

AMENDMENT **#1**

OFFERED IN THE HOUSE
TO: CSHB 149(L&C)

BY REPRESENTATIVE HANNAN

1 Page 2, following line 9:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 08.01.065(c), as amended by sec. 1 of this Act, is amended to read:

4 (c) Except as provided in ~~(f) - (k)~~ [(f) - (l)] of this section, the department shall
5 establish fee levels under (a) of this section so that the total amount of fees collected
6 for an occupation approximately equals the actual regulatory costs for the occupation.
7 The department shall annually review each fee level to determine whether the
8 regulatory costs of each occupation are approximately equal to fee collections related
9 to that occupation. If the review indicates that an occupation's fee collections and
10 regulatory costs are not approximately equal, the department shall calculate fee
11 adjustments and adopt regulations under (a) of this section to implement the
12 adjustments. In January of each year, the department shall report on all fee levels and
13 revisions for the previous year under this subsection to the office of management and
14 budget. If a board regulates an occupation covered by this chapter, the department
15 shall consider the board's recommendations concerning the occupation's fee levels and
16 regulatory costs before revising fee schedules to comply with this subsection. In this
17 subsection, "regulatory costs" means costs of the department that are attributable to
18 regulation of an occupation plus

19 (1) all expenses of the board that regulates the occupation if the board
20 regulates only one occupation;

21 (2) the expenses of a board that are attributable to the occupation if the
22 board regulates more than one occupation."
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1 Renumber the following bill sections accordingly.

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3 Page 3, following line 14:

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Insert a new bill section to read:

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**** Sec. 5.** AS 08.02.110(a), as amended by sec. 4 of this Act, is amended to read:

6

(a) An acupuncturist licensed under AS 08.06, an audiologist or speech-language pathologist licensed under AS 08.11, a behavior analyst licensed under AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered [NURSE LICENSED OR HOLDING A MULTISTATE LICENSURE PRIVILEGE UNDER AS 08.68] or advanced practice registered nurse [LICENSED] under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like."

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30 Renumber the following bill sections accordingly.

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1 Page 3, following line 31:

2 Insert a new bill section to read:

3 **"* Sec. 7.** AS 08.02.130(j)(1), as amended by sec. 6 of this Act, is amended to read:

4 (1) "health care provider" means

5 (A) an audiologist or speech-language pathologist licensed
6 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
7 licensed under AS 08.20; a professional counselor licensed under AS 08.29; a
8 dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a
9 dietitian or nutritionist licensed under AS 08.38; a naturopath licensed under
10 AS 08.45; a marital and family therapist licensed under AS 08.63; a physician
11 licensed under AS 08.64; a podiatrist, osteopath, or physician assistant licensed
12 under AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse
13 licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under
14 AS 08.68; a dispensing optician licensed under AS 08.71; an optometrist
15 licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
16 therapist or occupational therapist licensed under AS 08.84; a psychologist or
17 psychological associate licensed under AS 08.86; or a social worker licensed
18 under AS 08.95; or

19 (B) a physician licensed in another state;"

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21 Renumber the following bill sections accordingly.

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23 Page 4, following line 16:

24 Insert a new bill section to read:

25 **"* Sec. 9.** AS 08.11.120(b), as amended by sec. 8 of this Act, is amended to read:

26 (b) Notwithstanding the provisions of this chapter,

27 (1) a nurse licensed [OR HOLDING A MULTISTATE LICENSURE
28 PRIVILEGE] under AS 08.68 may perform hearing sensitivity evaluations;

29 (2) an individual licensed as a hearing aid dealer under AS 08.55 may
30 deal in hearing aids;

31 (3) an individual holding a class A certificate issued by the Conference

1 of Executives of American Schools of the Deaf may teach the hearing impaired;

2 (4) an individual may engage in the testing of hearing as part of a
3 hearing conservation program that complies with the regulations of the Occupational
4 Safety and Health Administration of the federal government if the individual is
5 certified to do the testing by a state or federal agency acceptable to the Occupational
6 Safety and Health Administration;

7 (5) an individual may perform hearing screening under AS 47.20.310
8 if authorized to do so under a protocol adopted under AS 47.20.310(e) by the
9 Department of Health."

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11 Renumber the following bill sections accordingly.

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13 Page 6, following line 25:

14 Insert a new bill section to read:

15 **"* Sec. 11.** AS 08.68.100, as amended by sec. 10 of this Act, is amended to read:

16 **Sec. 08.68.100. Duties and powers of board.** (a) The board shall

17 (1) adopt regulations necessary to implement this chapter, including
18 regulations

19 (A) pertaining to practice as an advanced practice registered
20 nurse, including requirements for an advanced practice registered nurse to
21 practice as a certified registered nurse anesthetist, certified clinical nurse
22 specialist, certified nurse practitioner, or certified nurse midwife; regulations
23 for an advanced practice registered nurse who holds a valid federal Drug
24 Enforcement Administration registration number must address training in pain
25 management and opioid use and addiction;

26 (B) necessary to implement AS 08.68.331 - 08.68.336 relating
27 to certified nurse aides in order to protect the health, safety, and welfare of
28 clients served by nurse aides;

29 (C) pertaining to retired nurse status;

30 (D) establishing criteria for approval of practical nurse
31 education programs that are not accredited by a national nursing accrediting

1 body; **and**

2 (E) establishing guidelines for rendering a diagnosis, providing
3 treatment, or prescribing, dispensing, or administering a prescription drug to a
4 person without conducting a physical examination under AS 08.68.710; the
5 guidelines must include a nationally recognized model policy for standards of
6 care of a patient who is at a different location than the advanced practice
7 registered nurse; [AND

8 (F) NECESSARY TO IMPLEMENT THE MULTISTATE
9 NURSE LICENSURE COMPACT UNDER AS 08.68.500;]

10 (2) approve curricula and adopt standards for basic education programs
11 that prepare persons for licensing under **AS 08.68.190** [THIS CHAPTER];

12 (3) provide for surveys of the basic nursing education programs in the
13 state at the times it considers necessary;

14 (4) approve education programs that meet the requirements of this
15 chapter and of the board, and deny, revoke, or suspend approval of education
16 programs for failure to meet the requirements;

17 (5) examine, license, and renew the licenses of **qualified** applicants;

18 (6) prescribe requirements for competence before a former registered,
19 advanced practice registered, or **licensed** practical nurse [LICENSED UNDER THIS
20 CHAPTER] may resume the practice of nursing **under this chapter**;

21 (7) define by regulation the qualifications and duties of the executive
22 administrator and delegate authority to the executive administrator that is necessary to
23 conduct board business;

24 (8) develop reasonable and uniform standards for nursing practice;

25 (9) publish advisory opinions regarding whether nursing practice
26 procedures or policies comply with acceptable standards of nursing practice as defined
27 under this chapter;

28 (10) require applicants under this chapter to submit fingerprints and the
29 fees required by the Department of Public Safety under AS 12.62.160 for criminal
30 justice information and a national criminal history record check; the department shall
31 submit the fingerprints and fees to the Department of Public Safety for a report of

1 criminal justice information under AS 12.62 and a national criminal history record
2 check under AS 12.62.400;

3 (11) require that a licensed advanced practice registered nurse who has
4 a federal Drug Enforcement Administration registration number register with the
5 controlled substance prescription database under AS 17.30.200(n) [;

6 (12) APPOINT THE EXECUTIVE ADMINISTRATOR OF THE
7 BOARD TO SERVE AS THE STATE ADMINISTRATOR OF THE INTERSTATE
8 COMMISSION NURSE LICENSURE COMPACT ADMINISTRATORS UNDER
9 AS 08.68.500;

10 (13) SUBMIT A REPORT TO THE LEGISLATURE IF THE
11 BOARD DETERMINES THAT THE REQUIREMENTS FOR A MULTISTATE
12 LICENSE OR MULTISTATE LICENSURE PRIVILEGE UNDER THE
13 MULTISTATE NURSE LICENSURE COMPACT DO NOT MEET OR EXCEED
14 THE REQUIREMENTS FOR A LICENSE TO PRACTICE REGISTERED
15 NURSING OR PRACTICAL NURSING IN THIS STATE UNDER AS 08.68.170(a)
16 OR (b); THE BOARD SHALL SUBMIT THE REPORT TO THE SENATE
17 SECRETARY AND THE CHIEF CLERK OF THE HOUSE OF
18 REPRESENTATIVES AND NOTIFY THE LEGISLATURE THAT THE REPORT
19 IS AVAILABLE WITHIN 30 DAYS AFTER MAKING THE DETERMINATION].

