member who is a freelance court reporter from a
9366 list of three names submitted by ACRA.

9367 (5) The Chief Justice of the Alabama Supreme Court
9368 shall appoint one member from a list of three names submitted
9369 by the Administrative Office of Courts.

9370 (d) All members of the board shall be citizens of the
9371 United States and the State of Alabama. The lists of names
9372 shall be submitted by the designated organizations on or
9373 before June 1, 2006. The initial terms shall begin January 1,
9374 2007, and all appointments shall be made prior to January 1 of
9375 every year.

9376 (e) The initial members shall serve the following terms
9377 as designated by the Governor:

9378 (1) Three members shall serve for two years.

9379 (2) Two members shall serve for three years.



SB224 INTRODUCED

9380 (3) Two members shall serve for four years.

9381 (f) Subsequent terms of office shall be for four years.

9382 No member shall serve more than two consecutive terms. In the
9383 event of a vacancy, the appointing authority for the position
9384 shall fill the vacancy. Each member shall serve until his or
9385 her successor is duly appointed and qualified.

9386 (g) The membership of the board shall be inclusive and
9387 reflect the racial, gender, geographic, urban/rural, and
9388 economic diversity of the state. The board shall annually
9389 report to the Legislature by the second legislative day of
9390 each regular session to what extent the board has complied
9391 with the diversity provisions provided for in this subsection.

9392 (h) At its first meeting each calendar year, the board
9393 shall elect a chair, vice chair, and secretary from its
9394 membership. No member shall be elected to serve more than two
9395 consecutive years in the same office.

9396 (i) After the initial appointments have been made, the
9397 board shall meet by January 2007, for the purpose of
9398 organizing and transacting business. Thereafter, the board
9399 shall meet not less than twice annually and as frequently as
9400 deemed necessary by the chair or a majority of the members.
9401 The board shall meet at such time and place as designated by
9402 the board. A quorum shall consist of four members.

9403 ~~(j) Board members shall receive the same travel~~
9404 ~~expenses and per diem as state employees pursuant to Article~~
9405 ~~2, commencing with Section 36-7-20, Chapter 7, Title 36. The~~
9406 ~~expenses shall be paid out of the funds of the board.~~
9407 ~~Reimbursement shall not be made if funds are insufficient."~~



SB224 INTRODUCED

9408 "§34-8B-5

9409 The board shall have all of the following duties and
9410 responsibilities:

9411 (1) Act on matters concerning competency licensure only
9412 and the process of granting, suspending, reinstating, and
9413 revoking a license.

9414 (2) Establish a procedure for the investigation of
9415 complaints against licensed court reporters and for the
9416 conduct of hearings in which complaints are heard.

9417 ~~(3) Set a fee schedule for granting licenses and~~
9418 ~~renewals of licenses subject to the Alabama Administrative~~
9419 ~~Procedure Act.~~

9420 ~~(4)~~ (3) Maintain a current register of licensed court
9421 reporters and a current register of temporarily licensed court
9422 reporters. Registers shall be matters of public record.

9423 ~~(5)~~ (4) Maintain a complete record of all proceedings of
9424 the board.

9425 ~~(6)~~ (5) Adopt continuing education requirements no later
9426 than October 1, 2007. Requirements shall be implemented no
9427 later than January 1, 2008, and shall include all courses
9428 approved by the Alabama State Bar for continuing legal
9429 education.

9430 ~~(7)~~ (6) Determine the content of and administer
9431 examinations to be given to applicants for licensure as
9432 certified court reporters and issue numbered licenses to
9433 applicants found qualified.

9434 ~~(8)~~ (7) Maintain records of its proceedings and a
9435 register of all persons licensed by the board which shall be a



SB224 INTRODUCED

9436 public record and open to inspection."

9437 "§34-8B-10

9438 (a) To be licensed as a court reporter, an applicant
9439 shall be a United States citizen or, if not a citizen of the
9440 United States, a person who is legally present in the United
9441 States with appropriate documentation from the federal
9442 government, and shall pass the Written Knowledge Examination
9443 administered by the board, ACRA, NCRA, or NVRA, and shall pass
9444 an Alabama skills examination or provide documentation of
9445 having passed the NCRA Registered Professional Reporter
9446 Examination or NVRA CVR Examination. The board shall examine
9447 or establish, or both, examination and testing procedures to
9448 enable the board to ascertain the competency of applicants for
9449 licensure. Each such skills examination shall be given at
9450 least twice each calendar year. Applications for licensure
9451 shall be signed and sworn by the applicants and submitted on
9452 forms furnished by the ~~board~~ executive director. An applicant
9453 who furnishes the board with satisfactory proof of graduation
9454 from a court reporting program or its equivalent shall, upon
9455 payment of a reasonable fee in an amount determined by the
9456 ~~board~~ executive director, be examined by the board. All
9457 applicants who are found qualified to engage in the practice
9458 of court reporting pursuant to this chapter shall be issued a
9459 license as a certified court reporter and an identifying
9460 number. ~~The license shall be valid until September 30th of the~~
9461 ~~year of its issuance.~~

9462 (b) No certified court reporter may authorize the use
9463 of his or her license number on any transcript not produced



SB224 INTRODUCED

9464 through his or her personal effort or supervision, or both.
9465 Violation of this subsection may be grounds for license
9466 suspension or revocation.

9467 (c) ~~The board shall approve at least two reporter~~
9468 ~~examinations each year and may hold such additional~~
9469 ~~examinations as are necessary. The secretary shall give public~~
9470 ~~notice of the time and place of each examination at least 120~~
9471 ~~days prior to the date set for the examination. Any person~~
9472 ~~desiring to take the examination shall file his or her~~
9473 ~~application with the board at least 30 days prior to the date~~
9474 ~~of the examination. The preparation, administration, and The~~
9475 grading of the examination shall be governed by the rules
9476 prescribed by the board, but the board may engage ACRA to
9477 conduct the examination under the supervision of the board.
9478 Upon determining the results of the examination, the board
9479 shall notify each applicant as to whether the applicant has
9480 passed the examination. Notification shall be by written
9481 notice mailed to the applicant by certified mail to the
9482 applicant's address as indicated on the application."

9483 "§34-8B-11

9484 (a) The board shall enter into reciprocal agreements
9485 with any state, agency, or other entity that licenses,
9486 certifies, or registers court reporters (NCRA or NVRA, or
9487 both) if the board finds that the state, agency, or other
9488 entity has substantially the same or more stringent
9489 requirements than the board.

9490 (b) The reciprocity agreement shall provide that the
9491 board shall license a person who is currently licensed,



SB224 INTRODUCED

9492 certified, or registered in another state or by another agency
9493 or other entity if that state, agency, or other entity agrees
9494 to license, certify, or register any licensees licensed
9495 pursuant to this chapter.

9496 (c) Nonresident court reporters desiring to make a
9497 verbatim record of any testimony of a proceeding, the
9498 jurisdiction of which is within the courts of Alabama or where
9499 appeal to any court of Alabama is allowable by law, shall make
9500 ~~annual~~ application for a nonresident license. The applicant
9501 shall make application on the same forms as required of other
9502 applicants, shall pay a fee in an amount determined by the
9503 ~~board~~ executive director, and shall present proof that the
9504 applicant is a competent licensed court reporter in another
9505 state. The board shall issue a nonresident license upon the
9506 finding that the applicant is a competent licensed court
9507 reporter in another state. ~~The license shall be valid for a~~
9508 ~~period not to exceed one year from the date of issuance. A~~
9509 ~~nonresident court reporter shall reapply for licensure~~
9510 ~~annually. An annual~~ A fee in an amount determined by the ~~board~~
9511 executive director shall be required.

9512 (d) The ~~board~~ executive director shall establish the
9513 fees appropriate in processing reciprocal licensing."

9514 "§34-8B-12

9515 The ~~annual~~ fees for licensure pursuant to this chapter
9516 shall be established by the ~~board and shall cover a 12-month~~
9517 ~~period beginning October 1 of each year~~ executive director.

9518 All fees collected by the board shall be paid into the State
9519 Treasury to the credit of the ~~Board of Court Reporting Fund~~



SB224 INTRODUCED

9520 ~~which is hereby created. Moneys in the fund shall be subject~~
9521 ~~to withdrawal only upon warrant of the state Comptroller to be~~
9522 ~~issued upon certification of the secretary. Any funds~~
9523 ~~remaining in the fund at the end of each fiscal year in excess~~
9524 ~~of two hundred fifty thousand dollars (\$250,000), shall be~~
9525 ~~available to the board to provide for the education and~~
9526 ~~training of court reporters. At all times the board shall~~
9527 ~~retain a sum not in excess of two hundred fifty thousand~~
9528 ~~dollars (\$250,000), to meet any emergency which may affect the~~
9529 ~~efficient operation of the board. No funds shall be withdrawn~~
9530 ~~or expended except as budgeted and allocated pursuant to this~~
9531 ~~chapter and only in amounts as stipulated in the general~~
9532 ~~appropriations bill or other appropriations bills~~ Occupational
9533 and Professional Licensing Fund."

9534 "§34-8B-13

9535 Each person licensed pursuant to this chapter shall
9536 apply for renewal of his or her license pursuant to dates
9537 established by the ~~board~~ executive director. A renewal fee in
9538 an amount determined by the ~~board~~ executive director shall be
9539 paid and thereupon the board shall issue a numbered license
9540 establishing that the holder is entitled to practice court
9541 reporting for the period determined by the ~~board~~ executive
9542 director. The board shall require specific continuing
9543 education as a condition for license renewal. The ~~board~~
9544 executive director may provide for the late renewal of a
9545 license which has lapsed and may require the payment of a late
9546 fee or an examination, or both, prior to issuing a renewal
9547 license. Licensees shall notify the board in writing of any



SB224 INTRODUCED

9548 change of address within 30 days of the change."

9549 "§34-8B-15

9550 (a) ~~Commencing on August 1, 2012, any~~ Any person who is
9551 a graduate of a court reporting program may receive a
9552 temporary license to practice as a court reporter from the
9553 board. Application for the temporary graduate license shall be
9554 made to the ~~board~~ executive director, on forms approved by the
9555 ~~board~~ executive director, and the payment of a fee in an
9556 amount determined by the ~~board~~ executive director. The
9557 temporary license shall be valid for ~~18 months from the date~~
9558 ~~of issuance~~ a time period determined by the executive
9559 director.

9560 (b) In the event that a temporary license expires
9561 without the temporary licensee having passed the examination
9562 for full licensure, court reporting services by the temporary
9563 licensee shall cease and desist immediately upon the
9564 expiration of the temporary license, and the board may not be
9565 held liable for lost income to the temporary licensee or to
9566 the court reporting firm."

9567 "§34-8B-17

9568 All moneys collected pursuant to this chapter shall be
9569 deposited into the ~~Board of Court Reporting~~ Occupational and
9570 Professional Licensing Fund. ~~All expenses incurred by the~~
9571 ~~board in implementing and administering this chapter shall be~~
9572 ~~paid out of the fund provided that the expenses of the board~~
9573 ~~shall not be in excess of the moneys in the fund.~~ The board
9574 may charge and collect the following fees established by the
9575 executive director which shall be deposited into the fund:



SB224 INTRODUCED

9576 (1) An application fee for any temporary or regular
9577 license.

9578 (2) An examination fee.

9579 (3) A renewal fee for any temporary or regular license.

9580 (4) A reinstatement fee for any application for
9581 reinstatement of a temporary or regular license which has been
9582 placed on inactive status, revoked or suspended.

9583 (5) A fee for the renewal of a license after the due
9584 date ~~which shall be increased 20 percent for each month or~~
9585 ~~fraction thereof that payment is delayed~~, unless the delay is
9586 caused by conditions resulting from additional requirements
9587 imposed by the board. ~~Notwithstanding the foregoing,~~
9588 ~~delinquency of more than 60 days shall result in revocation of~~
9589 ~~licensure.~~

9590 (6) A change of information fee.

9591 (7) Necessary administrative fees including, but not
9592 limited to, reasonable costs for copying, labels, and lists."

9593 Section 27. Relating to the State Board of Examiners
9594 for Dietetics/Nutrition Practice; to amend Sections 34-34A-3,
9595 34-34A-6, 34-34A-7, 34-34A-8, 34-34A-9 and 34-34A-13 of the
9596 Code of Alabama 1975, to read as follows:

9597 "§34-34A-3

9598 For the purposes of this chapter, the following terms
9599 shall have the meanings herein ascribed to them unless the
9600 context clearly indicates otherwise:

9601 (1) BOARD. Board of Examiners for Dietetics/Nutrition
9602 Practice.

9603 (2) COMMISSION ON DIETETIC REGISTRATION (CDR).



SB224 INTRODUCED

9604 Commission on Dietetic Registration that is a member of the
9605 National Commission for Health Certifying Agencies.

9606 (3) DEGREE. A baccalaureate or higher degree from a
9607 college or university accredited by the Southern Association
9608 of Schools and Colleges or other regional accreditation agency
9609 recognized by the Council on Postsecondary Accreditation and
9610 the United States Department of Education.

9611 (4) EXECUTIVE DIRECTOR. The Executive Director of the
9612 Office of Occupational and Professional Licensing as defined
9613 in Section 25-2B-1.

9614 ~~(4)~~ (5) REGISTERED DIETITIAN. A person registered by the
9615 Commission on Dietetic Registration (also defined under
9616 Section 34-34-1).

9617 ~~(5)~~ (6) LICENSED DIETITIAN/NUTRITIONIST. A person
9618 licensed under this chapter.

9619 ~~(6)~~ (7) TEMPORARILY LICENSED DIETITIAN/NUTRITIONIST. A
9620 person temporarily licensed under this chapter.

9621 ~~(7)~~ (8) DIETETICS/NUTRITION PRACTICE. The integration
9622 and application of the principles derived from the sciences of
9623 nutrition, biochemistry, food, physiology, management, and
9624 behavioral and social sciences to achieve and maintain
9625 people's health through the provision of nutrition care
9626 services.

9627 ~~(8)~~ (9) Nutrition care services:

9628 a. Assessing the nutritional needs of individuals and
9629 groups, and determining resources and constraints in the
9630 practice setting;

9631 b. Establishing priorities, goals, and objectives that



SB224 INTRODUCED

9632 meet nutritional needs and are consistent with available
9633 resources and constraints;

9634 c. Providing nutrition counseling in health and disease
9635 according to established guidelines of care;

9636 d. Developing, implementing, and managing nutrition
9637 care systems; and

9638 e. Evaluating, making changes in, and maintaining
9639 appropriate standards of quality in food and nutrition care
9640 services.

9641 ~~(9)~~ (10) NUTRITIONAL ASSESSMENT. The evaluation of the
9642 nutritional needs of individuals and groups based upon
9643 appropriate biochemical, anthropometric, physical, and dietary
9644 data to determine nutrient needs and recommend appropriate
9645 nutritional intake including enteral and parenteral nutrition.

9646 ~~(10)~~ (11) NUTRITION COUNSELING. Advising and assisting
9647 individuals or groups on appropriate nutritional intake by
9648 integrating information from the nutrition assessment with
9649 information on food and other sources of nutrients and meal
9650 preparation consistent with cultural background and
9651 socioeconomic status.

9652 ~~(11)~~ (12) DIETITIAN/NUTRITIONIST. One engaged in
9653 dietetics/nutrition practice as defined in Chapter 34 of Title
9654 34.

9655 ~~(12)~~ (13) DIETETIC TECHNICIAN. A person who is trained
9656 to perform specific dietetic functions of a licensed
9657 dietitian/nutritionist as defined by this chapter under the
9658 direct supervision of a licensed dietitian/nutritionist."

9659 "§34-34A-6



SB224 INTRODUCED

9660 (a) The State Board of Examiners for
9661 Dietetics/Nutrition Practice is hereby created. Commencing on
9662 October 1, 2026, the board shall be subject to the leadership,
9663 support, and oversight of the Executive Director of the Office
9664 of Occupational and Professional Licensing pursuant to Chapter
9665 2B of Title 25.

9666 (b) The board shall consist of three members. Two
9667 members of the board shall be dietitians/nutritionists
9668 licensed under this chapter. One member of the board shall be
9669 a lay person. The Governor shall appoint board members. At
9670 least two names shall be submitted for each place on the
9671 board. No elected officer of the Alabama Dietetic Association,
9672 Inc., shall be eligible to serve on the board.

9673 (c) Each dietitian/nutritionist on the board shall have
9674 been engaged in the practice of dietetics/nutrition for not
9675 less than seven years, with at least the last two years in the
9676 State of Alabama. The dietitians/nutritionists on the board
9677 shall be in different areas of practice, namely: Clinical
9678 dietetics and research, community dietetics, management,
9679 consultation and private practice, and education.

9680 (d) The lay member of the board shall not be a spouse
9681 or relative of any other member of the board.

9682 (e) Each member of the board shall serve for a term of
9683 three years and may succeed himself for one additional term;
9684 provided, however, that where a member was initially appointed
9685 either to create the board, or to fill a vacancy, such member
9686 may succeed himself for only one additional full term. Any
9687 person appointed to fill a vacancy on the board shall hold



SB224 INTRODUCED

9688 office for the remainder of the unexpired term of the former
9689 member. Each term of office shall expire on the date specified
9690 in the appointment and the member shall no longer be eligible
9691 to participate in board proceedings unless lawfully appointed.
9692 Members of the initial board shall be appointed in such a
9693 manner that one member shall serve a two-year term, one board
9694 member shall be appointed for a three-year term, and one board
9695 member shall be appointed for a four-year term.

9696 (f) The dietitian/nutritionist members of the board
9697 shall become licensed during the first year of operation of
9698 the board. Thereafter, dietitian/nutritionist board members
9699 shall be licensed under this chapter.

9700 (g) The board shall meet no less than twice a year.

9701 (h) The duties of the board shall include:

9702 (1) Promulgate rules and regulations necessary to
9703 implement this chapter.

9704 (2) Adopt a code of ethics.

9705 (3) Determine qualifications and fitness of applicants,
9706 issue licenses, reinstate licenses.

9707 (4) Revoke, suspend, or deny a license.

9708 (5) Receive and process complaints.

9709 (6) Provide for examination or waiver of examination
9710 for applicants as specified by Commission on Dietetic
9711 Registration.

9712 (7) Impose penalties.

9713 ~~(i) Each member of the board shall receive a per diem~~
9714 ~~fee of not less than \$25 and not more than \$100 to be~~
9715 ~~determined by the board for the time spent in the performance~~



SB224 INTRODUCED

9716 ~~of his or her official duties and in necessary travel and~~
9717 ~~shall be reimbursed for all travel and incidental expenses as~~
9718 ~~provided by the laws of the State of Alabama and by~~
9719 ~~regulations of the State Personnel Director incurred in~~
9720 ~~carrying out provisions of this chapter. In setting the per~~
9721 ~~diem fee, the board shall give due consideration to funds~~
9722 ~~which are available for such purposes."~~

9723 "§34-34A-7

9724 To qualify as a licensed dietitian or nutritionist, an
9725 applicant must:

9726 (1) Be 19 years of age or older.

9727 (2) Submit evidence of good moral character and
9728 respectability.

9729 (3) File a written application on a form provided by
9730 the ~~board~~ executive director.

9731 (4) Have satisfactorily completed appropriate academic
9732 requirements with a major course of study in human nutrition,
9733 foods and nutrition, dietetics, or food systems management,
9734 and have received a baccalaureate or higher degree from a
9735 college or university accredited by the Southern Association
9736 of Schools and Colleges or other regional accreditation
9737 agency. An applicant who has received his/her education
9738 outside the United States or its territories must have the
9739 academic degree(s) validated as equivalent to the
9740 baccalaureate or master's degree conferred by a college or
9741 university in the United States that is accredited by the
9742 Southern Association of Schools and Colleges or other regional
9743 accreditation agency.



SB224 INTRODUCED

9744 (5) Or in lieu of subdivision (4) of this section, have
9745 received a master's or doctorate degree in human nutrition,
9746 nutrition education, foods and nutrition as defined by the
9747 board, or a related field from a college or university
9748 accredited by the Southern Association of Schools and Colleges
9749 or other regional accrediting agency.

9750 (6) Have satisfactorily completed a planned, continuous
9751 preprofessional experience component in dietetics/nutrition
9752 practices of not less than 900 hours under the supervision of
9753 a registered dietitian or a practitioner licensed under the
9754 conditions of this chapter.

9755 (7) Pass an examination propounded under the auspices
9756 of the Commission on Dietetic Registration.

9757 (8) Applicants who provide evidence of current
9758 registration as a registered dietitian by the Commission on
9759 Dietetic Registration shall be considered to have met the
9760 requirements of subdivisions (4) or (5), and (6) and (7) of
9761 this section.

9762 (9) Pay fees prescribed by the ~~board~~ executive
9763 director."

9764 "§34-34A-8

9765 ~~There is hereby established a separate special revenue~~
9766 ~~trust fund in the State Treasury to be known as the Alabama~~
9767 ~~State Board of Examiners for Dietetics/Nutrition Practice~~
9768 ~~Fund.~~ All receipts collected by the board under the provisions
9769 of this chapter are to be deposited ~~in this fund and used only~~
9770 ~~to carry out the provisions of this chapter. Such receipts~~
9771 ~~shall be disbursed only by warrant of the state Comptroller~~



SB224 INTRODUCED

9772 ~~upon the State Treasurer, upon itemized vouchers approved by~~
9773 ~~the chairman of the board; provided that no funds shall be~~
9774 ~~withdrawn or expended except as budgeted and allotted~~
9775 ~~according to the provisions of Sections 41-4-80 through~~
9776 ~~41-4-96 and 41-19-1 through 41-19-12 and only in amounts as~~
9777 ~~stipulated in the general appropriations bill or other~~
9778 ~~appropriation bills~~ into the Occupational and Professional
9779 Licensing Fund."

9780 "§34-34A-9

9781 (a) A temporary license to practice as a
9782 dietitian/nutritionist may be issued by the ~~board~~ executive
9783 director upon the filing of an application and submission of
9784 evidence of successful completion of education requirements
9785 specified in Section 34-34A-7.

9786 (b) A temporary license shall expire ~~one year from the~~
9787 ~~date of issuance~~ at a time determined by the executive
9788 director.

9789 (c) The fee for a temporary license and for each
9790 renewal shall ~~not be more than 50 percent of current renewal~~
9791 ~~fees~~ be determined by the executive director. Application fees
9792 must be paid same as licensed dietitians/nutritionists."

9793 "§34-34A-13

9794 ~~(a) Any license issued under this chapter expires two~~
9795 ~~years after it is issued unless renewed in the manner~~
9796 ~~prescribed by the board.~~

9797 ~~(b)~~ (a) An applicant for renewal of a license must have
9798 satisfactorily maintained continuing education requirements
9799 through the Commission on Dietetic Registration or as



SB224 INTRODUCED

9800 specified and approved by the board.

9801 ~~(c)~~ (b) The ~~board~~ executive director may provide for the
9802 late renewal of a license upon payment of a late fee ~~but no~~
9803 ~~late renewal of a license may be granted more than one year~~
9804 ~~after its expiration."~~

9805 Section 28. Relating to the State Board of Registration
9806 of Foresters; to amend Sections 34-12-1, 34-12-3, 34-12-5,
9807 34-12-6, 34-12-8, 34-12-9, 34-12-12, 34-12-30, 34-12-35, and
9808 34-12-36 of the Code of Alabama 1975, to read as follows:

9809 "§34-12-1

9810 For purposes of this chapter, the following words and
9811 phrases shall have the respective meanings ascribed by this
9812 section:

9813 (1) BOARD. The State Board of Registration for
9814 Foresters.

9815 (2) EXECUTIVE DIRECTOR. The Executive Director of the
9816 Office of Occupational and Professional Licensing as defined
9817 in Section 25-2B-1.

9818 ~~(2)~~ (3) PRACTICE OF FORESTRY. Any professional service
9819 such as consultation, investigation, evaluation, planning, or
9820 responsible supervision as interpreted by the board of any
9821 forestry activities in connection with any public or private
9822 lands wherein the public welfare and property are concerned or
9823 involved when the professional service requires the
9824 application of forestry principles and data. The term also
9825 means the application, teaching, investigation, or
9826 administration of forestry theories, principles, practices, or
9827 programs directly or indirectly related to the environmental



SB224 INTRODUCED

9828 and economic use and the biological and ecological
9829 understanding of gross areas of land in public or private
9830 ownership or direction, or both, and supervision over persons
9831 engaged in the formation or implementation, or both, of
9832 forestry policies.

9833 ~~(3)~~ (4) REGISTERED FORESTER. A person who, by reason of
9834 his or her knowledge of the natural sciences, mathematics,
9835 economics, and the principles of forestry and by his or her
9836 demonstrated skills acquired through professional forestry
9837 education and professional forestry experience as interpreted
9838 by the board is qualified to engage in the practice of
9839 forestry and who also has been duly registered and holds a
9840 current valid license issued by the board."

9841 "§34-12-3

9842 A roster showing the names and places of business of
9843 all registered foresters qualified according to this chapter
9844 shall be prepared by the ~~secretary of the board~~ executive
9845 director during the month of January biennially in
9846 even-numbered calendar years. Copies of this roster shall be
9847 posted on the board website, placed on file with the Secretary
9848 of State, and furnished to the public, upon request, for a
9849 reasonable fee determined by the ~~board~~ executive director."

9850 "§34-12-5

9851 Application for registration shall be made on forms
9852 prescribed and furnished by the ~~board~~ executive director. An
9853 application shall contain statements made under oath showing
9854 the education of the applicant and a detailed summary of his
9855 or her professional work. The application shall also contain



SB224 INTRODUCED

9856 not less than five references, of whom three or more shall be
9857 registered foresters or graduates of a curriculum in forestry
9858 of four years or more in a school or college approved by the
9859 board or accredited by the Society of American Foresters,
9860 having personal or professional knowledge of the forestry
9861 experience of the applicant. Any proposed subsequent
9862 statement, correction, or addition to the application shall be
9863 given under oath in writing and shall be made a part of the
9864 original application. The registration fee for a license shall
9865 be set ~~annually~~ by the ~~board in an amount not to exceed two~~
9866 ~~hundred dollars (\$200)~~ executive director, which shall
9867 accompany the application. Should the board deny the issuance
9868 of a license to any applicant, the fee deposited shall be
9869 retained by the board as an application fee."

9870 "§34-12-6

9871 When written or oral examinations, or both, are
9872 required, they shall be held at such time and place as the
9873 ~~board~~ executive director may determine. The methods of
9874 procedure shall be prescribed by the board. A candidate
9875 failing an examination may apply for reexamination at the
9876 expiration of six months. This examination and all subsequent
9877 oral and written examinations shall be granted upon payment of
9878 a fee to be determined ~~annually~~ by the ~~board, not to exceed~~
9879 ~~one hundred dollars (\$100) in each instance~~ executive
9880 director."

9881 "§34-12-8

9882 (a) Licenses shall expire on ~~the 30th day of September~~
9883 ~~next~~ a date determined by the executive director following



SB224 INTRODUCED

9884 their issuance or renewal and shall become invalid on that
9885 date unless renewed. The ~~secretary of the board~~ executive
9886 director shall notify, at his or her last registered address,
9887 every person registered under this chapter of the date of the
9888 expiration of his or her license and the amount of the fee
9889 that shall be required for its renewal ~~for one year~~. The
9890 notice shall be mailed ~~three months~~ in advance of the date of
9891 the expiration of the licenses. Two subsequent ~~monthly~~ notices
9892 may be mailed, the second by certified mail, return receipt
9893 requested. The ~~annual~~ renewal fee for licenses shall be
9894 established ~~annually~~ by the ~~board and shall not exceed two~~
9895 ~~hundred dollars (\$200)~~ executive director. Renewal of licenses
9896 for the following year may be ~~effected at any time during the~~
9897 ~~three months preceding September 30 of the year in which the~~
9898 ~~license has been issued or renewed~~ made before expiration by
9899 the payment of the renewal fee so fixed by this chapter.
9900 ~~Licensees who renew their licenses between September 30 and~~
9901 ~~December 31 of any year renewal is due shall pay a late~~
9902 ~~renewal fee set by the board not to exceed an amount equal to~~
9903 ~~twice the annual renewal fee~~. The board shall make an
9904 exception to the foregoing renewal provision in the case of a
9905 person who is in the armed services of the United States. A
9906 licensee who fails to renew a license by ~~December 31~~ a date
9907 determined by the executive director of any year renewal is
9908 due shall have his or her license revoked.

9909 (b) The state board shall adopt a program of continuing
9910 education for its licensees ~~not later than October 1, 1991,~~
9911 ~~and after that date~~ and no licensee shall have his or her



SB224 INTRODUCED

9912 active license renewed unless, in addition to any other
9913 requirements of this chapter, the minimum continuing annual
9914 education requirements are met. It is further provided that
9915 the continuing education program herein required shall not
9916 apply to any licensee who is 65 years of age or older and
9917 shall not include testing or examination of the licensees in
9918 any manner. The board may relax or suspend the continuing
9919 annual education requirements for retirees or for reasons of
9920 the health, hardship, or other extenuating circumstances of
9921 the licensee based on the licensee's specific case."

9922 "§34-12-9

9923 The board may revoke the license of any registrant who
9924 is found guilty by the board of gross negligence,
9925 incompetency, or misconduct in the practice of forestry. The
9926 board may discipline its licensees by the imposition and
9927 collection of an administrative fine set by the board not to
9928 exceed two thousand dollars (\$2,000) per violation, and may
9929 institute any legal proceeding necessary to effect compliance
9930 with the chapter. All administrative fines collected by the
9931 board shall be deposited in the State Treasury ~~in the~~
9932 ~~"Professional Foresters Fund." The board may designate a~~
9933 ~~person or persons to investigate and report to it upon any~~
9934 ~~charges of fraud, deceit, gross negligence, incompetency, or~~
9935 ~~other misconduct in connection with any forestry practice~~
9936 ~~against any registrant, as may come to its attention. Any~~
9937 ~~person or persons so designated by the board shall receive the~~
9938 ~~same compensation and shall be reimbursed for expenses in the~~
9939 ~~same amount as the board as outlined in Section 34-12-32 to~~



SB224 INTRODUCED

9940 [the Occupational and Professional Licensing Fund](#). Any person
9941 may prefer charges of fraud, deceit, gross negligence,
9942 incompetency, or other misconduct in connection with any
9943 forestry practice against any registrant. The charges shall be
9944 in writing, shall be sworn to by the person making them, and
9945 shall be filed with the secretary of the board. All charges,
9946 unless dismissed by the board as unfounded or trivial, shall
9947 be heard by the board within three months after the date on
9948 which they have been preferred. The time and place for the
9949 hearing shall be fixed by the board, and a copy of the
9950 charges, together with a notice of the time and place of the
9951 hearing, shall be personally served on, or mailed to the last
9952 known address of, the registrant, at least 30 days before the
9953 date fixed for the hearing. At any hearing, the accused
9954 registrant shall have the right to appear personally and by
9955 counsel, to cross-examine witnesses appearing against him or
9956 her, and to produce evidence and witnesses in his or her own
9957 defense. If, after a hearing, three or more members of the
9958 board vote in favor of finding the accused guilty, the board
9959 may revoke the license of the registered forester. Any
9960 applicant whose license has been revoked as above may apply
9961 for a review of the proceedings with reference to the
9962 revocation of his or her license by the aforementioned circuit
9963 court and from there by appeal to the Supreme Court of
9964 Alabama. The only record to be considered by either the
9965 circuit court or by the Supreme Court shall be the record made
9966 before the board. New evidence shall be presented to the
9967 board, in session, before it may be used in court proceedings.



