

1 IN THE HOUSE

BY MR. GREUEL

2 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 66

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of  
7 nursing; creating a Nurses' Examining  
8 Board; defining its powers and duties;  
9 providing for the licensing and regis-  
10 tration of nurses; fixing penalties for  
11 violations of the Act; repealing Sections  
12 35-3-111 to 35-3-122, inclusive, ACLA  
13 1949 and Chapter 28, Session Laws of  
14 Alaska 1949; and declaring an emergency."

15 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

16 Section 1. Definitions. As used in this Act the following  
17 terms shall have the definitions shown unless the context clear-  
18 ly indicates otherwise:

19 a. "Board" means the Nurses' Examining Board for the  
20 Territory of Alaska.

21 b. "Registered Nurse" (R.N.) means a professional,  
22 trained, or graduate nurse, who performs any professional  
23 service requiring the application of principles of nursing  
24 based on biological, physical, and social sciences; the  
25 professional service shall include, but is not limited to,  
26 responsible supervision of a patient requiring skill in the  
27 observation of symptoms and reactions and the accurate re-  
28 cording of facts, the carrying out of treatments and medi-  
29 cations prescribed by a licensed physician, and the appli-

1 oation of such nursing procedures as involve understanding  
2 of cause and effect in order to safeguard life and health  
3 of a patient and others.

4 nurse or a  
5 c. "Practical Nurse" means any person who, under the  
6 direction and supervision of a registered nurse or a  
7 licensed physician, gives simple nursing care and performs  
8 simple nursing procedures and housekeeping tasks; the term  
9 does not include nurses' aides, nurses' assistants, order-  
10 lies or maids.

11 d. "Nurse employer" means any agency, hospital, or  
12 person who employs a registered nurse or a practical nurse.  
13 Section 2. Restrictions on the practice of nursing. a. No  
14 person shall represent himself or herself in any manner  
15 whatsoever to be a registered nurse, or shall practice  
16 professional nursing, without first registering and obtain-  
17 ing a license as herein provided.

18 b. No person shall act as a practical nurse for hire  
19 without first obtaining a license as herein provided.

20 c. No nurse employer shall employ any person as a  
21 registered nurse or practical nurse unless the person has  
22 complied with the licensing requirements of this Act.

23 d. No practical nurse shall administer medicines,  
24 either orally or hypodermically, except under the immediate  
25 supervision of a registered nurse or a licensed physician  
26 and only then at such times as may be deemed necessary due  
27 to the unavailability of registered nurses; a practical  
28 nurse shall in no instance administer intravenous injections.  
29 A practical nurse shall not accept verbal or telephonic  
30 orders from physicians for the administration of medicines,

*be construed to prohibit the treatment of disease, pain, injury, deformity of physical condition in such isolated areas where no other medical facilities, registered nurses, or physicians are available.*

1 treatments, or nourishment to patients. *This Act shall not*

2 Nothing in this Act shall be construed to apply to persons  
3 serving as nurses in the Armed Forces of the United States or as  
4 employees of the United States Public Health Service or of the  
5 Bureau of Indian Affairs while such persons are acting in the  
6 performance of their official duties.

7 Section 3. Nurses' Examining Board. a. There shall be a  
8 Nurses' Examining Board composed of five registered nurses  
9 licensed under the laws of Alaska. The Governor shall appoint  
10 the members of the Board, subject to confirmation by a majority  
11 of the members of the Legislature in joint session assembled,  
12 from recommendations made by the Alaska Nurses' Association.  
13 Not more than two members shall reside in the same judicial divi-  
14 sion; not more than one shall be employed by the same govern-  
15 mental agency; and one shall be connected with an accredited  
16 Alaskan school of practical nursing. To qualify for appointment  
17 a registered nurse must have had at least three years of exper-  
18 ience in the profession after graduation from a nursing school.