20 (b) The board may

21 (1) conduct hearings upon charges of alleged violations of this chapter
22 or regulations adopted under it;

23 (2) invoke, or request the department to invoke, disciplinary action
24 against a licensee [LICENSE ISSUED UNDER THIS CHAPTER OR A PERSON
25 HOLDING A MULTISTATE LICENSURE PRIVILEGE];

26 (3) prescribe requirements for competence to continue practice."
27

28 Renumber the following bill sections accordingly.

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30 Page 6, following line 29:

31 Insert a new bill section to read:

1 ** Sec. 13. AS 08.68.140, as amended by sec. 12 of this Act, is amended to read:

2 **Sec. 08.68.140. Applicability of Administrative Procedure Act.** Except as
3 specified in AS 08.68.333(f) [AND 08.68.500], the board shall comply with AS 44.62
4 (Administrative Procedure Act)."

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6 Renumber the following bill sections accordingly.

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8 Page 7, following line 6:

9 Insert a new bill section to read:

10 ** Sec. 15. AS 08.68.160, as amended by sec. 14 of this Act, is amended to read:

11 **Sec. 08.68.160. License required.** A person practicing or offering to practice
12 [AS A] registered, **advanced practice registered**, or practical **nursing** [NURSE] in
13 the state shall submit evidence of qualification to practice and shall be licensed [OR
14 HOLD A MULTISTATE LICENSURE PRIVILEGE] under this chapter [. A
15 PERSON PRACTICING OR OFFERING TO PRACTICE AS AN ADVANCED
16 PRACTICE REGISTERED NURSE IN THE STATE SHALL SUBMIT EVIDENCE
17 OF QUALIFICATION TO PRACTICE AND SHALL BE LICENSED UNDER THIS
18 CHAPTER]."

19

20 Renumber the following bill sections accordingly.

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22 Page 8, following line 6:

23 Insert a new bill section to read:

24 ** Sec. 17. AS 08.68.170, as amended by sec. 16 of this Act, is amended to read:

25 **Sec. 08.68.170. Qualifications of registered or practical nurse applicants.**

26 (a) An applicant for a license to practice registered nursing shall submit to the board,
27 on forms and in the manner prescribed by the board, written evidence, verified by
28 oath, that the applicant has successfully completed a registered nurse education
29 program accredited by a national nursing accrediting body and approved by the board.
30 [AN APPLICANT FOR A MULTISTATE LICENSE TO PRACTICE REGISTERED
31 NURSING SHALL, IN ADDITION TO THE REQUIREMENTS OF THIS

1 CHAPTER, MEET THE REQUIREMENTS OF AS 08.68.500.]

2 (b) An applicant for a license to practice practical nursing [MAY OBTAIN A
3 LICENSE TO PRACTICE IN THIS STATE UNDER THIS CHAPTER OR A
4 MULTISTATE LICENSE THAT MEETS THE REQUIREMENTS OF THIS
5 CHAPTER AND AS 08.68.500. AN APPLICANT FOR A LICENSE TO PRACTICE
6 PRACTICAL NURSING UNDER THIS CHAPTER] shall submit to the board, on
7 forms and in the manner prescribed by the board, written evidence, verified by oath,
8 that the applicant has successfully completed

9 (1) a practical nurse education program accredited by a national
10 nursing accrediting body;

11 (2) a practical nurse education program that meets the criteria
12 established by the board under AS 08.68.100; or

13 (3) a registered nurse education program accredited by a national
14 nursing accrediting body and approved by the board and, if the applicant has failed the
15 registered nurse licensing examination, a practical nurse scope of practice course
16 approved by the board.

17 (c) An applicant for a license to practice advanced practice registered nursing
18 shall submit to the board, on forms and in the manner prescribed by the board, written
19 evidence, verified by oath, that the applicant

20 (1) is licensed as a registered nurse in the state [OR IS PRACTICING
21 AS A REGISTERED NURSE IN THE STATE UNDER A MULTISTATE
22 LICENSURE PRIVILEGE]; and

23 (2) has successfully completed an advanced practice registered nurse
24 education program that meets the criteria established by the board under
25 AS 08.68.100."
26

27 Renumber the following bill sections accordingly.

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29 Page 9, following line 9:

30 Insert a new bill section to read:

31 **** Sec. 20.** AS 08.68.220, as amended by sec. 19 of this Act, is amended to read:

1 **Sec. 08.68.220. Fees.** The Department of Commerce, Community, and
 2 Economic Development shall set fees under AS 08.01.065 for each of the following:

3 (1) registered nursing [SINGLE-STATE LICENSE]:

- 4 (A) application;
 5 (B) license by examination;
 6 (C) license by endorsement;
 7 (D) license renewal;
 8 (E) temporary permit;

9 (2) practical nursing [SINGLE-STATE LICENSE]:

- 10 (A) application;
 11 (B) license by examination;
 12 (C) license by endorsement;
 13 (D) license renewal;
 14 (E) temporary permit;

15 (3) advanced practice registered nursing:

- 16 (A) application;
 17 (B) license by certification examination;
 18 (C) license by endorsement;
 19 (D) license renewal;
 20 (E) temporary permit [;

21 (4) REGISTERED NURSING MULTISTATE LICENSE:

- 22 (A) APPLICATION;
 23 (B) LICENSE;
 24 (C) LICENSE RENEWAL;

25 (5) PRACTICAL NURSING MULTISTATE LICENSE:

- 26 (A) APPLICATION;
 27 (B) LICENSE;
 28 (C) LICENSE RENEWAL]."

29
 30 Renumber the following bill sections accordingly.

31

1 Page 9, following line 13:

2 Insert a new bill section to read:

3 **** Sec. 22.** AS 08.68.230(a), as amended by sec. 21 of this Act, is amended to read:

4 (a) A person licensed [WHO HOLDS A LICENSE OR MULTISTATE
5 LICENSURE PRIVILEGE] to practice registered nursing in the state may use the title
6 "registered nurse" and the abbreviation "R.N.;" [.]

7

8 Renumber the following bill sections accordingly.

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10 Page 9, following line 17:

11 Insert a new bill section to read:

12 **** Sec. 24.** AS 08.68.230(b), as amended by sec. 23 of this Act, is amended to read:

13 (b) A person licensed [WHO HOLDS A LICENSE OR MULTISTATE
14 LICENSURE PRIVILEGE] to practice practical nursing in the state may use the title
15 "licensed practical nurse" and the abbreviation "L.P.N.""

16

17 Renumber the following bill sections accordingly.

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19 Page 9, following line 23:

20 Insert a new bill section to read:

21 **** Sec. 26.** AS 08.68.251(a), as amended by sec. 25 of this Act, is amended to read:

22 (a) A lapsed license [ISSUED BY THE BOARD UNDER THIS CHAPTER]
23 may be reinstated if it has not remained lapsed for more than five years by payment of
24 the license fees for the current renewal period and the penalty fee. The board, by
25 regulation, shall establish continuing competency and criminal background check
26 requirements for reinstatement of a lapsed license."

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28 Renumber the following bill sections accordingly.

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30 Page 9, following line 31:

31 Insert a new bill section to read:

1 **** Sec. 28.** AS 08.68.275(c), as amended by sec. 27 of this Act, is amended to read:

2 (c) The board may summarily suspend a license [ISSUED BY THE BOARD
3 UNDER THIS CHAPTER] before final hearing or during the appeals process if the
4 board finds that the licensee poses a clear and immediate danger to the public health
5 and safety. A person whose license is suspended under this section is entitled to a
6 hearing conducted by the office of administrative hearings (AS 44.64.010) within
7 seven days after the effective date of the order. If, after a hearing, the board upholds
8 the suspension, the licensee may appeal the suspension to a court of competent
9 jurisdiction."

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11 Renumber the following bill sections accordingly.

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13 Page 10, following line 4:

14 Insert a new bill section to read:

15 **** Sec. 30.** AS 08.68.275(d), as amended by sec. 29 of this Act, is amended to read:

16 (d) The board may reinstate a license [ISSUED BY THE BOARD UNDER
17 THIS CHAPTER] that has been suspended or revoked if the board finds, after a
18 hearing, that the applicant is able to practice with skill and safety."

19

20 Renumber the following bill sections accordingly.

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22 Page 31, following line 31:

23 Insert a new bill section to read:

24 **** Sec. 34.** AS 08.68.800(a), as amended by sec. 33 of this Act, is amended to read:

- 25 (a) This chapter does not apply to
 - 26 (1) a qualified nurse licensed in another state employed by the United
 - 27 States government or a bureau, or agency, or division of the United States government
 - 28 while in the discharge of official duties;
 - 29 (2) nursing service given temporarily in the event of a public
 - 30 emergency, epidemic, or disaster;
 - 31 (3) the practice of nursing by a student enrolled in a nursing education

1 program accredited by the board when the practice is in connection with the student's
2 course of study;

3 (4) the practice of nursing by an individual enrolled in an approved
4 program or course of study approved by the board to satisfy the requirements of
5 AS 08.68.251;

6 (5) the practice of nursing by a nurse licensed in another state [WHO
7 DOES NOT HOLD A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN
8 THIS STATE AND] who engages in nursing education or nursing consultation
9 activities, if these activities and contact with clients do not exceed 20 working days
10 within a licensing period; or

11 (6) the practice of nursing by a nurse licensed in another state [WHO
12 DOES NOT HOLD A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN
13 THIS STATE AND] whose employment responsibilities include transporting patients
14 into, out of, or through this state; however, this exception is valid for a period not to
15 exceed 48 hours for each transport."

