SENATE BILL NO. 53

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY SENATORS GIESSEL, McGuire, Costello, Stoltze, Micciche, MacKinnon, Egan, Bishop

REPRESENTATIVES Kawasaki, Gattis, Wilson, Gara

Introduced: 2/18/15
Referred: Labor and Commerce, Health and Social Services

A BILL

FOR AN ACT ENTITLED

"An Act relating to advanced practice registered nursing; relating to certified direct-entry midwifery; and providing for an effective date."

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

*** Section 1.** AS 08.02.010(a) is amended to read:

(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 **<u>or advanced practice registered</u>** nurse 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.

*** Sec. 2.** AS 08.29.210(a) is amended to read:

(a) The board shall approve and certify a person as an approved counselor supervisor for the purposes of this chapter if the person

(1) is licensed as a professional counselor or is a licensed physician, licensed advanced **<u>practice registered</u>** nurse [PRACTITIONER] who is certified to provide psychiatric or mental health services, licensed clinical social worker, licensed marital and family therapist, licensed psychologist, or licensed psychological associate;

(2) submits an application for certification and the appropriate fee;

(3) has five years of counseling experience;

(4) provides to the board for its approval or disapproval a statement that details the person's supervision philosophy, orientation, and experience; and

(5) meets other criteria that may be established by the board in regulations.

*** Sec. 3.** AS 08.65.140 is amended to read:

Sec. 08.65.140. Required practices. The board shall adopt regulations regarding the practice of direct-entry midwifery. At a minimum, the regulations must require that a certified direct-entry midwife

(1) recommend, before care or delivery of a client, that the client

undergo a physical examination performed by a physician, physician assistant, **or** advanced **practice registered** nurse [PRACTITIONER, OR CERTIFIED NURSE MIDWIFE] who is licensed in this state;

(2) obtain informed consent from a client before onset of labor;

(3) comply with AS 18.15.150 regarding taking of blood samples, AS 18.15.200 regarding screening of phenylketonuria (PKU), AS 18.50.160 regarding birth registration, AS 18.50.230 regarding registration of deaths, AS 18.50.240 regarding fetal death registration, and regulations adopted by the Department of Health and Social Services concerning prophylactic treatment of the eyes of newborn infants;

(4) not knowingly deliver a woman with certain types of health conditions, prior history, or complications as specified by the board.

*** Sec. 4.** AS 08.68.010 is amended to read:

Sec. 08.68.010. Creation and membership of Board of Nursing. There is created a Board of Nursing, consisting of seven members appointed by the governor as follows:

(1) one member shall be a licensed practical nurse who is currently engaged in licensed practical nursing and has practiced for at least two years immediately preceding appointment;

(2) one member shall be a registered nurse engaged in nursing education at the associate, baccalaureate, or graduate degree level at an institution that holds national nursing accreditation;

(3) one member shall be an advanced **practice registered** nurse [PRACTITIONER] who is currently engaged in advanced practice **registered** nursing and has practiced for at least four years immediately preceding appointment;

(4) two members shall be registered nurses at large who are currently engaged in registered nursing and have practiced for at least four years immediately preceding appointment; and

(5) two members shall be persons who have no direct financial interest in the health care industry.

*** Sec. 5.** AS 08.68.100(a) is amended to read:

(a) The board shall

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

(A) pertaining to practice as an advanced **practice registered** nurse**, including requirements for an advanced practice registered nurse to practice as a certified registered nurse anesthetist, certified clinical nurse specialist, certified nurse practitioner, or certified nurse midwife** [PRACTITIONER AND A CERTIFIED REGISTERED NURSE ANESTHETIST];

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

(C) pertaining to retired nurse status; and

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

(2) approve curricula and adopt standards for basic education programs that prepare persons for licensing under AS 08.68.190;

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

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

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

(6) prescribe requirements for competence before a former **registered, advanced practice registered, or licensed practical** nurse may resume the practice of nursing under this chapter;

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

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

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

(10) require applicants under this chapter to submit fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the department shall submit the fingerprints and fees to the Department of Public Safety for a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

*** Sec. 6.** AS 08.68.160 is amended to read:

Sec. 08.68.160. License required. A person practicing or offering to practice **registered, advanced practice registered,** [PROFESSIONAL] or practical nursing in the state shall submit evidence of qualification to practice and shall be licensed under this chapter.

*** Sec. 7.** AS 08.68.170 is amended by adding a new subsection to read:

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

(1) is licensed as a registered nurse in the state; and

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

*** Sec. 8.** AS 08.68.190 is repealed and reenacted to read:

Sec. 08.68.190. License by examination. (a) An applicant for a license to practice

(1) registered or practical nursing shall pass a registered nursing or practical nursing licensing examination as prescribed by the board;

(2) advanced practice registered nursing shall pass an advanced practice registered nursing certification examination as prescribed by the board.