19 b. The term of office of a member of the Board shall be  
20 four years, commencing April first in the year of appointment.  
21 The term of at least one member of the Board shall expire each  
22 year: Provided, that the first members appointed hereunder shall  
23 draw lots to determine whose terms shall be for one, two, three,  
24 or four years, as may be necessary; and Provided further, that  
25 the members of the Nurses' Examining Board existing at the time  
26 this Act shall become law shall serve as members of the Board  
27 until April first in the year of the expiration of the terms  
28 under which they were appointed. Vacancies on the Board, whether  
29 occurring from the expiration of a term, resignation, or other-

1 wise, shall be filled by appointment by the Governor from  
2 recommendations made by the Alaska Nurses' Association, and  
3 the appointees shall serve pending confirmation by the next  
4 Legislature. No member of the Board shall enter upon the  
5 discharge of duties until an oath has been taken to perform  
6 the same faithfully and impartially. The Governor may remove  
7 any member of the Board for neglect of duty or for unprofession-  
8 al or incompetent conduct, if deemed guilty after a fair and  
9 impartial hearing.

10 c. The Board shall annually choose from among its members  
11 a President, Vice-President, and Executive Secretary; the Execu-  
12 tive Secretary shall also perform the duties of a treasurer.  
13 The Board shall meet at least annually at the call of the  
14 President or at the request of any three members. Three  
15 members shall constitute a quorum at any meeting. The Board  
16 ~~shall outline the duties of the Executive Secretary, who shall~~  
17 ~~be a regular, full-time employee of the Territory and receive~~  
18 ~~a salary of not less than \$4800 per year.~~

19 Section 4. Powers and duties of the Board. The Board  
20 shall have the following powers and duties:

21 a. To register and issue licenses to practice as  
22 registered or practical nurses to persons who meet the  
23 requirements of this Act.

24 b. To adopt by-laws governing its own meetings.

25 c. To adopt and promulgate rules and regulations for  
26 the administration of this Act. The rules and regulations  
27 shall govern the examination of all applicants for regis-  
28 tration and licensing, the issuance of licenses to appli-  
29 cants who have proven themselves possessed of the necessary

1 qualifications, and the renewal of licenses as provided for  
2 in this Act. Copies of this Act and of all rules and  
3 regulations issued under it shall be made available to any  
4 person upon request.

5 d. To maintain an official record of all registered  
6 and practical nurses licensed under the laws of Alaska.  
7 The record shall show the name, age, place of residence,  
8 nursing experience, and education of all such nurses. A  
9 certified copy of the official record, showing the names  
10 and addresses of all nurses currently licensed, shall be  
11 furnished April first of each year to the Commissioner of  
12 Health and to the Alaska Nurses' Association, and to others  
13 upon a reasonable request.

14 e. To submit a report to the Governor for considera-  
15 tion and transmittal to the Legislature not later than  
16 January first of each odd-numbered year, such report to  
17 cover the activities of the Board of the preceding biennium.

18 f. To exercise such other powers and to perform such  
19 other duties as may be necessary to carry out the provisions  
20 of this Act.

21 All records and other property of the Nurses' Examining  
22 Board existing at the time this Act shall become law shall be  
23 transferred immediately to the custody of the Board.

24 Section 5. Applications and qualifications. Any person  
25 desiring to obtain a license to qualify as a registered or as a  
26 practical nurse shall apply to the Board, through its Executive  
27 Secretary, in writing and upon forms prepared and furnished by  
28 the Board. Each application shall contain evidence of the quali-  
29 fications and training possessed by the applicant and shall be

1 accompanied by the required license fee. Each applicant shall  
2 submit evidence of graduation from a school for the training of  
3 professional or practical nurses, and the school must be one  
4 accredited by <sup>either</sup> the American Nurses Association, the National  
5 League for Nursing, the Joint Committee on Practical Nurses and  
6 Auxiliary Workers in Nursing Services, the National Federation  
7 of Licensed Practical Nurses, Inc., or an equivalent organiza-  
8 tion.