16
17 Renumber the following bill sections accordingly.

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19 Page 32, following line 9:

20 Insert a new bill section to read:

21 **"* Sec. 36.** AS 08.68.805, as amended by sec. 35 of this Act, is amended to read:

22 **Sec. 08.68.805. Delegation of nursing functions.** A registered, advanced
23 practice registered, or practical nurse licensed under this chapter [OR A
24 REGISTERED OR PRACTICAL NURSE HOLDING A MULTISTATE
25 LICENSURE PRIVILEGE] may delegate nursing duties to other persons, including
26 unlicensed assistive personnel, under regulations adopted by the board. A person to
27 whom the nursing duties are delegated may perform the delegated duties without a
28 license or certificate under this chapter [OR A MULTISTATE LICENSURE
29 PRIVILEGE] if the person meets the applicable requirements established by the
30 board."

31

1 Renumber the following bill sections accordingly.

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3 Page 32, following line 16:

4 Insert a new bill section to read:

5 **** Sec. 38.** AS 08.68.850(1), as amended by sec. 37 of this Act, is amended to read:

6 (1) "advanced practice registered nurse" means a registered nurse
7 licensed to practice in the state [REGISTERED NURSING IN THIS STATE] who,
8 because of specialized education and experience, is certified [LICENSED BY THE
9 BOARD] to perform acts of medical diagnosis and the prescription and dispensing of
10 medical, therapeutic, or corrective measures under regulations adopted by the board;"

11

12 Renumber the following bill sections accordingly.

13

14 Page 33, following line 12:

15 Insert a new bill section to read:

16 **** Sec. 41.** AS 09.55.560(2), as amended by sec. 40 of this Act, is amended to read:

17 (2) "health care provider" means an acupuncturist licensed under
18 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
19 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
20 dentist licensed under AS 08.36; a nurse licensed [OR HOLDING A MULTISTATE
21 LICENSURE PRIVILEGE] under AS 08.68; a dispensing optician licensed under
22 AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under
23 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational
24 therapist licensed under AS 08.84; a physician or physician assistant licensed under
25 AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under
26 AS 08.86; a hospital as defined in AS 47.32.900, including a governmentally owned
27 or operated hospital; an employee of a health care provider acting within the course
28 and scope of employment; an ambulatory surgical facility and other organizations
29 whose primary purpose is the delivery of health care, including a health maintenance
30 organization, individual practice association, integrated delivery system, preferred
31 provider organization or arrangement, and a physical hospital organization;"

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Renumber the following bill sections accordingly.

Page 33, following line 16:

Insert a new bill section to read:

**** Sec. 43.** AS 09.65.095(c)(1), as amended by sec. 42 of this Act, is amended to read:

(1) "health care provider" means a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68, a physician licensed under AS 08.64, and a person certified by a hospital as competent to take blood samples;"

Renumber the following bill sections accordingly.

Page 33, following line 22:

Insert a new bill section to read:

**** Sec. 45.** AS 18.20.095(e)(2), as amended by sec. 44 of this Act, is amended to read:

(2) "licensed staff member" means a person who is employed by the hospital to provide direct patient care and who is licensed or certified in the state as a physician or physician assistant under AS 08.64, direct-entry midwife under AS 08.65, nurse [LICENSED OR HOLDING A MULTISTATE LICENSURE PRIVILEGE UNDER AS 08.68] or nurse aide under AS 08.68, or physical therapist or occupational therapist under AS 08.84;"

Renumber the following bill sections accordingly.

Page 33, following line 27:

Insert a new bill section to read:

**** Sec. 47.** AS 18.20.499(3), as amended by sec. 46 of this Act, is amended to read:

(3) "nurse" means an individual licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] to practice registered nursing or practical nursing under AS 08.68 who provides nursing services through direct patient care or

1 clinical services and includes a nurse manager when delivering in-hospital patient
2 care;"

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4 Renumber the following bill sections accordingly.

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6 Page 34, following line 7:

7 Insert a new bill section to read:

8 **** Sec. 49.** AS 18.23.070(3), as amended by sec. 48 of this Act, is amended to read:

9 (3) "health care provider" means an acupuncturist licensed under
10 AS 08.06; a chiropractor licensed under AS 08.20; a dental hygienist licensed under
11 AS 08.32; a dentist licensed under AS 08.36; a nurse licensed [OR HOLDING A
12 MULTISTATE LICENSURE PRIVILEGE] under AS 08.68; a dispensing optician
13 licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist
14 licensed under AS 08.80; a physical therapist or occupational therapist licensed under
15 AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a
16 psychological associate licensed under AS 08.86; a hospital as defined in
17 AS 47.32.900, including a governmentally owned or operated hospital; and an
18 employee of a health care provider acting within the course and scope of
19 employment;"

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21 Renumber the following bill sections accordingly.

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23 Page 35, following line 8:

24 Insert a new bill section to read:

25 **** Sec. 51.** AS 47.07.045(b), as amended by sec. 50 of this Act, is amended to read:

26 (b) Before the department may terminate payment for services provided under
27 (a) of this section,

28 (1) the recipient must have had an annual assessment to determine
29 whether the recipient continues to meet the standards under (a) of this section;

30 (2) the annual assessment must have been reviewed by an independent
31 qualified health care professional under contract with the department; for purposes of

1 this paragraph, "independent qualified health care professional" means,

2 (A) for a waiver based on intellectual or developmental
3 disability, a person who is qualified under 42 C.F.R. 483.430 as a qualified
4 intellectual disability professional;

5 (B) for other allowable waivers, a registered [NURSE
6 LICENSED OR HOLDING A MULTISTATE LICENSURE PRIVILEGE
7 UNDER AS 08.68] or [AN] advanced practice registered nurse licensed under
8 AS 08.68 who is qualified to assess children with complex medical conditions,
9 older Alaskans, and adults with physical disabilities for medical assistance
10 waivers; and

11 (3) the annual assessment must find that the recipient's condition has
12 materially improved since the previous assessment; for purposes of this paragraph,
13 "materially improved" means that a recipient who has previously qualified for a
14 waiver for

15 (A) a child with complex medical conditions, no longer needs
16 technical assistance for a life-threatening condition, and is expected to be
17 placed in a skilled nursing facility for less than 30 days each year;

18 (B) intellectual or developmental disability, no longer needs the
19 level of care provided by an intermediate care facility for persons with
20 intellectual and developmental disabilities either because the qualifying
21 diagnosis has changed or the recipient is able to demonstrate the ability to
22 function in a home setting without the need for waiver services; or

23 (C) an older Alaskan or adult with a physical disability, no
24 longer has a functional limitation or cognitive impairment that would result in
25 the need for nursing home placement, and is able to demonstrate the ability to
26 function in a home setting without the need for waiver services."
27

28 Renumber the following bill sections accordingly.

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30 Page 35, following line 25:

31 Insert a new bill section to read:

1 **** Sec. 53.** AS 47.30.915(16), as amended by sec. 52 of this Act, is amended to read:

2 (16) "mental health professional" means a psychiatrist or physician
3 who is licensed by the State Medical Board to practice in this state or is employed by
4 the federal government; a clinical psychologist licensed by the state Board of
5 Psychologist and Psychological Associate Examiners; a psychological associate
6 trained in clinical psychology and licensed by the Board of Psychologist and
7 Psychological Associate Examiners; an advanced practice registered nurse or a
8 registered nurse with a master's degree in psychiatric nursing, licensed by the State
9 Board of Nursing [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE
10 UNDER AS 08.68]; a marital and family therapist licensed by the Board of Marital
11 and Family Therapy; a professional counselor licensed by the Board of Professional
12 Counselors; a clinical social worker licensed by the Board of Social Work Examiners;
13 and a person who

14 (A) has a master's degree in the field of mental health;

15 (B) has at least 12 months of post-masters working experience
16 in the field of mental illness; and

17 (C) is working under the supervision of a type of licensee listed
18 in this paragraph;"

19
20 Renumber the following bill sections accordingly.