(b) If an applicant meets the qualifications set out in AS 08.68.170 for the license for which the applicant applied, the board shall issue a license to practice

(1) registered or practical nursing to an applicant who passes the licensing examination to practice registered or practical nursing; or

(2) advanced practice registered nursing to an applicant who passes the advanced practice registered nursing certification examination to practice advanced practice registered nursing.

*** Sec. 9.** AS 08.68.200 is amended to read:

Sec. 08.68.200. License by endorsement. (a) The board may issue a license by endorsement to practice as a registered**, advanced practice registered,** or practical nurse, whichever is appropriate, to an applicant who has worked as a nurse within the past five years if the applicant is licensed as [EITHER] a registered**, advanced practice registered,** or practical nurse under the laws of another state if, in the opinion of the board, the applicant meets the qualifications required for licensing in the state and meets the requirements of AS 08.68.170.

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

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

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

*** Sec. 10.** AS 08.68.220 is amended to read:

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

(1) registered nursing:

(A) application;

(B) license by examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit;

(2) practical [OR VOCATIONAL] nursing:

(A) application;

(B) license by examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit**;**

(3) advanced practice registered nursing:

(A) application;

(B) license by certification examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit.

*** Sec. 11.** AS 08.68.230(a) is amended to read:

(a) A person licensed to practice registered nursing in the state may use the title ["LICENSED PROFESSIONAL NURSE,"] "registered nurse [,]" and the abbreviation "R.N."

*** Sec. 12.** AS 08.68.230 is amended by adding new subsections to read:

(e) A person licensed to practice advanced practice registered nursing in the state may use the title "advanced practice registered nurse" and the abbreviation "APRN."

(f) A person licensed to practice advanced practice registered nursing in the state as a

(1) certified registered nurse anesthetist may use the title "certified registered nurse anesthetist" and the abbreviation "CRNA";

(2) certified clinical nurse specialist may use the title "clinical nurse specialist" and the abbreviation "CNS";

(3) certified nurse practitioner may use the title "certified nurse practitioner" and the abbreviation "CNP"; or

(4) certified nurse midwife may use the title "certified nurse midwife" and the abbreviation "CNM."

*** Sec. 13.** AS 08.68.265 is amended to read:

Sec. 08.68.265. Supervision of practical nurses. A practical nurse shall work under the supervision of a licensed registered **or advanced practice registered** nurse, a licensed physician, a licensed physician assistant, or a licensed dentist.

*** Sec. 14.** AS 08.68.270 is amended to read:

Sec. 08.68.270. Grounds for denial, suspension, or revocation. The board may deny, suspend, or revoke the license of a person who

(1) has obtained or attempted to obtain a license to practice nursing by fraud or deceit;

(2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee;

(3) habitually abuses alcoholic beverages, or illegally uses controlled substances;

(4) has impersonated a registered**, advanced practice registered,** or practical nurse;

(5) has intentionally or negligently engaged in conduct that has resulted in a significant risk to the health or safety of a client or in injury to a client;

(6) practices or attempts to practice nursing while afflicted with physical or mental illness, deterioration, or disability that interferes with the individual's performance of nursing functions;

(7) is guilty of unprofessional conduct as defined by regulations adopted by the board;

(8) has wilfully or repeatedly violated a provision of this chapter or regulations adopted under this chapter or AS 08.01;

(9) is professionally incompetent;

(10) denies care or treatment to a patient or person seeking assistance if the sole reason for the denial is the failure or refusal of the patient or person seeking assistance to agree to arbitrate as provided in AS 09.55.535(a).

*** Sec. 15.** AS 08.68.290 is amended to read:

Sec. 08.68.290. Application for accreditation. An institution desiring to conduct a nursing education program to prepare registered**, advanced practice registered,** or practical nurses shall apply to the board and submit evidence that it is prepared to

(1) carry out the curriculum approved by the board for registered nursing**, advanced practice registered nursing,** or [FOR] practical nursing; and

(2) meet other standards established by law and by the board.

