

1 SB349  
2 211725-1  
3 By Senator Barfoot  
4 RFD: Governmental Affairs  
5 First Read: 18-MAR-21

SYNOPSIS: Under existing law, the Board of Examiners of Assisted Living Administrators is responsible for the regulation and licensing of administrators of assisted living facilities in the state.

This bill would revise the membership of the board and the process for appointing members to the board.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Board of Examiners of Assisted Living Administrators; to amend Section 34-2A-3, Code of Alabama 1975; to revise the membership and the process for appointing members to the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-2A-3, Code of Alabama 1975, is amended to read as follows:

"§34-2A-3.

1           "(a) There is created a Board of Examiners of  
2 Assisted Living Administrators composed of nine members, ~~seven~~  
3 six members as set out in this subsection, and ~~two~~ three  
4 additional consumer members as set out in subsection (b). ~~The~~  
5 ~~membership of the board shall be inclusive and reflect the~~  
6 ~~racial, gender, geographic, urban/rural, and economic~~  
7 ~~diversity of the state~~ All appointing authorities shall  
8 coordinate their appointments so that diversity of gender,  
9 race, and geographical areas is reflective of the makeup of  
10 this state. ~~The seven original~~ As the terms of members serving  
11 on the effective date of the act amending this subsection  
12 expire, the members shall be composed as follows: ~~Five~~ Four  
13 members shall be assisted living administrators duly licensed  
14 and registered under this chapter; one member shall be a  
15 physician licensed under the laws of the state; and one shall  
16 be a licensed nursing home administrator who in the same or  
17 contiguous facility manages assisted living beds. ~~Appointments~~  
18 Unless otherwise provided by this subsection, appointments to  
19 the board for those positions to be held by assisted living  
20 administrators shall be made by the Governor, Lieutenant  
21 Governor, and Speaker of the House of Representatives, on a  
22 rotating basis as determined by the board, from a list of  
23 three nominees for each position to be submitted to the  
24 Governor, Lieutenant Governor, and Speaker of the House of  
25 Representatives, as applicable, by the ~~Assisted Living~~  
26 ~~Association of Alabama, Inc~~ board. The appointment of the  
27 nursing home administrator shall be made from a list of three

1 nominees submitted to the Governor by the Alabama Nursing Home  
2 Association, Inc. The appointment to the board of the member  
3 for the position to be held by a physician shall be made from  
4 a list of three nominees submitted to the Governor by the  
5 Medical Association of the State of Alabama.

6 ~~"(b) Within 30 days of March 1, 2002, the Governor~~  
7 ~~shall appoint two consumer members of the board.~~ The consumer  
8 members shall vote in all matters. At least one consumer  
9 member shall be 65 years of age or older and no consumer  
10 member, or a spouse or immediate family member of a consumer  
11 member, shall be a licensee of the board or be employed in the  
12 assisted living profession.

13 "(c) When the terms of all members of the board  
14 expire in April 2005, the Governor shall appoint five members  
15 to two-year terms and four members to three-year terms as  
16 follows: Three assisted living administrators, the licensed  
17 nursing home administrator, and one consumer member shall be  
18 appointed to two-year terms; two assisted living  
19 administrators, the licensed physician, and one consumer  
20 member shall be appointed to three-year terms. Thereafter, all  
21 members shall serve three-year terms of office.

22 "(d) All members of the board shall be citizens of  
23 the United States and shall be residents of the state.

24 "(e) Except as otherwise provided in this section,  
25 each member shall serve three-year staggered terms and no  
26 board member shall serve more than two consecutive full

1 three-year terms. All members shall continue to serve until  
2 the Governor appoints a successor.

3 "(f) The Governor may remove any board member for  
4 misconduct, incapacity, incompetence, or neglect of duty after  
5 the board member so charged has been served with a written  
6 statement of charges and has been given an opportunity to be  
7 heard. Absence from any three consecutive meetings of the  
8 board within a calendar year, without cause acceptable to the  
9 Governor and the board, shall be deemed cause for removal.

10 "(g) Any vacancy created by the death, resignation,  
11 or removal of any board member shall be filled by the Governor  
12 for the unexpired term in the same manner as required by this  
13 chapter to make appointments.

14 "(h) Each member of the board shall receive a per  
15 diem fee of not less than fifty dollars (\$50) nor more than  
16 one hundred dollars (\$100) to be determined by the board for  
17 the time spent in the performance of official duties. Each  
18 member shall be reimbursed for all necessary and proper travel  
19 and incidental expenses incurred in implementing this chapter  
20 as is provided to state employees by the laws of the state and  
21 regulations of the State Personnel Director. In setting the  
22 per diem fee, the board shall give due consideration to funds  
23 which are available for that purpose.

24 "(i) The board shall hold four or more meetings a  
25 year. A majority of the members of the board shall constitute  
26 a quorum at any meeting except as provided in Section  
27 34-2A-13. A majority vote of the members present shall be

1 sufficient to transact the business of the board except as  
2 provided in Section 34-2A-13. Meetings may be called by the  
3 chair or by a majority of the members of the board. Members  
4 shall be given seven days' written notice of all meetings.

5 "(j) The board shall annually elect from its members  
6 a chair and a vice-chair, at the first meeting of the board  
7 held after October 1 of each year, and each shall serve until  
8 the first meeting held after October 1 of the following year.  
9 In the event of the death, resignation, or removal of the  
10 chair from the board, the vice-chair shall succeed as chair  
11 for the remainder of the unexpired term. In the event of the  
12 death, resignation, removal, or succession to the office of  
13 chair of a vice-chair, a successor shall be elected by the  
14 board to fill the remainder of the unexpired term as  
15 vice-chair. The chair, or in the absence of the chair, the  
16 vice-chair, shall preside at all meetings of the board. The  
17 chair of the board may appoint an executive director to the  
18 board, with the consent of the members of the board, who shall  
19 serve at the pleasure of the board. The board shall fix the  
20 salary of the executive director. The executive director shall  
21 be the executive officer to the board but may not be a member  
22 of the board. The executive director shall have those powers  
23 and shall perform those duties as are prescribed by law and  
24 the rules and regulations of the board. A clerk and sufficient  
25 deputy clerks to adequately assist the board and executive  
26 director in the keeping of the records and in the performance

1 of their duties may be appointed by the board subject to the  
2 Merit System.

3 "(k) The board is subject to the Alabama Sunset Law  
4 of 1981, and is classified as an enumerated agency pursuant to  
5 Section 41-20-3. The board shall automatically terminate on  
6 October 1, 2004, and every four years thereafter, unless a  
7 bill is passed that the board be continued, modified, or  
8 reestablished."

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