SB224 INTRODUCED

9968 The board, for reasons it may deem sufficient, may reissue a
9969 license to any person whose license has been revoked when
9970 three or more members vote in favor of reissuance. A new
9971 license to replace a revoked license may be issued, subject to
9972 the rules of the board and at a fee set by the ~~board not to~~
9973 ~~exceed an amount equal to twice the annual renewal fee~~
9974 executive director. Lost, destroyed, or mutilated licenses may
9975 be issued, subject to the rules of the board and at a fee set
9976 by the ~~board not to exceed fifty dollars (\$50) for the~~
9977 ~~issuance~~ executive director."

9978 "§34-12-12

9979 (a) Any person who shall practice or offer to practice
9980 the profession of forestry in this state without being
9981 registered or exempted in accordance with this chapter; or any
9982 person who shall use in connection with his or her name or
9983 otherwise assume, use, or advertise any title or description
9984 tending to convey the impression that he or she is a
9985 registered forester, without being registered or exempted in
9986 accordance with this chapter; or any person who shall present
9987 or attempt to use as his or her own the license of another; or
9988 any person who shall give any false or forged evidence of any
9989 kind to the board or any member thereof in obtaining a
9990 license; or any person who shall attempt to use an expired or
9991 revoked license; or any person, firm, partnership, or
9992 corporation who shall violate any of the provisions of this
9993 chapter shall be guilty of a misdemeanor and, upon conviction
9994 thereof, shall be fined not less than five hundred dollars
9995 (\$500) nor more than two thousand dollars (\$2,000) for each



SB224 INTRODUCED

9996 offense. The board, or the person or persons designated by the
9997 board to act in its stead, may prefer charges for any of the
9998 violations of this chapter in any county in this state in
9999 which the violations may have occurred. All duly constituted
10000 officers of the law of this state, or any political
10001 subdivision thereof, shall enforce this chapter and prosecute
10002 any persons, firms, partnerships, or corporations violating
10003 the same. The Attorney General of the state and his or her
10004 assistants shall act as legal advisers of the board and render
10005 legal assistance as may be necessary in carrying out the
10006 provisions of this chapter.

10007 (b) All fines collected for the violation of any
10008 provisions of this chapter shall be ~~paid over to the secretary~~
10009 ~~of the board to be by him or her delivered to the State~~
10010 ~~Treasurer to be placed in the Professional Foresters Fund~~
10011 deposited into the Occupational and Professional Licensing
10012 Fund in the same manner as funds received for the issuance of
10013 licenses."

10014 "§34-12-30

10015 (a) (1) A State Board of Registration for Foresters is
10016 created whose duty it shall be to administer this chapter.
10017 Commencing on October 1, 2026, the board shall be subject to
10018 the leadership, support, and oversight of the Executive
10019 Director of the Office of Occupational and Professional
10020 Licensing pursuant to Chapter 2B of Title 25.

10021 (2) The board shall consist of five foresters, who
10022 shall be selected and appointed by the Governor of Alabama
10023 from among 10 nominees recommended by the Alabama Division of



SB224 INTRODUCED

10024 the Society of American Foresters and shall have the
10025 qualifications required by Section 34-12-31. Each member of
10026 the board shall receive a certificate of his or her
10027 appointment from the Governor and before beginning his or her
10028 term of office shall file with the Secretary of State his or
10029 her written oath of affirmation for the faithful discharge of
10030 his or her official duties. The five members of the initial
10031 board shall be appointed for terms of one, two, three, four,
10032 and five years, respectively, and in making the appointment
10033 the Governor shall designate the term for which each of the
10034 members is appointed as provided for above. At the expiration
10035 of the term of any member of the initial board, the Governor,
10036 from a list of three nominees recommended by the Alabama
10037 Division of the Society of American Foresters and any active
10038 state forestry organization meeting criteria established by
10039 the board pursuant to subsection (c), shall appoint for a term
10040 of five years a registered forester having the qualifications
10041 required by Section 34-12-31 to succeed the member whose term
10042 on the board is expiring. Nothing contained in this chapter
10043 shall prohibit any member whose term expires to be reappointed
10044 to succeed himself or herself on the board. After March 7,
10045 1990, no member shall serve more than two full consecutive
10046 terms of office. If the Governor fails to make appointment in
10047 90 days after expiration of any term, the board shall make the
10048 necessary appointment from nominees submitted as hereinabove
10049 provided and who meet the qualifications set out by Section
10050 34-12-31. Each member of the board shall hold office until the
10051 expiration of the term for which such member is appointed or



SB224 INTRODUCED

10052 until a successor shall have been duly appointed and shall
10053 have qualified.

10054 (b) The membership of the board shall be inclusive and
10055 reflect the racial, gender, geographic, urban/rural, and
10056 economic diversity of the state. The board shall annually
10057 report to the Legislature by the second legislative day of
10058 each regular session the extent to which the board has
10059 complied with the diversity provisions of this subsection.

10060 (c) The board shall adopt rules setting qualifying
10061 criteria for active state forestry organizations to
10062 participate in the recommendation of nominees for placement
10063 for membership on the board pursuant to subsection (a)."

10064 "§34-12-35

10065 The board shall have the power to make all bylaws and
10066 rules, not inconsistent with the constitution and laws of this
10067 state, which may be reasonably necessary for the proper
10068 performance of its duties and the regulations of the
10069 proceedings before the board. ~~Notwithstanding any other
10070 provision of law, following appropriate review by the Contract
10071 Review Permanent Legislative Oversight Committee, the board
10072 may enter into any contract or agreement relating to the board
10073 without further approval.~~ The board shall adopt and have an
10074 official seal. In carrying into effect the provisions of this
10075 chapter, the board may, under the hand of its chairman and the
10076 seal of the board, subpoena witnesses and compel their
10077 attendance and may also require them to produce books, papers,
10078 maps, or documents. Any member of the board may administer
10079 oaths of affirmation to witnesses appearing before the board.



SB224 INTRODUCED

10080 Witnesses officially called by the board shall receive the
10081 same compensation and shall be reimbursed for expenses in the
10082 same amount as the members of the board as provided and set
10083 out in Section 34-12-4. If any person shall refuse to appear
10084 as a witness before the board, or refuse to testify, or refuse
10085 to produce any books, papers, or documents, the board may
10086 present its petition to the Circuit Court of Montgomery
10087 County, setting forth the facts, and the court shall, in a
10088 proper case, issue a subpoena to the person, requiring his or
10089 her attendance before the circuit court and there to testify
10090 or to produce such books, papers, and documents as may be
10091 deemed necessary and pertinent by the board. Any person
10092 failing or refusing to obey the subpoena or order of the
10093 circuit court may be proceeded against in the same manner as
10094 for refusal to obey any other subpoena or order of the court.
10095 The board is empowered to apply for relief by injunction,
10096 without bond, to restrain any person, partnership, or
10097 corporation from the commission of any act which is prohibited
10098 by this chapter. Application for an injunction may be made to
10099 the Circuit Court of Montgomery County, Alabama, or the
10100 circuit court of the county in which it is alleged that the
10101 violation is occurring. The members of the board shall not be
10102 personally liable for instituting any such proceedings."

10103 "§34-12-36

10104 (a) ~~The secretary of the board shall receive and~~
10105 ~~account for all moneys derived under this chapter and shall~~
10106 ~~pay the same monthly to the State Treasurer, who shall keep~~
10107 ~~such moneys in a separate fund to be known as the Professional~~



SB224 INTRODUCED

10108 ~~Foresters Fund. The fund shall be kept separate and apart from~~
10109 ~~all other moneys in the Treasury and shall be paid out only by~~
10110 ~~warrant of the Comptroller upon the State Treasurer, upon~~
10111 ~~itemized vouchers approved by the chair and attested by the~~
10112 ~~secretary of the board. All moneys in the Professional~~
10113 ~~Foresters Fund are hereby specifically appropriated for the~~
10114 ~~use of the board. The secretary of the board, its office~~
10115 ~~manager, or other designated officer of the board who handles~~
10116 ~~funds shall give surety bond to the state in such sum as the~~
10117 ~~board may determine. The premium on the bond shall be regarded~~
10118 ~~as a proper and necessary expense of the board and shall be~~
10119 ~~paid from the Professional Foresters Fund~~ All fees and other
10120 monies received by the board shall be deposited into the
10121 Occupational and Professional Licensing Fund.

10122 ~~(b) The board may employ such clerical and other~~
10123 ~~assistants as are necessary for the proper performance of its~~
10124 ~~work, or, in lieu of employing clerical assistants, the board~~
10125 ~~may contract with any state department or agency to furnish~~
10126 ~~the board with such clerical assistance as the board deems~~
10127 ~~necessary. The compensation of the assistants or the cost of~~
10128 ~~contracting for the clerical assistance shall be paid out of~~
10129 ~~the Professional Foresters Fund in the manner prescribed~~
10130 ~~herein.~~

10131 ~~(c)~~ (b) The board is authorized to accept all gifts,
10132 bequests, and donations from any source whatsoever, and the
10133 gifts, bequests, and donations shall be used or expended in
10134 accordance with their terms or stipulations, but in the
10135 absence of any such terms or stipulations, the gifts,



SB224 INTRODUCED

10136 bequests, or donations may be used or expended for such
10137 purposes as the ~~board~~ executive director may determine.

10138 ~~(d) (1) Except as otherwise provided herein, the board~~
10139 ~~may make expenditures for any purpose which, in the opinion of~~
10140 ~~the board, is reasonably necessary for the proper performance~~
10141 ~~of its duties under this chapter, including the expenses of~~
10142 ~~the board's delegates to any annual conventions of, and~~
10143 ~~membership dues to, the Society of American Foresters;~~
10144 ~~provided, that under no circumstances shall the total amount~~
10145 ~~of warrants issued by the Comptroller in payment of the~~
10146 ~~expenses and compensation provided for by this chapter exceed~~
10147 ~~the amount of the examination and registration fees, license~~
10148 ~~fees, donations, and other moneys collected by the board as~~
10149 ~~herein provided.~~

10150 ~~(2)~~ (c) The board may incur and engage in marketing and
10151 promotional expenditures and activities in furtherance of its
10152 purposes as determined by the board, which may include the
10153 sale of nominal items for marketing and promotional purposes.
10154 Any proceeds derived by the board from the sale of marketing
10155 and promotional items shall be deposited into the ~~Professional~~
10156 ~~Foresters Fund to be used by the board~~ Occupational and
10157 Professional Licensing Fund."

10158 Section 29. Relating to the Board of Hearing Instrument
10159 Dealers; to amend Sections 34-14-1, 34-14-2, 34-14-3, 34-14-4,
10160 34-14-6, 34-14-7, 34-14-11, 34-14-30, 34-14-32, 34-14-33, and
10161 34-14-34 of the Code of Alabama 1975, to read as follows:

10162 "§34-14-1

10163 For purposes of this chapter, the following words and



SB224 INTRODUCED

10164 phrases shall have the respective meanings ascribed by this
10165 section:

10166 (1) APPRENTICE. A person who has met the requirements
10167 of Section 34-14-7 and may engage in the practice of fitting
10168 and dealing in hearing instruments only under the direct
10169 supervision of a hearing aid dispenser or hearing aid
10170 specialist when designated by the sponsoring dispenser.

10171 (2) APPRENTICE PERMIT. A permit issued while the
10172 applicant is in training to become a licensed hearing aid
10173 specialist.

10174 (3) BOARD. The Board of Hearing Instrument Dealers.

10175 (4) DIRECT SUPERVISION. On site and close contact
10176 whereby a supervisor is able to respond quickly to the needs
10177 of the patient or client receiving care or the supervisee.

10178 (5) EXECUTIVE DIRECTOR. The Executive Director of the
10179 Office of Occupational and Professional Licensing as defined
10180 in Section 25-2B-1.

10181 ~~(5)~~ (6) HEARING AID DISPENSER. Any trained person who
10182 has met all requirements of this chapter for licensure and who
10183 may engage in the practice of fitting and dealing in hearing
10184 instruments without the direct supervision of any person.

10185 ~~(6)~~ (7) HEARING AID or HEARING INSTRUMENT. Any wearable
10186 instrument or device designed for or offered for the purpose
10187 of aiding or compensating for impaired human hearing.

10188 ~~(7)~~ (8) HEARING AID SPECIALIST. A trained, licensed
10189 person who may engage in the practice of fitting and dealing
10190 in hearing instruments under the indirect supervision of a
10191 hearing aid dispenser.



SB224 INTRODUCED

10192 ~~(8)~~ (9) INDIRECT SUPERVISION. Frequent and close contact
10193 whereby a supervisor is able to respond quickly to the needs
10194 of the patient or client receiving care or the supervisee.

10195 ~~(9)~~ (10) LICENSE. A license issued by the board under
10196 this chapter to a hearing aid specialist or hearing aid
10197 dispenser.

10198 ~~(10)~~ (11) PRACTICE OF FITTING AND DEALING IN HEARING
10199 INSTRUMENTS. The measurement of human hearing by means of an
10200 audiometer or by other means approved by the board solely for
10201 the purpose of making selections, adaptations, or sale of
10202 hearing instruments. The term also includes the making of
10203 impressions for earmolds. A licensee or permit holder, at the
10204 request of a physician or a member of related professions, may
10205 make audiograms for the professional's use in consultation
10206 with the hard-of-hearing.

10207 ~~(11)~~ (12) SELL or SALE. Any transfer of title or of the
10208 right to use by lease, bailment, or any other contract,
10209 excluding wholesale transactions with distributors or dealers.

10210 ~~(12)~~ (13) TELEPRACTICE. The practice as provided by rule
10211 of the board pursuant to subdivision (10)."

10212 "§34-14-2

10213 (a) No person shall engage in the sale of or practice
10214 of fitting hearing instruments or display a sign or in any
10215 other way advertise or represent himself or herself as a
10216 person who practices the fitting and sale of hearing
10217 instruments unless the person holds a license or permit issued
10218 by the board as provided in this chapter. The license or
10219 permit shall be conspicuously posted in his or her office or



SB224 INTRODUCED

10220 place of business. Duplicate licenses or permits may be issued
10221 by the board to valid license holders operating more than one
10222 office, upon additional payment determined by the ~~board~~
10223 executive director for each additional office. A license under
10224 this chapter shall confer upon the holder the right to select,
10225 fit, and sell hearing instruments.

10226 (b) Nothing in this chapter shall prohibit a
10227 corporation, partnership, trust, association, or other like
10228 organization maintaining an established business address from
10229 engaging in the business of selling or offering for sale
10230 hearing instruments at retail without a license; provided,
10231 that it employs only properly licensed or permitted natural
10232 persons and that it shall have at least one licensed Alabama
10233 dispenser on its staff to provide direct supervision of any
10234 licensed hearing aid specialists or apprentices employed in
10235 the direct sale and fitting of such products. Such
10236 corporations, partnerships, trusts, associations, or other
10237 like organizations shall file annually with the board a list
10238 of all licensed hearing aid dispensers, hearing aid
10239 specialists, and apprentices directly or indirectly employed
10240 by them. Such organizations shall also file with the board a
10241 statement on a form approved by the board that they submit
10242 themselves to the rules and regulations of the board and the
10243 applicable provisions of this chapter.

10244 (c) Nothing in this chapter shall apply to physicians
10245 licensed to practice medicine in this state or employees under
10246 the supervision of a physician licensed to practice medicine,
10247 or to the professional corporation or professional association



SB224 INTRODUCED

10248 of such physicians.

10249 (d) Nothing in this chapter shall apply to speech
10250 pathologists or to audiologists licensed in this state."

10251 "§34-14-3

10252 (a) The board shall register each applicant without
10253 discrimination who pays an examination fee as prescribed by
10254 ~~rule of the board~~ the executive director and who
10255 satisfactorily passes an examination as provided in Section
10256 34-14-4, and upon the applicant's payment of the application
10257 fee, shall issue to the applicant a license signed by the
10258 board. ~~The license shall be effective until January 30 of the~~
10259 ~~year following the year in which issued.~~

10260 (b) An applicant who fulfills the requirements
10261 regarding age, character, education, and health, as set forth
10262 in subsection (a) of Section 34-14-4, and who shall provide
10263 proof of having met all state qualifying examination
10264 requirements and requirements of certification as a national
10265 board certified hearing aid specialist shall be issued a
10266 dispenser's license.

10267 (c) An applicant for licensure by reciprocity shall
10268 submit to the board, in form and content satisfactory to the
10269 board, written proof of all of the following:

10270 (1) That the applicant is currently licensed as a
10271 hearing aid specialist, hearing aid dispenser, or hearing aid
10272 dealer under the laws of another state or the District of
10273 Columbia.

10274 (2) That the requirements for the license are
10275 equivalent to or greater than those required in this state.



SB224 INTRODUCED

10276 Minimum acceptable tests shall be approved by the board and
10277 shall be at or above the standards set by the National
10278 Institute of Hearing Instrument Studies examination. Scores
10279 from the licensing authority shall be mailed from that
10280 authority directly to the board and the test shall have been
10281 taken within the past 12 months.

10282 (3) That the licensee is in good standing and his or
10283 her license has not been suspended or revoked.

10284 (4) That verification of all licenses that have been
10285 issued are on file with the board.

10286 (5) That the state that issued the license has a
10287 current reciprocity agreement on file with the board.

10288 (d) An applicant who has a complaint pending against
10289 him or her in another state may not be granted an Alabama
10290 license until the complaint is resolved and resolution
10291 validated by the licensing agency of that state.

10292 (e) Any person making application for licensure under
10293 this section shall be required to pass the Alabama law written
10294 test and all areas of the practical examination.

10295 (f) The holder of a certificate of endorsement shall be
10296 registered in the same manner as a licensee. The fee for an
10297 initial certificate of endorsement shall be the same as the
10298 fee for an initial license. Fees, grounds for renewal, and
10299 procedures for the suspension and revocation of a certificate
10300 of endorsement shall be the same as the fees, grounds for
10301 renewal, and procedures for the suspension of a license."

10302 "§34-14-4

10303 (a) Applicants may obtain a license by successfully



SB224 INTRODUCED

10304 passing a qualifying examination; provided, that the
10305 applicant:

- 10306 (1) Is at least 19 years of age;
- 10307 (2) Is of good moral character;
- 10308 (3) Has an education equivalent to a four-year course
10309 in an accredited high school;
- 10310 (4) Is free of contagious or infectious disease; and
- 10311 (5) Is a citizen of the United States or, if not a
10312 citizen of the United States, a person who is legally present
10313 in the United States with appropriate documentation from the
10314 federal government.

10315 (b) An applicant who meets the qualifications of
10316 subsection (a) as determined by the board who applies for
10317 license by examination shall appear at a time ~~τ~~ and place ~~τ~~
10318 determined by the executive director and before such persons
10319 as the board may designate to be examined by means of written
10320 and practical tests in order to demonstrate that he or she is
10321 qualified to practice the fitting and sale of hearing
10322 instruments.

10323 ~~(c) The board shall give examinations at least three~~
10324 ~~times each year."~~

10325 "§34-14-6

10326 (a) Each person who engages in the fitting and sale of
10327 hearing instruments shall ~~annually, on or before January 30,~~
10328 pay to the board a fee as prescribed by ~~rule of the board~~ the
10329 executive director for renewal of his or her license and shall
10330 keep such certificate conspicuously posted in his or her
10331 office or place of business at all times. Where more than one



SB224 INTRODUCED

10332 office is operated by the licensee, duplicate certificates
10333 shall be issued by the board for posting in each location upon
10334 payment of the fee prescribed by ~~rule of the board. A license~~
10335 ~~may be reinstated and renewed within two years~~ the executive
10336 director. The board may renew ~~such~~ expired certificates upon
10337 payment of a reinstatement fee as prescribed by the ~~board~~
10338 executive director, in addition to the license renewal fee, to
10339 the board. No person who applies for renewal, whose license
10340 has expired, shall be required to submit to any examination as
10341 a condition to renewal; provided, that such renewal
10342 application is made within two years from the date of such
10343 expiration.

10344 (b) All fees collected by the board shall be set by
10345 ~~rule of the board. For calendar year 2016, no single fee shall~~
10346 ~~exceed two hundred fifty dollars (\$250). For any calendar year~~
10347 ~~thereafter, no single fee may be increased by more than 20~~
10348 ~~percent per year~~ the executive director.

10349 (c) The board shall maintain a program of continuing
10350 education for its licensees. No licensee shall have his or her
10351 active license renewed unless, in addition to any other
10352 requirements of this chapter, the minimum continuing annual
10353 education requirements are met."

10354 "§34-14-7

10355 (a) An applicant who fulfills the requirements
10356 regarding age, character, education, and health, as set forth
10357 in subsection (a) of Section 34-14-4, may obtain an apprentice
10358 permit upon application to the board and payment of any
10359 required application and permit fees as prescribed by ~~rule of~~



SB224 INTRODUCED

10360 ~~the board~~ the executive director.

10361 (b) Upon receiving an application as provided under
10362 this section and accompanied by the required fees, the board
10363 shall issue an apprentice permit which shall entitle the
10364 applicant to engage in the fitting and sale of hearing
10365 instruments for a period of one year under the direct
10366 supervision of a person holding a valid Alabama dispenser
10367 license or hearing aid specialist license, when designated by
10368 the sponsor, provided the apprentice has successfully
10369 completed the International Institute for Hearing Instrument
10370 Studies distance learning program. A sponsoring dispenser is
10371 responsible for the actions and training of the apprentice. An
10372 apprentice permit may be renewed for an additional year, upon
10373 terms and conditions established by the board. An applicant
10374 may not be issued a second permit within a five-year period
10375 following the expiration date of the initial permit.

10376 (c) An apprentice or applicant who successfully
10377 completes the hearing aid specialist examination may obtain a
10378 hearing aid specialist license upon application to the board,
10379 and payment of the required fees, which shall entitle the
10380 applicant to engage in the sale or fitting of hearing
10381 instruments ~~until January 30th of the following year~~ under the
10382 direct supervision of a person holding a current Alabama
10383 hearing aid dispenser's license. The licensed dispenser shall
10384 be totally responsible for the supervision of all activities
10385 of the hearing aid specialist pertaining to the sale and
10386 fitting of hearing instruments.

10387 (d) The dispenser who is responsible for the



SB224 INTRODUCED

10388 supervision and training of an apprentice shall not have more
10389 than four apprentices under his or her supervision at any
10390 time. There shall be no limitations on the number of hearing
10391 aid specialists a dispenser may have under his or her
10392 supervision at any given time.

10393 (e) The dispenser responsible for the supervision and
10394 training of any apprentice or hearing aid specialist shall be
10395 subject to administrative actions with respect to licensure
10396 and to civil liability for all actions of an apprentice or
10397 hearing aid specialist under his or her supervision when the
10398 apprentice or hearing aid specialist engages in unethical,
10399 prohibited, fraudulent, deceptive, and misleading conduct
10400 involving the fitting and dispensing of hearing instruments."

10401 "§34-14-11

10402 (a) The board shall perform the following duties:

10403 ~~(1) Authorize all disbursements necessary to carry out~~
10404 ~~the provisions of this chapter;~~

10405 ~~(2)~~ (1) Register persons who apply to the board who are
10406 qualified to engage in the fitting and sale of hearing
10407 instruments;

10408 ~~(3)~~ (2) Administer, coordinate, and enforce this
10409 chapter, evaluate the qualifications and supervise the
10410 examinations of applicants for licensure under this chapter,
10411 issue and renew licenses and permits under this chapter, and
10412 investigate allegations of violations of this chapter;

10413 ~~(4)~~ (3) Promulgate rules and regulations necessary to
10414 carry out the provisions of this chapter and to establish
10415 consumer protection provisions, provisions for prohibited



SB224 INTRODUCED

10416 practices, and requirements for businesses;

10417 ~~(5)~~ (4) Issue and renew a dispenser's license to sell
10418 and fit hearing instruments to any person who is duly licensed
10419 under the laws of this state as an audiologist; and

10420 ~~(6)~~ (5) Furnish a list of persons licensed under this
10421 chapter, upon request and payment of the required fee.

10422 (b) The board shall be authorized to review individual
10423 appeals for exemption from required certification for a
10424 dispenser's license.

10425 (c) The board may subpoena witness's testimony and
10426 records for any official hearing or proceeding of the board."

10427 "§34-14-30

10428 (a) There is established a Board of Hearing Instrument
10429 Dealers which shall administer this chapter. Commencing on
10430 October 1, 2026, the board shall be subject to the leadership,
10431 support, and oversight of the Executive Director of the Office
10432 of Occupational and Professional Licensing pursuant to Chapter
10433 2B of Title 25.

10434 (b) Members of the board shall be citizens and
10435 residents of the state and appointed by the Governor. The
10436 membership of the board shall be inclusive and reflect the
10437 racial, gender, geographic, urban/rural, and economic
10438 diversity of the state. The board shall consist of eight
10439 members as follows: Five licensees, one of whom may be a
10440 hearing aid specialist, one physician who specializes in
10441 diseases of the ear, one audiologist, and one consumer member.
10442 The consumer member shall have the same powers as other board
10443 members, except that the consumer member shall have no voting



SB224 INTRODUCED

10444 powers in matters of issuing, suspending, or revoking
10445 licenses, and neither the consumer member, nor his or her
10446 spouse, shall be a hearing aid specialist or hearing aid
10447 dispenser. Each hearing aid specialist or hearing aid
10448 dispenser on the board shall have no less than three years of
10449 experience and shall hold a valid license as a hearing aid
10450 specialist or hearing aid dispenser, as provided under this
10451 chapter. No member of the board shall be from the same
10452 business or firm of another board member, and no member shall
10453 be the spouse or immediate family member of another board
10454 member.

10455 (c) All members of the board shall be appointed by the
10456 Governor from a list of qualified persons nominated by the
10457 Alabama Society for Hearing Healthcare Providers. The term of
10458 office of each member shall be for four years. Before a
10459 member's term expires, the Governor shall appoint a successor
10460 to assume his or her duties upon the expiration of his or her
10461 predecessor's term. A vacancy in the office of a member shall
10462 be filled by appointment for the unexpired term. The members
10463 of the board shall annually designate one member to serve as
10464 chair, another to serve as vice chair, and such other officers
10465 the board deems necessary, including a complaints chair.

10466 (d) No member of the board who has served two or more
10467 full terms may be reappointed to the board until at least one
10468 year after the expiration of his or her most recent full term
10469 of office.

10470 ~~(e) Members of the board shall receive for each day~~
10471 ~~actually engaged in the duties of the office a per diem amount~~



SB224 INTRODUCED

10472 ~~of twenty-five dollars (\$25), not to exceed the sum of one~~
10473 ~~thousand dollars (\$1,000) per year, and reimbursement for~~
10474 ~~traveling expenses as provided in Article 2 of Chapter 7 of~~
10475 ~~Title 36, and other expenses, the remuneration and~~
10476 ~~reimbursement to be paid from appropriations made for this~~
10477 ~~purpose.~~

10478 ~~(f)~~ (e) The Governor may remove any member for neglect
10479 of duty, incompetency, or unprofessional conduct. ~~The board~~
10480 ~~may employ, and at its pleasure discharge, an executive~~
10481 ~~secretary and such officers and employees as may be necessary,~~
10482 ~~and the board shall fix their compensation."~~

10483 "§34-14-32

10484 The board shall meet not less than twice each year ~~at a~~
10485 ~~place, day, and hour determined by the board.~~ The board shall
10486 also meet at such other times ~~and places~~ as may be requested
10487 by the state board."

10488 "§34-14-33

10489 ~~(a) Within a week of receiving funds, the board shall~~
10490 ~~pay into the State Treasury all moneys received by it under~~
10491 ~~this chapter during the preceding calendar month. The State~~
10492 ~~Treasury shall credit the moneys to the Board of Hearing~~
10493 ~~Instrument Dealers Account, which account is hereby created.~~

10494 ~~(b) The moneys in the Board of Hearing Instrument~~
10495 ~~Dealers Account shall remain, and the board may use funds in~~
10496 ~~the account for the purpose of paying the expenses of~~
10497 ~~administering and enforcing the provisions of this chapter.~~

10498 All fees and other monies received by the board shall
10499 be deposited into the Occupational and Professional Licensing



SB224 INTRODUCED

10500 Fund."

10501 "§34-14-34

10502 (a) The ~~board~~ executive director shall establish fees
10503 by rule adopted pursuant to the Alabama Administrative
10504 Procedure Act. The ~~board~~ executive director may impose fees ~~of~~
10505 ~~not less than twenty-five dollars (\$25) nor more than one~~
10506 ~~thousand dollars (\$1,000)~~ for each of the following:

10507 (1) Initial application fee for an apprentice permit,
10508 hearing aid specialist license, and hearing aid dispenser
10509 license.

10510 (2) License fee for a hearing aid specialist license
10511 and for a hearing aid dispenser license.

10512 (3) Renewal fee for the renewal of a hearing aid
10513 specialist license and the renewal of a hearing aid dispenser
10514 license.

10515 (4) Permit fee for an apprentice permit.

10516 (5) Renewal fee for an apprentice permit.

10517 (6) Qualifying examination and retest examination fees.

10518 (7) Late filing fee for a business statement of
10519 compliance.

10520 (8) Late renewal fee.

10521 (9) Reinstatement license fee.

10522 (10) Duplicate license, certificate, or permit fee.

10523 (11) Replacement license, certificate, or permit fee.

10524 (12) Verification of license fee.

10525 (13) Mailing list fee.

10526 (14) Returned check fee.

10527 (15) Special assessment fee.



SB224 INTRODUCED

10528 (b) A fee may not be refunded to an applicant or
10529 licensee under any circumstances."

10530 Section 30. Relating to the Board of Examiners of
10531 Nursing Home Administrators; to amend Sections 34-20-1,
10532 34-20-2, 34-20-4, 34-20-7, 34-20-9, 34-20-10, 34-20-11,
10533 34-20-12, 34-20-13, and 34-20-14 of the Code of Alabama 1975,
10534 to read as follows:

10535 "§34-20-1

10536 For purposes of this chapter, the following words and
10537 phrases shall have the respective meanings ascribed by this
10538 section:

10539 (1) BOARD. The Board of Examiners of Nursing Home
10540 Administrators of the State of Alabama.

10541 (2) EXAMINER. A member of the Board of Examiners of
10542 Nursing Home Administrators of the State of Alabama.

10543 ~~(3) SECRETARY. The Secretary of the Board of Examiners~~
10544 ~~of Nursing Home Administrators of the State of Alabama.~~

10545 (3) EXECUTIVE DIRECTOR. The Executive Director of the
10546 Office of Occupational and Professional Licensing as defined
10547 in Section 25-2B-1.

10548 (4) NURSING HOME ADMINISTRATOR. Any individual who is
10549 charged with the general administration of a nursing home,
10550 whether or not such individual has an ownership interest in
10551 such home and whether or not his or her functions and duties
10552 are shared with one or more other individuals.

10553 ~~(5) PROVISIONAL LICENSE. A temporary license issued to~~
10554 ~~a provisional nursing home administrator by the Board of~~
10555 ~~Examiners of Nursing Home Administrators.~~



SB224 INTRODUCED

10556 ~~(6) PROVISIONAL NURSING HOME ADMINISTRATOR. An~~
10557 ~~individual who has been issued a provisional license by the~~
10558 ~~Board of Examiners of Nursing Home Administrators of the State~~
10559 ~~of Alabama.~~

10560 ~~(7)~~ (5) PRACTICE OF NURSING HOME ADMINISTRATION. The
10561 planning, organizing, directing, and control of the operation
10562 of a nursing home.

10563 ~~(8)~~ (6) NURSING HOME. Any institution or facility
10564 defined as such for licensing purposes under state law."

