

**CS FOR HOUSE BILL NO. 124(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/6/95  
Referred: Finance

Sponsor(s): REPRESENTATIVE TOOHEY

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act transferring the regulation of nursing home administrators to the  
2 Department of Commerce and Economic Development; abolishing the Board of  
3 Nursing Home Administrators; and providing for an effective date."

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

5 \* **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

6 (36) regulation of nursing home administrators under AS 08.70.

7 \* **Sec. 2.** AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative and budgetary  
9 services when appropriate:

10 (1) collect and record fees;

11 (2) maintain records and files;

12 (3) issue and receive application forms;

13 (4) notify applicants of acceptance or rejection as determined by the  
14 board or as determined by the department under AS 08.06 for acupuncturists, under

1 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for  
2 electrical and mechanical administrators, under AS 08.45 for naturopaths, [OR] under  
3 AS 08.55 for hearing aid dealers, or under AS 08.70 for nursing home  
4 administrators;

5 (5) designate dates examinations are to be held and notify applicants;

6 (6) publish notice of examinations and proceedings;

7 (7) arrange space for holding examinations and proceedings;

8 (8) notify applicants of results of examinations;

9 (9) issue licenses or temporary licenses as authorized by the board or  
10 as authorized by the department under AS 08.06 for acupuncturists, under AS 08.11  
11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and  
12 mechanical administrators, under AS 08.45 for naturopaths, [OR] under AS 08.55 for  
13 hearing aid dealers, or under AS 08.70 for nursing home administrators;

14 (10) issue duplicate licenses upon submission of a written request by  
15 the licensee attesting to loss of or the failure to receive the original and payment by  
16 the licensee of a fee established by regulation adopted by the department;

17 (11) notify licensees of renewal dates at least 30 days before the  
18 expiration date of their licenses;

19 (12) compile and maintain a current register of licensees;

20 (13) answer routine inquiries;

21 (14) maintain files relating to individual licensees;

22 (15) arrange for printing and advertising;

23 (16) purchase supplies;

24 (17) employ additional help when needed;

25 (18) perform other services that may be requested by the board;

26 (19) provide inspection, enforcement, and investigative services to the  
27 boards and for the occupations listed in AS 08.01.010, regarding all licenses issued by  
28 or through the department;

29 (20) retain and safeguard the official seal of a board and prepare, sign,  
30 and affix a board seal, as appropriate, for licenses approved by a board;

31 (21) issue business licenses under AS 43.70.

1 \* **Sec. 3.** AS 08.70.050 is amended to read:

2 Sec. 08.70.050. **REGULATION BY DEPARTMENT** [DUTIES AND  
3 POWERS OF THE BOARD]. (a) The **department** [BOARD] shall

4 (1) adopt standards for licensing nursing home administrators to **ensure**  
5 [INSURE] that licensees have knowledge and experience in health care and  
6 institutional administration necessary for competent administrators, and update the  
7 standards when necessary;

8 (2) examine, approve issuance of licenses to, and renewal of licenses  
9 of qualified persons;

10 (3) establish procedures to ensure that licensees continue to uphold the  
11 **department's** [BOARD'S] standards; impose disciplinary sanctions upon persons who  
12 fail to uphold the standards;

13 (4) adopt criteria for educational programs for persons preparing for the  
14 licensing examination and for the continuing education of licensees; review the  
15 educational programs available in the state and accredit the programs meeting the  
16 criteria;

17 [(5) KEEP A RECORD OF ITS PROCEEDINGS AND SUBMIT  
18 ANNUAL REPORTS TO THE GOVERNOR AND THE LEGISLATURE;

19 (6)] adopt regulations ensuring that renewal of a license is contingent  
20 upon proof of continued competency by the licensee.

21 (b) The **department** [BOARD] may adopt regulations necessary for the  
22 performance of its duties and to meet the requirements of Title 19 of the Social  
23 Security Act, the federal regulations adopted under it, and other federal requirements.

24 \* **Sec. 4.** AS 08.70.110 is amended to read:

25 Sec. 08.70.110. LICENSING. (a) The **department** [BOARD] shall license

26 (1) applicants who pass the written examination administered by the  
27 **department** [BOARD] and meet the standards established by the **department**  
28 [BOARD] under AS 08.70.050;

29 (2) persons licensed under emergency regulations 7 AAC 12.045  
30 promulgated in Register 51, July 8, 1974, who have practiced as administrators since  
31 licensing.

1 (b) The **department** [BOARD] may issue a license without examination to a  
2 person holding a current license as a nursing home administrator from another  
3 jurisdiction, if the **department** [BOARD] finds that the standards for licensing in the  
4 other jurisdiction are substantially equivalent to those in this state, and the person is  
5 otherwise qualified.