*** Sec. 16.** AS 08.68.334 is amended to read:

Sec. 08.68.334. Grounds for denial, suspension, or revocation of certificate. The board may deny a certification to, or impose a disciplinary sanction authorized under AS 08.01.075 against, a person who

(1) has obtained or attempted to obtain certification as a nurse aide by fraud, deceit, or intentional misrepresentation;

(2) has been convicted of a crime substantially related to the qualifications, functions, or duties of a certified nurse aide;

(3) has impersonated a registered**, advanced practice registered,** or practical nurse or other licensed health care provider;

(4) has intentionally or negligently engaged in conduct that has resulted in a significant risk to the health or safety of a client or in injury to a client;

(5) is incapable of working as a certified nurse aide with reasonable skill, competence, and safety for the public because of

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or a drug that impairs the licensee's ability to practice safely;

(C) physical or mental disability; or

(D) other factors determined by the board;

(6) has knowingly or repeatedly failed to comply with this chapter, a regulation adopted under this chapter, or with an order of the board; or

(7) has misappropriated the property of, abused, or neglected a client.

*** Sec. 17.** AS 08.68.360 is amended to read:

Sec. 08.68.360. Unlicensed practice a public nuisance. The practice of **registered, advanced practice registered,** [PROFESSIONAL] or practical nursing for compensation by a person who is not licensed, or whose license is suspended, or revoked, or expired, is declared to be inimical to the public welfare and to constitute a public nuisance.

*** Sec. 18.** AS 08.68.370 is amended to read:

Sec. 08.68.370. Application for injunction. The board may apply for an

injunction in a competent court to enjoin a person not licensed or whose license is suspended or revoked or expired from practicing **registered, advanced practice registered,** [PROFESSIONAL] or practical nursing. The court may issue a temporary injunction enjoining the defendant from practicing **registered, advanced practice registered,** [PROFESSIONAL] or practical nursing.

*** Sec. 19.** AS 08.68.380 is amended to read:

Sec. 08.68.380. Issuance of injunction. If it is established that the defendant has been or is practicing **registered, advanced practice registered,** [PROFESSIONAL] or practical nursing without a license or has been or is practicing nursing after the defendant's license has been suspended or revoked, or has expired, the court may enjoin the defendant from further practice.

*** Sec. 20.** AS 08.68.805 is amended to read:

Sec. 08.68.805. Delegation of nursing functions. A registered**, advanced practice registered,** or practical nurse licensed under this chapter may delegate nursing duties to other persons, including unlicensed assistive personnel, under regulations adopted by the board. A person to whom the nursing duties are delegated may perform the delegated duties without a license or certificate under this chapter if the person meets the applicable requirements established by the board.

*** Sec. 21.** AS 08.68.850(1) is amended to read:

(1) "advanced **practice registered** nurse [PRACTITIONER]" means a registered nurse **licensed** **[**AUTHORIZED] to practice in the state who, because of specialized education and experience, is certified to perform acts of medical diagnosis and the prescription and dispensing of medical, therapeutic, or corrective measures under regulations adopted by the board;

*** Sec. 22.** AS 08.68.850 is amended by adding a new paragraph to read:

(11) "practice of advanced practice registered nursing" includes, in addition to the practice of registered nursing, the performance of acts of medical diagnosis and the prescription and dispensing of medical, therapeutic, or corrective measures under regulations adopted by the board.

*** Sec. 23.** AS 08.80.400 is amended to read:

Sec. 08.80.400. Other licensees not affected. This chapter does not affect the

practice of medicine by a licensed medical doctor and does not limit a licensed medical doctor, osteopath, podiatrist, physician assistant, advanced **practice registered** nurse [PRACTITIONER], dentist, veterinarian, dispensing optician, or optometrist in supplying a patient with any medicinal preparation or article within the scope of the person's license.

*** Sec. 24.** AS 09.65.300(c)(1) is amended to read:

(1) "health care provider" means a physician, physician assistant, dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse, practical nurse, [NURSE MIDWIFE,] advanced **practice registered** nurse [PRACTITIONER], naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, behavior analyst, assistant behavior analyst, licensed clinical social worker, athletic trainer, or certified direct-entry midwife;

*** Sec. 25.** AS 11.41.470(1) is amended to read:

(1) "health care worker" includes a person who is or purports to be an anesthesiologist, acupuncturist, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, **certified direct-entry** midwife, nurse, **advanced practice registered** nurse [PRACTITIONER], osteopath, naturopath, physical therapist, physical therapy assistant, physician, physician assistant, psychiatrist, psychologist, psychological associate, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position;

*** Sec. 26.** AS 11.81.430(a) is amended to read:

(a) The use of force **on** [UPON] another person that would otherwise constitute an offense is justified under any of the following circumstances:

(1) When and to the extent reasonably necessary and appropriate to promote the welfare of the child or incompetent person, a parent, guardian, or other person entrusted with the care and supervision of a child under 18 years of age or an incompetent person may use reasonable and appropriate nondeadly force **on** [UPON] that child or incompetent person.