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22 Page 35, following line 31:

23 Insert a new bill section to read:

24 **** Sec. 55.** AS 47.33.020(d), as amended by sec. 54 of this Act, is amended to read:

25 (d) An assisted living home may provide intermittent nursing services to a
26 resident who does not require 24-hour nursing services and supervision. Intermittent
27 nursing services may be provided only by a nurse licensed [OR HOLDING A
28 MULTISTATE LICENSURE PRIVILEGE] under AS 08.68 or by a person to whom a
29 nursing task has been delegated under (e) of this section."

30
31 Renumber the following bill sections accordingly.

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Page 36, following line 8:

Insert a new bill section to read:

**** Sec. 57.** AS 47.33.020(e), as amended by sec. 56 of this Act, is amended to read:

(e) A person who is on the staff of an assisted living home and who is not a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68 may perform a nursing task in that home if

(1) the authority to perform that nursing task is delegated to that person by a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68; and

(2) that nursing task is specified in regulations adopted by the Board of Nursing as a task that may be delegated."

Renumber the following bill sections accordingly.

Page 36, following line 13:

Insert a new bill section to read:

**** Sec. 59.** AS 47.33.020(f), as amended by sec. 58 of this Act, is amended to read:

(f) A resident who needs skilled nursing care may, with the consent of the assisted living home, arrange for that care to be provided in the home by a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68 if that arrangement does not interfere with the services provided to other residents."

Renumber the following bill sections accordingly.

Page 36, following line 18:

Insert a new bill section to read:

**** Sec. 61.** AS 47.33.020(g), as amended by sec. 60 of this Act, is amended to read:

(g) As part of a plan to avoid transfer of a resident from the home for medical reasons, the home may provide, through the services of a nurse who is licensed [OR

1 HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68, 24-hour
2 skilled nursing care to the resident for not more than 45 consecutive days."
3

4 Renumber the following bill sections accordingly.
5

6 Page 37, following line 3:

7 Insert a new bill section to read:

8 **** Sec. 63.** AS 47.33.020(h), as amended by sec. 62 of this Act, is amended to read:

9 (h) If a resident has received 24-hour skilled nursing care for the 45-day limit
10 set by (g) of this section, the resident or the resident's representative may elect to have
11 the resident remain in the home without continuation of 24-hour skilled nursing care if
12 the home agrees to retain the resident after

13 (1) the home and either the resident or the resident's representative
14 have consulted with the resident's physician;

15 (2) the home and either the resident or the resident's representative
16 have discussed the consequences and risks involved in the election to remain in the
17 home; and

18 (3) the portion of the resident's assisted living plan that relates to
19 health-related services has been revised to provide for the resident's health-related
20 needs without the use of 24-hour skilled nursing care, and the revised plan has been
21 reviewed by a registered [NURSE LICENSED OR HOLDING A MULTISTATE
22 LICENSURE PRIVILEGE UNDER AS 08.68,] or advanced practice registered nurse
23 licensed under AS 08.68 [,] or by the resident's attending physician."
24

25 Renumber the following bill sections accordingly.
26

27 Page 37, following line 11:

28 Insert new bill sections to read:

29 **** Sec. 65.** AS 47.33.230(c), as amended by sec. 64 of this Act, is amended to read:

30 (c) If the assisted living home provides or arranges for the provision of health-
31 related services to a resident, the home shall ensure that a

1 (1) registered [NURSE LICENSED OR HOLDING A MULTISTATE
2 LICENSURE PRIVILEGE UNDER AS 08.68] or advanced practice registered nurse
3 licensed under AS 08.68 reviews the portion of an assisted living plan that describes
4 how the resident's need for health-related services will be met; and

5 (2) physician's statement about the resident is included in the plan.

6 * **Sec. 66.** AS 08.01.065(l); AS 08.68.190(c), 08.68.275(g), 08.68.500, 08.68.850(13),
7 08.68.850(14), and 08.68.850(15) are repealed."

8

9 Renumber the following bill sections accordingly.

10

11 Page 37, line 19:

12 Delete "Section 36"

13 Insert "Section 67"

14

15 Page 37, following line 19:

16 Insert a new bill section to read:

17 "* **Sec. 69.** Sections 2, 5, 7, 9, 11, 13, 15, 17, 20, 22, 24, 26, 28, 30, 34, 36, 38, 41, 43, 45,
18 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, and 66 of this Act take effect July 1, 2029."

19

20 Renumber the following bill section accordingly.

21

22 Page 37, line 20:

23 Delete "sec. 37"

24 Insert "secs. 68 and 69"

AMENDMENT **#2**

OFFERED IN THE HOUSE
TO: CSHB 149(L&C)

BY REPRESENTATIVE JOSEPHSON

1 Page 2, following line 9:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 08.01.065(c), as amended by sec. 1 of this Act, is amended to read:

4 (c) Except as provided in (f) - (k) [(f) - (l)] of this section, the department shall
5 establish fee levels under (a) of this section so that the total amount of fees collected
6 for an occupation approximately equals the actual regulatory costs for the occupation.
7 The department shall annually review each fee level to determine whether the
8 regulatory costs of each occupation are approximately equal to fee collections related
9 to that occupation. If the review indicates that an occupation's fee collections and
10 regulatory costs are not approximately equal, the department shall calculate fee
11 adjustments and adopt regulations under (a) of this section to implement the
12 adjustments. In January of each year, the department shall report on all fee levels and
13 revisions for the previous year under this subsection to the office of management and
14 budget. If a board regulates an occupation covered by this chapter, the department
15 shall consider the board's recommendations concerning the occupation's fee levels and
16 regulatory costs before revising fee schedules to comply with this subsection. In this
17 subsection, "regulatory costs" means costs of the department that are attributable to
18 regulation of an occupation plus

19 (1) all expenses of the board that regulates the occupation if the board
20 regulates only one occupation;

21 (2) the expenses of a board that are attributable to the occupation if the
22 board regulates more than one occupation."
23

1 Renumber the following bill sections accordingly.

2

3 Page 3, following line 14:

4

Insert a new bill section to read:

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**** Sec. 5.** AS 08.02.110(a), as amended by sec. 4 of this Act, is amended to read:

6

(a) An acupuncturist licensed under AS 08.06, an audiologist or speech-

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language pathologist licensed under AS 08.11, a behavior analyst licensed under

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AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a

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professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian

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or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61,

11

a marital and family therapist licensed under AS 08.63, a medical practitioner or

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osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a

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registered [NURSE LICENSED OR HOLDING A MULTISTATE LICENSURE

14

PRIVILEGE UNDER AS 08.68] or advanced practice registered nurse [LICENSED]

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under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under

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AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a

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psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95,

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shall use as professional identification appropriate letters or a title after that person's

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name that represents the person's specific field of practice. The letters or title shall

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appear on all signs, stationery, or other advertising in which the person offers or

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displays personal professional services to the public. In addition, a person engaged in

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the practice of medicine or osteopathy as defined in AS 08.64.380, or a person

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engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels

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other persons in relation to human health or disease and uses the letters "M.D." or the

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title "doctor" or "physician" or another title that tends to show that the person is

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willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the

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letters or title by adding the appropriate specialist designation, if any, such as

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"dermatologist," "radiologist," "audiologist," "naturopath," or the like."

29

30 Renumber the following bill sections accordingly.

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1 Page 3, following line 31:

2 Insert a new bill section to read:

3 **** Sec. 7.** AS 08.02.130(j)(1), as amended by sec. 6 of this Act, is amended to read:

4 (1) "health care provider" means

5 (A) an audiologist or speech-language pathologist licensed
6 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
7 licensed under AS 08.20; a professional counselor licensed under AS 08.29; a
8 dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a
9 dietitian or nutritionist licensed under AS 08.38; a naturopath licensed under
10 AS 08.45; a marital and family therapist licensed under AS 08.63; a physician
11 licensed under AS 08.64; a podiatrist, osteopath, or physician assistant licensed
12 under AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse
13 licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under
14 AS 08.68; a dispensing optician licensed under AS 08.71; an optometrist
15 licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
16 therapist or occupational therapist licensed under AS 08.84; a psychologist or
17 psychological associate licensed under AS 08.86; or a social worker licensed
18 under AS 08.95; or

19 (B) a physician licensed in another state;"

20
21 Renumber the following bill sections accordingly.

22
23 Page 4, following line 16:

24 Insert a new bill section to read:

25 **** Sec. 9.** AS 08.11.120(b), as amended by sec. 8 of this Act, is amended to read:

26 (b) Notwithstanding the provisions of this chapter,

27 (1) a nurse licensed [OR HOLDING A MULTISTATE LICENSURE
28 PRIVILEGE] under AS 08.68 may perform hearing sensitivity evaluations;

29 (2) an individual licensed as a hearing aid dealer under AS 08.55 may
30 deal in hearing aids;

31 (3) an individual holding a class A certificate issued by the Conference

1 of Executives of American Schools of the Deaf may teach the hearing impaired;

2 (4) an individual may engage in the testing of hearing as part of a
3 hearing conservation program that complies with the regulations of the Occupational
4 Safety and Health Administration of the federal government if the individual is
5 certified to do the testing by a state or federal agency acceptable to the Occupational
6 Safety and Health Administration;

7 (5) an individual may perform hearing screening under AS 47.20.310
8 if authorized to do so under a protocol adopted under AS 47.20.310(e) by the
9 Department of Health."