10565 "§34-20-2

10566 No nursing home in the state may operate unless it is
10567 under the supervision of an administrator who holds a
10568 currently valid nursing home administrator's license, ~~or~~
10569 ~~provisional license,~~ issued by the Board of Examiners of
10570 Nursing Home Administrators. No person shall practice or offer
10571 to practice nursing home administration in this state or use
10572 any title, sign, card, or device to indicate that he or she is
10573 a nursing home administrator unless such person shall have
10574 been duly licensed as a nursing home administrator ~~or as a~~
10575 ~~provisional nursing home administrator.~~ In the event a nursing
10576 home administrator dies, unexpectedly resigns, becomes
10577 incapacitated, or has his or her license revoked, the person
10578 or persons then responsible for the management of the nursing
10579 home shall immediately notify the Board of Examiners of
10580 Nursing Home Administrators and the agency issuing the nursing
10581 home license and shall be allowed a reasonable period of time,
10582 in accordance with policies adopted by the board, to be
10583 established by the agency issuing the nursing home license,



SB224 INTRODUCED

10584 not to exceed 180 days from the date of the death, unexpected
10585 resignation, incapacitation, or revocation of the license of
10586 the nursing home administrator in which to replace the
10587 administrator. During the reasonable period of time, the board
10588 may issue an emergency permit to a person performing the
10589 functions of administrator in such nursing home without being
10590 in violation of the provisions of this chapter."

10591 "§34-20-4

10592 (a) (1) There is created a Board of Examiners of Nursing
10593 Home Administrators. Commencing on October 1, 2026, the board
10594 shall be subject to the leadership, support, and oversight of
10595 the Executive Director of the Office of Occupational and
10596 Professional Licensing pursuant to Chapter 2B of Title 25.

10597 (2) The board shall be composed of seven members, six
10598 original members as set out in this subsection, and an
10599 additional consumer member as set out in subsection (b). The
10600 membership of the board shall be inclusive and reflect the
10601 racial, gender, geographic, urban/rural, and economic
10602 diversity of the state. The six original members shall be
10603 composed as follows: Three members shall be nursing home
10604 administrators duly licensed and registered under this
10605 chapter; one member shall be a physician, licensed under the
10606 laws of the State of Alabama, who is actively concerned in a
10607 practice with the care of chronically ill and infirm, aged
10608 patients; one member shall be a hospital administrator; and
10609 one member shall be a registered nurse, licensed in Alabama,
10610 who has five years' experience as a geriatric nurse and who is
10611 actively serving as a director of nursing in a geriatric



SB224 INTRODUCED

10612 facility.

10613 (b) Within 30 days following April 6, 1993, the
10614 Governor shall appoint an additional consumer member of the
10615 board for a term that is the same as the term of the member
10616 who is a licensed registered nurse. The consumer member shall
10617 vote in all matters. No consumer member, or a spouse or
10618 immediate family member of a consumer member, shall be a
10619 licensee of the board or be employed in the nursing home
10620 profession.

10621 (c) All members of the board shall be citizens of the
10622 United States and shall be residents of the state. Not more
10623 than one board member from any United States Congressional
10624 District may be appointed to serve at the same time, unless
10625 necessary to ensure diversity on the board or to satisfy other
10626 board member qualification requirements of this section.

10627 (d) The three members who are licensed nursing home
10628 administrators whose terms expire after April 6, 1993, shall
10629 each serve a one-year term of office. Successor members shall
10630 serve three-year terms and no board member shall serve, in
10631 addition to the one-year term provided in this subsection,
10632 more than two consecutive full three-year terms. All members
10633 shall continue to serve until a successor is appointed by the
10634 Governor.

10635 (e) Appointments to the board for those positions to be
10636 held by nursing home administrators shall be made by the
10637 Governor from a list of three nominees for each position to be
10638 submitted to the Governor by the Alabama Nursing Home
10639 Association. The appointment to the board of the member for



SB224 INTRODUCED

10640 the position to be held by a physician shall be made by the
10641 Governor from a list of three nominees to be submitted by the
10642 Medical Association of the State of Alabama. The appointment
10643 to the board of the member for the position to be held by a
10644 hospital administrator shall be made by the Governor from a
10645 list of three nominees to be submitted to him or her by the
10646 Alabama Hospital Association. The appointment to the board of
10647 the member for the position to be held by a licensed
10648 registered nurse shall be made by the Governor from a list of
10649 three nominees to be submitted to him or her by the Alabama
10650 State Nurses Association. In the event the nominating entities
10651 and the Governor are unable to nominate or appoint members to
10652 the board so that diversity and other requirements of this
10653 section are satisfied, the board may submit a substitute list
10654 of three nominees to the Governor for appointment who are
10655 selected from the state at-large and otherwise qualify for
10656 appointment.

10657 (f) The Governor may remove any board member for
10658 misconduct, incapacity, incompetence, or neglect of duty after
10659 the board member so charged has been served with a written
10660 statement of charges and has been given an opportunity to be
10661 heard. Absence from any three consecutive meetings of the
10662 board within a calendar year, without cause acceptable to the
10663 Governor and the board, shall be deemed cause for removal.

10664 (g) Any vacancy created by the death, resignation, or
10665 removal of any board member shall be filled by the Governor
10666 for the unexpired term in the same manner as required by this
10667 chapter to make appointments.



SB224 INTRODUCED

~~(h) Each member of the board shall receive a per diem fee of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) to be determined by the board for the time spent in the performance of official duties. Each member shall be reimbursed for all necessary and proper travel and incidental expenses incurred in implementing this chapter as is provided to state employees by the laws of the State of Alabama and regulations of the State Personnel Director. In setting the per diem fee, the board shall give due consideration to funds which are available for that purpose.~~

~~(j)~~ (h) The board shall hold four or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in Section 34-20-14. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in Section 34-20-14. Meetings may be called by the chair or by a majority of the members of the board. Members shall be given seven days' written notice of all meetings.

~~(j)~~ (i) The board shall annually elect from its members a chair and a vice chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year. In the event of the death, resignation, or removal of the chair from the board, the vice chair shall succeed as chair for the remainder of the unexpired term. In the event of the death, resignation, removal, or succession to the office of chair or a vice chair, a successor shall be elected by the board to fill the remainder of the unexpired term as vice



SB224 INTRODUCED

10696 chair. The chair, or in the absence of the chair, the vice
10697 chair, shall preside at all meetings of the board. ~~The chair~~
10698 ~~of the board may appoint a secretary to the board, with the~~
10699 ~~consent of the members of the board, who shall serve at the~~
10700 ~~pleasure of the board. The salary of the secretary shall be~~
10701 ~~fixed by the board. The secretary shall be the executive~~
10702 ~~officer to the board but shall not be a member of the board.~~
10703 The ~~secretary~~ executive director shall have those powers and
10704 shall perform those duties as are prescribed by law ~~and the~~
10705 ~~rules and regulations of the board. A clerk and sufficient~~
10706 ~~deputy clerks to adequately assist the board and secretary in~~
10707 ~~the keeping of the records and in the performance of their~~
10708 ~~duties may be appointed by the board subject to the Merit~~
10709 ~~System."~~

10710 "§34-20-7

10711 ~~The Board of Examiners of Nursing Home Administrators~~
10712 ~~is hereby authorized to receive and expend, in carrying out~~
10713 ~~the purposes of this chapter, all sums paid by applicants and~~
10714 ~~registrants as provided in this chapter, and all sums which~~
10715 ~~might be appropriated for such purposes, and are also~~
10716 ~~authorized to receive and expend any funds available for such~~
10717 ~~purposes from the federal government. An annual financial~~
10718 ~~audit shall be conducted of all receipts and expenditures, and~~
10719 ~~a written report of the audit shall be given to each board~~
10720 ~~member~~ All fees and monies received by the board shall be
10721 deposited into the Occupational and Professional Licensing
10722 Fund."

10723 "§34-20-9



SB224 INTRODUCED

10724 (a) The board shall admit to examination for licensure
10725 as a nursing home administrator any candidate who submits
10726 evidence of good moral character and suitability prescribed by
10727 the board and who submits evidence to the board that he or she
10728 is at least 19 years of age, a citizen of the United States,
10729 or, if not a citizen of the United States, a person who is
10730 legally present in the United States with appropriate
10731 documentation from the federal government, that he or she is a
10732 high school graduate or has completed an educational program
10733 equivalent thereto, and that he or she has completed any
10734 additional educational requirements prescribed by the board.
10735 Each candidate shall also be required, prior to admission to
10736 the examination, to pay an examination fee established by the
10737 ~~board pursuant to its rule-making authority~~ executive
10738 director.

10739 (b) The ~~board~~ executive director may establish an
10740 application fee for the internship or administrator in
10741 training (AIT) program and a fee for preceptor, certification,
10742 and recertification of the administrator in training (AIT)
10743 program ~~pursuant to its rule-making authority.~~"

10744 "§34-20-10

10745 ~~(a)~~ The board shall determine the subjects of
10746 examinations for applicants for licensure, and the scope,
10747 content, and format of the examinations, which in any
10748 examination shall be the same for all candidates. The
10749 examinations shall include examination of the applicant to
10750 demonstrate his or her proficiency in the rules and
10751 regulations of health and safety. The examination may consist



SB224 INTRODUCED

10752 of written or oral questions, or both.

10753 ~~(b) Examinations shall be held at least four times each~~
10754 ~~year, at times and places designated by the board."~~

10755 "§34-20-11

10756 (a) An applicant for a license as a nursing home
10757 administrator who has:

10758 (1) Successfully complied with the educational and
10759 training requirements of this chapter and of the rules and
10760 regulations of the board promulgated under this chapter; and

10761 (2) Has paid an application fee established by the
10762 ~~board pursuant to its rule-making authority for all applicants~~
10763 executive director; and

10764 (3) Qualified for and passed the examination provided
10765 for in this chapter; shall be issued a license on a form
10766 provided for that purpose by the board, certifying that the
10767 applicant has met the requirements of the laws, rules, and
10768 regulations entitling him or her to serve, act, practice, and
10769 otherwise hold himself or herself out as a duly licensed
10770 nursing home administrator and has paid a fee established by
10771 the ~~board pursuant to its rule-making authority for original~~
10772 licensure executive director.

10773 (b) The board may collect a fee established by the
10774 ~~board pursuant to its rule-making authority executive director~~
10775 for the issuance of a temporary emergency permit issued
10776 pursuant to Section 34-20-2."

10777 "§34-20-12

10778 The board ~~may~~, subject to this chapter and the rules
10779 ~~and regulations~~ of the board prescribing the qualifications



SB224 INTRODUCED

10780 for a nursing home administrator license, may issue a license
10781 to a nursing home administrator who has been issued a license
10782 by the proper authorities of any other state or issued a
10783 certificate of qualification by any national organization,
10784 upon complying with the provisions of licensure, payment of a
10785 fee established by the ~~board pursuant to its rule-making~~
10786 ~~authority~~ executive director, and upon submission of evidence
10787 satisfactory to the board:

10788 (1) That the other state or national organization
10789 maintained a system and standards of qualification and
10790 examinations for a nursing home administrator license or
10791 certificate which were substantially equivalent to those
10792 required in this state at the time the other license or
10793 certificate was issued by the other state or national
10794 organization; and

10795 (2) That the other state gives similar recognition and
10796 endorsement to nursing home administrator licenses of this
10797 state. The ~~board~~ executive director may charge a fee for
10798 completion of a reciprocity questionnaire, ~~pursuant to its~~
10799 ~~rule-making authority.~~"

10800 "§34-20-13

10801 (a) Every individual who holds a valid current license
10802 as a nursing home administrator issued by the board under this
10803 chapter shall immediately upon issuance have the right and
10804 privilege of acting and serving as a nursing home
10805 administrator and of using the abbreviation "N.H.A." after
10806 their name. Thereafter, the individual shall ~~annually~~ at a
10807 time determined by the executive director be required to make



SB224 INTRODUCED

10808 application to the board for a renewal of license and to
10809 report any facts requested ~~by the board~~ on forms provided for
10810 that purpose.

10811 (b) Upon making application for a renewal of license,
10812 the individual shall pay ~~an annual~~ a license fee ~~established~~
10813 ~~as~~ determined by the ~~board pursuant to the rule-making~~
10814 ~~authority~~ executive director, and, at the same time, shall
10815 submit evidence satisfactory to the board that during the ~~year~~
10816 license period immediately preceding application for renewal
10817 he or she has complied with the requirements of the board
10818 concerning the continuation of education of nursing home
10819 administrators.

10820 (c) Upon receipt of the application for renewal of
10821 license, the renewal fee, and the evidence with respect to
10822 continuing education, the board shall issue a license renewal
10823 to the nursing home administrator.

10824 (d) (1) Failure to secure an annual renewal of a
10825 license, based on a failure to meet the continuing education
10826 requirements, shall result in the expiration of the license.
10827 An expired license may not be "reactivated." All persons
10828 holding an expired license shall be required to submit a new
10829 application and follow all procedures for licensure of a new
10830 applicant.

10831 (2) A licensee who complies with the continuing
10832 education requirements but who does not renew within ~~90 days~~
10833 ~~following its due date~~ a period established by the executive
10834 director shall be deemed delinquent and may renew within the
10835 ~~90-day~~ a period established by the executive director by



SB224 INTRODUCED

10836 paying a late renewal fee established by the ~~board pursuant to~~
10837 ~~its rule-making authority~~ executive director. A license that
10838 is not renewed within ~~the 90-day~~ the period established by the
10839 executive director shall be deemed expired, and is subject to
10840 reapplication as provided in subdivision (1).

10841 (e) A licensee who holds a current license and who is
10842 not practicing as a nursing home administrator may place that
10843 license into an "inactive status" upon written application to
10844 the board. Any licensee whose license has been placed on
10845 inactive status may not engage in the practice of nursing home
10846 administration.

10847 (f) A licensee whose license is on an inactive status
10848 who wishes to "reactivate" that license may do so by making
10849 application to the board. The applicant shall attach proof of
10850 having completed 24 hours of approved continuing education
10851 credits within one year of making application for license
10852 reactivation, and shall pay a reactivation fee established by
10853 the ~~board pursuant to its rule-making authority~~ executive
10854 director. A licensee may not have his or her license in
10855 inactive status for more than five years. After five years in
10856 inactive status, the license automatically becomes expired.

10857 (g) The board shall maintain a file of all applications
10858 for licensure that includes the following information on each
10859 applicant: Residence, name, age, the name and address of his
10860 or her employer or business connection, the date of
10861 application, educational and experience qualifications, action
10862 taken by the board, serial numbers of licenses issued to the
10863 applicant, and the date on which the board acted on or



SB224 INTRODUCED

10864 reviewed the application.

10865 (h) The board shall maintain a list of current
10866 licensees of the board, and shall furnish the list on demand
10867 to any person who pays a fee established by the board pursuant
10868 to its rule-making authority.

10869 (i) The board shall adopt a program for continuing
10870 education for its licensees by October 1, 1991. After that
10871 date, successful completion of the continuing education
10872 program by board licensees shall be required in order to
10873 obtain a renewal license.

10874 (j) Continuing education shall not result in a passing
10875 or failing grade."

10876 "§34-20-14

10877 (a) The board is hereby authorized to discipline its
10878 licensees by the adoption and collection of administrative
10879 fines, not to exceed \$1,000 per violation and is authorized to
10880 institute any legal proceedings necessary to effect compliance
10881 with this chapter.

10882 (b) The license of any person practicing or offering to
10883 practice nursing home administration ~~or the license of a~~
10884 ~~provisional nursing home administrator~~ may be revoked or
10885 suspended by the board, or such person may be reprimanded,
10886 censured, or otherwise disciplined in accordance with the
10887 provisions of this section upon decision and after due hearing
10888 in any of the following cases:

10889 (1) Upon proof that such person has willfully or
10890 repeatedly violated any of the provisions of this chapter or
10891 the rules enacted in accordance therewith; or willfully or



SB224 INTRODUCED

10892 repeatedly acted in a manner inconsistent with the health and
10893 safety of the patients of the home in which he or she is
10894 administrator;

10895 (2) Upon proof that such person's conduct is immoral,
10896 unprofessional, or dishonorable;

10897 (3) Upon proof that such person is guilty of fraud or
10898 deceit in the practice of nursing home administration or in
10899 his or her admission to such practice; or

10900 (4) Upon proof that such person has been convicted in a
10901 court of competent jurisdiction, either within or without the
10902 state, of a crime involving moral turpitude.

10903 (c) The board shall have the jurisdiction to hear all
10904 charges brought under the provisions of this section against
10905 any person having been issued a license as a nursing home
10906 administrator ~~or having been issued a license as a provisional~~
10907 ~~nursing home administrator~~; and upon such hearings shall
10908 determine the charges upon their merits. If the board
10909 determines that disciplinary measure should be taken, the
10910 board may revoke his or her license, suspend him or her from
10911 practice or reprimand, censure, or otherwise discipline such
10912 person.

10913 (d) All proceedings under this section shall be heard
10914 by the board with at least two thirds of its members present,
10915 and decisions to discipline any licensee shall require a vote
10916 of two thirds of the membership of the entire board; provided,
10917 that the board may designate three or more of its members to
10918 comprise a hearing committee for the purpose of determining
10919 whether charges brought justify a hearing by the board, and



SB224 INTRODUCED

10920 with the authority to dismiss frivolous or unfounded charges.

10921 (e) At any hearing under this chapter, the person
10922 charged shall have the right to appear either personally or by
10923 counsel or both to produce witnesses and evidence in his or
10924 her own behalf and to cross-examine witnesses. The board or
10925 hearing committee shall have the authority to issue subpoenas,
10926 compel the attendance of witnesses, administer oaths, and take
10927 testimony concerning all matters within the jurisdiction of
10928 the board. The circuit court of the county wherein the hearing
10929 is to take place shall have authority, on application of the
10930 board, to enforce obedience to the subpoenas and orders of the
10931 board concerning such testimony."

10932 Section 31. Relating to the Alabama State Board of
10933 Occupational Therapy; to amend Sections 34-39-3, 34-39-6,
10934 34-39-7, 34-39-9, 34-39-13, and 34-39-14 of the Code of
10935 Alabama 1975, to read as follows:

10936 "§34-39-3

10937 In this chapter, the following terms shall have the
10938 respective meanings provided in this section unless the
10939 context clearly requires a different meaning:

10940 (1) ASSOCIATION. The Alabama Occupational Therapy
10941 Association.

10942 (2) BOARD. The Alabama State Board of Occupational
10943 Therapy.

10944 (3) EXECUTIVE DIRECTOR. The Executive Director of the
10945 Office of Occupational and Professional Licensing as defined
10946 in Section 25-2B-1.

10947 ~~(3)~~ (4) IMPAIRED. The inability of an occupational



SB224 INTRODUCED

10948 therapist or occupational therapy assistant to practice
10949 occupational therapy with reasonable skill and safety to
10950 patients by reason of illness, inebriation, excessive use of
10951 drugs, narcotics, alcohol, chemicals, or other substances, or
10952 as a result of any physical or mental condition.

10953 ~~(4)~~ (5) LICENSE. A valid and current certificate of
10954 registration issued by the board.

10955 ~~(5)~~ (6) OCCUPATIONAL THERAPY.

10956 a. The practice of occupational therapy means the
10957 therapeutic use of occupations, including everyday life
10958 activities with individuals, groups, populations, or
10959 organizations to support participation, performance, and
10960 function in roles and situations in home, school, workplace,
10961 community, and other settings. Occupational therapy services
10962 are provided for habilitation, rehabilitation, and the
10963 promotion of health and wellness to those who have or are at
10964 risk for developing an illness, injury, disease, disorder,
10965 condition, impairment, disability, activity limitation, or
10966 participation restriction. Occupational therapy addresses the
10967 physical, cognitive, psychosocial, sensory-perceptual, and
10968 other aspects of performance in a variety of contexts and
10969 environments to support engagement in occupations that affect
10970 physical and mental health, well-being, and quality of life.
10971 The practice of occupational therapy includes:

10972 1. Evaluation of factors affecting activities of daily
10973 living (ADL), instrumental activities of daily living (IADL),
10974 rest and sleep, education, work, play, leisure, and social
10975 participation including all of the following:



SB224 INTRODUCED

10976 (i) Client factors, including body functions, such as
10977 neuromusculoskeletal, sensory-perceptual, visual, mental,
10978 cognitive, and pain factors; body structures such as
10979 cardiovascular, digestive, nervous, integumentary,
10980 genitourinary systems, and structures related to movement;
10981 values, beliefs, and spirituality.

10982 (ii) Habits, routines, roles, rituals, and behavior
10983 patterns.

10984 (iii) Physical and social environments, cultural,
10985 personal, temporal, and virtual contexts, and activity demands
10986 that affect performance.

10987 (iv) Performance skills, including motor and praxis,
10988 sensory-perceptual, emotional regulation, cognitive,
10989 communication, and social skills.

10990 2. Methods or approaches selected to direct the process
10991 of interventions such as:

10992 (i) Establishment, remediation, or restoration of a
10993 skill or ability that has not yet developed, is impaired, or
10994 is in decline.

10995 (ii) Compensation, modification, or adaptation of
10996 activity or environment to enhance performance, or to prevent
10997 injuries, disorders, or other conditions.

10998 (iii) Retention and enhancement of skills or abilities
10999 without which performance in everyday life activities would
11000 decline.

11001 (iv) Promotion of health and wellness, including the
11002 use of self-management strategies, to enable or enhance
11003 performance in everyday life activities.



SB224 INTRODUCED

11004 (v) Prevention of barriers to performance and
11005 participation, including injury and disability prevention.

11006 3. Interventions and procedures to promote or enhance
11007 safety and performance in activities of daily living (ADL),
11008 instrumental activities of daily living (IADL), rest and
11009 sleep, education, work, play, leisure, and social
11010 participation including all of the following:

11011 (i) Therapeutic use of occupations, exercises, and
11012 activities.

11013 (ii) Training in self-care, self-management, health
11014 management and maintenance, home management, community/work
11015 reintegration, and school activities and work performance.

11016 (iii) Development, remediation, or compensation of
11017 neuromusculoskeletal, sensory-perceptual, visual, mental, and
11018 cognitive functions, pain tolerance and management, and
11019 behavioral skills.

11020 (iv) Therapeutic use of self, including one's
11021 personality, insights, perceptions, and judgments, as part of
11022 the therapeutic process.

11023 (v) Education and training of individuals, including
11024 family members, caregivers, groups, populations, and others.

11025 (vi) Care coordination, case management, and transition
11026 services.

11027 (vii) Consultative services to groups, programs,
11028 organizations, or communities.

11029 (viii) Modification of environments, including home,
11030 work, school, or community, and adaptation of processes,
11031 including the application of ergonomic principles.



SB224 INTRODUCED

11032 (ix) Assessment, design, fabrication, application,
11033 fitting, and training in seating and positioning, assistive
11034 technology, adaptive devices, training in the use of
11035 prosthetic devices, orthotic devices, and the design,
11036 fabrication, and application of selected splints or orthotics.

11037 (x) Assessment, recommendation, and training in
11038 techniques to enhance functional mobility, including
11039 management of wheelchairs and other mobility devices.

11040 (xi) Low vision rehabilitation when the patient or
11041 client is referred by a licensed optometrist, a licensed
11042 ophthalmologist, a licensed physician, a licensed assistant to
11043 physician acting pursuant to a valid supervisory agreement, or
11044 a licensed certified registered nurse practitioner in a
11045 collaborative practice agreement with a licensed physician.

11046 (xii) Driver rehabilitation and community mobility.

11047 (xiii) Management of feeding, eating, and swallowing to
11048 enable eating and feeding performance.

11049 (xiv) Application of physical agent modalities, and use
11050 of a range of specific therapeutic procedures such as wound
11051 care management, interventions to enhance sensory-perceptual
11052 and cognitive processing, and manual therapy, all to enhance
11053 performance skills.

11054 (xv) Facilitating the occupational performance of
11055 groups, populations, or organizations through the modification
11056 of environments and the adaptation of processes.

11057 b. An occupational therapist or occupational therapy
11058 assistant is qualified to perform the above activities for
11059 which they have received training and any other activities for



SB224 INTRODUCED

11060 which appropriate training or education, or both, has been
11061 received. Notwithstanding any other provision of this chapter,
11062 no occupational therapy treatment programs to be rendered by
11063 an occupational therapist, occupational therapy assistant, or
11064 occupational therapy aide shall be initiated without the
11065 referral of a licensed physician, a licensed chiropractor, a
11066 licensed optometrist, a licensed assistant to a physician
11067 acting pursuant to a valid supervisory agreement, a licensed
11068 certified registered nurse practitioner in a collaborative
11069 practice agreement with a licensed physician, a licensed
11070 psychologist, or a licensed dentist who shall establish a
11071 diagnosis of the condition for which the individual will
11072 receive occupational therapy services. In cases of long-term
11073 or chronic disease, disability, or dysfunction, or any
11074 combination of the foregoing, requiring continued occupational
11075 therapy services, the person receiving occupational therapy
11076 services shall be reevaluated by a licensed physician, a
11077 licensed chiropractor, a licensed optometrist, a licensed
11078 assistant to a physician acting pursuant to a valid
11079 supervisory agreement, a licensed certified registered nurse
11080 practitioner in a collaborative practice agreement with a
11081 licensed physician, a licensed psychologist, or a licensed
11082 dentist at least annually for confirmation or modification of
11083 the diagnosis. Occupational therapists performing services
11084 that are not related to injury, disease, or illness that are
11085 performed in a wellness or community setting for the purposes
11086 of enhancing performance in everyday activities are exempt
11087 from this referral requirement. Occupational therapists



SB224 INTRODUCED

11088 employed by state agencies and those employed by the public
11089 schools and colleges of this state who provide screening and
11090 rehabilitation services for the educationally related needs of
11091 the students are exempt from this referral requirement.

11092 c. Nothing in this chapter shall be construed as giving
11093 occupational therapists the authority to examine or diagnose
11094 patients or clients for departures from the normal of human
11095 eyes, visual systems or their adjacent structures, or to
11096 prescribe or modify ophthalmic materials including, but not
11097 limited to, spectacles, contacts, or spectacle-mounted low
11098 vision devices.

11099 ~~(6)~~ (7) OCCUPATIONAL THERAPIST. A person licensed to
11100 practice occupational therapy whose license is in good
11101 standing.

11102 ~~(7)~~ (8) OCCUPATIONAL THERAPY ASSISTANT. A person
11103 licensed to assist in the practices of occupational therapy
11104 under the supervision of, or with the consultation of, a
11105 licensed occupational therapist whose license is in good
11106 standing.

11107 ~~(8)~~ (9) OCCUPATIONAL THERAPY AIDE. A person who assists
11108 in the delivery of occupational therapy, who works under
11109 direct on-site supervision of an occupational therapist or
11110 occupational therapy assistant, or both, and whose activities
11111 require an understanding of occupational therapy but do not
11112 require professional or advanced training in the basic
11113 anatomical, biological, psychological, and social sciences
11114 involved in the practice of occupational therapy. No activity
11115 listed under paragraph (5)a. may be performed by an



SB224 INTRODUCED

11116 occupational therapy aide.

11117 ~~(9)~~ (10) PERSON. A human person only, not a legal
11118 entity.

11119 ~~(10)~~ (11) WITH THE CONSULTATION OF. The collaboration of
11120 two or more persons on a regularly scheduled basis for the
11121 purpose of planning, review, or evaluation of occupational
11122 therapy services."

11123 "§34-39-6

11124 (a) There is established the Alabama State Board of
11125 Occupational Therapy. Commencing on October 1, 2026, the board
11126 shall be subject to the leadership, support, and oversight of
11127 the Executive Director of the Office of Occupational and
11128 Professional Licensing pursuant to Chapter 2B of Title 25.

11129 (1) The board shall consist of five members, four of
11130 whom shall be involved in the practice of occupational
11131 therapy, of which one shall be an occupational therapy
11132 assistant. The remaining member shall be a member of another
11133 health profession or a member of the public with an interest
11134 in the rights or the concerns of health services. Each member
11135 of the board shall be a citizen of this state. The
11136 occupational therapy board members shall be appointed by the
11137 Governor from a list submitted by the Alabama Occupational
11138 Therapy Association. In appointing members to the board, the
11139 association and the Governor, to the extent possible, shall
11140 select those persons whose appointments ensure that the
11141 membership of the board is inclusive and reflects the racial,
11142 gender, geographic, urban/rural, and economic diversity of the
11143 state. Those board members who are occupational therapists, of



SB224 INTRODUCED

11144 which one shall be a minority, and occupational therapy
11145 assistants shall have been engaged in rendering services to
11146 the public, teaching, or research in occupational therapy for
11147 at least three years, and shall at all times be holders of
11148 valid licenses for the practice of occupational therapy in
11149 Alabama. Except for the members in the initial board, all
11150 members who are occupational therapists and occupational
11151 therapy assistants shall fulfill the requirements for
11152 licensure pursuant to this chapter. Terms of appointment for
11153 the initial board members shall be as follows: Two members
11154 shall serve a one-year term; two members shall serve a
11155 two-year term; and one member shall serve a three-year term.

11156 (2) The board shall, within 90 days after April 17,
11157 1990, be selected as provided in subdivision (1). At the
11158 expiration of the initial terms, board members shall be
11159 appointed in the same manner as initial appointments, each for
11160 a period of three years. No person shall be appointed to serve
11161 more than three consecutive terms.

11162 (3) Terms shall begin on the first day of the calendar
11163 year and end on the last day of the calendar year, or until
11164 successors are appointed, except for the initial members who
11165 shall serve through the last calendar day of the year in which
11166 they are appointed before the commencement of the terms
11167 prescribed by subdivision (1).

11168 (4) Within 45 days after April 17, 1990, and annually
11169 thereafter, the association shall submit two or three names
11170 for each position on the board to be filled. In the event of a
11171 midterm vacancy in one of the positions on the board, the



SB224 INTRODUCED

11172 Governor shall appoint a member to fill the unexpired term
11173 from a list submitted by the association in the same manner as
11174 provided in subdivision (1).

11175 (5) The Governor, after notice and opportunity for
11176 hearing by the board, may remove any member of the board for
11177 neglect of duty, incompetence, revocation or suspension of the
11178 license of the member, or other dishonorable conduct. After
11179 removal, the Governor shall appoint a successor to the
11180 unexpired term from a list of two or three names submitted by
11181 the association.

11182 (6) The board shall elect from its membership a
11183 chairperson, a secretary, and a treasurer. A majority of the
11184 members of the board shall constitute a quorum. The board
11185 shall meet during the first month of the calendar year to
11186 select officers. No board member may hold the same position as
11187 an officer of the board for more than two consecutive years.
11188 At least one additional meeting shall be held before the end
11189 of the calendar year. Further meetings may be convened at the
11190 call of the chairperson, or on the request of any three board
11191 members.

11192 ~~(7) Members may be reimbursed for all reasonable and~~
11193 ~~necessary expenses actually incurred in the performance of~~
11194 ~~their duties in accordance with the laws of the State of~~
11195 ~~Alabama and regulations of the State Personnel Director.~~

11196 (b) ~~There is established a separate special revenue~~
11197 ~~fund in the State Treasury known as the Alabama State Board of~~
11198 ~~Occupational Therapy Fund.~~ All receipts collected by the board
11199 pursuant to this chapter shall be deposited ~~in this fund and~~



SB224 INTRODUCED

~~used only to carry out the provisions of this chapter.
Receipts shall be disbursed only by warrant of the state
Comptroller upon the State Treasurer, upon itemized vouchers
approved by the chairperson. No funds shall be withdrawn or
expended except as budgeted and allotted according to the
provisions of Sections 41-4-80 to 41-4-96, inclusive, and
Sections 41-19-1 to 41-19-12, inclusive, and only in amounts
as stipulated in the general appropriations bill or other
appropriation bills~~ into the Occupational and Professional
Licensing Fund."

