

SENATE CS FOR CS FOR HOUSE BILL NO. 276(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/13/02

Referred: First Supplemental Calendar

Sponsor(s): REPRESENTATIVE WILSON

SENATOR Wilken

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to temporary permits and licenses by endorsement issued by the Board**
2 **of Nursing; and relating to the delegation of nursing duties."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.68.200 is amended to read:

5 **Sec. 08.68.200. License by endorsement.** The board may issue a license by
6 endorsement to practice as a registered or practical nurse, whichever is appropriate, to
7 an applicant who **has worked as a nurse within the past five years if the applicant**

8 (1) is licensed as either a registered or practical nurse under the laws of
9 another state [,] if, in the opinion of the board, the applicant meets the qualifications
10 required for licensing in the state [,] and meets the requirements of AS 08.68.170; **or**

11 (2) meets the requirements of AS 08.68.170 and has successfully
12 completed the Canadian Nurses' Association Testing Service examination if the board
13 determines it is comparable to the examination administered by this state [; OR

14 (3) **HAS NOT WORKED AS A NURSE WITHIN THE LAST FIVE**

1 YEARS, IF THE APPLICANT MEETS THE CONTINUING COMPETENCY
 2 REQUIREMENTS OF THE BOARD OR COMPLETES A COURSE OF STUDY
 3 APPROVED BY THE BOARD].

4 * **Sec. 2.** AS 08.68.200 is amended by adding a new subsection to read:

5 (b) The board may issue a license by endorsement to practice as a registered or
 6 practical nurse, whichever is appropriate, to an applicant who has not worked as a
 7 nurse within the past five years if the applicant meets the requirements of either (a)(1)
 8 or (a)(2) of this section and

9 (1) meets the continuing competency requirements of the board; or

10 (2) completes a course of study approved by the board.

11 * **Sec. 3.** AS 08.68.210(a) is amended to read:

12 (a) The board may issue a temporary permit, nonrenewable and valid for a
 13 period not exceeding six [FOUR] months, to an applicant for a license by endorsement
 14 if the applicant

15 (1) submits proof satisfactory to the board that the applicant is
 16 currently licensed in another state or Canadian province or Canadian territory that
 17 administers an examination approved by the board under AS 08.68.200(a)(2)
 18 [AS 08.68.200(2)];

19 (2) meets the requirements of AS 08.68.170; and

20 (3) pays the required fee.

21 * **Sec. 4.** AS 08.68 is amended by adding a new section to article 2 to read:

22 **Sec. 08.68.279. Whistleblower protection for nurses concerning delegated**
 23 **duties.** An employer may not discharge, threaten, or otherwise discriminate against a
 24 nurse employed by the employer regarding the nurse's compensation, terms,
 25 conditions, location, or privileges of employment for the nurse's refusal to perform a
 26 task involving nursing care delegated to the nurse by the nurse's superior if

27 (1) the nurse alleges that the task was improperly delegated;

28 (2) the nurse reports the attempted improper delegation to the Board of
 29 Nursing within 24 hours after the attempted delegation was made; and

30 (3) the Board of Nursing finds that the task was improperly delegated.

31 * **Sec. 5.** AS 08.68.340(a) is amended to read:

1 (a) It is a class B misdemeanor for a person to

2 (1) practice nursing under a diploma, license, or record that is
3 unlawfully obtained, signed, or issued;

4 (2) practice or offer to practice nursing without a license, unless the
5 person is practicing within the scope of a delegation properly made under
6 AS 08.68.405 or is giving [GIVES] necessary aid to the ill, injured, or infirm in an
7 emergency;

8 (3) employ as a nurse a person who is not licensed to practice nursing;

9 (4) use in connection with the person's name a designation that implies
10 that the person is a licensed nurse unless the person is licensed;

11 (5) practice nursing during the time that the person's license is
12 suspended or revoked;

13 (6) practice nursing with knowledge that the person's license has
14 lapsed;

15 (7) conduct a nursing education program and represent or imply that it
16 is accredited by the board, unless the program has been accredited by the board.

17 * **Sec. 6.** AS 08.68 is amended by adding a new section to read:

18 **Sec. 08.68.405. Delegation of nursing functions.** A registered or practical
19 nurse licensed under this chapter may delegate nursing duties to other persons,
20 including unlicensed assistive personnel, under regulations adopted by the board. A
21 person to whom the nursing duties are delegated may perform the delegated duties
22 without a license or certificate under this chapter if the person meets the applicable
23 requirements established by the board.

24 * **Sec. 7.** AS 08.68.410 is amended by adding a new paragraph to read:

25 (10) "unlicensed assistive personnel" means persons, such as orderlies,
26 assistants, attendants, technicians, members of a nursing client's immediate family, or
27 the guardian of a nursing client, who are not licensed to practice practical nursing,
28 registered nursing, medicine, or any other health occupation that requires a license in
29 this state.