10

11 Renumber the following bill sections accordingly.

12

13 Page 6, following line 25:

14 Insert a new bill section to read:

15 "** Sec. 11. AS 08.68.100, as amended by sec. 10 of this Act, is amended to read:

16 **Sec. 08.68.100. Duties and powers of board.** (a) The board shall

17 (1) adopt regulations necessary to implement this chapter, including
18 regulations

19 (A) pertaining to practice as an advanced practice registered
20 nurse, including requirements for an advanced practice registered nurse to
21 practice as a certified registered nurse anesthetist, certified clinical nurse
22 specialist, certified nurse practitioner, or certified nurse midwife; regulations
23 for an advanced practice registered nurse who holds a valid federal Drug
24 Enforcement Administration registration number must address training in pain
25 management and opioid use and addiction;

26 (B) necessary to implement AS 08.68.331 - 08.68.336 relating
27 to certified nurse aides in order to protect the health, safety, and welfare of
28 clients served by nurse aides;

29 (C) pertaining to retired nurse status;

30 (D) establishing criteria for approval of practical nurse
31 education programs that are not accredited by a national nursing accrediting

1 body; **and**

2 (E) establishing guidelines for rendering a diagnosis, providing
3 treatment, or prescribing, dispensing, or administering a prescription drug to a
4 person without conducting a physical examination under AS 08.68.710; the
5 guidelines must include a nationally recognized model policy for standards of
6 care of a patient who is at a different location than the advanced practice
7 registered nurse; [AND

8 (F) NECESSARY TO IMPLEMENT THE MULTISTATE
9 NURSE LICENSURE COMPACT UNDER AS 08.68.500;]

10 (2) approve curricula and adopt standards for basic education programs
11 that prepare persons for licensing under **AS 08.68.190** [THIS CHAPTER];

12 (3) provide for surveys of the basic nursing education programs in the
13 state at the times it considers necessary;

14 (4) approve education programs that meet the requirements of this
15 chapter and of the board, and deny, revoke, or suspend approval of education
16 programs for failure to meet the requirements;

17 (5) examine, license, and renew the licenses of **qualified** applicants;

18 (6) prescribe requirements for competence before a former registered,
19 advanced practice registered, or **licensed** practical nurse [LICENSED UNDER THIS
20 CHAPTER] may resume the practice of nursing **under this chapter**;

21 (7) define by regulation the qualifications and duties of the executive
22 administrator and delegate authority to the executive administrator that is necessary to
23 conduct board business;

24 (8) develop reasonable and uniform standards for nursing practice;

25 (9) publish advisory opinions regarding whether nursing practice
26 procedures or policies comply with acceptable standards of nursing practice as defined
27 under this chapter;

28 (10) require applicants under this chapter to submit fingerprints and the
29 fees required by the Department of Public Safety under AS 12.62.160 for criminal
30 justice information and a national criminal history record check; the department shall
31 submit the fingerprints and fees to the Department of Public Safety for a report of

1 criminal justice information under AS 12.62 and a national criminal history record
2 check under AS 12.62.400;

3 (11) require that a licensed advanced practice registered nurse who has
4 a federal Drug Enforcement Administration registration number register with the
5 controlled substance prescription database under AS 17.30.200(n) [;

6 (12) APPOINT THE EXECUTIVE ADMINISTRATOR OF THE
7 BOARD TO SERVE AS THE STATE ADMINISTRATOR OF THE INTERSTATE
8 COMMISSION NURSE LICENSURE COMPACT ADMINISTRATORS UNDER
9 AS 08.68.500;

10 (13) SUBMIT A REPORT TO THE LEGISLATURE IF THE
11 BOARD DETERMINES THAT THE REQUIREMENTS FOR A MULTISTATE
12 LICENSE OR MULTISTATE LICENSURE PRIVILEGE UNDER THE
13 MULTISTATE NURSE LICENSURE COMPACT DO NOT MEET OR EXCEED
14 THE REQUIREMENTS FOR A LICENSE TO PRACTICE REGISTERED
15 NURSING OR PRACTICAL NURSING IN THIS STATE UNDER AS 08.68.170(a)
16 OR (b); THE BOARD SHALL SUBMIT THE REPORT TO THE SENATE
17 SECRETARY AND THE CHIEF CLERK OF THE HOUSE OF
18 REPRESENTATIVES AND NOTIFY THE LEGISLATURE THAT THE REPORT
19 IS AVAILABLE WITHIN 30 DAYS AFTER MAKING THE DETERMINATION].

- 20 (b) The board may
 - 21 (1) conduct hearings upon charges of alleged violations of this chapter
 - 22 or regulations adopted under it;
 - 23 (2) invoke, or request the department to invoke, disciplinary action
 - 24 against a licensee [LICENSE ISSUED UNDER THIS CHAPTER OR A PERSON
 - 25 HOLDING A MULTISTATE LICENSURE PRIVILEGE];
 - 26 (3) prescribe requirements for competence to continue practice."

27
28 Renumber the following bill sections accordingly.

29
30 Page 6, following line 29:

31 Insert a new bill section to read:

1 "* **Sec. 13.** AS 08.68.140, as amended by sec. 12 of this Act, is amended to read:

2 **Sec. 08.68.140. Applicability of Administrative Procedure Act.** Except as
3 specified in AS 08.68.333(f) [AND 08.68.500], the board shall comply with AS 44.62
4 (Administrative Procedure Act)."

5
6 Renumber the following bill sections accordingly.

7
8 Page 7, following line 6:

9 Insert a new bill section to read:

10 "* **Sec. 15.** AS 08.68.160, as amended by sec. 14 of this Act, is amended to read:

11 **Sec. 08.68.160. License required.** A person practicing or offering to practice
12 [AS A] registered, advanced practice registered, or practical nursing [NURSE] in
13 the state shall submit evidence of qualification to practice and shall be licensed [OR
14 HOLD A MULTISTATE LICENSURE PRIVILEGE] under this chapter [. A
15 PERSON PRACTICING OR OFFERING TO PRACTICE AS AN ADVANCED
16 PRACTICE REGISTERED NURSE IN THE STATE SHALL SUBMIT EVIDENCE
17 OF QUALIFICATION TO PRACTICE AND SHALL BE LICENSED UNDER THIS
18 CHAPTER]."

19
20 Renumber the following bill sections accordingly.

21
22 Page 8, following line 6:

23 Insert a new bill section to read:

24 "* **Sec. 17.** AS 08.68.170, as amended by sec. 16 of this Act, is amended to read:

25 **Sec. 08.68.170. Qualifications of registered or practical nurse applicants.**

26 (a) An applicant for a license to practice registered nursing shall submit to the board,
27 on forms and in the manner prescribed by the board, written evidence, verified by
28 oath, that the applicant has successfully completed a registered nurse education
29 program accredited by a national nursing accrediting body and approved by the board.
30 [AN APPLICANT FOR A MULTISTATE LICENSE TO PRACTICE REGISTERED
31 NURSING SHALL, IN ADDITION TO THE REQUIREMENTS OF THIS

1 CHAPTER, MEET THE REQUIREMENTS OF AS 08.68.500.]

2 (b) An applicant for a license to practice practical nursing [MAY OBTAIN A
3 LICENSE TO PRACTICE IN THIS STATE UNDER THIS CHAPTER OR A
4 MULTISTATE LICENSE THAT MEETS THE REQUIREMENTS OF THIS
5 CHAPTER AND AS 08.68.500. AN APPLICANT FOR A LICENSE TO PRACTICE
6 PRACTICAL NURSING UNDER THIS CHAPTER] shall submit to the board, on
7 forms and in the manner prescribed by the board, written evidence, verified by oath,
8 that the applicant has successfully completed

9 (1) a practical nurse education program accredited by a national
10 nursing accrediting body;

11 (2) a practical nurse education program that meets the criteria
12 established by the board under AS 08.68.100; or

13 (3) a registered nurse education program accredited by a national
14 nursing accrediting body and approved by the board and, if the applicant has failed the
15 registered nurse licensing examination, a practical nurse scope of practice course
16 approved by the board.

17 (c) An applicant for a license to practice advanced practice registered nursing
18 shall submit to the board, on forms and in the manner prescribed by the board, written
19 evidence, verified by oath, that the applicant

20 (1) is licensed as a registered nurse in the state [OR IS PRACTICING
21 AS A REGISTERED NURSE IN THE STATE UNDER A MULTISTATE
22 LICENSURE PRIVILEGE]; and

23 (2) has successfully completed an advanced practice registered nurse
24 education program that meets the criteria established by the board under
25 AS 08.68.100."

