

HOUSE BILL NO. 276

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILSON

Introduced: 5/8/01

Referred: Labor and Commerce, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to nursing, nurses, and nurse aides."**

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

3 *** Section 1.** AS 08.68.170 is amended by adding a new subsection to read:

4 (b) An applicant for a license to practice registered or practical nursing shall
5 submit to the board the applicant's fingerprints and the fees and other information
6 required by the Department of Public Safety in order to obtain state and national
7 criminal history record information under AS 12.62. The board may require an
8 applicant for renewal of a license to practice registered or practical nursing to submit
9 to the board the licensee's fingerprints and the fees and other information required by
10 the Department of Public Safety in order to obtain state and national criminal history
11 record information under AS 12.62. The board shall submit fingerprints received
12 under this subsection to the Department of Public Safety, and the Department of
13 Public Safety shall

14 (1) submit the fingerprints to the Federal Bureau of Investigation for a
15 report on national criminal history record information;

- 1 (2) perform a check for state criminal history record information; and
 2 (3) report to the board the results of the criminal history record checks
 3 under (1) and (2) of this subsection.

4 * **Sec. 2.** 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
 15 YEARS, IF THE APPLICANT MEETS THE CONTINUING COMPETENCY
 16 REQUIREMENTS OF THE BOARD OR COMPLETES A COURSE OF STUDY
 17 APPROVED BY THE BOARD].

18 * **Sec. 3.** AS 08.68.200 is amended by adding a new subsection to read:

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

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

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

25 * **Sec. 4.** AS 08.68.210(a) is amended to read:

26 (a) The board may issue a temporary permit, nonrenewable and valid for a
 27 period not exceeding four months, to an applicant for a license by endorsement if the
 28 applicant

29 (1) submits proof satisfactory to the board that the applicant is
 30 currently licensed in another state or Canadian province or Canadian territory that
 31 administers an examination approved by the board under **AS 08.68.200(a)(2)**

1 [AS 08.68.200(2)];

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

3 (3) pays the required fee.

4 * **Sec. 5.** AS 08.68.331 is amended by adding a new subsection to read:

5 (c) An applicant for certification as a nurse aide shall submit to the board the
6 applicant's fingerprints and the fees and other information required by the Department
7 of Public Safety in order to obtain state and national criminal history record
8 information under AS 12.62. The board may require an applicant for renewal of
9 certification to submit to the board the applicant's fingerprints and the fees and other
10 information required by the Department of Public Safety in order to obtain state and
11 national criminal history record information under AS 12.62. The board shall submit
12 fingerprints received under this subsection to the Department of Public Safety, and the
13 Department of Public Safety shall

14 (1) submit the fingerprints to the Federal Bureau of Investigation for a
15 report on national criminal history record information;

16 (2) perform a check for state criminal history record information; and

17 (3) report to the board the results of the criminal history record checks
18 under (1) and (2) of this subsection.

19 * **Sec. 6.** AS 08.68.340(a) is amended to read:

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

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

23 (2) practice or offer to practice nursing without a license, unless the
24 person **is practicing only within the scope of a delegation properly made under**
25 **AS 08.68.405 or is only giving** [GIVES] necessary aid to the ill, injured, or infirm in
26 an emergency;

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

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

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

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

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

5 * **Sec. 7.** AS 08.68 is amended by adding a new section to read:

6 **Sec. 08.68.405. Delegation of nursing functions.** A registered or practical
7 nurse licensed under this chapter may delegate nursing duties to other persons,
8 including unlicensed assistive personnel, if authorized to do so under regulations
9 adopted by the board. A person to whom the nursing duties are delegated may
10 perform the delegated duties without a license or certificate under this chapter if the
11 person meets the requirements established by the board for the training required for
12 the delegated duties.