"§34-39-7

(a) The board shall administer, coordinate, and enforce this chapter.

(b) The board, within 90 days of the time at which it is appointed, shall notify all current practitioners of occupational therapy in the state, as identified by the American Occupational Therapy Certification Board, of the enactment of this chapter and its otherwise becoming a law.

(c) The board shall adopt and publish rules relating to the professional conduct to carry out the policies of this chapter, including, but not limited to, rules relating to professional licensure, registration, and the establishment of ethical standards of practice. The State Board of Medical Examiners and the Alabama State Board of Occupational Therapy shall jointly approve any rule or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide as those acts,



SB224 INTRODUCED

11228 functions, and services are defined in Section 34-39-3. Any
11229 rule or policy adopted in violation of this requirement is
11230 invalid.

11231 (d) The board shall evaluate the qualifications of all
11232 applicants for licensure under this chapter and shall maintain
11233 a register of all persons holding a license and a record of
11234 all inspections made.

11235 (e) The board shall approve all examinations of
11236 applicants for licensure at least twice a year, shall
11237 determine the qualifications and authorize the issuance of
11238 licenses to qualified occupational therapists and occupational
11239 therapy assistants, and shall renew, suspend, or revoke the
11240 licenses in the manner provided.

11241 (f) The board may investigate complaints and
11242 allegations concerning the violation of this chapter and may
11243 examine witnesses, issue subpoenas, and administer oaths in
11244 connection with these investigations. Hearings may be
11245 conducted, provided reasonable public notice is given and
11246 records and minutes are kept in accordance with the rules of
11247 the board.

11248 (g) The board shall make an annual report to the
11249 Governor which shall contain an account of duties performed,
11250 actions taken, and appropriate recommendations.

11251 ~~(h) The board shall establish a budget in accordance~~
11252 ~~with the requirements of the state.~~

11253 ~~(i) The board may establish and publish reasonable fees~~
11254 ~~as established in Section 34-39-14.~~

11255 ~~(j) The board may employ and discharge an executive~~



SB224 INTRODUCED

11256 ~~director and any officers and employees as may be necessary,~~
11257 ~~and shall determine their duties and fix their compensation in~~
11258 ~~accordance with applicable state statutes. The board shall~~
11259 ~~hire and establish the responsibilities and salary of all~~
11260 ~~employees.~~

11261 ~~(k)~~ (h) The board shall establish an impaired
11262 practitioner program beginning January 1, 2022, pursuant to
11263 Section 34-39-12.1."

11264 "§34-39-9

11265 (a) A person applying for licensure under this chapter
11266 shall demonstrate ~~his/her~~ his or her eligibility in accordance
11267 with the requirements of Section 34-39-8, and shall make
11268 application for examination upon a form and in such a manner
11269 as the ~~board~~ executive director shall prescribe. A person who
11270 fails an examination may make reapplication for reexamination
11271 accompanied by the established fee.

11272 (b) Each applicant for licensure under this chapter
11273 shall be examined by written examination to test his or her
11274 knowledge of the basic clinical sciences relating to
11275 occupational therapy, and occupational therapy theory and
11276 practice, the applicant's professional skills and judgment in
11277 the utilization of occupational therapy techniques and
11278 methods, and such other subjects as the board may deem useful
11279 to determine the applicant's fitness to practice. The board
11280 shall establish standards for acceptable performance by the
11281 applicant.

11282 (c) Applicants for licensure shall be examined at a
11283 time and place and under such supervision as the ~~board~~



SB224 INTRODUCED

11284 executive director may require. ~~Examinations shall be given at~~
11285 ~~least twice each year at such places as the board may~~
11286 ~~determine.~~ The ~~board~~ executive director shall give reasonable
11287 public notice of these examinations in accordance with its
11288 rules and regulations.

11289 (d) Applicants may obtain their examination scores in
11290 accordance with such rules ~~and regulations~~ as the board may
11291 establish.

11292 (e) Foreign trained occupational therapists and
11293 occupational therapy assistants shall satisfy the examination
11294 requirements of Section 34-39-8(3). The board shall require
11295 foreign trained applicants to complete educational and
11296 supervised fieldwork requirements, substantially equal to
11297 those contained in Section 34-39-8, before taking the
11298 examination."

11299 "§34-39-13

11300 (a) All licenses under this chapter shall be subject to
11301 renewal and shall expire unless renewed in the manner
11302 prescribed by the ~~rules and regulations of the board~~ executive
11303 director upon the payment of a renewal fee. The board may set
11304 a required number of continuing education units for license
11305 renewal. The ~~board~~ executive director may provide for a late
11306 renewal of license upon payment of a late renewal fee. Any
11307 license which has not been restored within ~~three years~~ the
11308 time prescribed by the executive director following its
11309 expiration may not be renewed, restored, or reissued
11310 thereafter. The holder of such an expired license may apply
11311 for and obtain a valid license only upon compliance with all



SB224 INTRODUCED

11312 relevant requirements for issuance of a new license.

11313 (b) A suspended license is subject to expiration and
11314 may be renewed as provided in this section, but such renewal
11315 shall not entitle the licensee, while the license remains
11316 suspended and until it is reinstated, to engage in the
11317 licensed activity or in other conduct or activity in violation
11318 of the license revoked on disciplinary grounds is reinstated,
11319 the licensee, as a condition of reinstatement, shall pay the
11320 reorderId or judgment by which the license was suspended. If a
11321 license revoked on disciplinary grounds is reinstated, the
11322 licensee, as a condition of reinstatement, shall pay the
11323 renewal fee and any late fee that may be applicable."

11324 "§34-39-14

11325 The board ~~is empowered to establish, publish, and may~~
11326 collect reasonable fees and costs in amounts determined by the
11327 ~~board~~ executive director for the following purposes:

- 11328 (1) Application for examination;
11329 (2) Limited permit fee;
11330 (3) Initial license fee;
11331 (4) Renewal of license fee;
11332 (5) Late renewal fee; and
11333 (6) The costs of conducting a hearing of any person
11334 whose license or certificate of qualification is suspended,
11335 revoked, or refused as a result of such hearing."

11336 Section 32. Relating to the Alabama Onsite Wastewater
11337 Board; to amend Sections 34-21A-2, 34-21A-3, 34-21A-4,
11338 34-21A-5, 34-21A-6, 34-21A-7, 34-21A-11, 34-21A-12, 34-21A-13,
11339 34-21A-15. and 34-21A-18 of the Code of Alabama 1975, to read



SB224 INTRODUCED

11340 as follows:

11341 "§34-21A-2

11342 The following terms shall have the meanings
11343 respectively ascribed to them as used in this chapter unless
11344 the context requires a different meaning:

11345 (1) BOARD. The Alabama Onsite Wastewater Board.

11346 (2) CONVENTIONAL ONSITE SEWAGE SYSTEM. An onsite sewage
11347 system consisting of a septic tank, or an Alabama Department
11348 of Public Health approved pretreatment device, with effluent
11349 discharging into a subsurface effluent disposal medium, where
11350 all portions of the effluent disposal field sidewalls are
11351 installed below the elevation of undisturbed native soil,
11352 including a conventional onsite sewage system as defined by
11353 the Alabama Department of Public Health regulations.

11354 (3) ENGINEERED ONSITE SEWAGE SYSTEM. An onsite sewage
11355 system that varies from conventional onsite sewage system
11356 equipment, methods, processes, and installation procedures in
11357 accordance with the rules and regulations of the Alabama
11358 Department of Public Health.

11359 (4) EXECUTIVE DIRECTOR. The Executive Director of the
11360 Office of Occupational and Professional Licensing as defined
11361 in Section 25-2B-1.

11362 ~~(4)~~ (5) GOOD STANDING WITH LOCAL HEALTH AUTHORITIES OR
11363 OFFICIALS. A person in good standing with local health
11364 authorities or officials shall have had no substantiated
11365 complaints filed against him or her with the local health
11366 authorities or officials regarding the work of the person in
11367 the onsite sewage industry, and shall be known by the local



SB224 INTRODUCED

11368 health authorities or officials to be a person who abides by
11369 the rules and regulations of the Alabama Department of Public
11370 Health.

11371 ~~(5)~~ (6) GREASE TRAP. A receptacle containing nontoxic,
11372 nonhazardous liquid waste generated by a commercial food
11373 operation or institutional food preparation facility
11374 including, without limitation, fats, oil, grease, and food
11375 scraps, whether connected to a city sewer or not, to include a
11376 sewage tank, as defined by the Alabama Department of Public
11377 Health rules.

11378 ~~(6)~~ (7) INDIVIDUAL. A human person.

11379 ~~(7)~~ (8) INSTALLATION. The act of installing a
11380 conventional or engineered onsite sewage system.

11381 ~~(8)~~ (9) LICENSE. A valid and current certificate of
11382 qualification issued by the board which shall give the named
11383 person to whom it is issued authority to engage in the
11384 specialized area and level of qualification described on the
11385 certificate.

11386 ~~(9)~~ (10) LICENSEE. A qualified individual holding a
11387 license issued by the board.

11388 ~~(10)~~ (11) LICENSING PROCEDURE. The process of testing at
11389 the state level to determine the knowledge and skill of an
11390 individual with respect to onsite sewage systems, and the
11391 issuing of licenses to indicate that an individual has passed
11392 the examinations and met all other board-established
11393 qualifications for licensure.

11394 ~~(11)~~ (12) LOCAL HEALTH AUTHORITY OR OFFICIALS. The
11395 county health department in the county or counties in which a



SB224 INTRODUCED

11396 licensee performs work in or is engaged in the manufacture,
11397 installation, cleaning, servicing, or maintenance of onsite
11398 sewage systems or equipment.

11399 ~~(12)~~ (13) MANUFACTURER. Person engaged in the production
11400 of septic tanks or receptacle equipment used in onsite sewage
11401 systems.

11402 ~~(13)~~ (14) ONSITE SEWAGE SYSTEM. Any system of piping,
11403 treatment devices, pumps, alarms, or other facilities or
11404 devices that carry or convey, store, treat, or dispose of
11405 sewage (human waste) where the system is not connected to a
11406 public sewer, including an onsite sewage treatment and
11407 disposal system onsite septic system (OSS) as defined by the
11408 Alabama Department of Public Health rules.

11409 ~~(14)~~ (15) RESPONSIBLE CHARGE. The person in responsible
11410 charge must direct the projects involving the installation or
11411 service and repair of an onsite sewage system under Alabama
11412 law. The person in responsible charge must be a full-time
11413 employee, owner, partner, or a corporate officer of the
11414 partnership, corporation, business trust, or other legal
11415 entity. The person in responsible charge must possess the
11416 required skill, knowledge, and experience and have the
11417 responsibility to supervise, direct, manage, and control the
11418 installation, service, or repair activities of the business
11419 entity with which he or she is affiliated. The board may
11420 examine the technical and personal qualifications of the
11421 person in responsible charge and may investigate and examine
11422 the person's qualifications.

11423 ~~(15)~~ (16) SERVICING. The act of cleaning, maintaining,



SB224 INTRODUCED

11424 or repairing an installed onsite sewage system."

11425 "§34-21A-3

11426 (a) (1) There is established the Alabama Onsite
11427 Wastewater Board. Commencing on October 1, 2026, the board
11428 shall be subject to the leadership, support, and oversight of
11429 the Executive Director of the Office of Occupational and
11430 Professional Licensing pursuant to Chapter 2B of Title 25.

11431 (2) The board shall consist of nine members who shall,
11432 at the time of appointment and during the entire time for
11433 which appointed, be residents and citizens of Alabama. The
11434 initial appointments to the board shall be effective October
11435 1, 1999, with required licensing beginning January 2000, or as
11436 soon as possible thereafter. Of the nine members of the board,
11437 three members shall be appointed by the Governor, three
11438 members shall be appointed by the Lieutenant Governor, and
11439 three members shall be appointed by the Speaker of the House
11440 of Representatives of the Alabama Legislature.

11441 (b) Of the three members appointed by the Governor, one
11442 shall be actively engaged in the business of installing onsite
11443 sewage systems and shall serve an initial term of two years.
11444 One member appointed by the Governor shall be actively engaged
11445 in the business of manufacturing septic tanks and shall serve
11446 an initial term of two years. One member appointed by the
11447 Governor shall be actively engaged in the business of pumping,
11448 servicing, or maintaining onsite sewage equipment and shall
11449 serve an initial term of three years. Appointees to these
11450 positions on the board shall be licensees of the board or have
11451 ownership in a business employing a designated licensee in a



SB224 INTRODUCED

11452 position of responsible charge. The appointments and successor
11453 appointments by the Governor shall be made from a list of
11454 recommendations submitted by the governing board of the
11455 Alabama Onsite Wastewater Association, which list of
11456 recommendations shall include three individuals recommended
11457 for each board position.

11458 (c) (1) Of the three members appointed by the Lieutenant
11459 Governor, one member shall be actively engaged in the business
11460 of manufacturing septic tanks and shall serve an initial term
11461 of four years, and one member shall be actively engaged in the
11462 business of installing onsite sewage systems and shall serve
11463 an initial term of four years. Appointees to these positions
11464 on the board shall be licensees of the board or have ownership
11465 in a business employing a designated licensee in a position of
11466 responsible charge. These two appointments by the Lieutenant
11467 Governor shall be made from a list of recommendations
11468 submitted by the governing board of the Alabama Onsite
11469 Wastewater Association, which list of recommendations shall
11470 include three individuals for each board position.

11471 At the end of the term of the board member serving in
11472 the septic tank manufacturing position following June 1, 2010,
11473 subsequent appointments to that position shall be to either a
11474 person licensed by the board or a person having ownership of a
11475 business employing a person who meets all of the following
11476 requirements that he or she: Is in a position of responsible
11477 charge, provides or rents onsite toilet systems or portable
11478 toilet systems, is licensed by the board, has been involved in
11479 his or her respective business for five consecutive years, is



SB224 INTRODUCED

11480 in good standing with the local health authorities and the
11481 Alabama Department of Public Health.

11482 Subsequent appointees to the onsite system installer
11483 position shall be either a licensee of the board or a person
11484 having ownership in a business employing a designated licensee
11485 in a position of responsible charge.

11486 (2) The Lieutenant Governor shall also appoint a member
11487 actively engaged in the development of a training or
11488 educational program or instruction in environmental
11489 protection, preferably experienced in the area of the sewage
11490 industry, and this member shall serve an initial term of three
11491 years. This member shall: Have a minimum of six years'
11492 experience in the stated area of educational expertise, be in
11493 good standing with his or her professional or regulating
11494 boards, and possess a reputation of high standards within the
11495 academic community.

11496 (d) (1) Of the three members appointed by the Speaker of
11497 the Alabama House of Representatives, one member shall be an
11498 environmental engineer with training in the onsite sewage
11499 industry, be experienced in and have an understanding of the
11500 design and construction of onsite sewage systems, and be in
11501 good standing with the Alabama Board of Licensure for
11502 Professional Engineers and Land Surveyors. This member shall
11503 serve an initial term of four years and shall be appointed
11504 from a list of three recommendations provided by the Alabama
11505 Board of Licensure for Professional Engineers and Land
11506 Surveyors.

11507 (2) The Speaker of the House shall also appoint one



SB224 INTRODUCED

11508 member who has been actively involved for a minimum of three
11509 years in the onsite sewage inspection process and the
11510 regulation of onsite sewage systems and is employed by a local
11511 county health department or the Alabama Department of Public
11512 Health. This member shall serve an initial term of four years.

11513 (3) The Speaker of the House shall also appoint a
11514 member who is a consumer who will represent the public at
11515 large and who has an interest in the onsite sewage industry.
11516 The consumer member may not be engaged in or otherwise
11517 connected with any person or firm or corporation or business
11518 dealing with the onsite sewage industry and shall serve an
11519 initial term of four years.

11520 (e) Upon the expiration of the initial terms of office,
11521 and thereafter, all members appointed to the board shall serve
11522 four-year terms, or until their successors are appointed.
11523 Their successors, who shall be appointed by the same
11524 respective appointing authorities and shall possess the same
11525 respective qualifications as required for the initial
11526 appointees, shall each serve not more than two consecutive
11527 terms of office. The membership of the board shall be
11528 inclusive and the appointing authorities shall consider the
11529 racial, gender, geographic, urban/rural, and economic
11530 diversity of the state in making their appointments.

11531 (f) If an appointment of a member to the board is to be
11532 made from a list of recommendations from an association,
11533 organization, or other board, the list of recommendations
11534 shall be submitted to the appointing authority at least 30
11535 days prior to the expiration of the current term of the



SB224 INTRODUCED

11536 vacating board member.

11537 (g) An appointing authority may rescind any appointment
11538 and replace any board member who is unable or unwilling to
11539 fulfill his or her duties to the citizens of Alabama through
11540 service on the board and who has not tendered his or her
11541 resignation."

11542 "§34-21A-4

11543 (a) Within 30 days after annual appointment of new
11544 members, the board shall meet for the purpose of organizing,
11545 electing new officers, and transacting such business as deemed
11546 necessary. This organizational meeting shall not be considered
11547 a regular quarterly meeting of the board.

11548 (b) The board shall meet at least four times a year on
11549 a quarterly basis with the board designating the months of the
11550 meetings for the coming year at its annual organizational
11551 meeting. Regular meetings shall be called by the chair who
11552 shall designate the time and place of each regular meeting.
11553 The chair or a majority of the members of the board may also
11554 call a special meeting of the board.

11555 (c) Board members shall be given at least 10 days'
11556 notice of regular meetings and a minimum of five days' notice
11557 for special meetings. The executive director shall give notice
11558 of any meeting to the media as considered appropriate under
11559 the circumstances.

11560 (d) A quorum of the board shall consist of not less
11561 than five of the duly appointed members.

11562 (e) Any motion passed by the board requires a majority
11563 of those members present.



SB224 INTRODUCED

11564 ~~(f) The members of the board shall receive one hundred~~
11565 ~~dollars (\$100) per day for board meetings and a per diem as~~
11566 ~~recommended by the board consistent with applicable state laws~~
11567 ~~for attending sessions of the board and for time spent in~~
11568 ~~necessary travel to attend meetings of the board. In addition,~~
11569 ~~each member shall be reimbursed for related travel expenses at~~
11570 ~~the same rate as state employees receive, all to be paid from~~
11571 ~~fees collected and deposited in the board fund."~~

11572 "§34-21A-5

11573 (a) At its annual organizational meeting, the board
11574 shall elect from its members a chair, vice-chair, and a
11575 secretary/treasurer for a one-year term of office. No board
11576 member shall serve more than three consecutive one-year terms
11577 in any one office. The chair shall exercise general
11578 supervision of the board's affairs, preside at all meetings,
11579 appoint committees, and perform all duties pertaining to the
11580 office. The vice-chair, in the absence of the chair, shall
11581 perform the duties of the chair. The secretary/treasurer shall
11582 perform duties as designated by the board.

11583 (b) ~~The board shall select and employ an executive~~
11584 ~~director who shall serve at the pleasure of the board and who~~
11585 ~~shall be responsible for the administration of board policies.~~
11586 ~~The executive director shall be responsible for employing and~~
11587 ~~supervising other support personnel as directed by the board.~~
11588 The executive director shall be designated as the agent for
11589 the board for service of legal process upon the board, act as
11590 its recording and corresponding secretary, have custody of and
11591 safeguard and keep in good order all property and records of



SB224 INTRODUCED

11592 the board, sign all instruments and matters that require
11593 approval of the board, and perform all duties as the board may
11594 assign or delegate.

11595 (c) The records maintained by the board shall include,
11596 without limitation, all of the following:

11597 (1) A permanent record of all license applications,
11598 whether accepted or rejected, and supporting documentation and
11599 information.

11600 (2) A permanent record of all examination results.

11601 (3) A permanent record of all licenses issued; a
11602 permanent record of all investigative, enforcement, and
11603 disciplinary actions taken by the board.

11604 (4) All other evidence of the important business of the
11605 board.

11606 (d) The executive director may issue a license in
11607 accordance with the standards established by the board.

11608 (e) All correspondence to the board, including
11609 submission of applications for licenses and requests for
11610 information should be made to the executive director ~~at the~~
11611 ~~board's office in Montgomery, Alabama.~~

11612 ~~(f) The board may employ other full-time or part-time~~
11613 ~~administrative staff, including an administrative assistant~~
11614 ~~and clerical support or others who shall work under the~~
11615 ~~direction and supervision of the executive director.~~

11616 ~~(g) All board administrative staff, including the~~
11617 ~~executive director, shall be entitled to reimbursement for~~
11618 ~~authorized travel and travel related expenses at the same rate~~
11619 ~~state employees receive for in-state and out-of-state travel.~~



SB224 INTRODUCED

11620 ~~Authorized travel in a board employee's personal automobile~~
11621 ~~shall be reimbursed at the same rate per mile as paid to state~~
11622 ~~employees.~~

11623 ~~(h) The chair and executive director shall, before~~
11624 ~~entering the duties of their offices, make and file with the~~
11625 ~~Secretary of State an official bond in the sum of five~~
11626 ~~thousand dollars (\$5,000) unless covered by the state blanket~~
11627 ~~bond. The appropriate premiums on the bonds shall be paid out~~
11628 ~~of the funds of the board. The bonds shall be executed by an~~
11629 ~~approved bonding fidelity or guaranty company qualified to do~~
11630 ~~business in Alabama and acceptable to the Secretary of State."~~

11631 "§34-21A-6

11632 (a) ~~There is hereby established a separate special fund~~
11633 ~~in the State Treasury to be known as the "Alabama Onsite~~
11634 ~~Wastewater Board Fund."~~ All receipts and monies collected
11635 under this chapter shall be deposited ~~in the fund and used~~
11636 ~~only to carry out the provisions of this chapter. The fund~~
11637 ~~shall be disbursed only by warrant of the state Comptroller~~
11638 ~~upon the State Treasury upon itemized vouchers approved by the~~
11639 ~~executive director. No funds shall be withdrawn or expended~~
11640 ~~except as budgeted and allotted according to Sections 41-4-80~~
11641 ~~to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and~~
11642 ~~only in amounts as stipulated in the general appropriation~~
11643 ~~bill or other appropriation bills~~ into the Occupational and
11644 Professional Licensing Fund.

11645 ~~(b) Any funds unspent and unencumbered at the end of~~
11646 ~~each fiscal year that exceed 25 percent of the board's budget~~
11647 ~~for the previous fiscal year shall be transferred to the State~~



SB224 INTRODUCED

11648 ~~General Fund."~~

11649 "§34-21A-7

11650 The duties of this board shall include, but not be
11651 limited to the following:

11652 (1) Establish procedures and qualifications for the
11653 licensure of individuals engaged in the manufacture,
11654 installation, servicing, repair, or maintenance of onsite
11655 sewage systems and equipment installed in Alabama and issue
11656 such licenses to those individuals who qualify for licensure.

11657 (2) Approve all training required for any license or
11658 license renewal under this chapter and approve and administer
11659 any examination required for specialized areas and levels of
11660 qualification of licensing under this chapter.

11661 ~~(3) Establish the dates, times, and locations for all~~
11662 ~~license examinations, including at least three examination~~
11663 ~~dates each year.~~

11664 ~~(4)~~ (3) Accept and process applications from individuals
11665 meeting the board-established qualifications for licenses and
11666 the renewal of licenses and collect necessary fees according
11667 to the schedule of fees established by the ~~board~~ executive
11668 director.

11669 ~~(5)~~ (4) Provide written notification to a candidate of
11670 the candidate's examination results and provide information
11671 regarding the procedures required to complete the license
11672 process, including bond information and local health
11673 department fees.

11674 ~~(6)~~ (5) Accept ~~annual~~ license renewal applications and
11675 approve required continuing education and required



SB224 INTRODUCED

11676 documentation for license renewal.

11677 ~~(7)~~ (6) Maintain a complete up-to-date roster of
11678 licensees.

11679 ~~(8)~~ (7) Establish a complaint process and the
11680 confidential procedures to investigate alleged violations as
11681 set forth in this chapter; establish disciplinary procedures
11682 including suspension or revocation of licenses; establish an
11683 appeals process; and notify the Alabama Department of Public
11684 Health and the appropriate local health departments of any
11685 disciplinary action taken by the board. Any member of the
11686 board or duly appointed representative designated by the board
11687 may administer oaths and take testimony concerning all matters
11688 within the jurisdiction of the board.

11689 ~~(9)~~ (8) Reinstate a revoked or suspended license if the
11690 holder of the revoked or suspended license meets specific
11691 requirements established by the board and the reinstatement is
11692 approved by a majority of the board.

11693 ~~(10)~~ (9) ~~Oversee all financial, business, and~~
11694 ~~administrative~~ matters necessary to carry out the operation of
11695 this board ~~including, but not limited to, accepting fees,~~
11696 ~~paying bills, salaries, expenses, and refunds, and any other~~
11697 ~~action deemed appropriate to conduct business pertinent to its~~
11698 ~~operation.~~

11699 ~~(11)~~ ~~Hire and set compensation for an executive~~
11700 ~~director who shall be responsible for the administrative~~
11701 ~~functions of the board.~~

11702 ~~(12)~~ (10) Adopt a seal for its use containing the words
11703 "Alabama Onsite Wastewater Board."



SB224 INTRODUCED

11704 "§34-21A-11

11705 The ~~board~~ executive director may establish and charge
11706 reasonable fees for the processing of all applications,
11707 administration of examinations, issuance of all active and
11708 inactive licenses, license renewals, license restoration and
11709 replacement, supplying information to applicants, licensees,
11710 and the general public, and any and all other required board
11711 procedures and related activities. ~~A fee schedule shall be~~
11712 ~~developed by the board and adopted as a rule, and all fees~~
11713 ~~shall be commensurate with the cost of fulfilling the duties~~
11714 ~~of the board as defined in this chapter."~~

11715 "§34-21A-12

11716 (a) The board shall establish the following types of
11717 licenses:

- 11718 (1) A basic level installer license.
- 11719 (2) An advanced level I installer license.
- 11720 (3) An advanced level II installer license.
- 11721 (4) A manufacturer's license.
- 11722 (5) A pumper license.
- 11723 (6) A portable toilet license.

11724 (b) A person shall first obtain a basic level installer
11725 license before qualifying for an advanced level installer
11726 license. Additional areas of qualification and license levels
11727 may be established by the board based on future evaluations of
11728 industry needs and technology advancements.

11729 (c) Licenses issued by the board shall be recognized as
11730 evidence of qualification and knowledge of the licensee by the
11731 Alabama Department of Public Health and county or local health



SB224 INTRODUCED

11732 authorities, and no other additional level of qualification or
11733 certification or other requirement shall be required by the
11734 Alabama Department of Public Health or any county or local
11735 health authorities for those persons engaged in the
11736 manufacture, installation, or servicing of onsite sewage
11737 systems.

11738 ~~(d) A license shall be issued for the current calendar~~
11739 ~~year and the license shall be valid only for that calendar~~
11740 ~~year. All licenses shall expire on December 31 of each~~
11741 ~~calendar year.~~

11742 ~~(e)~~ (d) No individual, business, partnership, or
11743 corporation shall engage in the manufacture, installation,
11744 servicing, cleaning, or maintenance of an onsite sewage system
11745 installed in the State of Alabama unless the individual, or
11746 the person in responsible charge for the business,
11747 partnership, or corporation, has received the required
11748 specific license from the board. Persons engaged in the
11749 installation or servicing of onsite sewage systems shall
11750 obtain a basic level installer license for conventional onsite
11751 sewage systems or an advanced level installer license for
11752 engineered onsite sewage systems. All manufacturers of onsite
11753 sewage septic tanks or receptacles for onsite sewage systems
11754 shall qualify and obtain a manufacturer's license. Licenses
11755 issued under this chapter shall be granted to individuals
11756 meeting the criteria for qualification as established by this
11757 board. The licensee shall perform no work outside the level of
11758 competency stated on the certificate of license. An individual
11759 may be licensed in all areas of eligibility.



SB224 INTRODUCED

11760 ~~(f)~~ (e) No individual, business, partnership, or
11761 corporation shall advertise, solicit, bid, obtain permit,
11762 conduct business, or perform the function of manufacturing,
11763 installing, cleaning, servicing, repairing, or maintaining
11764 onsite sewage equipment or systems in Alabama unless the
11765 person or persons in responsible charge are licensed as
11766 defined in this chapter.

11767 ~~(g)~~ (f) No official charged with the duty of issuing
11768 business licenses to any individual, partnership, corporation,
11769 or other business entity to operate a business performing the
11770 function of manufacturing, installing, cleaning, servicing,
11771 repairing, or maintaining onsite sewage equipment or systems
11772 in Alabama shall issue such a business license unless there is
11773 presented for inspection a license certificate as provided
11774 herein issued by the board to the individual or to some person
11775 in responsible charge with the partnership, corporation, or
11776 business entity.

11777 ~~(h)~~ (g) No license shall be issued except to an
11778 individual. A firm, partnership, association, or corporation
11779 shall not be licensed. Partnerships, corporations, or other
11780 business entities shall designate the licensed individual in
11781 responsible charge under whose name its business is to operate
11782 to the local business licensing authority, the board, and the
11783 local health officials. If that designated person ceases to be
11784 employed by the business entity, notice shall be made
11785 immediately to the board and the local health officials. The
11786 partnership or corporation shall then have 45 days to
11787 re-designate a licensed individual responsible for work



SB224 INTRODUCED

11788 performed by the business entity. During this 45-day period,
11789 no work shall be initiated by the business entity without the
11790 knowledge and approval of local health officials. Any work
11791 performed during this time shall be inspected by local health
11792 officials and approved by the officials before being
11793 considered complete and put into operation. Under special
11794 circumstances, a business entity engaged in the manufacture of
11795 septic tanks can petition the board for an extension of time
11796 beyond the 45-day period to re-designate a licensed individual
11797 in a position of responsible charge under whose manufacturer's
11798 license the business is to operate. Under no condition may
11799 this extension of time extend more than three weeks past the
11800 date of the next examination offered by the board for a
11801 manufacturer's license.

11802 ~~(i)~~ (h) License certificates suitable for framing,
11803 bearing the licensee's name, level and type of license,
11804 license number, and the ~~calendar year in~~ time period for which
11805 the license is valid shall be issued to all qualified
11806 licensees. Every licensee holding a license issued by the
11807 board shall display it in a conspicuous manner at his or her
11808 principal place of business.

11809 ~~(j)~~ (i) All licensees shall abide by all federal, state,
11810 and local laws and ordinances. No license issued by the board
11811 may be sold or transferred. Any license misused may be revoked
11812 by the board.

11813 ~~(k)~~ (j) Every licensee shall notify the board of the
11814 address of his or her place of business, the counties in which
11815 he or she does business or performs work, and the name under



SB224 INTRODUCED

11816 which the business is carried on. Licensees shall give
11817 immediate notice to the board of any change in this
11818 information. Service of any process shall be achieved by
11819 mailing notice of such information by first class postage,
11820 U.S. Postal Service, to the address of record. No further
11821 service of process shall be required."

11822 "§34-21A-13

11823 (a) All applicants for licenses, examinations, or
11824 license renewals shall be required to complete specific
11825 application forms developed and provided by the ~~board~~
11826 executive director. Information required to be provided on
11827 license application forms shall include, but not be limited
11828 to, the following:

11829 (1) The applicant's name, date of birth, Social
11830 Security number, residence address, telephone number, and
11831 county of residence.