26
27 Renumber the following bill sections accordingly.

28
29 Page 9, following line 9:

30 Insert a new bill section to read:

31 **** Sec. 20.** AS 08.68.220, as amended by sec. 19 of this Act, is amended to read:

1 **Sec. 08.68.220. Fees.** The Department of Commerce, Community, and
2 Economic Development shall set fees under AS 08.01.065 for each of the following:

3 (1) registered nursing [SINGLE-STATE LICENSE]:

- 4 (A) application;
- 5 (B) license by examination;
- 6 (C) license by endorsement;
- 7 (D) license renewal;
- 8 (E) temporary permit;

9 (2) practical nursing [SINGLE-STATE LICENSE]:

- 10 (A) application;
- 11 (B) license by examination;
- 12 (C) license by endorsement;
- 13 (D) license renewal;
- 14 (E) temporary permit;

15 (3) advanced practice registered nursing:

- 16 (A) application;
- 17 (B) license by certification examination;
- 18 (C) license by endorsement;
- 19 (D) license renewal;
- 20 (E) temporary permit [;

21 (4) REGISTERED NURSING MULTISTATE LICENSE:

- 22 (A) APPLICATION;
- 23 (B) LICENSE;
- 24 (C) LICENSE RENEWAL;

25 (5) PRACTICAL NURSING MULTISTATE LICENSE:

- 26 (A) APPLICATION;
- 27 (B) LICENSE;
- 28 (C) LICENSE RENEWAL]."

29
30 Renumber the following bill sections accordingly.

31

1 Page 9, following line 13:

2 Insert a new bill section to read:

3 **** Sec. 22.** AS 08.68.230(a), as amended by sec. 21 of this Act, is amended to read:

4 (a) A person **licensed** [WHO HOLDS A LICENSE OR MULTISTATE
5 LICENSURE PRIVILEGE] to practice registered nursing in the state may use the title
6 "registered nurse" and the abbreviation "R.N." [.]

7

8 Renumber the following bill sections accordingly.

9

10 Page 9, following line 17:

11 Insert a new bill section to read:

12 **** Sec. 24.** AS 08.68.230(b), as amended by sec. 23 of this Act, is amended to read:

13 (b) A person **licensed** [WHO HOLDS A LICENSE OR MULTISTATE
14 LICENSURE PRIVILEGE] to practice practical nursing in the state may use the title
15 "licensed practical nurse" and the abbreviation "L.P.N."

16

17 Renumber the following bill sections accordingly.

18

19 Page 9, following line 23:

20 Insert a new bill section to read:

21 **** Sec. 26.** AS 08.68.251(a), as amended by sec. 25 of this Act, is amended to read:

22 (a) A lapsed license [ISSUED BY THE BOARD UNDER THIS CHAPTER]
23 may be reinstated if it has not remained lapsed for more than five years by payment of
24 the license fees for the current renewal period and the penalty fee. The board, by
25 regulation, shall establish continuing competency and criminal background check
26 requirements for reinstatement of a lapsed license."

27

28 Renumber the following bill sections accordingly.

29

30 Page 9, following line 31:

31 Insert a new bill section to read:

1 program accredited by the board when the practice is in connection with the student's
2 course of study;

3 (4) the practice of nursing by an individual enrolled in an approved
4 program or course of study approved by the board to satisfy the requirements of
5 AS 08.68.251;

6 (5) the practice of nursing by a nurse licensed in another state [WHO
7 DOES NOT HOLD A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN
8 THIS STATE AND] who engages in nursing education or nursing consultation
9 activities, if these activities and contact with clients do not exceed 20 working days
10 within a licensing period; or

11 (6) the practice of nursing by a nurse licensed in another state [WHO
12 DOES NOT HOLD A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN
13 THIS STATE AND] whose employment responsibilities include transporting patients
14 into, out of, or through this state; however, this exception is valid for a period not to
15 exceed 48 hours for each transport."
16

17 Renumber the following bill sections accordingly.

18
19 Page 32, following line 9:

20 Insert a new bill section to read:

21 **** Sec. 36.** AS 08.68.805, as amended by sec. 35 of this Act, is amended to read:

22 **Sec. 08.68.805. Delegation of nursing functions.** A registered, advanced
23 practice registered, or practical nurse licensed under this chapter [OR A
24 REGISTERED OR PRACTICAL NURSE HOLDING A MULTISTATE
25 LICENSURE PRIVILEGE] may delegate nursing duties to other persons, including
26 unlicensed assistive personnel, under regulations adopted by the board. A person to
27 whom the nursing duties are delegated may perform the delegated duties without a
28 license or certificate under this chapter [OR A MULTISTATE LICENSURE
29 PRIVILEGE] if the person meets the applicable requirements established by the
30 board."
31

1 Renumber the following bill sections accordingly.

2

3 Page 32, following line 16:

4 Insert a new bill section to read:

5 **** Sec. 38.** AS 08.68.850(1), as amended by sec. 37 of this Act, is amended to read:

6 (1) "advanced practice registered nurse" means a **registered** nurse
7 licensed to practice **in the state** [REGISTERED NURSING IN THIS STATE] who,
8 because of specialized education and experience, is **certified** [LICENSED BY THE
9 BOARD] to perform acts of medical diagnosis and the prescription and dispensing of
10 medical, therapeutic, or corrective measures under regulations adopted by the board;"

11

12 Renumber the following bill sections accordingly.

13

14 Page 33, following line 12:

15 Insert a new bill section to read:

16 **** Sec. 41.** AS 09.55.560(2), as amended by sec. 40 of this Act, is amended to read:

17 (2) "health care provider" means an acupuncturist licensed under
18 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
19 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
20 dentist licensed under AS 08.36; a nurse licensed [OR HOLDING A MULTISTATE
21 LICENSURE PRIVILEGE] under AS 08.68; a dispensing optician licensed under
22 AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under
23 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational
24 therapist licensed under AS 08.84; a physician or physician assistant licensed under
25 AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under
26 AS 08.86; a hospital as defined in AS 47.32.900, including a governmentally owned
27 or operated hospital; an employee of a health care provider acting within the course
28 and scope of employment; an ambulatory surgical facility and other organizations
29 whose primary purpose is the delivery of health care, including a health maintenance
30 organization, individual practice association, integrated delivery system, preferred
31 provider organization or arrangement, and a physical hospital organization;"

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Renumber the following bill sections accordingly.

Page 33, following line 16:

Insert a new bill section to read:

**** Sec. 43.** AS 09.65.095(c)(1), as amended by sec. 42 of this Act, is amended to read:

(1) "health care provider" means a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68, a physician licensed under AS 08.64, and a person certified by a hospital as competent to take blood samples;"

Renumber the following bill sections accordingly.

Page 33, following line 22:

Insert a new bill section to read:

**** Sec. 45.** AS 18.20.095(e)(2), as amended by sec. 44 of this Act, is amended to read:

(2) "licensed staff member" means a person who is employed by the hospital to provide direct patient care and who is licensed or certified in the state as a physician or physician assistant under AS 08.64, direct-entry midwife under AS 08.65, nurse [LICENSED OR HOLDING A MULTISTATE LICENSURE PRIVILEGE UNDER AS 08.68] or nurse aide under AS 08.68, or physical therapist or occupational therapist under AS 08.84;"

Renumber the following bill sections accordingly.

Page 33, following line 27:

Insert a new bill section to read:

**** Sec. 47.** AS 18.20.499(3), as amended by sec. 46 of this Act, is amended to read:

(3) "nurse" means an individual licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] to practice registered nursing or practical nursing under AS 08.68 who provides nursing services through direct patient care or

1 clinical services and includes a nurse manager when delivering in-hospital patient
2 care;"

3
4 Renumber the following bill sections accordingly.

5
6 Page 34, following line 7:

7 Insert a new bill section to read:

8 **** Sec. 49.** AS 18.23.070(3), as amended by sec. 48 of this Act, is amended to read:

9 (3) "health care provider" means an acupuncturist licensed under
10 AS 08.06; a chiropractor licensed under AS 08.20; a dental hygienist licensed under
11 AS 08.32; a dentist licensed under AS 08.36; a nurse licensed [OR HOLDING A
12 MULTISTATE LICENSURE PRIVILEGE] under AS 08.68; a dispensing optician
13 licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist
14 licensed under AS 08.80; a physical therapist or occupational therapist licensed under
15 AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a
16 psychological associate licensed under AS 08.86; a hospital as defined in
17 AS 47.32.900, including a governmentally owned or operated hospital; and an
18 employee of a health care provider acting within the course and scope of
19 employment;"

20
21 Renumber the following bill sections accordingly.