9 Section 6. Licenses and temporary permits. Licenses to  
10 practice as a registered nurse shall be granted by the Board  
11 upon successful completion of examinations; by reciprocity,  
12 where the applicant meets other requirements of this Act; or by  
13 renewal. Licenses to practice as a practical nurse shall be  
14 granted by the Board upon successful completion of examinations;  
15 by reciprocity; by renewal; and as otherwise provided in this  
16 Act. Licenses shall be valid only for the calendar year in  
17 which issued, except upon their proper renewal. A temporary  
18 permit may be granted to an applicant by any member of the Board  
19 at the discretion of the member <sup>after a satisfactory finding of competence</sup> and in accordance with the rules  
20 and regulations of the Board. The permit may authorize the  
21 applicant to take employment or to practice as a registered  
22 or as a practical nurse and for such period as may be reasonably  
23 necessary to permit final action on the person's application for  
24 a license, but in no case shall the permit be for a longer  
25 period than <sup>three</sup> two months.

26 Section 7. Procedures to obtain a license. The following  
27 alternative procedures may be used to obtain a license under  
28 this Act:

29 a. By examination. Examinations shall be conducted

by oral examination and investigation of professional qualifications

1 at least <sup>Quarterly</sup> ~~annually~~ and may be conducted by any member of the  
2 Board at the member's place of residence, under such rules  
3 and regulations as the Board may prescribe. Examinations  
4 shall conform to the standards fixed by national profession-  
5 al organizations such as those listed in Section 5 of this  
6 Act, or the Board may use the National State Board Test  
7 Pool Examinations.

8 b. By reciprocity. The Board may, without examina-  
9 tion, issue licenses to applicants who possess the quali-  
10 fications described in Section 5 of this Act and who are  
11 registered or licensed in another state, territory, or  
12 foreign country, the laws of which, in the opinion of the  
13 Board, maintain a standard for registration or licensing  
14 substantially equivalent to those fixed for Alaska.

15 c. By renewal. During January of each year, each  
16 nurse practising in Alaska and desiring to renew the license  
17 shall apply therefor with the required fee, and a certificate  
18 of renewal shall be issued upon receipt of the application  
19 and payment. A penalty of one dollar shall be added to the  
20 fee in each case where the nurse fails to renew the license  
21 before the 30th day of January in each year. If any nurse  
22 fails to renew the license within ninety days of its expira-  
23 tion, the nurse's name shall be stricken from the official  
24 record of registered and practical nurses. A nurse whose  
25 license has expired and whose name has been stricken may  
26 have it restored immediately upon payment of all lapsed  
27 renewal fees and the restoration fee, if not more than five  
28 years have elapsed since the date of expiration. Any nurse  
29 whose license has expired for more than five years and who

1 desires renewal must proceed as though a license had never  
2 been issued.

3 Section 8. Fees. The fees to be paid to the Board in  
4 connection with the obtaining of licenses or a renewal shall  
5 be as follows:

6 a. Original applicants for license as a registered  
7 or practical nurse, with or without examination, shall pay  
8 a fee of ten dollars; an additional fee of ten dollars  
9 may be charged in cases where the evaluation of closed  
10 school reports is necessary.

11 b. Applicants for renewal of a license under this Act  
12 shall pay a fee of two dollars.

13 c. Applicants for a re-examination shall pay a fee of  
14 two dollars.

15 No portion of any fee shall be returned to an applicant.

16 Section 9. Revocation or suspension of licenses. The  
17 Board may remove any nurse's name from the official record or  
18 revoke any nurse's license if the nurse, after hearing before  
19 the Board, shall be determined by the Board to be guilty of any  
20 of the following acts:

21 a. Unprofessional conduct or breach of professional  
22 ethics.

23 b. Conviction for committing a felony.

24 c. The obtaining of a license by fraud.