11832 (2) The name of the applicant's employer, or the name
11833 of the applicant's business, including the business address
11834 and telephone number of the employer or applicant's business.

11835 (3) Details of the applicant's business experience,
11836 details of the applicant's work experience, and classroom
11837 training in the areas of requested licensing.

11838 (4) A signed statement from an official from the
11839 applicant's county health department stating that the
11840 applicant is in good standing with the local or county health
11841 department.

11842 (b) Application forms may also require any information
11843 deemed by the board to be significant in evaluating the



SB224 INTRODUCED

11844 qualifications of an applicant for license, examination, or
11845 license renewal.

11846 (c) All required fees and documentation shall accompany
11847 any application form filed with the board.

11848 (d) The board shall approve through its executive
11849 director the issuing of a license to each applicant meeting
11850 the qualifications as set forth by the board, or deny a
11851 license to each applicant not meeting the qualifications as
11852 set forth by the board."

11853 "§34-21A-15

11854 (a) No license shall be issued by the board without
11855 examination of the applicant for the purpose of ascertaining
11856 his or her qualifications for such work, except those licenses
11857 issued pursuant to Section 34-21A-17. No examination shall be
11858 required for the timely-~~annual~~ renewal of a current license.

11859 (b) The board shall offer and provide examinations
11860 which test the knowledge, skill, and qualifications of the
11861 applicants.

11862 (c) The ~~board~~ executive director may charge each
11863 applicant a reasonable fee for the examination ~~based on the~~
11864 ~~actual costs of administering the examinations.~~

11865 ~~(d) The board shall establish dates and locations for a~~
11866 ~~minimum of three separate examinations each calendar year.~~

11867 ~~(e)~~ (d) The board shall establish the minimum
11868 examination grade necessary for successful completion of an
11869 examination.

11870 ~~(f)~~ (e) The board shall develop or approve two separate
11871 and specific examinations to test the knowledge and



SB224 INTRODUCED

11872 qualifications of those applicants for basic level license and
11873 advanced level licenses as follows:

11874 (1) The basic installer level license examination shall
11875 test the knowledge and qualifications of applicants seeking a
11876 license to install, clean, service, repair, or maintain
11877 conventional onsite sewage systems.

11878 (2) The advanced level installer license examination
11879 shall test the knowledge and qualifications of applicants
11880 seeking a license to install, clean, service, repair, or
11881 maintain engineered onsite sewage systems.

11882 ~~(g)~~ (f) A person shall first obtain a basic level
11883 installer license before qualifying to take the examination
11884 for an advanced level installer license.

11885 ~~(h)~~ (g) The board shall develop a specialized
11886 examination to test the qualifications of those applicants
11887 seeking a manufacturer's license.

11888 ~~(i)~~ (h) The board shall develop or approve any other
11889 additional examinations as may be necessary for additional
11890 areas of qualification and license levels as may be
11891 established by the board to meet industry requirements and
11892 technological advancements in the onsite sewage industry.

11893 ~~(j)~~ (i) Examinations shall be administered by the
11894 executive director ~~or persons designated by the board~~. Any
11895 national standardized examination which the board may approve,
11896 or any other examination developed under the direction of the
11897 board, or any combination thereof, may be administered to
11898 applicants to test their knowledge and qualifications. The
11899 board shall establish the level of achievement as shall be



SB224 INTRODUCED

11900 required for a passing grade for examinations.

11901 ~~(k)~~ (j) Written examination results shall be provided
11902 within 14 days of taking the examination. Successful
11903 candidates shall also be informed of the procedures required
11904 to complete the license process. Any person who fails an
11905 examination may, upon reapplication and payment of required
11906 fees, take the examination when offered by the board.

11907 ~~(l)~~ (k) The executive director shall provide to the
11908 Alabama Department of Public Health and the appropriate local
11909 health authorities a list of all candidates who successfully
11910 qualify for a license within 14 days following the date the
11911 license is issued by the board."

11912 "§34-21A-18

11913 (a) A license is only valid during the ~~calendar year~~
11914 time period indicated on the license. At the end of that
11915 ~~calendar year~~ time period, the license will expire unless it
11916 is renewed by the licensee. ~~All licensees shall make~~
11917 ~~application for license renewal at least 30 days prior to the~~
11918 ~~expiration of a current license.~~

11919 (b) Specific license renewal application forms and
11920 license renewal requirements shall be developed by the ~~board~~
11921 executive director. License renewal requirements shall
11922 include, but not be limited to, continuing education and
11923 training requirements for each level and type of license and
11924 evidence of adequate bond. The license renewal application
11925 form shall be accompanied by all required documentation and
11926 renewal fees. The board shall verify that the renewal
11927 applicant is a current licensee who is eligible for renewal



SB224 INTRODUCED

11928 before issuing a new license.

11929 (c) Failure to meet renewal requirements shall result
11930 in expiration and revocation of a license. Upon expiration of
11931 a license, the licensee's name will be removed from the
11932 board's official list and the Alabama Department of Public
11933 Health and the appropriate local health authorities will be
11934 notified of the license expiration. A license which has
11935 expired for failure to renew may only be restored within one
11936 year from the date of expiration after application and payment
11937 of the license restoration fee established by the ~~board~~
11938 executive director. Any license which has not been restored
11939 within one year following its expiration may not be renewed,
11940 restored, or reissued, and the holder may apply for and obtain
11941 a new license only upon compliance with all qualifications and
11942 requirements for the issuance of a new license."

11943 Section 33. Relating to the Board of Physical Therapy;
11944 to amend Sections 34-24-191, 34-24-192, 34-24-193, 34-24-195,
11945 34-24-211, 34-24-212, 34-24-214, 34-24-215, and 34-24-216 of
11946 the Code of Alabama 1975, to read as follows:

11947 "§34-24-191

11948 (a) For the purposes of this article, the following
11949 words and phrases shall have the meanings respectively
11950 ascribed by this section:

11951 (1) BOARD. The Board of Physical Therapy established by
11952 Section 34-24-192.

11953 (2) COMMISSION. The Physical Therapy Compact
11954 Commission, the national administrative body whose membership
11955 consists of all states that have enacted the interstate



SB224 INTRODUCED

11956 compact.

11957 (3) COMPACT PRIVILEGE. The authorization granted by a
11958 remote state to allow a licensee from another state to
11959 practice as a physical therapist or work as a physical
11960 therapist assistant in the remote state under its laws and
11961 rules. The practice of physical therapy occurs in the state
11962 where the patient/client is located at the time of the
11963 patient/client encounter.

11964 (4) COMPACT PRIVILEGE HOLDER. An individual licensed as
11965 a physical therapist or physical therapist assistant in a
11966 compact state who has been granted a compact privilege by the
11967 commission.

11968 (5) EXECUTIVE DIRECTOR. The Executive Director of the
11969 Office of Occupational and Professional Licensing as defined
11970 in Section 25-2B-1.

11971 ~~(5)~~ (6) FOREIGN EDUCATED PHYSICAL THERAPIST. A person
11972 trained or educated in the practice of physical therapy
11973 outside of the United States or any of its territorial
11974 possessions.

11975 ~~(6)~~ (7) IMPAIRED. The inability of a physical therapy
11976 licensee to practice physical therapy with reasonable skill
11977 and safety to patients by reason of illness, inebriation,
11978 excessive use of drugs, narcotics, alcohol, chemicals, or
11979 other substances, or as a result of any physical or mental
11980 condition.

11981 ~~(7)~~ (8) PHYSICAL THERAPIST. A person who practices
11982 physical therapy.

11983 ~~(8)~~ (9) PHYSICAL THERAPIST ASSISTANT. A person who



SB224 INTRODUCED

11984 assists in the practice of physical therapy and whose
11985 activities require an understanding of physical therapy but do
11986 not require professional or advanced training in the
11987 anatomical, biological, and physical sciences involved in the
11988 practice of physical therapy. The physical therapist assistant
11989 shall practice only under the direction of a licensed physical
11990 therapist.

11991 ~~(9)~~ (10) PHYSICAL THERAPY. The treatment of a human
11992 being by the use of exercise, massage, heat, cold, water,
11993 radiant energy, electricity, or sound for the purpose of
11994 correcting or alleviating any physical or mental condition or
11995 preventing the development of any physical or mental
11996 disability, or the performance of neuromuscular-skeletal tests
11997 and measurements to determine the existence and extent of body
11998 malfunction; provided, that physical therapy shall be
11999 practiced only upon the referral of a physician licensed to
12000 practice medicine or surgery, a dentist licensed to practice
12001 dentistry, a licensed chiropractor, a licensed assistant to a
12002 physician acting pursuant to a valid supervisory agreement, or
12003 a licensed certified registered nurse practitioner in a
12004 collaborative practice agreement with a licensed physician,
12005 except as otherwise provided in this chapter. Physical therapy
12006 does not include radiology or electrosurgery.

12007 ~~(10)~~ (11) PHYSICAL THERAPY AIDE. A person trained under
12008 the direction of a physical therapist who performs designated
12009 and supervised routine tasks related to physical therapy
12010 services.

12011 ~~(11)~~ (12) PHYSICAL THERAPY LICENSEE. A physical



SB224 INTRODUCED

therapist or physical therapist assistant who is licensed under this article.

~~(12)~~ (13) PHYSIOTHERAPIST. Synonymous with the term "physical therapist," and the term shall be used to identify only those persons licensed under this article. The physical therapist may use the letters "P.T." or "R.P.T." in connection with his or her name or place of business to denote his or her registration hereunder.

~~(13)~~ (14) RESTRICTED LICENSE.

a. For a physical therapist, a license on which the board has placed restrictions or conditions, or both, as to the scope of practice, place of practice, supervision of practice, duration of licensed status, or type or condition of patient to whom the physical therapist may provide services.

b. For a physical therapist assistant, a license on which the board has placed any restriction.

(b) Words importing the masculine gender shall include the feminine."

"§34-24-192

(a) (1) ~~Composition; appointment and terms of members.~~

~~The~~ There is created the Board of Physical Therapy. Commencing on October 1, 2026, the board shall be subject to the leadership, support, and oversight of the Executive Director of the Office of Occupational and Professional Licensing pursuant to Chapter 2B of Title 25.

(2) The board shall consist of seven members. Four members shall be physical therapists, two members shall be physical therapist assistants, and one member shall be a



SB224 INTRODUCED

12040 consumer. The members shall be appointed by the Governor from
12041 a list of five persons nominated for each place on the board
12042 by the current licensees and certified to him or her by the
12043 board. The four physical therapist members shall be nominated
12044 from the congressional districts. The physical therapist
12045 assistant members shall be nominated from the northern and
12046 southern areas of the state. The consumer member shall be
12047 nominated from the state at large. For the purpose of
12048 preparing the list of five names for each position on the
12049 board, the board shall request nominations from vacant or
12050 potentially vacant congressional districts. In the event that
12051 five names are not received, the board shall request
12052 nominations from the state at large. The board shall conduct
12053 an annual meeting at which all physical therapists and
12054 physical therapist assistants holding a current license as
12055 identified under this article shall have the right to attend,
12056 nominate, and vote. The board may regulate and prescribe the
12057 date, hour, and place of the meeting, the method of
12058 nomination, and the manner of voting. At least 30 days prior
12059 to the meeting the board shall mail notices to each current
12060 licensee, at the address shown on his or her current
12061 registration, notifying him or her of the exact date, hour,
12062 and place of the meeting, the purpose of the meeting, and of
12063 his or her right to attend and vote. The membership of the
12064 board shall be inclusive and reflect the racial, gender,
12065 geographic, urban/rural, and economic diversity of the state.
12066 Whenever possible, a congressional district shall not be
12067 represented by two physical therapists. The board members



SB224 INTRODUCED

12068 shall be appointed for staggered terms of five years each, so
12069 that at least one member's term expires each year. As each
12070 member's term expires, the board shall provide a method of
12071 nominating members to the board so that each congressional
12072 district in the state is potentially represented on the board
12073 whenever possible. No person shall be appointed for more than
12074 two consecutive terms.

12075 (b) ~~Qualifications of members.~~ Each physical therapist
12076 or physical therapist assistant board member shall possess all
12077 the following qualifications:

12078 (1) Be a resident and citizen of this state.

12079 (2) Have practiced physical therapy, or acted as a
12080 physical therapist assistant, within the State of Alabama for
12081 the three years preceding his or her appointment.

12082 (3) Have no disciplinary action against his or her
12083 license for the three years preceding his or her appointment.

12084 (c) ~~Vacancies.~~ In the event of a vacancy within one
12085 year of the annual meeting at which the list containing his or
12086 her name was compiled, the Governor shall fill the vacancy by
12087 selecting another name from the remaining names on the list
12088 prepared pursuant to subsection (a). Any vacancy, other than
12089 one occurring prior to the next annual meeting after the
12090 initial appointment is made, shall be filled by appointment of
12091 the Governor from a list of five nominees submitted by the
12092 current licensees of the board.

12093 (d) ~~Officers; compensation and expenses of members.~~ The
12094 board shall designate one of its members as chair, one as
12095 secretary, and one as treasurer. ~~Members of the board shall~~



SB224 INTRODUCED

~~receive a fee for every day actually spent in the performance
of their duties and in addition thereto shall be reimbursed
according to the state travel policy for their other expenses
in the same amounts and under the same conditions as state
employees are reimbursed. The exact amount of the
above-mentioned fee shall be fixed by the board."~~

"§34-24-193

(a) The board shall have the following duties:

(1) To pass upon the qualifications of applicants for licensing as physical therapists or physical therapist assistants.

(2) To conduct examinations.

(3) To issue licenses and license renewals to physical therapists and physical therapist assistants qualifying under this article.

(4) To suspend or revoke as necessary the license or compact privilege of such individuals.

(b) The board shall adopt rules not inconsistent with law as it may deem necessary for the performance of its duties, however the board shall not adopt any rules that require a physical therapist assistant to be within sight of a consulting physical therapist or a physical therapist supervisor while working under the direction of that physical therapist, or adopt any rules or issue any orders inconsistent with Section 34-24-217(b). The board shall maintain a listing of the name of every living physical therapist and physical therapist assistant licensed or granted a compact privilege in this state, his or her last known place of business and last



SB224 INTRODUCED

12124 known place of residence, and the date and number of his or
12125 her license.

12126 (c) The board shall compile a list of physical
12127 therapists and physical therapist assistants licensed to
12128 practice or granted a compact privilege in this state, and the
12129 list shall be available to any person upon application to the
12130 board and the payment of a fee as may be fixed by the board.

12131 (d) The ~~board~~ executive director may establish and
12132 collect a fee for the issuance of a compact privilege.

12133 ~~(e) Subject to the provisions of Section 34-24-195, the~~
12134 ~~board may make such expenditures and employ such personnel as~~
12135 ~~it may deem necessary for the administration of this article.~~

12136 ~~(f) The board shall hire and establish the~~
12137 ~~responsibilities and salary of an executive director.~~

12138 ~~(g)~~ (e) The ~~board~~ executive director may establish and
12139 collect a fee for certifying to other boards or entities that
12140 a licensee is a member in good standing with the Alabama
12141 board.

12142 ~~(h)~~ (f) The board may collect a fee from providers of
12143 continuing education programs.

12144 ~~(i)~~ (g) The board may discipline its licensees and
12145 compact privilege holders by the adoption and collection of
12146 administrative fines, not to exceed one thousand dollars
12147 (\$1,000) per violation, and may institute any legal
12148 proceedings necessary to effect compliance with this chapter.

12149 ~~(j)~~ (h) (1) The board shall provide for an impaired
12150 practitioner program ~~beginning January 1, 2014.~~

12151 (2) The board shall promote the early identification,



SB224 INTRODUCED

12152 intervention, treatment, and rehabilitation of physical
12153 therapy licensees or compact privilege holders who may be
12154 impaired by reason of illness, inebriation, excessive use of
12155 drugs, narcotics, alcohol, chemicals, or other substances, or
12156 as a result of any physical or mental condition.

12157 (3) In order to carry out this obligation, the board
12158 may contract with any nonprofit corporation or medical
12159 professional association for the purpose of creating,
12160 supporting, and maintaining a committee to be designated the
12161 Alabama Physical Therapy Wellness Committee. The committee
12162 shall be selected in a manner prescribed by the board. The
12163 board may expend available funds as necessary to adequately
12164 provide for the operational expenses of the committee
12165 including, but not limited to, the actual cost of travel,
12166 office overhead, and personnel expense. The funds provided by
12167 the board for the purpose of operating expenses are not
12168 subject to any provision of law requiring competitive bidding.

12169 (4) The board may enter into an agreement with a
12170 nonprofit corporation or medical professional association for
12171 the committee to undertake those functions and
12172 responsibilities specified in the agreement, which may include
12173 any or all of the following:

- 12174 a. Contracting with providers of treatment programs.
- 12175 b. Receiving and evaluating reports of suspected
12176 impairment from any source.
- 12177 c. Intervening in cases of verified impairment.
- 12178 d. Referring impaired physical therapy licensees or
12179 compact privilege holders to treatment programs.



SB224 INTRODUCED

12180 e. Monitoring the treatment and rehabilitation of
12181 impaired physical therapy licensees or compact privilege
12182 holders.

12183 f. Providing post-treatment monitoring and support of
12184 rehabilitated impaired physical therapy licensees or compact
12185 privilege holders.

12186 g. Performing other activities as agreed by the board
12187 and the committee.

12188 (5) The committee shall develop procedures in
12189 consultation with the board for all of the following:

12190 a. Periodic reporting of statistical information
12191 regarding impaired physical therapy licensee program activity.

12192 b. Periodic disclosure and joint review of all
12193 information the board deems appropriate regarding reports
12194 received, contracts or investigations made, and the
12195 disposition of each report. The committee may not disclose any
12196 personally identifiable information except as otherwise
12197 provided in this article.

12198 (6) Any individual appointed to serve as a member of
12199 the committee and any auxiliary personnel, consultant,
12200 attorney, or other volunteer or employee of the committee
12201 taking any action authorized by this article, engaging in the
12202 performance of any duties on behalf of the committee, or
12203 participating in any administrative or judicial proceeding
12204 resulting therefrom, in the performance and operation thereof,
12205 shall be immune from any liability, civil or criminal, that
12206 might otherwise be incurred or imposed. Any nonprofit
12207 corporation or medical professional association or other



SB224 INTRODUCED

12208 entity that contracts with or receives funds from the board
12209 for the creation, support, and operation of the committee, in
12210 so doing, shall be immune from any liability, civil or
12211 criminal, that might otherwise be incurred or imposed.

12212 (7) All information, interviews, reports, statements,
12213 memoranda, or other documents furnished to or produced by the
12214 committee and any findings, conclusions, recommendations, or
12215 reports resulting from any investigation, intervention,
12216 treatment, or rehabilitation, or other proceeding of the
12217 committee is privileged and confidential. All records and
12218 proceedings of the committee pertaining to an impaired
12219 physical therapy licensee or compact privilege holder are
12220 confidential and shall be used by the committee and the
12221 members of the committee only in the exercise of the proper
12222 function of the committee and shall not be public record nor
12223 available for court subpoena or for discovery proceedings. In
12224 the event of a breach of contract between the committee and
12225 the impaired physical therapy licensee or compact privilege
12226 holder, all records pertaining to the conduct determined to
12227 cause the breach of contract shall be disclosed to the board
12228 upon its request for disciplinary purposes only. Nothing
12229 contained in this subdivision shall apply to records made in
12230 the regular course of business of a physical therapy licensee
12231 and any information, document, or record otherwise available
12232 from an original source is not to be construed as immune from
12233 discovery or use in any civil proceeding merely because it is
12234 presented or considered during proceedings of the committee.

12235 (8) The committee shall render an annual report to the



SB224 INTRODUCED

12236 board concerning the operations and proceedings of the
12237 committee for the preceding year. The committee shall report
12238 to the board any physical therapy licensee or compact
12239 privilege holder who in the opinion of the committee is unable
12240 to perform physical therapy duties with reasonable skill and
12241 safety to patients by reason of illness, inebriation,
12242 excessive use of drugs, narcotics, alcohol, chemicals, or
12243 other substances, or as a result of any physical or mental
12244 condition when it appears that the physical therapy licensee
12245 or compact privilege holder is currently in need of
12246 intervention, treatment, or rehabilitation and the individual
12247 has failed or refused to participate in any program of
12248 treatment or rehabilitation recommended by the committee. A
12249 report to the Alabama committee shall be deemed a report to
12250 the board for the purposes of any mandated reporting of
12251 impairment of a licensee or compact privilege holder otherwise
12252 provided for by law.

12253 (9) If the board has reasonable cause to believe that a
12254 physical therapy licensee or compact privilege holder is
12255 impaired, the board may cause an evaluation of that individual
12256 to be conducted by the committee for the purpose of
12257 determining if there is an impairment. The committee shall
12258 report the findings of its evaluation to the board."

12259 "§34-24-195

12260 All fees collected by the board shall be paid into the
12261 State Treasury and credited to ~~a special fund designated as~~
12262 ~~the "Physical Therapist Fund." There is hereby appropriated to~~
12263 ~~the board all funds appropriated, or otherwise made available,~~



SB224 INTRODUCED

12264 ~~to the board by the Legislature of Alabama, the Congress of~~
12265 ~~the United States, or by any other source for the purpose of~~
12266 ~~carrying out this article, and the board shall have power to~~
12267 ~~direct the disbursement of all money collected hereunder. All~~
12268 ~~expenditures authorized shall be paid for out of the fund on~~
12269 ~~vouchers certified by the executive director of the board~~ the
12270 Occupational and Professional Licensing Fund."

12271 "§34-24-211

12272 (a) An applicant for licensure as a physical therapist
12273 or as a physical therapist assistant shall file a written
12274 application on forms provided by the ~~board~~ executive director
12275 together with a fee as set by the ~~board~~ executive director, no
12276 part of which shall be refundable. The applicant shall present
12277 evidence satisfactory to the board that he or she is of good
12278 moral character and has completed a program of physical
12279 therapy education appropriate for training a physical
12280 therapist or a physical therapist assistant approved by the
12281 board or a nationally recognized accrediting agency. Each
12282 applicant shall also be a citizen of the United States or, if
12283 not a citizen of the United States, an individual who is
12284 legally present in the United States with appropriate
12285 documentation from the federal government.

12286 (b) On and after June 1, 2021, an applicant for
12287 licensure as a physical therapist or a physical therapist
12288 assistant shall submit to the board, on a form sworn to by the
12289 applicant, his or her name, date of birth, Social Security
12290 number, and two complete sets of fingerprints for completion
12291 of a criminal history background check. The board shall submit



SB224 INTRODUCED

12292 the fingerprints to the Alabama State Law Enforcement Agency
12293 for a state criminal history background check. The
12294 fingerprints shall be forwarded by the agency to the Federal
12295 Bureau of Investigation for a national criminal history
12296 background check. Costs associated with conducting a criminal
12297 history background check shall be paid by the applicant."

12298 "§34-24-212

12299 (a) Generally. The board shall give an appropriate
12300 physical therapy examination and a jurisprudence examination
12301 to every applicant who complies with Section 34-24-211 and who
12302 pays the fee prescribed by the executive director for the
12303 examination. Examinations shall be held within the state ~~at~~
12304 ~~least once each year,~~ at such times and places as the ~~board~~
12305 executive director determines. A practical or demonstration
12306 examination may be required at the discretion of the board
12307 when an applicant is retaking a written examination after
12308 previously having failed such an examination.

12309 (b) Physical therapist. The physical therapy
12310 examination given applicants for licensure as a physical
12311 therapist shall be a written examination approved by the board
12312 to test the applicant's knowledge of the basic and clinical
12313 sciences as they relate to the practice of physical therapy,
12314 physical therapy theory and procedures, and such other
12315 subjects as the board may deem useful to test the applicant's
12316 fitness to practice physical therapy. The board shall also
12317 administer a jurisprudence examination to applicants for
12318 licensure as a physical therapist, which shall be a written
12319 examination approved by the board to test the applicant's



SB224 INTRODUCED

12320 knowledge of the laws and rules of the State of Alabama as
12321 they relate to the practice of physical therapy and such other
12322 subjects as the board may deem useful to test the applicant's
12323 knowledge of applicable law. A practical or demonstration
12324 examination may be required if so determined by the board. The
12325 board may waive the requirement for a jurisprudence
12326 examination.

12327 (c) Physical therapist assistant. The physical therapy
12328 examination given applicants for licensure as physical
12329 therapist assistant shall be a written examination approved by
12330 the board to test the applicant's knowledge of the basic and
12331 clinical sciences as they relate to the practice of physical
12332 therapy, physical therapy theory and procedures, and such
12333 other subjects as the board may deem useful to test the
12334 applicant's fitness to act as a physical therapist assistant.
12335 The board shall also administer a jurisprudence examination to
12336 applicants for licensure as a physical therapist assistant,
12337 which shall be a written examination approved by the board to
12338 test the applicant's knowledge of the laws and rules of the
12339 State of Alabama as the laws and rules relate to the practice
12340 of physical therapy, and such other subjects as the board may
12341 deem useful to test the applicant's knowledge of applicable
12342 law. A practical or demonstration examination may be required
12343 if so determined by the board. The board may waive the
12344 requirement for a jurisprudence examination.

12345 (d) Foreign educated physical therapist. Any foreign
12346 educated physical therapist who plans to practice in the state
12347 must have their educational credentials evaluated by a



SB224 INTRODUCED

12348 recognized educational evaluation agency and have that agency
12349 send their report directly to the board. The board shall
12350 determine the acceptability of equivalency in educational
12351 preparation. If the board determines the education to be
12352 acceptable, the routine application process shall be followed.

12353 (e) Compact privilege applicants. Individuals
12354 purchasing a compact privilege for the State of Alabama shall
12355 pass the jurisprudence examination required of licensed
12356 physical therapists or licensed physical therapist assistants
12357 before the privilege is issued by the commission.

12358 (f) By January 1, 2024, the board shall adopt rules to
12359 implement this chapter."

12360 "§34-24-214

12361 Upon payment to the board of a fee set by the ~~board~~
12362 executive director and the submission of a written application
12363 on forms provided by the board, the board shall issue a
12364 license without examination to:

12365 (1) An individual who is qualified within the meaning
12366 of this article as a physical therapist by another state of
12367 the United States of America, its possessions, or the District
12368 of Columbia, if the requirements for licensing or registration
12369 in such state, possession, or district were at the date of his
12370 or her licensing or registration by that state substantially
12371 equal to the requirement for the initial licensing of
12372 individuals practicing physical therapy when this article
12373 became effective, August 20, 1965, or for licensing by
12374 examination prepared by the professional examining service as
12375 set forth in this article and any additional requirements



SB224 INTRODUCED

12376 prescribed by the board.

12377 (2) An individual who is qualified within the meaning
12378 of this article as a physical therapist assistant by another
12379 state of the United States of America, its possessions, or the
12380 District of Columbia, if the requirements for licensing in
12381 such state, possession, or district were at the date of his or
12382 her licensing by that state substantially equal to the
12383 requirements set forth in this article."

12384 "§34-24-215

12385 (a) On payment to the board of a fee set by the ~~board~~
12386 executive director, and on submission of a written application
12387 on forms provided by the ~~board~~ executive director, the
12388 applicant shall be issued without examination a temporary
12389 license to practice physical therapy or to act as a physical
12390 therapist assistant in this state for a period ~~not to exceed~~
12391 ~~one year~~ established by the executive director, if the person
12392 meets the qualifications set forth in Section 34-24-211 and
12393 submits evidence satisfactory to the board that he or she is
12394 in this state on a temporary basis to assist in a case of
12395 medical emergency or to engage in a special physical therapy
12396 project. Such special projects may be research and education
12397 programs. Each request will be judged by the board on its
12398 individual merits.

12399 (b) Upon the submission of a written application on
12400 forms provided by the ~~board~~ executive director, a person who
12401 has applied for a license under the provisions of Section
12402 34-24-211 and who is, in the judgment of the board, eligible
12403 to take the examination provided for in Section 34-24-212, may



SB224 INTRODUCED

12404 be issued a temporary license by the ~~board~~ executive director.
12405 Such temporary license shall be available to an applicant only
12406 with respect to his or her first application for a license
12407 under Section 34-24-211, and such license shall expire when
12408 the board makes a determination with respect to the
12409 application."

12410 "§34-24-216

12411 (a) All licenses issued by the board to physical
12412 therapists and physical therapist assistants shall expire on
12413 the ~~first day of October of the year next succeeding the~~
12414 ~~issuance thereof~~ date prescribed by the executive director. A
12415 license may be renewed on the payment, ~~on or before November~~
12416 ~~first of each year, to the board~~ of a fee set by the ~~board~~
12417 executive director. A license which has expired may, ~~within~~
12418 ~~five years of its expiration date,~~ be renewed on the payment
12419 to the board of a fee set by the ~~board~~ executive director for
12420 each year or part thereof during which the license was
12421 ineffective and the payment of a restoration fee set by the
12422 ~~board~~ executive director. After the five-year period, a
12423 license may be obtained only by complying with the provisions
12424 hereinabove relating to the issuance of an original license.

12425 (b) The board shall adopt a program of continuing
12426 education for its licensees not later than October 1, 1991.
12427 After such date, successful completion of the annual
12428 continuing education program shall be a requisite for the
12429 renewal of licenses issued pursuant to this chapter.

12430 (c) Provided, however, under the provisions of this
12431 chapter, continuing education shall not result in a passing or



SB224 INTRODUCED

12432 failing grade."

12433 Section 34. Relating to the Polygraph Examiners Board;
12434 to amend Sections 34-25-2, 34-25-4, 34-25-5, 34-25-22,
12435 34-25-26, and 34-25-29 of the Code of Alabama 1975, to read as
12436 follows:

12437 "§34-25-2

12438 For the purposes of this chapter, the following terms
12439 shall have the following respective meanings ascribed by this
12440 section:

12441 (1) BOARD. The Polygraph Examiners Board.

12442 (2) CHAIRMAN. That member of the Polygraph Examiners
12443 Board selected by the board to act as chairman.

12444 (3) EXECUTIVE DIRECTOR. The Executive Director of the
12445 Office of Occupational and Professional Licensing as defined
12446 in Section 25-2B-1.

12447 ~~(3)~~ (4) INTERNSHIP. The study of polygraph examinations
12448 and of the administration of polygraph examinations by a
12449 trainee under the personal supervision and control of a
12450 polygraph examiner in accordance with a course of study
12451 prescribed by the board at the commencement of such
12452 internship.

12453 ~~(4)~~ (5) PERSON. Any natural person, firm, association,
12454 copartnership, or corporation.

12455 ~~(5)~~ (6) POLYGRAPH EXAMINER. Any person who uses
12456 instrumentation described herein to test or question
12457 individuals for the purpose of detecting deception or
12458 verifying truth of statements, or any person who holds himself
12459 out to be a lie detector operator or examiner, or any person



SB224 INTRODUCED

12460 who purports to be able to detect deception or verify truth of
12461 statements through instrumentation or the use of a mechanical
12462 device."

12463 "§34-25-4

12464 (a) There is established a Polygraph Examiners Board
12465 consisting. Commencing on October 1, 2026, the board shall be
12466 subject to the leadership, support, and oversight of the
12467 Executive Director of the Office of Occupational and
12468 Professional Licensing pursuant to Chapter 2B of Title 25.