(2) When and to the extent reasonably necessary and appropriate to maintain order and when the use of force is consistent with the welfare of the students,

a teacher may, if authorized by school regulations and the principal of the school, use reasonable and appropriate nondeadly force **on** [UPON] a student. If authorized by school regulations and the principal of the school, a teacher may use nondeadly force under this paragraph in any situation in which the teacher is responsible for the supervision of students. A teacher employed by a school board, including a regional educational attendance area school board, may use nondeadly force under this paragraph only if the school regulations authorizing the use of force have been adopted by the school board.

(3) When and to the extent reasonably necessary and appropriate to maintain order, a person responsible for the maintenance of order in a common carrier of passengers, or a person acting under that person's direction, may use reasonable and appropriate nondeadly force.

(4) When and to the extent reasonably necessary to prevent a suicide, a person who reasonably believes that another is imminently about to commit suicide may use reasonable and appropriate nondeadly force **on** [UPON] that person.

(5) A licensed physician, licensed mobile intensive care paramedic, or registered **or advanced practice registered** nurse; or a person acting under the direction of a licensed physician, licensed mobile intensive care paramedic, or registered **or advanced practice registered** nurse; or any person who renders emergency care at the scene of an emergency, may use reasonable and appropriate nondeadly force for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the patient if

(A) the treatment is administered with the consent of the patient or, if the patient is a child under 18 years of age or an incompetent person, with the consent of the parent, guardian, or other person entrusted with care and supervision of the child or incompetent person; or

(B) the treatment is administered in an emergency if the person administering the treatment reasonably believes that no one competent to consent can be consulted under the circumstances and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

*** Sec. 27.** AS 12.55.135(k)(3) is amended to read:

(3) "medical professional" means a person who is an anesthesiologist, dentist, dental hygienist, health aide, nurse, nurse aid, **advanced practice registered** nurse [PRACTITIONER], mental health counselor, physician, physician assistant, chiropractor, psychiatrist, osteopath, psychologist, psychological associate, radiologist, surgeon, or x-ray technician, or who holds a substantially similar position.

*** Sec. 28.** AS 14.30.141(e) is amended to read:

(e) In this section, "health care provider" means a licensed physician, advanced **practice registered** nurse [PRACTITIONER], physician assistant, village health aide, or pharmacist operating within the scope of the health care provider's authority.

*** Sec. 29.** AS 18.08.086(c) is amended to read:

(c) A registered **or advanced practice registered** nurse or licensed practical nurse who escorts a patient in a means of conveyance not equipped as an ambulance is not liable for civil damages as a result of an act or omission in administering patient care services, if done in good faith and if the life of the injured or sick person is in danger. This subsection does not preclude liability for civil damages that are the result of gross negligence or intentional misconduct.

*** Sec. 30.** AS 18.08.087 is amended to read:

Sec. 18.08.087. Disclosure of medical records. When requested for the purpose of evaluating the performance of an emergency medical technician, mobile intensive care paramedic, or physician who provided emergency medical care or other assistance to a sick or injured person, a licensed physician, advanced **practice registered** nurse [PRACTITIONER], or physician assistant may disclose to an emergency medical technician, a mobile intensive care paramedic, or physician the medical or hospital records of a sick or injured person to whom the paramedic, technician, or physician is providing or has rendered emergency medical care or assistance. However, the disclosing physician, **advanced practice registered** nurse [PRACTITIONER], or physician assistant shall limit disclosure under this section to the records that are considered necessary by the discloser for evaluation of the paramedic's, technician's, or physician's performance in providing the emergency

medical care or assistance. A mobile intensive care paramedic, emergency medical care technician, or physician to whom confidential records are disclosed under this section may not further disclose the information to a person not entitled to receive that information under this section or another law.

*** Sec. 31.** AS 18.15.310(a) is amended to read:

(a) The withdrawal of blood for a test under AS 18.15.300 - 18.15.320 shall be performed in a medically approved manner. Only a physician or physician assistant licensed under AS 08.64, registered **or advanced practice registered** nurse, licensed practical nurse, or certified emergency medical technician may withdraw blood specimens for the purposes of AS 18.15.300 - 18.15.320.

*** Sec. 32.** AS 18.15.395(11) is amended to read:

(11) "health care practitioner" means a physician, **advanced practice registered** nurse [PRACTITIONER], or physician assistant **licensed or otherwise** authorized to practice their respective professions in this state;

*** Sec. 33.** AS 18.29.099(7) is amended to read:

(7) "tier II health care professional" means a person licensed or exempt from licensure in the state as a dental hygienist, registered nurse, advanced **practice registered** nurse [PRACTITIONER], physician assistant, physical therapist, clinical psychologist, or clinical social worker holding at least a master's degree in social work.