6 \* **Sec. 5.** AS 08.70.120 is amended to read:

7 Sec. 08.70.120. EXAMINATION. The purpose of the examination is to test  
8 the applicant's knowledge of the health and safety standards of the state and the  
9 applicant's experience in the practice of health care. The **department shall determine**  
10 [BOARD DETERMINES] the content, scope, format, and grading procedure.  
11 Examinations shall be given at least annually, at the time and place chosen by the  
12 **department** [BOARD].

13 \* **Sec. 6.** AS 08.70.130(a) is amended to read:

14 (a) A provisional license may be granted without examination to a person who  
15 meets the standards adopted by the **department** [BOARD] under AS 08.70.050 and  
16 who is needed to fill a vacancy in an administrative position.

17 \* **Sec. 7.** AS 08.70.155 is amended to read:

18 Sec. 08.70.155. GROUNDS FOR IMPOSITION OF DISCIPLINARY  
19 SANCTIONS. **The department** [AFTER A HEARING THE BOARD] may impose  
20 **the** disciplinary sanctions **authorized for boards under AS 08.01.075 or otherwise**  
21 **authorized for the department under AS 08.01** when it finds that a licensee

22 (1) secured a license through deceit, fraud, or intentional  
23 misrepresentation;

24 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
25 course of providing professional services or engaging in professional activities;

26 (3) advertised professional services in a false or misleading manner;

27 (4) intentionally or negligently engaged in or permitted the performance  
28 of patient care by persons under the licensee's supervision **that** [WHICH] does not  
29 conform to minimum professional standards regardless of whether actual injury to the  
30 patient occurred;

31 (5) failed to comply with this chapter, with a regulation adopted under

1 this chapter, or with an order of the **department** [BOARD];

2 (6) continued to practice after becoming unfit due to

3 (A) professional incompetence;

4 (B) addiction or severe dependency on alcohol or other drugs

5 **that** [WHICH] impairs the licensee's ability to practice safely;

6 (C) physical or mental disability;

7 (7) sold or furnished a license to another;

8 (8) practiced as a nursing home administrator or used a designation

9 tending to imply that the licensee is a nursing home administrator without a license

10 issued under this chapter unless exempted from licensure requirements under

11 AS 08.70.080.

12 \* **Sec. 8.** AS 08.70.180(3) is amended to read:

13 (3) "license" means the certificate awarded by the **department**

14 [BOARD] to a qualified person **that** [WHICH] entitles the person to be a nursing

15 home administrator in this state;

16 \* **Sec. 9.** AS 08.70.180(4) is amended to read:

17 (4) "licensee" means a person who has been granted a license to be a

18 nursing home administrator in this state by the **department** [BOARD];

19 \* **Sec. 10.** AS 44.62.330(a)(50) is amended to read:

20 (50) **Department of Commerce and Economic Development**

21 **concerning the licensing and regulation of nursing home administrators** [BOARD

22 OF NURSING HOME ADMINISTRATORS];

23 \* **Sec. 11.** AS 08.01.010(18); AS 08.03.010(c)(18); AS 08.70.010, 08.70.020, 08.70.030,

24 08.70.040, 08.70.055, and 08.70.180(1) are repealed.

25 \* **Sec. 12.** TRANSITION. (a) A regulation adopted by the Board of Nursing Home

26 Administrators and in effect on the effective date of this Act remains in effect and shall be

27 implemented and enforced by the Department of Commerce and Economic Development after

28 the effective date of this Act until the department amends the regulation. To be consistent

29 with the changes made by this Act, wherever in the regulations adopted by the Board of

30 Nursing Home Administrators the board is identified, that reference shall be read as referring

31 to the Department of Commerce and Economic Development. Under AS 44.62.125(b)(6), the

1 regulations attorney shall implement this subsection in the administrative regulations.

2 (b) All litigation, hearings, investigations, and other proceedings pending under a law  
3 amended or repealed by this Act, or in connection with functions transferred by this Act,  
4 continue in effect and may be continued and completed notwithstanding a transfer or  
5 amendment or repeal provided for in this Act. Licenses and orders issued under authority of  
6 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,  
7 vacated, or otherwise modified under the provisions of this Act. All contracts, rights,  
8 liabilities, and obligations created by or under a law amended or repealed by this Act, and in  
9 effect on the effective date of this Act remain in effect notwithstanding this Act's taking  
10 effect. Records, equipment, and other property of the Board of Nursing Home Administrators  
11 are transferred to the Department of Commerce and Economic Development.

12 \* **Sec. 13.** This Act takes effect immediately under AS 01.10.070(c).