12469 (b) The board shall consist of five voting members who
12470 are citizens of the United States and residents of the state
12471 for at least two years prior to appointment, all of whom shall
12472 have been engaged for a period of four consecutive years in
12473 their profession as polygraph examiners prior to appointment
12474 to the board and engaged at the time of appointment as an
12475 active polygraph examiner. No board members may be employed by
12476 the same person or agency. Three of the board members shall be
12477 qualified polygraph examiners of a governmental law
12478 enforcement agency, and two of the board members shall be
12479 qualified polygraph examiners and Alabama residents in the
12480 commercial field. Two advisory consultants, who shall possess
12481 qualifications as established by rule of the board, shall be
12482 appointed to assist the board members. The board members and
12483 advisory consultants shall be appointed by the Governor of the
12484 State of Alabama for a term of four years. Any vacancy in an
12485 unexpired term shall be filled by appointment of the Governor,
12486 with the advice and consent of the Senate, for the unexpired
12487 term. In appointing members to the board, the Governor shall



SB224 INTRODUCED

12488 select those persons whose appointments, to the extent
12489 possible, ensure that the membership of the board is inclusive
12490 and reflects the racial, gender, urban/rural, and economic
12491 diversity of the state. On April 11, 1989, all terms of
12492 current board members and advisory consultants shall expire.
12493 The Governor shall appoint new board members and advisory
12494 consultants in accordance with this chapter. Immediately after
12495 May 12, 2003, the board shall notify the Governor of the
12496 vacancies on the board and the Governor shall immediately
12497 appoint qualified persons to fill those vacancies in
12498 accordance with this chapter.

12499 ~~(b) The board may fix the number of its full-time~~
12500 ~~employees, who shall be employed pursuant to the Merit System.~~
12501 ~~The board may engage temporary services for the investigation~~
12502 ~~of applications or to investigate complaints filed against~~
12503 ~~examiners. The board shall fix the compensation for any~~
12504 ~~temporary employees. Temporary employees of the board are not~~
12505 ~~covered under the Retirement Systems of Alabama. Any current~~
12506 ~~full-time employee of the board shall be transferred to the~~
12507 ~~Department of Public Safety on April 11, 1989. All benefits,~~
12508 ~~including retirement, of any current full-time employee of the~~
12509 ~~board who is transferred to the Department of Public Safety in~~
12510 ~~accordance with this chapter, shall be retroactive back to the~~
12511 ~~original date of employment upon payment of necessary~~
12512 ~~contributions as required by the Employees' Retirement System.~~

12513 (c) On or after April 11, 1989, and within 30 days of
12514 the appointments by the Governor, this new board shall meet
12515 and elect a chair from among the members of the board. The



SB224 INTRODUCED

12516 board shall meet at three-month intervals, or at any other
12517 time as necessary.

12518 (d) The vote of a majority of the board members is
12519 sufficient for passage of any business or proposal which comes
12520 before the board.

12521 (e) All documents, records, functions, and
12522 responsibilities currently housed at the Board of Polygraph
12523 Examiners' Office shall be transferred to the ~~Department of~~
12524 ~~Public Safety in a section to be determined by the Director of~~
12525 ~~the Department of Public Safety~~ Office of Occupational and
12526 Professional Licensing and under the supervision of the
12527 ~~Department of Public Safety~~ executive director in conjunction
12528 with the board."

12529 "§34-25-5

12530 (a) The board shall issue ~~regulations~~ rules and the
12531 executive director shall issue forms consistent with this
12532 chapter for the administration and enforcement of this
12533 chapter.

12534 (b) An order or a certified copy thereof, over board
12535 seal and purporting to be signed by the board members, shall
12536 be prima facie proof that the signatures are the genuine
12537 signatures of the board members and that the board members are
12538 fully qualified to act.

12539 (c) ~~On April 11, 1989, all moneys and appropriations~~
12540 ~~credited to the Board of Polygraph Examiners under the~~
12541 ~~provisions of Article 4 of Chapter 4, Title 41, shall be~~
12542 ~~transferred by the State Treasurer to the charge and custody~~
12543 ~~of the Board of Polygraph Examiners of the Alabama Department~~



SB224 INTRODUCED

12544 ~~of Public Safety; and the board shall administer the fund as~~
12545 ~~provided by law. The fund is hereby officially known as the~~
12546 ~~Board of Polygraph Examiners Fund.~~

12547 All fees collected under this chapter shall be ~~paid to~~
12548 ~~the Board of Polygraph Examiners Fund for the purpose of~~
12549 ~~administering and enforcing this chapter and shall be~~
12550 ~~deposited in the fund~~ deposited into the Occupational and
12551 Professional Licensing Fund.

12552 ~~Warrants shall be issued by the Department of Finance,~~
12553 ~~office of the state Comptroller, for board expenses and~~
12554 ~~operation provided that no funds shall be withdrawn except as~~
12555 ~~budgeted and allotted according to Article 4 of Chapter 4 of~~
12556 ~~Title 41 and only in the amounts as stipulated in the general~~
12557 ~~appropriations bill.~~

12558 ~~(d) Board members and advisory consultants shall be~~
12559 ~~paid one hundred dollars (\$100) per day plus mileage for~~
12560 ~~attendance at regular or special board meetings, only for the~~
12561 ~~actual days of meeting. The board may approve the payment for~~
12562 ~~a board member when authorized by the board to perform certain~~
12563 ~~other duties of the board when not in formal, regular, or~~
12564 ~~special session.~~

12565 ~~(e) Employees shall be paid the same mileage expenses~~
12566 ~~and travel allowance as provided for regular state employees.~~

12567 ~~(f) The board may determine all resources necessary for~~
12568 ~~the operation of the board. Purchasing shall be in accordance~~
12569 ~~with the state bid law.~~

12570 ~~(g)~~ (d) The board shall be exempt from payment of state
12571 sales tax."



SB224 INTRODUCED

12572 "§34-25-22

12573 (a) Applications for original license shall be made to
12574 the board in writing under oath on forms prescribed by the
12575 ~~board~~ executive director and shall be accompanied by the
12576 required fee, which is not refundable. Any such application
12577 shall require such information as in the judgment of the board
12578 will enable it to pass on the qualifications of the applicant
12579 for a license.

12580 (b) An applicant shall provide the board with two
12581 complete sets of fingerprints to be sent to the State Bureau
12582 of Investigations to conduct a criminal history background
12583 check. The State Bureau of Investigations shall forward a copy
12584 of the applicant's prints to the Federal Bureau of
12585 Investigation for a national criminal background check.

12586 (c) The request to the board shall contain the
12587 following information:

12588 (1) Two complete functional sets of fingerprints,
12589 either cards or electronic, properly executed by a criminal
12590 justice agency or an individual properly trained in
12591 fingerprinting techniques.

12592 (2) Written consent from the applicant for the release
12593 of criminal history background information to the board.

12594 (d) The applicant shall pay all costs associated with
12595 the background checks required by this section.

12596 (e) The board shall keep information received pursuant
12597 to this section confidential, except that such information
12598 received and relied upon in denying the issuance of a license
12599 in this state may be disclosed as may be necessary to support



SB224 INTRODUCED

12600 the denial or when subpoenaed from a court."

12601 "§34-25-26

12602 The fee requirements of this chapter shall apply to all
12603 polygraph examiners, including those employed by governmental
12604 agencies, and to those who engage in polygraph examinations on
12605 any commercial basis. The executive director shall prescribe
12606 all of the following fees to be paid, ~~effective October 1,~~
12607 ~~2019, are as follows:~~

12608 (1) For an examination of an applicant to determine his
12609 or her fitness, ~~two hundred fifty dollars (\$250)~~, which is not
12610 to be credited as payment against the license fee and is not
12611 refundable.

12612 (2) For the issuance of an original polygraph
12613 examiner's license, ~~two hundred fifty dollars (\$250)~~.

12614 (3) For the issuance of an internship license, ~~one~~
12615 ~~hundred dollars (\$100)~~.

12616 (4) For the issuance of a duplicate polygraph
12617 examiner's license, ~~twenty dollars (\$20)~~.

12618 (5) For the issuance of a polygraph examiner's renewal
12619 license, ~~two hundred dollars (\$200)~~.

12620 (6) For the extension or renewal of an internship
12621 license, ~~one hundred dollars (\$100)~~.

12622 (7) For the issuance of a duplicate internship license,
12623 ~~twenty dollars (\$20)~~."

12624 "§34-25-29

12625 (a) (1) Each polygraph examiner's license shall be
12626 issued for ~~the a~~ term ~~of one year and shall~~ determined by the
12627 executive director, unless suspended or revoked, and be



SB224 INTRODUCED

12628 renewed ~~annually~~ as prescribed by the ~~board~~ executive
12629 director. A polygraph examiner whose license has expired ~~may~~
12630 ~~at any time within two months after the expiration,~~ for a time
12631 prescribed by the executive director, may obtain a renewal
12632 license, without examination or late penalty fee, by
12633 submitting a renewal application to the board and satisfying
12634 subdivisions (2), (3), and (4) of subsection (a) of Section
12635 34-25-21. A polygraph examiner whose license has expired, and
12636 who does not apply for renewal ~~within two months following~~
12637 ~~expiration~~ as prescribed, may at any time within ~~three to six~~
12638 ~~months~~ a time period prescribed by the executive director
12639 after the expiration obtain a renewal license, without
12640 examination, by paying a late penalty fee as prescribed by the
12641 ~~board~~ executive director, submitting a renewal application to
12642 the board, and satisfying subdivisions (2), (3), and (4) of
12643 subsection (a) of Section 34-25-21.

12644 (2) However, any polygraph examiner whose license
12645 expired while he or she was in the federal service on active
12646 duty with the Armed Forces of the United States, or the
12647 National Guard called into service or training, or in training
12648 or education under the supervision of the United States
12649 preliminary to induction into the military service, may have
12650 his or her license renewed, without examination or late
12651 penalty fee, if within six months after termination of such
12652 service, training, or education, except under conditions other
12653 than honorable, he or she furnishes the board with an
12654 affidavit to the effect that he or she has been so engaged and
12655 that his or her service, training, or other education has been



SB224 INTRODUCED

12656 terminated. Subdivisions (2), (3), and (4) of subsection (a)
12657 of Section 34-25-21 shall also be satisfied.

12658 (b) The board shall adopt a program of continuing
12659 education for its licensees not later than October 1, 1993,
12660 and after that date no licensee shall have his or her active
12661 license renewed unless, in addition to any other requirements
12662 of this chapter, the minimum continuing annual education
12663 requirements are met. It is further provided that this
12664 continuing education program may not include testing or
12665 examination of the licensees in any manner."

12666 Section 35. Relating to the Alabama Board of Examiners
12667 in Psychology; to amend Sections 34-26-21, 34-26-22, 34-26-41,
12668 34-26-43, 34-26-43.1, 34-26-47, and 34-26-64 of the Code of
12669 Alabama 1975, to read as follows:

12670 "§34-26-21

12671 (a) (1) There is created the Alabama Board of Examiners
12672 in Psychology ~~to~~. Commencing on October 1, 2026, the board
12673 shall be subject to the leadership, support, and oversight of
12674 the Executive Director of the Office of Occupational and
12675 Professional Licensing pursuant to Chapter 2B of Title 25. The
12676 board shall consist of eight persons who are residents of this
12677 state, who shall be inclusive and reflect the racial, gender,
12678 geographic, urban, rural, and economic diversity of the state,
12679 and who shall be appointed by the Governor as follows:

12680 a. One member shall be a member of the faculty of an
12681 accredited college or university in the state with the rank of
12682 assistant professor or above who is primarily engaged in
12683 teaching, research, or administration of psychology and is a



SB224 INTRODUCED

12684 psychologist licensed under this chapter.

12685 b. Five members shall be psychologists licensed under
12686 this chapter.

12687 c. One member shall be a psychological technician
12688 licensed under this chapter.

12689 d. One member shall be a member of the general public.

12690 (2) The board shall perform those duties and exercise
12691 those powers prescribed in this chapter. No member of the
12692 board shall be liable to civil action for any act performed in
12693 good faith in the performance of his or her duty pursuant to
12694 this chapter. Vacancies shall be filled for any unexpired
12695 term, and members shall serve until their successors are
12696 appointed and have qualified.

12697 In nominating candidates to fill vacancies on the
12698 board, nominating authorities shall coordinate their
12699 appointments to assure board membership is inclusive and
12700 reflects the racial, gender, geographic, urban, rural, and
12701 economic diversity of the state without regard to political
12702 affiliation.

12703 (3) Board members shall not serve more than two
12704 consecutive terms of office. Not later than October 1 of each
12705 year the executive council of the Alabama Psychological
12706 Association, or of its successor organization, shall submit to
12707 the Governor the names of two qualified candidates for the
12708 position of the board to be vacated by reason of expiration of
12709 term of office. From the two candidates the Governor shall
12710 appoint one member not later than January 1 to serve on the
12711 board for a term of five years. With the exception of the



SB224 INTRODUCED

12712 member appointed from the general public, other vacancies
12713 occurring in the board shall be filled for the unexpired term
12714 by appointment of the Governor from two qualified candidates
12715 for each vacancy submitted within 30 days after the vacancy
12716 occurs by the executive council of the association, or by its
12717 successor organization. Those appointments shall be made by
12718 the Governor within 30 days after the candidates' names have
12719 been submitted. If the association, or its successor
12720 organization, fails to furnish the Governor with the list of
12721 persons eligible for appointment to the board, the Governor
12722 shall appoint any qualified members of the profession of
12723 psychology to the vacant position on the board.

12724 (b) The Governor shall appoint, for a five-year term of
12725 office, a member of the general public who is a resident of
12726 Alabama not licensed by the board, and whose spouse, if
12727 married, is not licensed by the board. Vacancies for unexpired
12728 terms of the general public member shall be filled by the
12729 Governor. Successor public members shall be appointed by the
12730 Governor.

12731 (c) To fill the psychological technician position on
12732 the board, the Executive Council of the Alabama Psychological
12733 Association, or its successor organization, shall select two
12734 names to be submitted to the Governor by October 1 prior to
12735 the expiration of the term. On or before the immediately
12736 following January 1, the Governor shall appoint one of the two
12737 names submitted to serve in the psychological technician
12738 position on the board for a term of five years.

12739 (d) Any board members may be removed by the Governor



SB224 INTRODUCED

12740 after notice and hearing for incompetence, neglect of duty,
12741 malfeasance in office, or moral turpitude.

12742 (e) Immediately before entering public duties of the
12743 office, the members of the board shall take the constitutional
12744 oath of office and shall file the oath in the Office of the
12745 Governor, who upon receiving the oath shall issue to each
12746 member a certificate of appointment. The board shall have
12747 available for the Governor or his or her representative
12748 detailed reports on proceedings and shall make annual reports
12749 in the form required by the Governor.

12750 (f) The board shall elect annually a chair and
12751 vice-chair. ~~Each member shall receive the same per diem and~~
12752 ~~travel allowance paid to state employees for each day's~~
12753 ~~attendance at an official meeting of the board.~~ The board
12754 shall hold at least one regular meeting each year. Additional
12755 meetings may be held at the discretion of the chair or at the
12756 written request of any two members of the board. The board
12757 shall adopt a seal which shall be affixed to all licenses
12758 issued by the board. The board shall from time to time adopt
12759 rules and regulations necessary for the performance of its
12760 duties. Four members of the board shall constitute a quorum.
12761 ~~The board may hire any assistants necessary to carry on its~~
12762 ~~activities within the limit of funds available to the board.~~
12763 The board may accept grants from foundations, individuals, and
12764 institutions to carry on its functions."

12765 "§34-26-22

12766 (a) The Board of Examiners in Psychology shall have
12767 authority to administer oaths, to summon witnesses and to take



SB224 INTRODUCED

12768 testimony in all matters relating to its duties. The board
12769 shall be the sole agency in this state empowered to certify
12770 concerning competence in the practice of psychology and the
12771 sole board empowered to recommend licensure for the practice
12772 of psychology. The board shall have the power to recognize
12773 areas of specialization for practice and supervision, and to
12774 ensure through rules and regulations and enforcement that
12775 licensees limit their practice to demonstrated areas of
12776 competence as documented by relevant professional education,
12777 training, and experience. No individual shall be issued a
12778 license for the practice of psychology who has not been
12779 previously certified at the appropriate level of practice by
12780 the board. The board shall certify as competent to practice
12781 psychology or as competent to practice as a psychological
12782 technician all persons who shall present satisfactory evidence
12783 of attainments and qualifications under provisions of this
12784 chapter and the rules and regulations of the board. The
12785 certification shall be signed by the chair of the board under
12786 the adopted seal of the board. The chair shall, under the
12787 direction of the board, aid the district attorneys in the
12788 enforcement of this chapter and the prosecutions of all
12789 persons charged with the violation of its provisions.

12790 Psychologists and psychological technicians licensed by the
12791 board shall be required to submit ~~annually~~ to the board a
12792 completed registration renewal fee, ~~not exceeding five hundred~~
12793 ~~dollars (\$500)~~, as determined by the ~~board~~ executive director.
12794 The list of licensed psychologists and licensed psychological
12795 technicians shall be made available to interested individuals



SB224 INTRODUCED

12796 or organizations at a nominal charge.

12797 (b) A psychology license issued by the board shall
12798 expire ~~on October 15,~~ at a time determined by the executive
12799 director and shall be renewed ~~annually~~ upon the satisfaction
12800 of continuing education requirements and payment of the
12801 renewal fee. Failure to comply with all requirements for
12802 renewal within the time period prescribed by the ~~board~~
12803 executive director shall result in a lapsed license. Failure
12804 to satisfy all requirements for reactivation of an inactive
12805 license shall result in a lapsed license. A psychologist may
12806 have his or her lapsed license reinstated upon the payment of
12807 all accrued annual fees and late penalties and satisfaction of
12808 all requirements established by rule of the board. If a
12809 psychologist is alleged to have violated any of the
12810 prohibitions on professional conduct provided in this chapter,
12811 the board, upon a hearing and proof of the violation, may deny
12812 reinstatement of the license or prohibit the psychologist from
12813 applying for reinstatement.

12814 (c) The board shall implement requirements through its
12815 rules and regulations that licensees shall engage in ~~annual~~
12816 continuing education activities other than individual study to
12817 renew the license to practice. Continuing education activities
12818 shall be relevant to the practice of psychology or applicable
12819 within the practice of psychology. The board may charge a
12820 reasonable fee to register and keep records of licensees'
12821 continuing education credits.

12822 (d) The board may promulgate and adopt rules and
12823 regulations as are necessary to implement the requirements of



SB224 INTRODUCED

12824 this chapter. The rules and regulations shall be adopted
12825 pursuant to the state administrative procedure statutes."

12826 "§34-26-41

12827 (a) (1) Any person wishing to obtain the right to
12828 practice as a psychologist or psychological technician in this
12829 state, who has not heretofore been licensed to do so, shall,
12830 before it shall be lawful for him or her to practice as a
12831 psychologist or psychological technician in this state, make
12832 application to the Board of Examiners in Psychology through
12833 the chair upon such form and in such manner as prescribed by
12834 the ~~board~~ executive director.

12835 (2) Unless a person has first obtained a valid license
12836 as aforesaid, it shall be unlawful and a violation of this
12837 chapter for him or her to practice.

12838 (b) A candidate for licensure as a psychologist shall
12839 furnish the board with satisfactory evidence of all of the
12840 following:

12841 (1) He or she is of good moral character.

12842 (2) He or she is at least 19 years of age.

12843 (3) He or she has received a doctorate degree from a
12844 department of, or school of, psychology, from an educational
12845 institution accredited and recognized by national and regional
12846 accrediting agencies as maintaining satisfactory standards.

12847 (4) He or she is competent in psychology as shown by
12848 passing such examinations, written or oral, or both, as the
12849 board will prescribe, unless exempted pursuant to subsection
12850 (e).

12851 (5) He or she is not engaged in unethical practice as



SB224 INTRODUCED

12852 defined in the Code of Ethics of the American Psychological
12853 Association.

12854 (6) He or she has not within the preceding six months
12855 failed an examination given by the board.

12856 (c) The board may issue a license to any person who is
12857 a licensed psychologist of another state, and who applies to
12858 the board, provided the licensee of another state shall
12859 furnish the board with satisfactory evidence of all of the
12860 following:

12861 (1) He or she is of good moral character, and holds his
12862 or her license in good standing from another state.

12863 (2) He or she is at least 19 years of age.

12864 (3) He or she has received a doctorate degree in
12865 psychology from an educational institution accredited and
12866 recognized by national and regional accrediting agencies as
12867 maintaining satisfactory standards or, in lieu of a doctorate
12868 degree in psychology, a doctorate degree in a closely allied
12869 field, if the training received therefor is substantially
12870 similar to that required of doctorates obtained from
12871 departments of psychology.

12872 (4) He or she is competent in psychology as shown by
12873 the passing of an examination, unless exempted pursuant to
12874 subsection (e), substantially equivalent to the examinations
12875 prescribed in subsection (a), or by the passing of a
12876 recognized national examination in psychology.

12877 (5) He or she is not engaged in unethical practice as
12878 defined in the Code of Ethics of the American Psychological
12879 Association.



SB224 INTRODUCED

12880 (6) He or she has practiced psychology in another state
12881 at least four consecutive years prior to application.

12882 (7) That the other state under which he or she is
12883 licensed gives similar recognition and reciprocal licensing to
12884 licensed psychologists of this state.

12885 (d) (1) The board shall accept the Certificate of
12886 Professional Qualification (CPQ) in psychology issued by the
12887 Association of State and Provincial Psychology Boards (ASPPB),
12888 or its successor organization, or board certification by the
12889 American Board of Professional Psychology (ABPP) as evidence
12890 that the applicant, who has not within the preceding six
12891 months failed an examination given by the board, has met the
12892 requirements for licensure.

12893 (2) The applicant shall submit all of the following to
12894 the board:

12895 a. An application for licensure and the corresponding
12896 licensure fee.

12897 b. Verification forms from the jurisdictions of
12898 licensure, verifying that licensure is current and in good
12899 standing.

12900 c. A verification form from the ASPPB or from the ABPP.

12901 (3) All applicants under this subsection shall
12902 successfully pass any local jurisdictional examinations. The
12903 board may deny licensure to any applicant who has had
12904 disciplinary action taken against him or her by any licensing
12905 authority or professional organization or who has a record
12906 that discloses any other matter that puts in question his or
12907 her competency to practice.



SB224 INTRODUCED

12908 (e) The board shall issue a license to any applicant
12909 with a doctoral degree in psychology who is otherwise
12910 qualified pursuant to subsections (a) and (b), who is licensed
12911 in at least two states and who has passed a recognized
12912 national exam.

12913 (f) An individual who possesses a valid license to
12914 practice psychology independently at the doctoral level, by
12915 any jurisdiction recognized by the Association of State and
12916 Provincial Psychology Boards, may practice psychology in
12917 Alabama for no more than 30 days each calendar year without
12918 applying for a license to practice psychology in Alabama,
12919 unless otherwise exempted pursuant to this chapter. This
12920 authority to practice does not apply to a psychologist who has
12921 been denied licensure in Alabama, is a legal resident of
12922 Alabama, or intends to practice full-time or a major portion
12923 of his or her time in Alabama.

12924 (g) An individual licensed to practice psychology in
12925 another jurisdiction, who is providing services in response to
12926 a declared disaster or state of emergency, may practice
12927 psychology in this jurisdiction for no more than 60 days per
12928 year, without applying for a license, upon proper notification
12929 as required by board rule.

12930 (h) A candidate for licensure as a psychological
12931 technician shall furnish the board with satisfactory evidence
12932 of all of the following:

- 12933 (1) He or she is of good moral character.
- 12934 (2) He or she is at least 19 years of age.
- 12935 (3) He or she has a master's degree in psychology from



SB224 INTRODUCED

12936 a regionally accredited institution of higher education, or
12937 has completed the equivalent of a master's degree from an
12938 American Psychological Association accredited doctoral program
12939 in psychology, as determined by the board. Educational
12940 requirements are provided in Section 34-26-65.

12941 (4) Is competent as a psychological technician, as
12942 shown by passing examinations, written or oral, or both, as
12943 prescribed by the board.

12944 (5) Is not engaged in unethical practice as defined in
12945 the most recent version of the Code of Ethics of the American
12946 Psychological Association.

12947 (6) Has not within the preceding six months failed an
12948 examination given by the board.

12949 (i) A psychologist or psychological technician licensee
12950 may request that the board designate his or her license as
12951 inactive at any time before the date of renewal. There shall
12952 be paid to the board by each licensee requesting inactive
12953 status a fee, ~~not exceeding five hundred dollars (\$500),~~ as
12954 set by ~~rule of the board~~ executive director. There shall be
12955 paid to the board by each licensee requesting annual
12956 continuation of inactive status a fee, not exceeding five
12957 hundred dollars (\$500), as set by rule of the board. No part
12958 of any fee paid to the board shall be returnable under any
12959 circumstances. Granting inactive status to a licensee revokes
12960 all privileges associated with licensure under this chapter
12961 until reactivation is requested by the licensee. Procedures
12962 for reactivating an inactive license shall be established by
12963 rule of the board."



SB224 INTRODUCED

12964 "§34-26-43

12965 There shall be paid to the board by each applicant for
12966 a permanent license to practice as a psychologist or a
12967 psychological technician a fee ~~not to exceed five hundred~~
12968 ~~dollars (\$500)~~, as set by ~~board rule~~ the executive director.
12969 No part of any fee shall be returnable under any circumstance.
12970 All fees collected in this manner plus renewal fees as
12971 outlined in Section 34-26-22 and all gifts or grants shall be
12972 deposited ~~in the State Treasury to the credit of the board.~~
12973 ~~Vouchers in payment of expenses shall be drawn on the state~~
12974 ~~Comptroller signed by the chair or executive officer of the~~
12975 ~~board~~ into the Occupational and Professional Licensing Fund."

12976 "§34-26-43.1

12977 (a) The Board of Examiners in Psychology shall charge
12978 each candidate for licensure as a psychologist or
12979 psychological technician a fee set by the executive director
12980 sufficient to cover the entire actual costs of the examination
12981 of the applicant as well as the cost of criminal history and
12982 civil background checks of the applicant.

12983 (b) Applicants for licensure as a psychologist or
12984 psychological technician shall submit to a criminal history
12985 background check.

12986 (c) The applicant shall provide fingerprints and shall
12987 execute a criminal history information release using forms
12988 provided to the applicant by the board.

12989 (d) The applicant is responsible for having his or her
12990 fingerprints made.

12991 (e) The applicant shall provide to the board office his



SB224 INTRODUCED

12992 or her completed fingerprint cards, along with a cashier's
12993 check or money order made payable to the Alabama State Law
12994 Enforcement Agency (ALEA) in the amount sufficient to cover
12995 the actual cost of the background check. The board shall
12996 submit the fingerprint cards to ALEA.

12997 (f) ALEA shall be responsible for forwarding
12998 applicants' fingerprints to the Federal Bureau of
12999 Investigation for a national criminal history record check.

13000 (g) Information received by the board pursuant to a
13001 criminal history background check shall be confidential and
13002 shall not be a public record, except that such information
13003 received by and relied upon by the board in denying the
13004 issuance of a certificate of qualification may be disclosed as
13005 may be necessary to support the denial."

13006 "§34-26-47

13007 (a) The board may not recommend suspension or
13008 revocation of licensure or refuse to issue or to renew any
13009 license for any cause listed in Section 34-26-46 unless the
13010 person accused has been given at least 30 days' notice in
13011 writing of the charge against him or her and a public hearing
13012 by the board. The written notice shall be mailed to the
13013 person's last known address, but the nonappearance of the
13014 person shall not prevent such a hearing. Upon such a hearing
13015 the board may administer oath and procure by its subpoenas the
13016 attendance of witness and the production of relevant books and
13017 papers.

13018 (b) At least one member of the board shall be present
13019 at all times during a hearing, deliberation, and action



SB224 INTRODUCED

13020 thereon. A board member who has assisted with an investigation
13021 of a complaint may not vote on the disciplinary action to be
13022 taken relating to the complaint. ~~A hearing officer appointed~~
13023 ~~by the Attorney General shall act as the hearing officer for~~
13024 ~~the purpose of ruling on motions, evidence, and other like~~
13025 ~~matters."~~

13026 "§34-26-64

13027 Minimum supervision requirements are as follows:

13028 (1) LEVEL I. For a psychological technician with less
13029 than two calendar years of supervised practice as a licensed
13030 psychological technician, consisting of at least 3,000 hours
13031 of supervised practice, minimum supervision shall be provided
13032 as follows:

13033 a. If the number of hours per month spent engaging in
13034 activities requiring supervision is one to 20, inclusive, the
13035 number of required hours of supervision per month shall be
13036 two.

13037 b. If the number of hours per month spent engaging in
13038 activities requiring supervision is 21 to 30, inclusive, the
13039 number of required hours of supervision per month shall be
13040 three.

13041 c. If the number of hours per month spent engaging in
13042 activities requiring supervision is 31 to 40, inclusive, the
13043 number of required hours of supervision per month shall be
13044 four.

13045 d. If the number of hours per month spent engaging in
13046 activities requiring supervision is 41 to 60, inclusive, the
13047 number of required hours of supervision per month shall be



SB224 INTRODUCED

13048 five.

13049 e. If the number of hours per month spent engaging in
13050 activities requiring supervision is 61 or greater, the number
13051 of required hours of supervision per month shall be six.

13052 (2)a. LEVEL II. For a psychological technician with a
13053 minimum of two calendar years of supervised practice as a
13054 licensed psychological technician, consisting of at least
13055 3,000 hours of supervised practice, minimum supervision shall
13056 be provided as follows:

13057 1. If the number of hours per month spent engaging in
13058 activities requiring supervision is one to 20, inclusive, the
13059 number of required hours of supervision per month shall be
13060 one.

13061 2. If the number of hours per month spent engaging in
13062 activities requiring supervision is 21 to 60, inclusive, the
13063 number of required hours of supervision per month shall be
13064 two.

13065 3. If the number of hours per month spent engaging in
13066 activities requiring supervision is 61 to 100, inclusive, the
13067 number of required hours of supervision per month shall be
13068 three.

13069 4. If the number of hours per month spent engaging in
13070 activities requiring supervision is 101 or greater, the number
13071 of required hours of supervision per month shall be four.

13072 b. To be approved by the board for Level II
13073 supervision, a psychological technician shall do all of the
13074 following:

13075 1. Make application to the board on an application form



SB224 INTRODUCED

13076 provided by the ~~board~~ executive director.

13077 2. Have received at least one calendar year of
13078 supervision from his or her most recent supervisor.

13079 3. Provide a written recommendation from his or her
13080 most recent supervisor for this level of supervision and
13081 letters from all available previous supervisors.

13082 (3)a. LEVEL III. For a psychological technician with a
13083 minimum of seven calendar years of supervised practice as a
13084 licensed psychological technician, consisting of at least
13085 10,500 hours of supervised practice, minimum supervision shall
13086 be provided as follows:

13087 1. If the number of hours per month spent engaging in
13088 activities requiring supervision is one to 50, inclusive, the
13089 number of required hours of supervision per month shall be
13090 one.

13091 2. If the number of hours per month spent engaging in
13092 activities requiring supervision is 51 or greater, the number
13093 of required hours of supervision per month shall be two.

13094 b. To be approved by the board for Level III
13095 supervision, a psychological technician shall do all of the
13096 following:

13097 1. Make application to the board on an application form
13098 provided by the ~~board~~ executive director.

13099 2. Have received at least one calendar year of
13100 supervision from his or her most recent supervisor.

13101 3. Provide a written recommendation from his or her
13102 most recent supervisor for this level of supervision and
13103 letters from all available previous supervisors.



SB224 INTRODUCED

13104 (4)a. Prior to September 1, 2000, a licensed
13105 psychological technician with a minimum of two calendar years
13106 of supervised practice, consisting of at least 3,000 hours of
13107 supervised practice by a licensed psychologist, may apply for
13108 Level II supervision status.