*** Sec. 34.** AS 18.50.165(b) is amended to read:

(b) The registrar shall distribute copies of the form prepared under (a) of this section to each hospital in the state, to each physician in the state whose practice includes attendance at births, to each **certified nurse midwife** [NURSE-MIDWIFE] and **certified** direct-entry midwife in the state, and to each other interested person in the state who requests copies of the form.

*** Sec. 35.** AS 21.36.090(d) is amended to read:

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type

contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, physician assistant, dentist, osteopath, optometrist, chiropractor, [NURSE MIDWIFE,] advanced **practice registered** nurse [PRACTITIONER], naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, licensed professional counselor, or certified direct-entry midwife.

*** Sec. 36.** AS 21.42.355 is amended to read:

Sec. 21.42.355. Coverage for cost of services provided by certified nurse midwives. (a) If a health care insurance plan or an excepted benefits policy or contract provides indemnity for the cost of services of a physician provided to women during pregnancy, childbirth, and the period after childbirth, indemnity in a reasonable amount shall also be provided for the cost of an advanced **practice registered** nurse [PRACTITIONER] who provides the same services. Indemnity may be provided under this subsection only if the advanced **practice registered** nurse **is practicing** [PRACTITIONER IS CERTIFIED TO PRACTICE] as a **certified** nurse midwife in accordance with regulations adopted under AS 08.68.100(a), and the services provided are within the scope of practice **of** [AUTHORIZED BY] that certification.

(b) If a health care insurance plan or an excepted benefits policy or contract provides for furnishing those services required of a physician in the care of women during pregnancy, childbirth, and the period after childbirth, the contract shall also provide that an advanced **practice registered** nurse [PRACTITIONER] may furnish those same services instead of a physician. Services may be provided under this subsection only if the advanced **practice registered** nurse **is practicing** [PRACTITIONER IS CERTIFIED TO PRACTICE] as a **certified** nurse midwife in accordance with regulations adopted under AS 08.68.100(a), and the services provided are within the scope of practice **of** [AUTHORIZED BY] that certification.

*** Sec. 37.** AS 21.42.397(a) is amended to read:

(a) Except for a fraternal benefit society, a health care insurer that offers, issues for delivery, delivers, or renews a health care insurance plan in this state shall provide coverage for the costs of the diagnosis and treatment of autism spectrum

disorders. Coverage required by this subsection must include treatment prescribed by a licensed physician, psychologist, or advanced **practice registered** nurse [PRACTITIONER], provided by or supervised by an autism service provider, and as identified in a treatment plan developed following a comprehensive evaluation. Covered treatment includes medically necessary pharmacy care, psychiatric care, psychological care, habilitative or rehabilitative care, and therapeutic care. In this subsection,

(1) "habilitative or rehabilitative care" means professional counseling, guidance services, and treatment programs necessary to develop, restore, or maintain the functioning of an individual to the maximum extent practicable, including applied behavior analysis or other structured behavioral therapies; in this paragraph, "applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, including direct observation, measurement, and functional analysis of the relationship between environment and behavior, to produce socially significant improvement in human behavior or to prevent the loss of an attained skill or function;

(2) "therapeutic care" means services provided by or under the supervision of a speech-language pathologist licensed under AS 08.11 or an occupational therapist or physical therapist licensed under AS 08.84.

*** Sec. 38.** AS 21.42.397(g)(5) is amended to read:

(5) "medically necessary" means any care, treatment, intervention, service, or item prescribed by a licensed physician, psychologist, or advanced **practice registered** nurse [PRACTITIONER] in accordance with accepted standards of practice that will, or is reasonably expected to,

(A) prevent the onset of an illness, condition, injury, or disability;

(B) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability;

(C) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacity of other persons of the individual's

age.

*** Sec. 39.** AS 21.55.500(12) is amended to read:

(12) "home health agency services" means any of the following services provided upon recommendation of a licensed physician as part of a treatment plan:

(A) intermittent or part-time nursing services of a registered [PROFESSIONAL] nurse or a licensed practical nurse, that are provided to a person under the continued direction of the person's physician and within the limitation of the nurse's license;

(B) nursing services that are provided to a person at the person's residence, including a residential care facility or adult boarding home; a hospital, skilled nursing facility or intermediate care facility is not considered a residence;

(C) home health aide services that are prescribed by and under the continued direction of a physician and supervised by a **registered** [PROFESSIONAL] nurse;

(D) home health aide services that are provided to a person at the person's residence, as described in (B) of this paragraph;

(E) physical and occupational therapy services, speech pathology, and audiology services that are prescribed by a physician and provided to a person by or under the supervision of a qualified practitioner; these services may be provided to a person who is a patient in an intermediate care facility or skilled nursing facility;