22
23 Page 35, following line 8:

24 Insert a new bill section to read:

25 **** Sec. 51.** AS 47.07.045(b), as amended by sec. 50 of this Act, is amended to read:

26 (b) Before the department may terminate payment for services provided under
27 (a) of this section,

28 (1) the recipient must have had an annual assessment to determine
29 whether the recipient continues to meet the standards under (a) of this section;

30 (2) the annual assessment must have been reviewed by an independent
31 qualified health care professional under contract with the department; for purposes of

1 this paragraph, "independent qualified health care professional" means,

2 (A) for a waiver based on intellectual or developmental
3 disability, a person who is qualified under 42 C.F.R. 483.430 as a qualified
4 intellectual disability professional;

5 (B) for other allowable waivers, a registered [NURSE
6 LICENSED OR HOLDING A MULTISTATE LICENSURE PRIVILEGE
7 UNDER AS 08.68] or [AN] advanced practice registered nurse licensed under
8 AS 08.68 who is qualified to assess children with complex medical conditions,
9 older Alaskans, and adults with physical disabilities for medical assistance
10 waivers; and

11 (3) the annual assessment must find that the recipient's condition has
12 materially improved since the previous assessment; for purposes of this paragraph,
13 "materially improved" means that a recipient who has previously qualified for a
14 waiver for

15 (A) a child with complex medical conditions, no longer needs
16 technical assistance for a life-threatening condition, and is expected to be
17 placed in a skilled nursing facility for less than 30 days each year;

18 (B) intellectual or developmental disability, no longer needs the
19 level of care provided by an intermediate care facility for persons with
20 intellectual and developmental disabilities either because the qualifying
21 diagnosis has changed or the recipient is able to demonstrate the ability to
22 function in a home setting without the need for waiver services; or

23 (C) an older Alaskan or adult with a physical disability, no
24 longer has a functional limitation or cognitive impairment that would result in
25 the need for nursing home placement, and is able to demonstrate the ability to
26 function in a home setting without the need for waiver services."

27
28 Renumber the following bill sections accordingly.

29
30 Page 35, following line 25:

31 Insert a new bill section to read:

1 **** Sec. 53.** AS 47.30.915(16), as amended by sec. 52 of this Act, is amended to read:

2 (16) "mental health professional" means a psychiatrist or physician
3 who is licensed by the State Medical Board to practice in this state or is employed by
4 the federal government; a clinical psychologist licensed by the state Board of
5 Psychologist and Psychological Associate Examiners; a psychological associate
6 trained in clinical psychology and licensed by the Board of Psychologist and
7 Psychological Associate Examiners; an advanced practice registered nurse or a
8 registered nurse with a master's degree in psychiatric nursing, licensed by the State
9 Board of Nursing [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE
10 UNDER AS 08.68]; a marital and family therapist licensed by the Board of Marital
11 and Family Therapy; a professional counselor licensed by the Board of Professional
12 Counselors; a clinical social worker licensed by the Board of Social Work Examiners;
13 and a person who

14 (A) has a master's degree in the field of mental health;

15 (B) has at least 12 months of post-masters working experience
16 in the field of mental illness; and

17 (C) is working under the supervision of a type of licensee listed
18 in this paragraph;"

19
20 Renumber the following bill sections accordingly.

21
22 Page 35, following line 31:

23 Insert a new bill section to read:

24 **** Sec. 55.** AS 47.33.020(d), as amended by sec. 54 of this Act, is amended to read:

25 (d) An assisted living home may provide intermittent nursing services to a
26 resident who does not require 24-hour nursing services and supervision. Intermittent
27 nursing services may be provided only by a nurse licensed [OR HOLDING A
28 MULTISTATE LICENSURE PRIVILEGE] under AS 08.68 or by a person to whom a
29 nursing task has been delegated under (e) of this section."

30
31 Renumber the following bill sections accordingly.

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Page 36, following line 8:

Insert a new bill section to read:

**** Sec. 57.** AS 47.33.020(e), as amended by sec. 56 of this Act, is amended to read:

(e) A person who is on the staff of an assisted living home and who is not a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68 may perform a nursing task in that home if

(1) the authority to perform that nursing task is delegated to that person by a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68; and

(2) that nursing task is specified in regulations adopted by the Board of Nursing as a task that may be delegated."

Renumber the following bill sections accordingly.

Page 36, following line 13:

Insert a new bill section to read:

**** Sec. 59.** AS 47.33.020(f), as amended by sec. 58 of this Act, is amended to read:

(f) A resident who needs skilled nursing care may, with the consent of the assisted living home, arrange for that care to be provided in the home by a nurse licensed [OR HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68 if that arrangement does not interfere with the services provided to other residents."

Renumber the following bill sections accordingly.

Page 36, following line 18:

Insert a new bill section to read:

**** Sec. 61.** AS 47.33.020(g), as amended by sec. 60 of this Act, is amended to read:

(g) As part of a plan to avoid transfer of a resident from the home for medical reasons, the home may provide, through the services of a nurse who is licensed [OR

1 HOLDING A MULTISTATE LICENSURE PRIVILEGE] under AS 08.68, 24-hour
2 skilled nursing care to the resident for not more than 45 consecutive days."

3

4 Renumber the following bill sections accordingly.

5

6 Page 37, following line 3:

7 Insert a new bill section to read:

8 "* **Sec. 63.** AS 47.33.020(h), as amended by sec. 62 of this Act, is amended to read:

9 (h) If a resident has received 24-hour skilled nursing care for the 45-day limit
10 set by (g) of this section, the resident or the resident's representative may elect to have
11 the resident remain in the home without continuation of 24-hour skilled nursing care if
12 the home agrees to retain the resident after

13 (1) the home and either the resident or the resident's representative
14 have consulted with the resident's physician;

15 (2) the home and either the resident or the resident's representative
16 have discussed the consequences and risks involved in the election to remain in the
17 home; and

18 (3) the portion of the resident's assisted living plan that relates to
19 health-related services has been revised to provide for the resident's health-related
20 needs without the use of 24-hour skilled nursing care, and the revised plan has been
21 reviewed by a registered [NURSE LICENSED OR HOLDING A MULTISTATE
22 LICENSURE PRIVILEGE UNDER AS 08.68,] or advanced practice registered nurse
23 licensed under AS 08.68 [,] or by the resident's attending physician."

24

25 Renumber the following bill sections accordingly.

26

27 Page 37, following line 11:

28 Insert new bill sections to read:

29 "* **Sec. 65.** AS 47.33.230(c), as amended by sec. 64 of this Act, is amended to read:

30 (c) If the assisted living home provides or arranges for the provision of health-
31 related services to a resident, the home shall ensure that a

1 (1) registered [NURSE LICENSED OR HOLDING A MULTISTATE
2 LICENSURE PRIVILEGE UNDER AS 08.68] or advanced practice registered nurse
3 licensed under AS 08.68 reviews the portion of an assisted living plan that describes
4 how the resident's need for health-related services will be met; and

5 (2) physician's statement about the resident is included in the plan.

6 * **Sec. 66.** AS 08.01.065(*l*); AS 08.68.190(c), 08.68.275(g), 08.68.500, 08.68.850(13),
7 08.68.850(14), and 08.68.850(15) are repealed."

8

9 Renumber the following bill sections accordingly.

10

11 Page 37, line 19:

12 Delete "Section 36"

13 Insert "Section 67"

14

15 Page 37, following line 19:

16 Insert a new bill section to read:

17 **"* Sec. 69.** Sections 2, 5, 7, 9, 11, 13, 15, 17, 20, 22, 24, 26, 28, 30, 34, 36, 38, 41, 43, 45,
18 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, and 66 of this Act take effect December 31, 2029."

19

20 Renumber the following bill section accordingly.

21

22 Page 37, line 20:

23 Delete "sec. 37"

24 Insert "secs. 68 and 69"

AMENDMENT **#3**

OFFERED IN THE HOUSE

Representative Josephson

TO: CSHB 149(L&C)

1 Page 8, following line 6:

2 Insert a new bill section to read:

3 **** Sec. 10.** AS 08.68.170 is amended by adding a new subsection to read:

4 (d) If a nurse who holds a multistate licensure privilege moves to the state, the
5 nurse must apply to the board for a multistate license not later than 60 days after
6 moving to the state. If the nurse fails to apply to the board for a multistate license
7 within 60 days after moving to the state, the board shall suspend the nurse's multistate
8 licensure privilege in the state until the nurse provides satisfactory evidence that the
9 nurse has applied for a multistate license under AS 08.68.500."