13109 b. To be approved by the board for this Level II
13110 supervision status, a psychological technician shall do all of
13111 the following:

13112 1. Make application to the board on an application form
13113 provided by the ~~board~~ executive director.

13114 2. Have received at least one calendar year of
13115 supervision from his or her most recent supervisor.

13116 3. Provide a written recommendation from his or her
13117 most recent supervisor for this level of supervision and
13118 letters from all available previous supervisors.

13119 (5) Contract and report forms shall be provided by the
13120 board."

13121 Section 36. Relating to the Alabama State Board of
13122 Respiratory Therapy; to amend Sections 34-27B-2, 34-27B-3,
13123 34-27B-4, 34-27B-5, 34-27B-6, and 34-27B-7 of the Code of
13124 Alabama 1975, to read as follows:

13125 "§34-27B-2

13126 As used in this chapter, the following terms ~~shall~~ have
13127 the following meanings:

13128 (1) BOARD. The Alabama State Board of Respiratory
13129 Therapy.

13130 (2) DIRECT CLINICAL SUPERVISION. A situation where a
13131 licensed respiratory therapist or physician is available for



SB224 INTRODUCED

13132 the purpose of communication, consultation, and assistance.

13133 (3) EXECUTIVE DIRECTOR. The Executive Director of the
13134 Office of Occupational and Professional Licensing as defined
13135 in Section 25-2B-1.

13136 ~~(3)~~ (4) HEALTHCARE FACILITY. The definition shall be the
13137 same as in Section 22-21-260.

13138 ~~(4)~~ (5) MEDICALLY APPROVED PROTOCOL. A detailed plan for
13139 taking specific diagnostic or treatment actions, or both,
13140 authorized by the treating physician of the patient, all of
13141 which actions shall be:

13142 a. In a hospital or other inpatient health care
13143 facility, approved by the supervising physician of the
13144 respiratory therapist or in an outpatient treatment setting
13145 approved by the supervising physician of the respiratory
13146 therapist.

13147 b. Except in cases of medical emergency, instituted
13148 following an evaluation of the patient by a physician or
13149 otherwise directed by the supervising physician of the
13150 respiratory therapist.

13151 c. Consistent with the definition of the scope of
13152 practice of respiratory therapy, as established by this
13153 chapter.

13154 ~~(5)~~ (6) PHYSICIAN. A person who is a doctor of medicine
13155 or a doctor of osteopathy licensed to practice in this state.

13156 ~~(6)~~ (7) RESPIRATORY THERAPIST. A person licensed by the
13157 board to administer respiratory therapy and who has the
13158 knowledge and skills necessary to administer respiratory
13159 therapy, monitor patient responses, modify respiratory therapy



SB224 INTRODUCED

13160 based upon patient response, provide information and education
13161 to patients about deficiencies or disorders of the
13162 cardiopulmonary system, and supervise others in the delivery
13163 of appropriate respiratory therapy procedures.

13164 ~~(7)~~ (8) RESPIRATORY THERAPY OR CARE. Therapy,
13165 management, rehabilitation, diagnostic evaluation, and care of
13166 patients with deficiencies and abnormalities of the
13167 cardiopulmonary system and associated aspects of other
13168 systems' functions, given by a health care professional under
13169 the direction of a physician. The term includes, but is not
13170 limited to, the following activities conducted upon written
13171 prescription, verbal order, or medically approved protocol:

13172 a. Direct and indirect pulmonary care services that are
13173 safe, aseptic, preventive, or restorative to the patient.

13174 b. Direct and indirect respiratory therapy services,
13175 including, but not limited to, the administration of
13176 pharmacologic, diagnostic, and therapeutic agents related to
13177 respiratory therapy procedures necessary to implement a
13178 treatment, disease prevention, pulmonary rehabilitative, or
13179 diagnostic regimen prescribed by a physician.

13180 c. Observation and monitoring of signs and symptoms,
13181 general behavior, and general physical response to respiratory
13182 therapy treatment and diagnostic testing and determination of
13183 whether such signs, symptoms, reactions, behavior, or general
13184 responses exhibit abnormal characteristics and implementation,
13185 based on observed abnormalities, of appropriate reporting or
13186 referral practices or prescribed and medically approved
13187 respiratory therapy protocols or appropriate changes in a



SB224 INTRODUCED

13188 treatment regimen, pursuant to a prescription by a physician,
13189 or the initiation of emergency procedures.

13190 d. The diagnostic and therapeutic use of any of the
13191 following, in accordance with the prescription of a physician:

13192 1. Administration of medical gases, exclusive of
13193 general anesthesia.

13194 2. Aerosols.

13195 3. Humidification.

13196 4. Environmental control systems and hyperbaric
13197 therapy.

13198 5. Pharmacologic agents related to respiratory therapy
13199 procedures.

13200 6. Mechanical or physiological ventilatory support.

13201 7. Bronchopulmonary hygiene.

13202 8. Cardiopulmonary resuscitation.

13203 9. Maintenance of the natural airways.

13204 10. Insertion without cutting tissues and maintenance
13205 of artificial airways.

13206 11. Diagnostic and testing techniques required for
13207 implementation of respiratory therapy protocols.

13208 12. Collections of specimens of blood and other body
13209 fluids including specimens from the respiratory tract.

13210 13. Collection of inspired and expired gas samples.

13211 14. Analysis of blood, gases, and respiratory
13212 secretions.

13213 15. Measurements of ventilatory volumes, pressures, and
13214 flows.

13215 16. Pulmonary function testing.



SB224 INTRODUCED

13216 17. Hemodynamic and other related physiologic
13217 measurements of the cardiopulmonary system.

13218 18. Respiratory telecommunications.

13219 19. Cardiopulmonary disease management.

13220 20. Tobacco cessation.

13221 e. The transcription and implementation of the written
13222 and verbal orders of a physician pertaining to the practice of
13223 respiratory therapy.

13224 f. Institution of known and medically approved
13225 protocols relating to respiratory therapy in emergency
13226 situations in the absence of immediate direction by a
13227 physician and institution of specific procedures and
13228 diagnostic testing related to respiratory therapy as ordered
13229 by a physician to assist in diagnosis, monitoring, treatment,
13230 and medical research.

13231 g. Delivery of respiratory therapy procedures,
13232 instruction, and education of patients in the proper methods
13233 of self-care and prevention of cardiopulmonary diseases and
13234 other conditions requiring the use of respiratory therapy
13235 equipment or techniques."

13236 "§34-27B-3

13237 (a) Except as provided in Section 34-27B-7, no person
13238 shall hold himself or herself out to be, or function as, a
13239 respiratory therapist in this state unless licensed in
13240 accordance with this chapter.

13241 (b) In order to obtain a respiratory therapist license,
13242 an applicant shall demonstrate to the board that he or she is
13243 a citizen of the United States or, if not a citizen of the



SB224 INTRODUCED

13244 United States, a person who is legally present in the United
13245 States with appropriate documentation from the federal
13246 government, at least 18 years of age, is a high school
13247 graduate, or has the equivalent of a high school diploma, and
13248 meets one of the following requirements:

13249 (1) Holds credentials as a registered respiratory
13250 therapist (RRT) or a certified respiratory therapist (CRT), as
13251 granted by the National Board for Respiratory Care or its
13252 successor organization.

13253 (2) Holds a temporary license issued under subsection
13254 (d) of Section 34-27B-7 and passes the examination leading to
13255 the CRT or RRT credential.

13256 (3) Has a valid respiratory therapist license from
13257 another state, the District of Columbia, or a territory of the
13258 United States, whose requirements for licensure are considered
13259 by the board as substantially similar to those of Alabama and
13260 who otherwise meets the reciprocity requirements established
13261 by the board.

13262 (4) Meets the requirements of subdivision (2) of
13263 subsection (d) of Section 34-27B-7.

13264 (5) Has been approved by the board as otherwise
13265 qualified by special training and has passed the licensure
13266 examination established by the board in subsection (c).

13267 (c) The ~~board~~ executive director shall arrange for the
13268 administration of a licensure examination administered by the
13269 state or a national agency approved by the board. The
13270 examination shall be validated and nationally recognized as
13271 testing respiratory care competencies. The board may enter



SB224 INTRODUCED

13272 into agreements or contracts, consistent with state law, with
13273 outside organizations for the purpose of developing,
13274 administering, grading, and reporting the results of licensure
13275 examinations. Such organizations shall be capable of meeting
13276 the standards of the National Commission for Health Certifying
13277 Agencies, or its equivalent or successor organization. The
13278 board shall establish criteria for satisfactory performance on
13279 the examination."

13280 "§34-27B-4

13281 The board shall perform the following functions:

13282 (1) ~~Set~~ Collect respiratory therapy licensure fees set
13283 by the executive director, including, but not limited to,
13284 application, initial, renewal, and reinstatement fees.

13285 (2) Establish and publish minimum standards of
13286 continuing education of respiratory therapy in accordance with
13287 those standards developed and accepted by the profession.

13288 (3) Examine for, approve, deny, revoke, suspend, and
13289 renew licensure of duly qualified applicants.

13290 (4) Promulgate and publish rules in accordance with the
13291 Administrative Procedure Act to administer this chapter.

13292 (5) Conduct hearings on charges calling for the denial,
13293 suspension, revocation, or refusal to renew a license.

13294 (6) Maintain an up-to-date list of every person
13295 licensed to practice respiratory therapy pursuant to this
13296 chapter. The list shall include the last known place of
13297 residence and the state license number of the licensee.

13298 (7) Maintain an up-to-date list of persons whose
13299 licenses have been suspended, revoked, or denied. The list



SB224 INTRODUCED

13300 shall include the name, Social Security number, type, date,
13301 and cause of action, penalty incurred, and the length of the
13302 penalty. The information on the list, except for Social
13303 Security numbers, shall be available for public inspection
13304 during reasonable business hours and the information may be
13305 shared with others as deemed necessary and acceptable by the
13306 board."

13307 "§34-27B-5

13308 (a) (1) The Alabama State Board of Respiratory Therapy
13309 is created to implement and administer this chapter ~~and~~.
13310 Commencing on October 1, 2026, the board shall be subject to
13311 the leadership, support, and oversight of the Executive
13312 Director of the Office of Occupational and Professional
13313 Licensing pursuant to Chapter 2B of Title 25.

13314 (2) The board shall be composed of six members
13315 appointed by the Governor. Three of the members shall be
13316 respiratory therapists, one member shall be the chief
13317 executive officer of a hospital, one member shall be a
13318 physician, and one member shall be a consumer.

13319 ~~(2)~~ (3) The respiratory therapist members of the board
13320 appointed by the Governor shall be selected from a list of
13321 names submitted by the Alabama Society for Respiratory Care.
13322 The list shall include two names for each appointed position
13323 to be filled. The respiratory therapist members appointed to
13324 the board shall be registered or certified by the National
13325 Board for Respiratory Care or its successor organization.
13326 Respiratory therapists appointed to the initial board must be
13327 eligible to obtain a license under this chapter. Respiratory



SB224 INTRODUCED

13328 therapists selected for subsequent appointments must be
13329 licensed by the state.

13330 ~~(3)~~ (4) The hospital member shall be selected from a
13331 list of two names submitted by the Alabama Hospital
13332 Association.

13333 ~~(4)~~ (5) The physician member appointed shall be duly
13334 licensed to practice medicine in Alabama and shall be a member
13335 of at least one of the following: The American Thoracic
13336 Society, the American College of Chest Physicians, the
13337 American Society of Anesthesiologists, or the American Academy
13338 of Pediatrics. The physician member of the board appointed by
13339 the Governor shall be selected from a list of two names
13340 submitted by the Medical Association of the State of Alabama.

13341 ~~(5)~~ (6) The consumer member appointed by the Governor
13342 shall be selected from one of the names submitted by the
13343 Alabama Cystic Fibrosis Association, the Alabama Lung
13344 Association, and the Alabama Asthma Coalition. Each entity
13345 shall submit one name for consideration.

13346 (b) All board members shall be residents of Alabama and
13347 all appointing authorities shall coordinate their appointments
13348 so that diversity of gender, race, and geographical areas is
13349 reflective of the makeup of this state.

13350 (c) The Governor shall make the appointments for all
13351 positions for members of the board within 90 days of the date
13352 the position becomes available, including initial
13353 appointments, vacancies, and replacements at the end of the
13354 term of service.

13355 (d) Members of the board shall have the same immunities



SB224 INTRODUCED

13356 from personal liability as state employees for actions taken
13357 in the performance of their official duties.

13358 (e) The term of office of those members first appointed
13359 shall be as follows: Two respiratory therapists and the
13360 hospital member, as determined by the Governor, shall serve
13361 for terms of two years, and one respiratory therapist and the
13362 physician member shall serve for terms of four years.

13363 Thereafter, the term of all members, including the consumer
13364 member, shall be for four years. No member shall be appointed
13365 for more than three consecutive full terms. A vacancy in an
13366 unexpired term shall be filled in the manner of the original
13367 appointment. The board shall elect a chair and vice chair
13368 annually.

13369 (f) The board shall meet at least twice each year at a
13370 time and place determined by the chair. A majority of the
13371 members of the board shall constitute a quorum for the
13372 transaction of business.

13373 ~~(g) Each member shall serve without compensation, but~~
13374 ~~shall be reimbursed for travel expenses incurred in attendance~~
13375 ~~at meetings of the board and any other expenses incurred on~~
13376 ~~business of the board at its discretion. Board members shall~~
13377 ~~also receive a per diem allowance following the guidelines for~~
13378 ~~state employees. The reimbursement for expenses and per diem~~
13379 ~~shall be paid from funds derived from the Alabama State Board~~
13380 ~~of Respiratory Therapy Fund."~~

13381 "§34-27B-6

13382 ~~There is established a separate special trust fund in~~
13383 ~~the State Treasury to be known as the Alabama State Board of~~



SB224 INTRODUCED

13384 ~~Respiratory Therapy Fund.~~ All funds received by the board
13385 shall be deposited into the ~~fund and shall be expended only to~~
13386 ~~implement and administer this chapter. No monies shall be~~
13387 ~~withdrawn or expended from the fund for any purpose unless the~~
13388 ~~monies have been appropriated by the Legislature and allocated~~
13389 ~~pursuant to this chapter. Any monies appropriated shall be~~
13390 ~~budgeted and allocated pursuant to the Budget Management Act~~
13391 ~~in accordance with Article 4, commencing with Section 41-4-80,~~
13392 ~~of Chapter 4 of Title 41, and only in the amounts provided by~~
13393 ~~the Legislature in the general appropriations act or other~~
13394 ~~appropriations act. Funds shall be disbursed only upon a~~
13395 ~~warrant of the state Comptroller upon itemized vouchers~~
13396 ~~approved by the chair. After the first three full fiscal years~~
13397 ~~from May 17, 2004, and every three years thereafter, if a~~
13398 ~~surplus of funds exists which is greater than two years'~~
13399 ~~operating expense, the funds shall be distributed to the~~
13400 General Occupational and Professional Licensing Fund."

13401 "§34-27B-7

13402 (a) The board shall issue a respiratory therapist
13403 license to any person who meets the qualifications required by
13404 this chapter and who pays the license fee established herein.

13405 (b) Any person who is issued a license as a respiratory
13406 therapist under this chapter may use the words "licensed
13407 respiratory therapist" or the letters "LRT" in connection with
13408 his or her name to denote his or her license.

13409 (c) A license issued under this chapter shall be
13410 subject to ~~biennial~~ renewal as prescribed by the executive
13411 director.



SB224 INTRODUCED

13412 (d) (1) The board may issue a ~~six-month~~ temporary
13413 license as a respiratory therapist to persons who have
13414 graduated from a respiratory therapy educational program
13415 accredited by the Council on Allied Health Education Programs
13416 (CAHEP) in collaboration with the Committee on Accreditation
13417 for Respiratory Care (CoARC), or their successor
13418 organizations, and who have applied for and are awaiting
13419 competency examination. The temporary license shall be
13420 renewable only once for ~~an additional six-month~~ a time period
13421 prescribed by the executive director if the applicant fails
13422 the examination. Exceptions may be made at the discretion of
13423 the board based upon an appeal identifying extenuating
13424 circumstances. The holder of a temporary license may only
13425 provide respiratory therapy or care activities, services, and
13426 procedures as defined in Section 34-27B-2 under the direct
13427 clinical supervision of a licensed respiratory therapist or
13428 physician.

13429 (2) The board shall grant a license as a respiratory
13430 therapist to other persons who do not meet the qualifications
13431 for licensure pursuant to Section 34-27B-3, but who, on the
13432 effective date of the adoption of the rules and regulations of
13433 the board, are currently employed in the administration of
13434 respiratory therapy under the direction of a physician in the
13435 State of Alabama. The opportunity to apply for a respiratory
13436 therapy license issued under this subdivision shall expire 365
13437 days after implementation of the rules of the board. Holders
13438 of these licenses shall be eligible to renew their licenses as
13439 are any other licensed respiratory therapists under this



SB224 INTRODUCED

13440 chapter."

13441 Section 37. Relating to the Alabama Board of Social
13442 Work Examiners; to amend Sections 34-30-1, 34-30-3, 34-30-6,
13443 34-30-22, 34-30-25, 34-30-26, 34-30-27, 34-30-50, 34-30-57,
13444 and 34-30-58 of the Code of Alabama 1975, to read as follows:

13445 "§34-30-1

13446 As used in this chapter, the following words and terms
13447 shall have the following meanings:

13448 (1) BOARD. The State Board of Social Work Examiners
13449 established under this chapter.

13450 (2) EXECUTIVE DIRECTOR. The Executive Director of the
13451 Office of Occupational and Professional Licensing as defined
13452 in Section 25-2B-1.

13453 ~~(2)~~ (3) SOCIAL WORK. The professional activity of
13454 helping individuals, groups, or communities enhance or restore
13455 their capacity for social functioning, and of preventing or
13456 controlling social problems altering societal conditions as a
13457 means towards enabling people to attain their maximum
13458 potential.

13459 ~~(3)~~ (4) SOCIAL WORK PRACTICE. The professional
13460 application of social work values, principles, and techniques
13461 to one or more of the following ends: Helping people obtain
13462 tangible services, assessment and opinions, counseling with
13463 individuals, families, and groups, helping communities or
13464 groups provide or improve social and health services, engaging
13465 in research related to those ends and principles, and
13466 administering organizations and agencies engaging in such
13467 practice. The practice of social work requires knowledge of



SB224 INTRODUCED

13468 human development and behavior, of social, economic, and
13469 cultural institutions and of the interaction of all these
13470 factors.

13471 ~~(4)~~ (5) SOCIAL WORK SPECIALTY. A defined area of social
13472 work practice recognized and approved by the Board of Social
13473 Work Examiners.

13474 ~~(5)~~ (6) SOCIAL WORK METHOD. An orderly, systematic mode
13475 of practice and procedure recognized and approved by the Board
13476 of Social Work Examiners. This includes but is not limited to
13477 social casework, social group work, and community
13478 organization.

13479 ~~(6)~~ (7) FULL-TIME SOCIAL WORK. Thirty-five hours per
13480 week.

13481 ~~(7)~~ (8) PART-TIME SOCIAL WORK. At least 10 hours per
13482 week or more, and will be considered equivalent to full-time
13483 social work on a pro rata basis as determined by the board."

13484 "§34-30-3

13485 (a) No individual may engage in the independent
13486 clinical practice of social work unless he or she satisfies
13487 all of the following:

13488 (1) Is licensed under this chapter as an independent
13489 clinical social worker.

13490 (2) Has a doctorate or master's degree from a school of
13491 social work approved, accredited, or in candidacy granted by
13492 the Council on Social Work Education.

13493 (3) Has had two years' full-time or three years'
13494 part-time postgraduate experience under appropriate
13495 supervision in the specified social work method or four years'



SB224 INTRODUCED

13496 full-time or five years' part-time postgraduate experience
13497 under appropriate supervision in the speciality in which the
13498 applicant will practice.

13499 (4) Has passed an examination prepared by the board for
13500 this purpose; except, that prior to the time that an
13501 examination is prepared by the board for this purpose, no
13502 individual who otherwise meets the requirements of this
13503 section will be prohibited from engaging in the private
13504 independent practice of social work.

13505 (5) Has been issued by mail a certified letter of
13506 certification stating his or her qualification for private
13507 independent practice by the board.

13508 (6) Has paid an initial certification fee set by the
13509 ~~board~~ executive director.

13510 (b) The scope of practice of a licensed independent
13511 clinical social worker includes the authority to diagnose and
13512 develop treatment plans. The scope of practice does not
13513 include the diagnosis, treatment, or provision of advice to a
13514 client for problems or complaints relating to conditions
13515 outside the boundaries of the practice of social work.

13516 (c) For the purposes of this section, the terms
13517 "diagnose" and "treatment," whether considered in isolation or
13518 in conjunction with the rules of the board, may not be
13519 construed to permit the performance of any act that a licensed
13520 clinical social worker is not educated or trained to perform
13521 including, but not limited to, any of the following:

13522 (1) Administering and interpreting psychological tests
13523 or intellectual, neuropsychological, personality, or



SB224 INTRODUCED

13524 projective instruments.

13525 (2) Admitting any individual to a hospital for
13526 treatment of any condition that is outside the boundaries of
13527 the practice of social work, as provided in subsection (b).

13528 (3) Treating any individual in a hospital setting
13529 without medical supervision.

13530 (4) Prescribing medicinal drugs.

13531 (5) Authorizing clinical laboratory procedures or
13532 radiological procedures.

13533 (6) Using electroconvulsive therapy.

13534 (d) Nothing in this section shall be construed to
13535 create a requirement that any health benefit plan, group
13536 insurance plan, policy, or contract for health care services
13537 that covers hospital, medical, or surgical expenses, health
13538 maintenance organizations, preferred provider organizations,
13539 medical service organizations, physician-hospital
13540 organizations, or any other individual, firm, corporation,
13541 joint venture, or other similar business entity that pays for,
13542 purchases, or furnishes group health care services to
13543 patients, insureds, or beneficiaries in this state, including
13544 entities created pursuant to Article 6, commencing with
13545 Section 10A-20-6.01 of Chapter 20, Title 10A, provide coverage
13546 or reimbursement for the services described or authorized in
13547 this section.

13548 "§34-30-6

13549 ~~(a)~~ All fees collected pursuant to this chapter shall
13550 be nonrefundable and shall be deposited ~~in the State Treasury~~
13551 ~~to the credit of the Board of Social Work Examiners and shall~~



SB224 INTRODUCED

13552 ~~constitute a separate fund to be disbursed as prescribed in~~
13553 ~~subsection (b) of this section~~ into the Occupational and
13554 Professional Licensing Fund.

13555 ~~(b) For the purpose of carrying out the objects of this~~
13556 ~~chapter, and for the exercise of the powers herein granted,~~
13557 ~~the Board of Social Work Examiners shall have power to direct~~
13558 ~~the disbursement of the separate fund created by subsection~~
13559 ~~(a) of this section, which shall be paid on warrant of the~~
13560 ~~state Comptroller upon certificate or voucher of the secretary~~
13561 ~~of the board, approved by the president or vice-president of~~
13562 ~~the board. No funds shall be withdrawn or expended except as~~
13563 ~~budgeted and allotted according to the provisions of Article 4~~
13564 ~~of Chapter 4 of Title 41, and only in amounts as stipulated in~~
13565 ~~the general appropriation bill. Such amounts shall not exceed~~
13566 ~~the amount in the separate fund established by subsection (a)~~
13567 ~~of this section."~~

13568 "§34-30-22

13569 The State Board of Social Work Examiners shall issue a
13570 license as a "licensed bachelor social worker," a "licensed
13571 master social worker," or a "licensed independent clinical
13572 social worker" to an applicant who satisfies all of the
13573 following requirements:

13574 (1) Is at least 19 years of age.

13575 (2) Has paid an initial examination fee established by
13576 the ~~board~~ executive director.

13577 (3) Has passed an examination prepared by the state
13578 board for that purpose.

13579 (4) Has ascribed to a professional code of ethics



SB224 INTRODUCED

13580 developed and adopted by the board.

13581 (5) Meets all of the following additional requirements
13582 for the level at which they are applying to be licensed:

13583 a. Bachelor social worker:

13584 1. Has a baccalaureate degree from an accredited
13585 college or university including completion of a social work
13586 program. At the end of five years from June 8, 1984,
13587 applicants who then apply shall have a baccalaureate degree
13588 from an accredited college or university, including completion
13589 of a social work program approved, accredited, or in candidacy
13590 granted by the Council on Social Work Education.

13591 2. For a period of six years from May 23, 1977, an
13592 applicant may be licensed who has a baccalaureate degree from
13593 an accredited college or university and has successfully
13594 completed two years of full-time continuous employment in a
13595 social work position under supervision approved by the board;
13596 or

13597 3. Until March 1, 1996, an applicant may be licensed
13598 who has a bachelor's degree in social work or a bachelor's
13599 degree in a human services field such as sociology,
13600 rehabilitation counseling, psychology, and guidance
13601 counseling.

13602 b. Master social worker: Has a Master of Social Work or
13603 a Doctor of Social Work from a college or university approved,
13604 accredited, or in candidacy granted by the Council on Social
13605 Work Education.

13606 c. Independent clinical social worker:

13607 1. Has a Master of Social Work or a Doctor of Social



SB224 INTRODUCED

13608 Work from a college or university approved, accredited, or in
13609 candidacy granted by the Council on Social Work Education.

13610 2. Has had at least two years of post-master or
13611 doctorate experience in the practice of social work under the
13612 supervision of a licensed independent clinical social worker.

13613 (6) Is a United States citizen or, if not a citizen of
13614 the United States, a person who is legally present in the
13615 United States with appropriate documentation from the federal
13616 government."

13617 "§34-30-25

13618 ~~After November 24, 1978, the~~The initial fee for a
13619 license ~~shall be at least \$50~~ and the fee for renewal thereof
13620 shall be ~~at least \$25~~ prescribed by the executive director."

13621 "§34-30-26

13622 (a) All licenses and certificates under this chapter
13623 shall be effective when issued by the State Board of Social
13624 Work Examiners.

13625 (b) All licenses and certificates issued by the board
13626 shall expire ~~on the last day of the month in the calendar year~~
13627 ~~that is exactly two years from the calendar year and month in~~
13628 ~~which the license or certificate is issued~~ as prescribed by
13629 the executive director.

13630 (c) A license or certificate may be renewed by the
13631 payment of the renewal fee set by the ~~board~~ executive director
13632 and by the execution and submission on a form provided by the
13633 ~~board~~ executive director of a sworn statement by the applicant
13634 that his or her license or certificate has been neither
13635 revoked nor currently suspended.



SB224 INTRODUCED

13636 (d) At the time of license renewal, each applicant
13637 shall present satisfactory evidence that in the period since
13638 the license was issued, such applicant has completed the
13639 continuing education requirements specified by the board. At
13640 the time of license renewal, the board may, in its discretion,
13641 waive the continuing education requirement upon a showing by
13642 an applicant that prolonged illness or other extenuating
13643 circumstances prevented completion of such requirements. A
13644 waiver shall not be granted to any applicant twice in
13645 succession.

13646 ~~(e) The application for renewal must be made within 60~~
13647 ~~days after the expiration of the license or the termination of~~
13648 ~~the period of suspension.~~

13649 ~~(f)~~ (e) No licensee shall be denied a license renewal
13650 based on the fact that such licensee has not actively
13651 practiced social work for the previous licensing period,
13652 provided that all licensing renewal fees have been paid to the
13653 board by the licensee.

13654 ~~(g)~~ (f) A licensee under this chapter who is not engaged
13655 in the practice of social work or who does not live in the
13656 state may request, in writing, that the board place his or her
13657 name on the board's inactive roll, thereby granting him or her
13658 inactive status and protecting his or her right to obtain a
13659 license to practice pursuant to subsection (a) at a later time
13660 if he or she wishes to become actively engaged in the
13661 practice.

13662 ~~(h)~~ (g) If, upon receipt of the request as provided in
13663 subsection ~~(g)~~ (f), the board determines that the social



SB224 INTRODUCED

13664 worker shall be permitted to retain his or her initial
13665 registration or certification, the social worker shall pay a
13666 ~~biennial~~ registration fee in such amount as the ~~board, from~~
13667 ~~time to time,~~ executive director shall determine. If a social
13668 worker who has elected inactive status wishes to reenter the
13669 practice, he or she shall make application to the board for
13670 licensure to practice. To ensure competency to practice, the
13671 board, in its rules, shall specify the number of hours of
13672 continuing education the applicant shall obtain before
13673 regaining active status."

13674 "§34-30-27

13675 (a) Individuals licensed under Section 34-30-23 or
13676 Section 34-30-24 shall be exempt from any examination provided
13677 for in Section 34-30-22, subdivision (3).

13678 (b) Any person who meets the following listed
13679 conditions shall be issued a certification as a "licensed
13680 certified social worker" without a written examination by the
13681 State Board of Social Work Examiners; provided, however, that
13682 any person seeking licensure under this section must do so
13683 within one year from April 4, 1988. The conditions to be met
13684 are as follows:

13685 (1) Possess a baccalaureate degree from an accredited
13686 college or university.

13687 (2) Have completed a minimum of six quarter-hours at an
13688 approved graduate school of social work on or before January
13689 1, 1960.

13690 (3) Completed a minimum of six years of full,
13691 continuous employment in a social work position under



SB224 INTRODUCED

13692 supervision approved by the board or seven years of full,
13693 continuous employment with a public or quasi-public agency in
13694 the State of Alabama on or before May 1, 1977.

13695 Any person meeting the above conditions shall, upon
13696 application to the State Board of Social Work Examiners and
13697 the payment of ~~-\$50~~ a fee prescribed by the executive director,
13698 be issued certification as a "licensed certified social
13699 worker"; provided, however, that any person seeking licensure
13700 under this section must do so within one year from the passage
13701 of this amendment.

13702 ~~(c) Any person who holds a Master of Social Work degree~~
13703 ~~or a master's degree in vocational education from an approved~~
13704 ~~college or university, plus one year experience or its~~
13705 ~~equivalent, shall be granted the title of "graduate social~~
13706 ~~worker" if the person has completed the requirements mentioned~~
13707 ~~in this subsection on or before December 30, 1977, upon~~
13708 ~~application to the State Board of Social Work Examiners and~~
13709 ~~the payment of the fee of \$50; provided, however, that any~~
13710 ~~person seeking licensure under this section must do so within~~
13711 ~~one year from the passage of this amendment.~~

13712 ~~(d)~~ (c) Notwithstanding the aforementioned provisions of
13713 this chapter, any person who has been previously licensed
13714 under subsection (b) ~~or (c) of this section~~ and who allows his
13715 or her license to expire and does not renew his or her license
13716 during the time period provided in Section 34-30-26, shall no
13717 longer be exempt from any examination provided for in Section
13718 34-30-22(3); but instead must take the examination in order to
13719 be licensed under Section 34-30-23 or Section 34-30-24."



SB224 INTRODUCED

13720 "§34-30-50

13721 (a) (1) There is created an Alabama Board of Social Work
13722 Examiners, ~~which~~. Commencing on October 1, 2026, the board
13723 shall be subject to the leadership, support, and oversight of
13724 the Executive Director of the Office of Occupational and
13725 Professional Licensing pursuant to Chapter 2B of Title 25.