*** Sec. 40.** AS 21.87.330(8) is amended to read:

(8) "provider" means a physician, dentist, osteopath, optometrist, chiropractor, **certified** nurse midwife, or other licensed health care practitioner;

*** Sec. 41.** AS 23.30.395(3) is amended to read:

(3) "attending physician" means one of the following designated by the employee under AS 23.30.095(a) or (b):

(A) a licensed medical doctor;

(B) a licensed doctor of osteopathy;

(C) a licensed dentist or dental surgeon;

(D) a licensed physician assistant acting under supervision of a licensed medical doctor or doctor of osteopathy;

(E) a licensed advanced **practice registered** nurse [PRACTITIONER]; or

(F) a licensed chiropractor;

*** Sec. 42.** AS 25.20.055(a) is amended to read:

(a) When a birth occurs to an unmarried woman in a hospital or en route to a hospital to which the woman is later admitted, the hospital shall ensure that a staff member

(1) meets with the woman before release from the hospital;

(2) attempts to meet with the father of the unmarried woman's child, if possible;

(3) presents to the mother and, if possible, the father, a pamphlet or statement regarding the rights and responsibilities of a natural parent; the Department of Health and Social Services shall prepare this pamphlet and distribute copies of it to each hospital in the state, to each physician in the state whose practice includes attendance at births, to each **certified nurse midwife** [NURSE-MIDWIFE] and **certified** direct-entry midwife in the state, and to other interested persons in the state who request copies;

(4) provides to the mother and, if possible, the father, all forms, statements, or agreements necessary to voluntarily establish a parent and child relationship, including an **acknowledgment** [ACKNOWLEDGEMENT] of paternity form prepared under AS 18.50.165;

(5) on request of the mother and father, assists the father in completing specific forms, statements, or agreements necessary to establish a parent and child relationship between the father and the child; and

(6) on request of the mother and father, mails a completed voluntary **acknowledgment** [ACKNOWLEDGEMENT] of paternity form to the state registrar for filing under AS 18.50.165.

*** Sec. 43.** AS 25.20.055(b) is amended to read:

(b) When a birth occurs to an unmarried woman who is not in a hospital for the birth nor admitted to a hospital immediately after the birth, and the birth is attended by a physician, **<u>certified nurse midwife</u>** [NURSE-MIDWIFE], or **<u>certified</u>** direct-entry midwife, the physician, **<u>certified nurse midwife</u>** [NURSE-MIDWIFE], or **<u>certified</u>** direct-entry midwife shall perform the duties described in (a)(2) - (6) of this section or ensure that an agent performs those duties.

*** Sec. 44.** AS 28.10.181(d) is amended to read:

(d) Vehicles owned by veterans with disabilities, including persons disabled in the line of duty while serving in the Alaska Territorial Guard, or other persons with disabilities. Upon the request of a person with a disability that limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one motor vehicle in the name of the person without charge; and (2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; (B) the international symbol of accessibility (the wheelchair logo); and (C) if the applicant is a veteran, the Alaska and United States flags and red, white, and blue colors. A person who is not otherwise qualified under this subsection, but who meets the qualifications of a disabled veteran under AS 29.45.030(i), may register one motor vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the international symbol of accessibility and does not carry with it special parking privileges. A disabled veteran who otherwise qualifies for a registration plate under this subsection may elect to receive a plate under (p) or (q) of this section for which the person is otherwise qualified that does not display the international symbol of accessibility and does not carry with it special parking privileges. A disabled person who otherwise qualifies for a registration plate under (2)(B) of this subsection may elect to receive a plate under another provision of this section for which the person is otherwise qualified that does not display the international symbol of accessibility and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician or physician assistant under AS 08.64 or

as an advanced **practice registered** nurse [PRACTITIONER] under AS 08.68.

*** Sec. 45.** AS 28.33.033(d) is amended to read:

(d) The person tested may have a physician, or a qualified technician, chemist, registered **or advanced practice registered** nurse, or other qualified person of the person's own choosing administer a chemical test in addition to the test administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer; the fact that the person under arrest sought to obtain [SUCH] an additional test, and failed or was unable to do so, is likewise admissible in evidence.

*** Sec. 46.** AS 28.35.033(e) is amended to read:

(e) The person tested may have a physician, or a qualified technician, chemist, registered **or advanced practice registered** nurse, or other qualified person of the person's own choosing administer a chemical test in addition to the test administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer; the fact that the person under arrest sought to obtain such an additional test, and failed or was unable [SO] to do **so**, is likewise admissible in evidence. The person who administers the chemical test shall clearly and expressly inform the person tested of that person's right to an independent test described under this subsection, and, if the person being tested requests an independent test, the department shall make reasonable and good-faith efforts to assist the person being tested in contacting a person qualified to perform an independent chemical test of the person's breath or blood.