25 d. Conviction for a crime involving moral turpitude.

26 e. Chronic alcoholism or habitual use of narcotics.

27 f. Impersonation of a registered nurse by a practical  
28 nurse.

29 g. Violation of any of the provisions of this Act.

1 h. The Commission or omission of any act which, in  
2 the reasonably prudent exercise of his or her duties, the  
3 nurse should have done or refrained from doing and as a  
4 result of which serious injuries have accrued, or are  
5 likely to accrue, to any patient or to the professional  
6 standing of licensed nurses in Alaska.

7 No hearing shall be held under this section until the person  
8 charged shall have been served with a complaint in person or  
9 by registered mail to the person's last known address; the  
10 complaint shall set forth the charges made against the nurse  
11 and shall include a summons to appear before the Board at a  
12 time and place designated for hearing at least thirty days  
13 after the service. Any person so charged shall have the power  
14 to examine and cross-examine witnesses and to be present at  
15 all times during the hearing. The Board shall have the power  
16 to issue subpoenas to compel attendance of witnesses or the  
17 production of books or documents. The accused nurse shall  
18 have an opportunity to defend against all charges, have the  
19 right to be represented by counsel, and have the right to have  
20 the Board subpoena witnesses on his or her behalf. Testimony  
21 at the hearing shall be taken under oath and may be by deposi-  
22 tion under rules such as the Board may prescribe. After a hear-  
23 ing the Board shall make findings of fact and draw its con-  
24 clusions upon the evidence and shall file the same in the office  
25 of the Board. A copy of the findings and conclusions shall be  
26 made available to the accused. A revocation or suspension  
27 of a license ordered hereunder shall be in writing and signed  
28 by each member of the Board and shall state the grounds upon  
29 which the order is based.

1           Section 10. Finances and appropriations. The Executive  
2 Secretary of the Board shall keep proper books of account show-  
3 ing a record of all financial transactions of the Board. All  
4 monies received by the Board from license fees or otherwise  
5 shall be turned over to the Treasurer for deposit in the general  
6 fund. All disbursements by the Board shall be upon vouchers  
7 certified by the Executive Secretary and approved by the  
8 Auditor of Alaska. The members of the Board shall receive  
9 no compensation for the exercise of their duties but shall  
10 receive actual travel expenses and ~~per diem of sixteen dollars~~  
11 ~~per day~~ while attending Board meetings or are otherwise carry-  
12 ing out the duties of their office.

13           Section 11. Penalties for violations. Any person who  
14 violates any of the provisions of this Act shall be deemed  
15 guilty of a misdemeanor and upon conviction thereof shall be  
16 fined not more than two hundred dollars.

17           Section 12. Limitations on construction. Nothing in this  
18 Act shall be construed to prevent any person from nursing any  
19 other person gratuitously nor as prohibiting the incidental care  
20 of the sick by domestic servants or persons primarily employed  
21 as housekeepers, so long as they do not practice nursing within  
22 the meaning of this Act. Nothing in the Act shall be construed  
23 to prevent any person from making domestic administration of  
24 family remedies or furnishing nursing assistance in case of an  
25 emergency. Nothing in the Act shall be construed as prohibiting  
26 such practices of nursing by students enrolled in accredited  
27 schools as may be incidental to their course of study, or the  
28 care of the sick when done in connection with the practice of  
29 the religious beliefs of any person in caring for another person

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of the same religious beliefs, so long as the persons do not engage in the practice of nursing as defined by this Act.

Section 13. If any section of this Act, or any portion thereof, shall for any reason be held invalid, such decision shall not affect the validity of the remaining portions of the Act.

Section 14. Sections 35-3-11 to 35-3-122, inclusive, ACLA 1949, and Chapter 28, Session Laws of Alaska 1949, are repealed.

Section 15. An emergency is declared to exist, and this Act shall take effect immediately upon its passage and approval.