13726 (2) The board shall consist of seven members who are
13727 citizens of this state and appointed by the Governor. No
13728 person shall be excluded from serving on the board by reason
13729 of race, sex, or national origin. Four members shall be
13730 "licensed certified social workers" under the provisions of
13731 this chapter, who have rendered service, education, or
13732 research in social work. Two members shall be "licensed
13733 graduate social workers" under the provisions of this chapter,
13734 who shall have rendered service, education, or research in
13735 social work. One member shall be a "licensed bachelor social
13736 worker" under the provisions of this chapter who has rendered
13737 service, education, or research in social work. Initial
13738 members shall be persons eligible for licensing as provided by
13739 this chapter. Members shall be appointed within 90 days after
13740 May 23, 1977, from a list of names of qualified persons
13741 submitted by any interested parties. The Governor may request
13742 the submission of additional names.

13743 (b) After March 20, 1992, successor members of the
13744 board shall be appointed by the Governor as provided in this
13745 subsection. At least one position on the board shall be
13746 represented by a person who is a member of a minority race.
13747 Within 30 days following the expiration of a term or terms of



SB224 INTRODUCED

13748 office, the board shall notify each licensee in writing of the
13749 vacancy and shall solicit the nomination of not more than five
13750 licensed certified social workers, licensed graduate social
13751 workers, or licensed bachelor social workers, as the case may
13752 be, for consideration for each position to be filled. The
13753 board shall certify the names of not more than three persons
13754 receiving the highest number of nominations for each position
13755 to the Governor. The Governor shall appoint one of the
13756 nominated persons for the position or positions within 30 days
13757 following receipt of the list. If the Governor fails to make
13758 the appointment within the 30-day period, the person for each
13759 position receiving the highest number of nominations shall
13760 become the successor board member for that respective
13761 position. The first successor member appointed after March 20,
13762 1992, shall be a member of a minority race who meets all other
13763 qualifications of this article. Beginning with the seventh
13764 appointment following March 20, 1992, not more than one member
13765 from any United States Congressional District, as those
13766 districts exist as of March 20, 1992, shall be appointed to
13767 serve at the same time.

13768 (c) Any other provision of law notwithstanding,
13769 successors to the three terms that expire in October 2004
13770 shall be appointed as follows: Two members shall be appointed
13771 for terms of two years and one member shall be appointed for a
13772 term of three years, with all terms expiring on September 30
13773 of the final year of the term. Any other provision of law
13774 notwithstanding, successors to the four terms that expire in
13775 December 2005 shall be appointed as follows: One member shall



SB224 INTRODUCED

13776 be appointed for a term of two years and three members shall
13777 be appointed for terms of three years, with all terms expiring
13778 on September 30 of the final year of the term. Thereafter,
13779 subsequent appointments shall be for a term of three years,
13780 expiring on September 30 of the final year of the term. Each
13781 member shall hold office until his or her successor is
13782 appointed and assumes office. A two-year appointment to fill
13783 an expired term pursuant to this subsection shall be
13784 considered a consecutive term of office for determining the
13785 two consecutive terms of office limitation provided in Section
13786 34-30-51. Any vacancy occurring other than by expiration of a
13787 term shall be filled for the remainder of the unexpired term
13788 by appointment of the Governor. An appointment to fill an
13789 unexpired term may not be considered a consecutive term of
13790 office for determining the two consecutive terms of office
13791 limitation provided in Section 34-30-51."

13792 "§34-30-57

13793 In addition to the duties set forth elsewhere in this
13794 chapter, the Board of Social Work Examiners shall do all of
13795 the following:

13796 (1) Recommend modifications and amendments to this
13797 chapter.

13798 (2) Recommend to the appropriate district attorneys
13799 prosecutions for the violations of this chapter, after and
13800 only after the alleged violator has been notified of the
13801 violation or violations and having been given 90 days to
13802 disclaim, amend, and rectify the allegation.

13803 (3) Annually publish a list of the names and addresses



SB224 INTRODUCED

13804 of all persons who are:

13805 a. Licensed bachelor social workers, licensed master
13806 social workers, and licensed independent clinical social
13807 workers under this chapter.

13808 b. Eligible to engage in the private independent
13809 practice of social work under this chapter.

13810 (4) ~~Establish~~ Collect fees established by the executive
13811 director for initial examination, licensure, certification,
13812 and renewal thereof; fees for verifying the existence of a
13813 current license, reactivating an inactive license, and
13814 reinstating a lapsed license; fees for making application to
13815 the board to act as a continuing education provider; and fees
13816 for registering a supervisor. Nothing in this subdivision
13817 shall be interpreted as requiring a state agency to pay any
13818 fees for the purposes of verifying the licensure status of
13819 current or prospective employees, registering any employee as
13820 a supervisor, or providing continuing education to current or
13821 prospective employees.

13822 (5) Establish requirements and standards for continuing
13823 education. In establishing requirements, the board shall
13824 consult with those groups and organizations which represent
13825 both the levels of practice specified in this chapter and the
13826 various settings in which social work is practiced.
13827 Furthermore, in developing requirements, the board shall
13828 consider, but shall not be limited in its consideration to,
13829 agency recognized staff development programs under the
13830 auspices of public agencies, continuing education programs
13831 offered by colleges and universities having social work



SB224 INTRODUCED

13832 programs approved or accredited by the Council on Social Work
13833 Education, and continuing education programs offered by
13834 recognized state and national social work bodies.

13835 (6) Adopt rules pursuant to the Alabama Administrative
13836 Procedure Act that set forth professional standards for
13837 licensed bachelor social workers, licensed master social
13838 workers, and licensed independent clinical social workers who
13839 are certified for the private independent practice of social
13840 work. Those proposed rules shall be published at least 30 days
13841 before the public hearing relative to the proposed rules, and
13842 at least 15 days before the hearing, the board shall publish
13843 notice of the date, time, and place where the public hearings
13844 of the board shall be held for the purpose of adopting or
13845 amending rules pertaining to this chapter."

13846 "§34-30-58

13847 The Board of Social Work Examiners may accept
13848 contributions and bequests from individuals, organizations,
13849 and corporations ~~and must expend these funds to carry out the~~
13850 ~~purposes of this chapter~~. Records of receipts and expenditures
13851 of such funds shall be made available to Examiners of Public
13852 Accounts upon request."

13853 Section 38. Relating to the Alabama Board of Examiners
13854 for Speech-Language Pathology and Audiology; to amend Sections
13855 34-28A-1, 34-28A-4, 34-28A-21, 34-28A-22, 34-28A-23,
13856 34-28A-25, 34-28A-27, 34-28A-40, and 34-28A-44 of the Code of
13857 Alabama 1975, to read as follows:

13858 "§34-28A-1

13859 For the purposes of this chapter, the following terms



SB224 INTRODUCED

13860 shall have the meanings respectively ascribed by this section:

13861 (1) ASSOCIATION. The Speech and Hearing Association of
13862 Alabama.

13863 (2) AUDIOLOGIST. An individual who practices audiology
13864 and who presents himself or herself to the public by any title
13865 or description of services incorporating the words
13866 audiologist, hearing clinician, hearing therapist, or any
13867 similar title or description of service.

13868 (3) AUDIOLOGY. The application of principles, methods,
13869 and procedures or measurement, testing, evaluation,
13870 prediction, consultation, counseling, instruction,
13871 habilitation, or rehabilitation related to hearing and
13872 disorders of hearing for the purpose of evaluating,
13873 identifying, preventing, ameliorating, or modifying such
13874 disorders and conditions in individuals or groups of
13875 individuals, or both, and may include, but is not limited to,
13876 consultation regarding noise control and hearing conservation,
13877 as well as evaluation of noise environments and calibration of
13878 measuring equipment used for such purposes. For the purpose of
13879 this subdivision the words "habilitation" and "rehabilitation"
13880 include, but are not limited to, hearing aid evaluation and
13881 application, preparation of ear impressions, auditory
13882 training, and speech reading.

13883 (4) BOARD. The Alabama Board of Examiners for
13884 Speech-Language Pathology and Audiology established under
13885 Section 34-28A-40.

13886 (5) EXECUTIVE DIRECTOR. The Executive Director of the
13887 Office of Occupational and Professional Licensing as defined



SB224 INTRODUCED

13888 [in Section 25-2B-1.](#)

13889 ~~(5)~~ [\(6\)](#) PERSON. Any individual, organization, or
13890 corporate body. Only an individual may be licensed under this
13891 chapter.

13892 ~~(6)~~ [\(7\)](#) SPEECH-LANGUAGE PATHOLOGIST. Any person who
13893 examines, evaluates, remediates, uses preventive measures, or
13894 counsels persons suffering or suspected of suffering from
13895 disorders or conditions affecting speech or language. A person
13896 is deemed to be a speech-language pathologist when he or she
13897 practices speech pathology and/or if he or she offers those
13898 services to the public under any title incorporating the words
13899 "speech pathology," "speech pathologist," "speech-language
13900 pathology," "speech-language pathologist," "speech
13901 correction," "speech correctionist," "speech therapy," "speech
13902 therapist," "speech clinic," "speech clinician," "voice
13903 therapist," "language therapist," "aphasia therapist,"
13904 "communication disorders specialist," "communication
13905 therapist," or any similar title or description of service.

13906 ~~(7)~~ [\(8\)](#) SPEECH PATHOLOGY or SPEECH-LANGUAGE PATHOLOGY.
13907 The application of principles, methods, and procedures for the
13908 measurement, testing, evaluation, prediction, counseling,
13909 instruction, habilitation, or rehabilitation related to the
13910 development and disorders of speech, voice, or language for
13911 the purpose of evaluating, preventing, ameliorating, or
13912 modifying such disorders and conditions in individuals or
13913 groups of individuals, or both.

13914 ~~(8)~~ [\(9\)](#) SPEECH-LANGUAGE PATHOLOGY ASSISTANT and
13915 AUDIOLOGY ASSISTANT. Those persons meeting the minimum



SB224 INTRODUCED

13916 qualifications that may be established by the Board of
13917 Examiners for Speech-Language Pathology and Audiology and who
13918 work directly under the supervision of a speech-language
13919 pathologist or audiologist, respectively. The qualifications
13920 for registration as an assistant shall be less than those
13921 prescribed for a speech-language pathologist or audiologist."

13922 "§34-28A-4

13923 (a) Any person who practices or offers to practice the
13924 profession of speech-language pathology or audiology without
13925 being licensed or exempted in accordance with this chapter, or
13926 any person who uses in connection with his or her name or
13927 otherwise assumes, uses, or advertises any title or
13928 description tending to convey the impression that he or she is
13929 a speech-language pathologist or audiologist without being
13930 licensed or exempted in accordance with this chapter, or any
13931 person who presents or attempts to use as his or her own the
13932 license of another, or any person who gives any false or
13933 forged evidence of any kind to the board or any member thereof
13934 in obtaining a license, or any person who attempts to use an
13935 expired or revoked license or any person, firm, partnership,
13936 or corporation, or any person who violates any of the
13937 provisions of this chapter, shall be guilty of a misdemeanor
13938 and, upon conviction thereof, shall be fined not less than one
13939 hundred dollars (\$100) nor more than five hundred dollars
13940 (\$500) for each offense.

13941 (b) The board, or the person or persons as may be
13942 designated by the board to act in its stead, may prefer
13943 charges for any of the violations of this chapter in any



SB224 INTRODUCED

13944 county in this state in which the violations may have
13945 occurred. All duly constituted officers of the law of this
13946 state or any political subdivision thereof shall enforce this
13947 chapter and prosecute any persons, firms, partnerships, or
13948 corporations violating the same.

13949 (c) The Attorney General of the state and his or her
13950 assistants shall act as legal advisers of the board and render
13951 legal assistance as may be necessary in carrying out this
13952 chapter.

13953 (d) All fines collected for the violation of any
13954 provisions of this chapter shall be ~~paid over to the secretary~~
13955 ~~of the board to be delivered by him or her to the State~~
13956 ~~Treasury and placed in the Speech-Language Pathology and~~
13957 ~~Audiology Fund in the same manner as funds received for the~~
13958 ~~issuance of licenses~~ deposited into the Occupational and
13959 Professional Licensing Fund."

13960 "§34-28A-21

13961 (a) To be eligible for licensure by the board as a
13962 speech-language pathologist or audiologist a person shall meet
13963 each of the following qualifications and requirements:

13964 (1) Be of good moral character.

13965 (2) Make application to the board on a form prescribed
13966 by the ~~board~~ executive director.

13967 (3) Pay to the board the appropriate application fee.

13968 (4) Pass an examination in speech-language pathology or
13969 audiology approved by the board.

13970 (5) Be a citizen of the United States or, if not a
13971 citizen of the United States, a person who is legally present



SB224 INTRODUCED

13972 in the United States with appropriate documentation from the
13973 federal government.

13974 (b) Applicants for the speech-language pathology
13975 license shall submit the following:

13976 (1) Evidence of possession of at least a master's
13977 degree in speech-language pathology from an institution
13978 approved by the board.

13979 (2) Evidence of the successful completion of supervised
13980 clinic practicum experiences from an educational institution,
13981 or its cooperating programs, that is approved by the board.

13982 (3) Evidence of the successful completion of
13983 postgraduate professional experience approved by the board as
13984 delineated in the rules of the board.

13985 (c) Applicants for the audiology license whose master's
13986 degree was earned and conferred prior to January 1, 2007,
13987 shall submit the following:

13988 (1) Evidence of possession of at least a master's
13989 degree in audiology from an education institution approved by
13990 the board.

13991 (2) Evidence of the successful completion of supervised
13992 clinic practicum experiences from an educational institution,
13993 or its cooperating programs, that is approved by the board.

13994 (3) Evidence of the successful completion of
13995 postgraduate professional experience approved by the board as
13996 delineated in the rules and regulations of the board.

13997 (d) Applicants for the audiology license whose degree
13998 was earned and conferred after January 1, 2007, shall submit
13999 the following:



SB224 INTRODUCED

14000 (1) Evidence of possession of a doctoral degree in
14001 audiology from an education institution approved by the board.

14002 (2) Evidence of the successful completion of supervised
14003 clinic practicum experiences from an educational institution,
14004 or its cooperating programs, that is approved by the board as
14005 delineated in the rules of the board.

14006 (e) Nothing in this section shall prevent the continued
14007 licensure of an audiologist that received licensure before
14008 January 1, 2007."

14009 "§34-28A-22

14010 (a) A person eligible for licensure under Section
14011 34-28A-21 and desirous of licensure shall make application for
14012 examination to the board at least 30 days prior to the date of
14013 examination, upon a form ~~and in a manner as the board~~
14014 ~~prescribes~~ prescribed by the executive director, and shall
14015 mail or deliver the application to a permanent address set and
14016 made known to the general public by publication by the board.

14017 (b) Any application shall be accompanied by the
14018 non-refundable fee prescribed in Section 34-28A-27.

14019 (c) A person who fails an examination may make
14020 application for reexamination if he or she again meets the
14021 requirements of subsections (a) and (b).

14022 (d) A person certified by the American Speech and
14023 Hearing Association (ASHA) or licensed under the law of
14024 another state, a territory of the United States, or the
14025 District of Columbia as a speech-language pathologist or
14026 audiologist who has applied for licensure under this section
14027 may perform speech-language pathology and audiology services



SB224 INTRODUCED

14028 in this state during the interim period of time prior to board
14029 action on that application."

14030 "§34-28A-23

14031 (a) Applicants for licensure shall be examined at a
14032 time and place determined by the executive director and under
14033 such supervision as the board may determine.

14034 (b) The board may examine in whatever theoretical or
14035 applied fields of speech-language pathology and audiology it
14036 considers appropriate to the area of specialization and may
14037 examine with regard to the professional skills and judgment of
14038 a person in the utilization of speech-language pathology and
14039 audiology techniques and methods."

14040 "§34-28A-25

14041 (a) The board shall issue a license certificate to each
14042 person whom it licenses as a speech-language pathologist or
14043 audiologist, or both. The certificate shall show the full name
14044 of the licensee and shall bear a serial number. The
14045 certificate shall be signed by the chair and secretary of the
14046 board under the seal of the board.

14047 (b) The board shall adopt a program of continuing
14048 education ~~not later than October 1, 1991, and, after that~~
14049 ~~date, proof.~~ Proof of compliance with the minimum requirements
14050 of the continuing education program shall be required as a
14051 condition of license renewal.

14052 (c) Licenses shall expire on ~~December 31~~ a date set by
14053 the executive director following their issuance or renewal and
14054 are invalid thereafter unless renewed. The board shall notify
14055 every person licensed under this chapter of the date of



SB224 INTRODUCED

14056 expiration and the amount of the renewal fee. This notice
14057 shall be mailed to his or her last known address at least one
14058 month before the expiration of the license. Every person
14059 licensed under this chapter shall, ~~on or before January 1 of~~
14060 ~~each year,~~ pay a fee for renewal of license to the board. The
14061 board may, ~~in the event payment exceeds a period of grace of~~
14062 ~~30 days,~~ renew a license upon payment of the renewal fee plus
14063 a late renewal payment penalty. ~~Failure on the part of any~~
14064 ~~licensed person to pay his or her renewal fee before January 1~~
14065 ~~does not deprive him or her of his or her right to renew his~~
14066 ~~or her license, but the fee to be paid for renewal after~~
14067 ~~January 31 shall be increased by twenty dollars (\$20) for each~~
14068 ~~month or fraction thereof that the payment is delayed, up to a~~
14069 ~~maximum of twice the current renewal fee.~~

14070 (d) A person who fails to renew his or her license
14071 within a period of two years after the date of expiration may
14072 not renew the license, and the license may not be restored,
14073 reissued, or reinstated thereafter, but the person may apply
14074 for and obtain a new license if he or she meets the
14075 requirements of this chapter.

14076 (e) A licensee who wishes to place his or her license
14077 on an inactive status may do so by application to the board
14078 and by payment of a fee of one half of the renewal fee. An
14079 inactive licensee shall not accrue any penalty for late
14080 payment of the renewal fee that reactivates his or her
14081 license. The license may be held inactive for a maximum period
14082 of two years."

14083 "§34-28A-27



SB224 INTRODUCED

14084 (a) The ~~board~~ executive director shall set and publish,
14085 ~~in a manner the board deems appropriate,~~ fees for all of the
14086 following purposes:

14087 (1) Application for examination.

14088 (2) Initial licensing.

14089 (3) Renewal of licensure.

14090 (4) Late payment for renewal (monthly penalty).

14091 (5) Registration of speech-language pathology
14092 assistants and audiology assistants.

14093 (6) Late payment fees.

14094 (b) A qualified applicant for licensing who has
14095 successfully passed the examination prescribed by the board
14096 and has paid the application, examination, and, if necessary,
14097 the reexamination fees, shall be licensed by the board as a
14098 speech-language pathologist or audiologist, or both. The
14099 application fee, examination fee, reexamination fee, licensing
14100 fee, late payment fees, and the annual renewal fee shall be in
14101 an amount fixed by the ~~board~~ executive director. Fees may not
14102 be refunded to applicants or licensees under any
14103 circumstances.

14104 (c) A qualified applicant for registration as a
14105 speech-language pathology assistant or audiology assistant who
14106 has paid the registration fee prescribed by the ~~board~~
14107 executive director shall be registered by the board as a
14108 speech-language pathology assistant or audiology assistant.
14109 ~~The registration fee and the annual renewal fee shall be in an~~
14110 ~~amount that is one half of the registration fee and annual~~
14111 ~~renewal fee required of speech pathologists and audiologists~~



SB224 INTRODUCED

14112 ~~respectively.~~ Fees may not be refunded to applicants or
14113 registrants under any circumstances.

14114 (d) The fee for issuance of a license issued to replace
14115 one that is lost, destroyed, mutilated, or revoked shall be
14116 fifteen dollars (\$15), and the fee shall accompany the
14117 application for a replacement license."

14118 "§34-28A-40

14119 (a) There is established as an ~~independent~~ agency of
14120 the executive branch of the government of the State of
14121 Alabama, the Alabama Board of Examiners for Speech-Language
14122 Pathology and Audiology. Commencing on October 1, 2026, the
14123 board shall be subject to the leadership, support, and
14124 oversight of the Executive Director of the Office of
14125 Occupational and Professional Licensing pursuant to Chapter 2B
14126 of Title 25.

14127 (b) The board shall be comprised of seven members, who
14128 shall be appointed by the Governor from names submitted to the
14129 Governor by the association. Not more than one board member
14130 from any United States Congressional District shall be
14131 appointed to serve at the same time. Those persons nominated
14132 or appointed to serve on the board shall have been engaged in
14133 rendering services to the public, or teaching, or research, or
14134 any combination of service to the public, teaching, or
14135 research, in speech-language pathology or audiology, or both
14136 for at least five years immediately preceding their
14137 appointment, and shall be citizens of this state. At least
14138 three board members shall be speech-language pathologists, at
14139 least three shall be audiologists, and one shall be a member



SB224 INTRODUCED

14140 of the consuming public or an allied professional. The six
14141 professional speech-language pathologist and audiologist board
14142 members shall at all times be holders of active and valid
14143 licenses for the practice of speech-language pathology and
14144 audiology in this state, except for the six members first
14145 appointed, who shall fulfill the requirements set forth in the
14146 appropriate provisions of Section 34-28A-21. The membership of
14147 the board shall be inclusive and reflect the racial, gender,
14148 geographic, urban/rural, and economic diversity of the state.

14149 (c) The Governor shall appoint two board members for a
14150 term of one year, two for a term of two years, two for a term
14151 of three years, and one for a term of four years. Appointments
14152 made thereafter shall be for three-year terms, with no person
14153 being eligible to serve more than two full consecutive terms.
14154 Terms shall begin on October 1, except for the first appointee
14155 member, who shall serve through September 30 of the year in
14156 which he or she is appointed before commencing the terms
14157 provided by this subsection.

14158 (d) The board shall meet during the month of October
14159 each year for the purposes of annual reorganization to select
14160 a chair and an executive secretary and to compile an annual
14161 report of business conducted during the previous year. Copies
14162 of the annual report shall be submitted to the Governor or his
14163 or her duly named representative and filed in the offices of
14164 the members of the board. Additionally, a report of the
14165 actions of the board shall be presented during the program of
14166 an annual meeting of the Speech and Hearing Association of
14167 Alabama. At least one additional meeting shall be held before



SB224 INTRODUCED

14168 the end of each year. Further meetings shall be convened at
14169 the call of the chair or any two board members. All meetings
14170 shall be open to the public; except, that the board may hold
14171 closed sessions to prepare, approve, grade, or administer
14172 examinations or, upon a request of an applicant who has failed
14173 an examination, to prepare a response indicating the reason
14174 for failure.

14175 (e) Four members of the board shall constitute a quorum
14176 to do business.

14177 (f) When a vacancy on the board occurs, the Speech and
14178 Hearing Association of Alabama shall recommend not less than
14179 three persons to fill each vacancy, and the Governor shall
14180 make his or her appointment from the persons so nominated.

14181 (g) The Governor may remove from office any member of
14182 the board for neglect of any duty required by this chapter,
14183 for incompetency, or for unprofessional conduct."

14184 "§34-28A-44

14185 ~~(a) The board may employ, and at its pleasure~~
14186 ~~discharge, an executive secretary and other officers and~~
14187 ~~employees as may be necessary, and the board shall also~~
14188 ~~outline their duties and fix their compensation and expense~~
14189 ~~allowances.~~

14190 ~~(b)~~ (a) The board shall adopt a seal by which it shall
14191 authenticate its proceedings. Copies of the proceedings,
14192 records and acts of the board, and certificates purporting to
14193 relate the facts concerning the proceedings, records, and acts
14194 signed by the secretary and authenticated by the seal shall be
14195 prima facie evidence in all the courts of this state.



SB224 INTRODUCED

14196 ~~(c) The board shall report to the state Comptroller by~~
14197 ~~the fifth day of each month the amount and source of all~~
14198 ~~revenue received by it pursuant to this chapter during the~~
14199 ~~previous month and shall at that time pay the entire amount~~
14200 ~~thereof into a separate trust fund for the board established~~
14201 ~~by the Comptroller within the State Treasury.~~

14202 ~~(d) All appropriate expenses incurred by the board in~~
14203 ~~the administration of this chapter shall be paid by the~~
14204 ~~Comptroller when vouchers relating to the expenses are~~
14205 ~~exhibited as having been approved by the board.~~

14206 ~~(e) The board shall be financed from income accruing to~~
14207 ~~it from~~ (b) All fees, licenses and other charges, and funds
14208 ~~collected by the board, and all such moneys are appropriated~~
14209 ~~to the board for its use. All employee salaries and other~~
14210 ~~expenses shall be paid as budgeted after budgets are approved~~
14211 ~~by the Comptroller or within the limitations of any~~
14212 ~~appropriation or funds available for that purpose~~ shall be
14213 deposited into the Occupational and Professional Licensing
14214 Fund."

14215 Section 39. Relating to the Alabama Sickle Cell
14216 Oversight and Regulatory Commission; to amend Section 22-10B-3
14217 of the Code of Alabama 1975, to read as follows:

14218 "§22-10B-3

14219 (a) The Alabama Sickle Cell Oversight and Regulatory
14220 Commission shall be designated as the agency to insure the
14221 delivery of sickle cell services pursuant to Section 22-10B-5
14222 to affected persons in all counties in Alabama and assist in
14223 establishing geographical service delivery boundaries. The



SB224 INTRODUCED

14224 commission shall promulgate guidelines for creating uniformity
14225 in the delivery of services and the management of statewide
14226 programs.

14227 (b) The commission shall also promulgate rules pursuant
14228 to the Alabama Administrative Procedure Act for handling
14229 complaints regarding service and management of statewide
14230 programs and addressing any other discrepancies brought to the
14231 attention of the commission. The commission shall not have the
14232 authority to promulgate rules regarding medical care. Any rule
14233 promulgated shall not be construed to establish a standard of
14234 care for physicians licensed to practice medicine.

14235 (c) Commencing on October 1, 2024, all documents,
14236 records, functions, and responsibilities held by or in the
14237 possession of the commission on that date shall be transferred
14238 to a division or office of the Alabama Department of Public
14239 Health, as determined by the State Health Officer, and under
14240 the supervision of the Department of Public Health in
14241 conjunction with the commission."

14242 Section 40. Relating to the Alabama Drycleaning
14243 Environmental Response Trust Advisory Board; to amend Section
14244 22-30D-8 of the Code of Alabama 1975, to read as follows:

14245 "§22-30D-8

14246 (a) There is hereby created the Alabama Drycleaning
14247 Environmental Response Trust Fund Advisory Board consisting of
14248 seven persons who are residents of the state appointed by the
14249 Governor of the state and confirmed by the Senate of the
14250 state. The members of the board shall be composed of one
14251 individual to represent the interest of each of the following



SB224 INTRODUCED

14252 groups, organizations, and entities:

14253 (1) Owners or operators of drycleaning facilities
14254 covered by this chapter that employ no more than 10 full-time
14255 employees.

14256 (2) Owners or operators of drycleaning facilities
14257 covered by this chapter that employ 11 or more full-time
14258 employees but no more than 24 full-time employees.

14259 (3) Owners or operators of drycleaning facilities
14260 covered by this chapter that employ 25 or more full-time
14261 employees.

14262 (4) Wholesale distributors covered by this chapter of
14263 drycleaning agents with at least one operating in-state
14264 wholesale distribution facility.

14265 (5) An environmental group with statewide membership.

14266 (6) The environmental engineering community.

14267 (7) The real estate community owning real property on
14268 which a drycleaning facility or abandoned drycleaning facility
14269 is or has been located.

14270 (b) All initial members of the board shall be appointed
14271 by the Governor before November 21, 2000. The board shall hold
14272 its first meeting within 30 days after all appointments to the
14273 board are made by the Governor. The members' terms of office
14274 shall be three years and until their successors are selected
14275 and qualified; except that, of those first appointed, three
14276 shall have a term of one year; two shall have a term of two
14277 years; and two shall have a term of three years, all as
14278 designated by the Governor at the time of appointment. There
14279 is no limitation on the number of terms any appointed member



SB224 INTRODUCED

14280 may serve. If a vacancy occurs, the Governor shall appoint a
14281 replacement. Each member of the board shall have one vote
14282 concerning any matter coming before the board. Any board
14283 member may be removed by the Governor after notice and hearing
14284 for incompetence, neglect of duty, malfeasance in office, or
14285 moral turpitude.

14286 (c) At the first meeting of the board, and annually
14287 thereafter, the members shall select from among themselves a
14288 chair and vice chair. The board shall hold at least four
14289 regular meetings each year and such additional meetings as the
14290 chair deems desirable at a place within the state and time to
14291 be fixed by the chair. Special meetings may be called by three
14292 or more members of the board upon delivery of written notice
14293 to each member of the board. Four members of the board shall
14294 constitute a quorum. All powers and duties conferred upon
14295 members of the board shall be exercised personally by the
14296 members and not by alternates or representatives. The members
14297 of the board shall receive the same per diem and travel
14298 allowance as paid to state employees for each day's attendance
14299 at an official meeting of the board.

14300 (d) Commencing on October 1, 2024, all documents,
14301 records, functions, and responsibilities held by or in the
14302 possession of the board shall be transferred to a division of
14303 the department, as determined by the director, and under the
14304 supervision of the department in conjunction with the board.

14305 ~~(d)~~ (e) The ~~board~~ department may hire or engage
14306 attorneys, consulting engineers, or other professional
14307 advisors as deemed necessary ~~by the board~~ to assist the board



SB224 INTRODUCED

14308 to carry out its activities and the ~~board~~ department may pay,
14309 at its sole discretion, such fees as it may determine for
14310 services of such attorneys, consulting engineers, or other
14311 professional advisors from monies in the fund.

14312 ~~(e)~~ (f) The State Health Officer, a representative of
14313 the department, and a representative of the Geological Survey
14314 of Alabama shall serve to advise the board as ex-officio
14315 members of the board, without a vote or compensation.

14316 ~~(f)~~ (g) No member of the board shall be liable to civil
14317 action for any act performed in good faith in the performance
14318 of his or her duty pursuant to this chapter. "

14319 Section 41. Sections 34-4-53, 34-12-32, 34-17-25,
14320 34-24-253, 34-30-54, 34-36-5, and 34-40-7, Code of Alabama
14321 1975, providing for the compensation of members of the State
14322 Board of Auctioneers, the State Board of Registration for
14323 Foresters, the Alabama Board of Examiners of Landscape
14324 Architects, the Alabama Board of Social Work Examiners, the
14325 State Board of Podiatry, the Alabama Board of Electrical
14326 Contrators, and the Alabama Board of Athletic Trainers are
14327 repealed. Additionally, Chapter 43, Title 34, Code of Alabama
14328 1975, providing for the Alabama Board of Massage Therapy, is
14329 repealed.

14330 Section 42. (a) The Legislative Services Agency Legal
14331 Division shall conform references in the Code of Alabama 1975,
14332 to any occupational or professional licensing board
14333 transferred to the Office of Occupational and Professional
14334 Licensing of the Department of Labor to reflect the changes
14335 made in this act.



SB224 INTRODUCED

14336 (b) Unless explicitly stated in this act, this act is
14337 not intended to supersede any legislation enacted during the
14338 2024 or 2025 Regular Sessions of the Legislature that sunsets,
14339 amends, repeals, or adds to the Code of Alabama 1975, or any
14340 special session held before October 1, 2026, that sunsets,
14341 amends, repeals, or adds to the Code of Alabama 1975, relating
14342 to an occupational or professional licensing board covered by
14343 this act, and the Code Commissioner shall harmonize language
14344 to carry out this intent.

14345 Section 43. Sections 1, 39, and 40 of this act shall
14346 become effective on October 1, 2024; Sections 2 through 24 of
14347 this act shall become effective on October 1, 2025; and
14348 Sections 25 through 38 shall become effective on October 1,
14349 2026.