*** Sec. 47.** AS 33.30.901(10) is amended to read:

(10) "health care provider" means

(A) a physician assistant [OR NURSE PRACTITIONER] licensed to practice in the state and working under the direct supervision of a licensed physician or psychiatrist; [OR]

(B) a mental health professional as defined in AS 47.30.915; **or**

(C) an advanced practice registered nurse as defined in

AS 08.68.850;

*** Sec. 48.** AS 47.07.030(b) is amended to read:

(b) In addition to the mandatory services specified in (a) of this section and the services provided under (d) of this section, the department may offer only the following optional services: case management services for traumatic or acquired brain injury; case management and nutrition services for pregnant women; personal care services in a recipient's home; emergency hospital services; long-term care noninstitutional services; medical supplies and equipment; advanced **practice registered** nurse [PRACTITIONER] services; clinic services; rehabilitative services for children eligible for services under AS 47.07.063, substance abusers, and emotionally disturbed or chronically mentally ill adults; targeted case management services; inpatient psychiatric facility services for individuals 65 years of age or older and individuals under 21 years of age; psychologists' services; clinical social workers' services; midwife services; prescribed drugs; physical therapy; occupational therapy; chiropractic services; low-dose mammography screening, as defined in AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders; adult dental services; prosthetic devices and eyeglasses; optometrists' services; intermediate care facility services, including intermediate care facility services for persons with intellectual and developmental disabilities; skilled nursing facility services for individuals under 21 years of age; and reasonable transportation to and from the point of medical care.

*** Sec. 49.** AS 47.07.045(b) is amended to read:

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

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

(2) the annual assessment must have been reviewed by an independent qualified health care professional under contract with the department; for purposes of this paragraph, "independent qualified health care professional" means,

(A) for a waiver based on intellectual or developmental disability, a person who is qualified under 42 CFR 483.430 as a qualified

intellectual disability professional;

(B) for other allowable waivers, a registered **or advanced practice registered** nurse licensed under AS 08.68 who is qualified to assess children with complex medical conditions, older Alaskans, and adults with physical disabilities for medical assistance waivers; and

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

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

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

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

*** Sec. 50.** AS 47.07.900(2) is amended to read:

(2) "advanced **practice registered** nurse [PRACTITIONER] services" means services furnished by a person who is **licensed** [CERTIFIED] as an advanced **practice registered** nurse [PRACTITIONER] under AS 08.68.850 that are within the scope of **regulations adopted under AS 08.68.100(a)** [THE PERSON'S CERTIFIED AUTHORITY], whether or not the person is under the supervision of, or associated with, a physician or other health care provider;

*** Sec. 51.** AS 47.20.320(d) is amended to read:

(d) A hospital or other health facility, clinical laboratory, audiologist, physician, registered **or advanced practice registered** nurse, certified [NURSE

MIDWIFE,] direct-entry midwife, officer or employee of a health facility or clinical laboratory, or an employee of an audiologist, physician, or registered **or advanced practice registered** nurse is not criminally or civilly liable for furnishing information in good faith to the department or its designee under this section. The furnishing of information in accordance with this section is not a violation of AS 08 or AS 18 or regulations adopted under AS 08 or AS 18 for licensees under those statutes.

*** Sec. 52.** AS 47.30.838(a) is amended to read:

(a) Except as provided in (c) and (d) of this section, an evaluation facility or designated treatment facility may administer psychotropic medication to a patient without the patient's informed consent, regardless of whether the patient is capable of giving informed consent, only if

(1) there is a crisis situation, or an impending crisis situation, that requires immediate use of the medication to preserve the life of, or prevent significant physical harm to, the patient or another person, as determined by a licensed physician or a registered **or advanced practice registered** nurse; the behavior or condition of the patient giving rise to a crisis under this paragraph and the staff's response to the behavior or condition must be documented in the patient's medical record; the documentation must include an explanation of alternative responses to the crisis that were considered or attempted by the staff and why those responses were not sufficient; and

(2) the medication is ordered by a licensed physician; the order

(A) may be written or oral and may be received by telephone, facsimile machine, or in person;

(B) may include an initial dosage and may authorize additional, as needed, doses; if additional, as needed, doses are authorized, the order must specify the medication, the quantity of each authorized dose, the method of administering the medication, the maximum frequency of administration, the specific conditions under which the medication may be given, and the maximum amount of medication that may be administered to the patient in a 24-hour period;

(C) is valid for only 24 hours and may be renewed by a

physician for a total of 72 hours, including the initial 24 hours, only after a personal assessment of the patient's status and a determination that there is still a crisis situation as described in (1) of this subsection; upon renewal of an order under this subparagraph, the facts supporting the renewal shall be written into the patient's medical record.