10

11 Renumber the following bill sections accordingly.

12

13 Page 16, line 14:

14 Delete "If"

15 Insert "Except as provided in AS 08.68.170(d), if"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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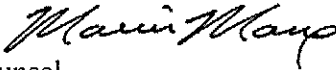
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 6, 2024

SUBJECT: Multistate Nurse Licensure Compact
(CSHB 149(L&C) ; Work Order No. 33-LS0447\D.15)

TO: Representative Andy Josephson
Attn: Alexander Schroeder

FROM: Marie Marx 
Legislative Counsel

Attached is the amendment you requested. The amendment significantly changes the model compact language, specifically the compact terms applicable to a nurse who holds a multistate licensure privilege issued by another state and moves to Alaska. Therefore, it is likely that, if the bill is enacted into law with the amendment incorporated, Alaska will not have legally joined the compact.

Under the terms of the compact, each state that joins must enact the compact in a form that is "substantially" similar to the model language. As provided under sec. 08.68.500 of the bill, the compact states, "the Multistate Nurse Licensure Compact as contained in this section is enacted into law and entered into on behalf of the state with all other states and jurisdictions legally joining it in a form substantially as follows:"

As a sovereign state, Alaska is free to join or not join the compact. If Alaska joins the compact, it will be adopted into Alaska law under sec. 08.68.500 and the state will be obligated to abide by all of the compact terms unless the state decides to withdraw from the compact by repealing the statute.¹ A state that violates the terms of the compact faces certain actions by the compact commission, including dispute resolution and judicial enforcement.² Under the compact terms, Alaska could issue Alaska-only single-state nursing licenses under its own requirements, but may not impose additional requirements for licensure before granting a multistate license under the compact or recognizing an out-of-state nurse's multistate licensure privilege.

Please let me know if I may be of further assistance.

MYM:boo
24-253.boo

Attachment

¹ Multistate Nurse Licensure Compact, art. X.

² Multistate Nurse Licensure Compact, art. IX.

1 Delete "Section 36"

2 Insert "Section 2"

3

4 Page 37, line 20:

5 Delete "sec. 37"

6 Insert "sec. 3"

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 149(L&C)

BY REPRESENTATIVE JOSEPHSON

1 Page 31, following line 9:

2 Insert a new section to read:

3 "Sec. 08.68.510. Compact fees. The Department of Commerce, Community,
4 and Economic Development shall establish a fee to be collected from entities licensed
5 under AS 47.32 so that the total amount of fees collected by the department from
6 licensed entities approximately equals the total costs to the state as a party state under
7 AS 08.68.500. The Department of Commerce, Community, and Economic
8 Development shall deposit the funds into the general fund. The legislature may
9 appropriate the funds to pay the costs associated with AS 08.68.500."

10

11 Page 34, following line 7:

12 Insert a new bill section to read:

13 "* Sec. 28. AS 37.05.146(c) is amended by adding a new paragraph to read:

14 (85) fees collected by the Department of Commerce, Community, and
15 Economic Development under AS 08.68.720."

16

17 Renumber the following bill sections accordingly.

18

19 Page 37, line 19:

20 Delete "Section 36"

21 Insert "Section 37"

22

23 Page 37, line 20:

- 1 Delete "sec. 37"
- 2 Insert "sec. 38"

AMENDMENT **#6**

OFFERED IN THE HOUSE
TO: CSHB 149(L&C)

BY REPRESENTATIVE GALVIN

1 Page 1, line 2, following "compact;":

2 Insert "**relating to employment of nurses holding a multistate licensure privilege;**"

3

4 Page 31, following line 9:

5 Insert a new bill section to read:

6 **** Sec. 19.** AS 08.68 is amended by adding a new section to article 6 to read:

7 **Sec. 08.68.720. Required information for nurses practicing under a**
8 **multistate licensure privilege.** (a) A person who employs a nurse practicing in this
9 state under a multistate licensure privilege shall submit a biennial report to the division
10 on or before April 30 and November 1 of each year providing the name and date of
11 hire and the name and date of termination of each nurse practicing under a multistate
12 licensure privilege who is hired or whose employment is terminated during the
13 previous six-month period.

14 (b) The division shall submit an annual report to the legislature by January 31
15 of each year stating the number of nurses practicing in the state under a multistate
16 licensure privilege who began practicing in the state and who terminated practicing in
17 the state during the preceding calendar year. The division shall deliver the report to the
18 senate secretary and the chief clerk of the house of representatives and notify the
19 legislature that the report is available.

20 (c) The failure of a person who employs a nurse to provide information under
21 this section may not be the basis for disciplinary action against the nurse or the nurse's
22 multistate licensure privilege and does not prohibit the nurse from practicing in the
23 state.

1 (d) In this section, "division" means the division in the Department of
2 Commerce, Community, and Economic Development responsible for corporations,
3 business, and professional licensing."
4

5 Renumber the following bill sections accordingly.
6

7 Page 37, line 19:

8 Delete "Section 36"

9 Insert "Section 37"

10

11 Page 37, line 20:

12 Delete "sec. 37"

13 Insert "sec. 38"

AMENDMENT #7

OFFERED IN THE HOUSE
TO: CSHB 149(L&C)

BY REPRESENTATIVE JOSEPHSON

1 Page 1, line 2, following "compact;":

2 Insert "relating to employment of nurses holding a multistate licensure privilege;"

3

4 Page 31, following line 9:

5 Insert a new bill section to read:

6 "* **Sec. 19.** AS 08.68 is amended by adding a new section to article 6 to read:

7 **Sec. 08.68.720. Registry of nurses practicing under a multistate licensure**
8 **privilege.** (a) A person who employs a nurse practicing in this state under a multistate
9 licensure privilege shall, before the nurse practices in the state, submit to the board the
10 name and date of hire of the nurse and notify the board when the nurse's employment
11 terminates.

12 (b) A nurse who holds a multistate licensure privilege may submit the nurse's
13 address and other workforce-related data to the board.

14 (c) The board shall develop a reporting system to collect information
15 submitted under this section and shall maintain a registry of the information, including
16 the number of nurses practicing in the state under a multistate licensure privilege and
17 the state in which each nurse is a resident.

18 (d) The failure of a nurse or a person who employs a nurse to provide
19 information under this section may not be the basis for disciplinary action against the
20 nurse or the nurse's licensure privilege, and does not prohibit the nurse from practicing
21 in the state."

22

23 Renumber the following bill sections accordingly.

1

2 Page 37, line 19:

3 Delete "Section 36"

4 Insert "Section 37"

5

6 Page 37, line 20:

7 Delete "sec. 37"

8 Insert "sec. 38"

AMENDMENT #8

OFFERED IN THE HOUSE

BY REPRESENTATIVE GALVIN

TO: CSHB 149(L&C)

1 Page 1, line 1, following "**professionals**";:

2 Insert "**relating to nurse staffing committees; relating to the ratio of nurses to**
3 **patients in hospitals**;"

4

5 Page 33, following line 16:

6 Insert a new bill section to read:

7 "*** Sec. 25.** AS 18.20 is amended by adding a new section to read:

8 **Sec. 18.20.087. Nurse staffing committees.** (a) Each hospital shall establish a
9 nurse staffing committee. At least 50 percent of the members of the committee shall be
10 registered nurses and licensed practical nurses currently employed in non-management
11 positions by the hospital.

12 (b) Each nurse staffing committee shall

13 (1) adopt minimum ratios of nurses to patients and certified nurse aides
14 to patients for all units within the hospital; and

15 (2) report annually to the Board of Nursing the rate of compliance by
16 the hospital with each staffing ratio under (1) of this subsection."

17

18 Renumber the following bill sections accordingly.

19

20 Page 37, line 19:

21 Delete "Section 36"

22 Insert "Section 37"

23

- 1 Page 37, line 20:
- 2 Delete "sec. 37"
- 3 Insert "sec. 38"

AMENDMENT #9

OFFERED IN THE HOUSE
TO: CSHB 149(L&C)

BY REPRESENTATIVE JOSEPHSON

1 Page 35, following line 25:

2 Insert a new bill section to read:

3 **** Sec. 30.** AS 47.32 is amended by adding a new section to read:

4 **Sec. 47.32.210. Restrictions on hiring during a nursing strike.** (a) Upon
5 receiving a notice to strike involving nurses, and during a strike involving nurses, an
6 entity may only hire a nurse who

7 (1) is licensed to practice in the state under this chapter; or

8 (2) was employed in the state under a multistate licensure privilege on
9 the day before the entity received the notice to strike.

10 (b) After withdrawal of a notice to strike involving nurses, or upon conclusion
11 of a strike involving nurses, an entity may resume hiring nurses holding a multistate
12 licensure privilege under this chapter."

13

14 Renumber the following bill sections accordingly.

15

16 Page 37, line 19:

17 Delete "Section 36"

18 Insert "Section 37"

19

20 Page 37, line 20:

21 Delete "sec. 37"

22 Insert "sec. 38"