*** Sec. 53.** AS 47.30.915(13) is amended to read:

(13) "mental health professional" means a psychiatrist or physician who is licensed by the State Medical Board to practice in this state or is employed by the federal government; a clinical psychologist licensed by the state Board of Psychologist and Psychological Associate Examiners; a psychological associate trained in clinical psychology and licensed by the Board of Psychologist and Psychological Associate Examiners; **an advanced practice registered nurse or** a registered nurse with a master's degree in psychiatric nursing, licensed by the State Board of Nursing; a marital and family therapist licensed by the Board of Marital and Family Therapy; a professional counselor licensed by the Board of Professional Counselors; a clinical social worker licensed by the Board of Social Work Examiners; and a person who

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

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

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

*** Sec. 54.** AS 47.33.020(h) is amended to read:

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

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

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

home; and

(3) the portion of the resident's assisted living plan that relates to health-related services has been revised to provide for the resident's health-related needs without the use of 24-hour skilled nursing care, and the revised plan has been reviewed by a registered **or advanced practice registered** nurse licensed under AS 08.68 or by the resident's attending physician.

*** Sec. 55.** AS 47.33.230(c) is amended to read:

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

(1) registered **or advanced practice registered** nurse licensed under AS 08.68 reviews the portion of an assisted living plan that describes how the resident's need for health-related services will be met; and

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

*** Sec. 56.** AS 47.37.180(b) is amended to read:

(b) The certifying physician, physician assistant, advanced **practice registered** nurse [PRACTITIONER], spouse, guardian, or relative of the person to be committed, or any other responsible person, may make a written application for commitment under this section, directed to the administrator of the approved public treatment facility. The application must state facts to support the need for emergency treatment and be accompanied by a physician's, physician assistant's, or advanced **practice registered nurse's** [NURSE PRACTITIONER'S] certificate supporting the need for emergency treatment and stating that the physician, physician assistant, or advanced **practice registered** nurse [PRACTITIONER] has examined the person sought to be committed within two days before the certificate's date.

*** Sec. 57.** AS 47.37.180(f) is amended to read:

(f) A copy of the written application for commitment and of the physician's, physician assistant's, or advanced **practice registered nurse's** [NURSE PRACTITIONER'S] certificate, and a written explanation of the person's right to legal counsel, shall be given to the person within 24 hours after commitment by the administrator, who shall provide a reasonable opportunity for the person to consult with legal counsel.

*** Sec. 58.** AS 47.37.190(a) is amended to read:

(a) A spouse or guardian, a relative, the certifying physician, physician assistant, advanced **practice registered** nurse [PRACTITIONER], or the administrator in charge of an approved public treatment facility may petition the court for a 30-day involuntary commitment order. The petition must allege that the person is an alcoholic or drug abuser who (1) has threatened, attempted to inflict, or inflicted physical harm on another and that unless committed is likely to inflict physical harm on another; or (2) is incapacitated by alcohol or drugs. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition must be accompanied by a certificate of a licensed physician, physician assistant, or advanced **practice registered** nurse [PRACTITIONER] who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal must be alleged in the petition. The certificate must set out the physician's, physician assistant's, or advanced **practice registered nurse's** [NURSE PRACTITIONER'S] findings of the examination in support of the allegations of the petition.

*** Sec. 59.** AS 47.37.200(a) is amended to read:

(a) At the hearing for a 30-day commitment required under AS 47.37.190(b), the court shall hear all relevant testimony, including, if possible, the testimony of at least one person who has examined the person whose commitment is sought under AS 47.37.180(b) or 47.37.190(a). The person whose commitment is sought shall be present unless the court believes that being present is likely to be injurious to the person, in which case the court may conduct the hearing telephonically. The court may examine the person in open court, or, if advisable, examine the person out of court. If the person has refused to be examined under AS 47.37.180(b) or 47.37.190(a), the person shall be given an opportunity to request examination by a court-appointed licensed physician, physician assistant, or advanced **practice registered** nurse [PRACTITIONER]. If the person fails to request a medical examination and there is sufficient evidence to believe that the allegations of the petition are true, or, if the court believes that more medical evidence is necessary, the court may issue a

temporary order committing the person to a private or public facility for a period of not more than five days for purposes of a diagnostic examination.

*** Sec. 60.** AS 08.68.850(7); AS 21.87.330(4); and AS 47.07.900(14) are repealed.

*** Sec. 61.** This Act takes effect July 1, 2015.