

1 IN THE SENATE

BY SENATOR McNEES

2

SENATE BILL NO. 53

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act to provide for the regulation of

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the practice of nursing; to provide for a

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Board of Nursing and to define the powers

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and duties of the Board including licensure

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of practitioners of nursing and accredita-

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tion of programs preparing for nursing

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practice; and to prescribe penalties for

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violations of the provisions of this Act;

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repealing Ch. 88, SLA 1953."

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

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ARTICLE I

17

PURPOSE AND DEFINITIONS

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Section 1. PURPOSE. In order to safeguard life and health,

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any person practicing or offering to practice professional or

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practical nursing in Alaska for compensation, shall hereafter be

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required to submit evidence that he or she is qualified so to

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practice, and shall be licensed as hereinafter provided. With

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the exception of practical nurses licensed by waiver under the

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provisions of Section 12 of Article III herein, it shall be un-

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lawful after July 1, 1957, for any person not licensed under the

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provisions of this Act:

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(1) To practice or offer to practice professional or

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practical nursing; or

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(2) To use any sign, card or device to indicate that

1 such person is a professional registered (licensed) nurse or a
2 licensed practical nurse in Alaska.

3 Section 2, DEFINITIONS.

4 (1) "Board" means the Alaska Board of Nursing.

5 (2) "Licensed Professional Nurse", as used throughout
6 the Act, refers also to the common usage title, "Registered"
7 nurse.

8 (3) "Licensed Practical Nurse", as used throughout the
9 Act, refers also to the less common title, "Licensed Vocational
10 Nurse".

11 (4) "Practical Nursing", as used throughout the Act,
12 refers also to "Vocational" nursing.

13 (5) "Practice of Professional Nursing" means the per-
14 formance for compensation of any act in the observation, care and
15 counsel of the ill, injured, or infirm, or in the maintenance of
16 health or prevention of illness of others, or in the supervision
17 and teaching of other personnel; or the administration of medica-
18 tions and treatments as prescribed by a licensed physician or
19 dentist; all requiring substantial specialized judgment and skill
20 and based on knowledge and application of the principles of bio-
21 logical, physical, and social science. The foregoing shall not
22 be deemed to include acts of medical diagnosis, or the prescrip-
23 tion of medical therapeutic or corrective measures.

24 (6) "Practice of Practical Nursing" means the perform-
25 ance for compensation of selected acts in the care or prevention
26 of illness, and in the care of the ill, injured, or infirm under
27 the direction of a licensed professional nurse or a licensed
28 physician or a licensed dentist; and not requiring the substantial
29 specialized skill, judgment and knowledge required in professional

1 nursing.

2 (7) An accredited nursing education program is a pro-
3 gram, the curricula and standards of which meet the requirements
4 established by the Board.

5 ARTICLE II

6 BOARD OF NURSING

7 Section 3. APPOINTMENT, TERM OF OFFICE, REMOVAL FROM
8 OFFICE. There is hereby created a Board of Nursing, to be com-
9 posed of five members appointed by the Governor. Present members
10 of the Board holding office under the provisions of Ch. 88, SLA
11 1953, shall serve as members of said Board until the expiration
12 of their respective terms or until their successors are appointed.
13 Members shall be appointed for overlapping terms of five years
14 and until their successors are appointed.

15 Board members shall serve not more than two consecutive
16 terms. Time served by hold-over Board members, and time served
17 in filling unexpired vacancies of two years or less, shall not be
18 applied to the maximum of two consecutive terms.

19 Appointments shall be made from a list of qualified nurses
20 prepared by the Alaska Nurses' Association and submitted at least
21 thirty days prior to the expiration of any term and not more than
22 sixty days after a vacancy occurs in an unexpired term. Said
23 list shall contain not less than two recommended candidates for
24 each membership to be filled. The Governor shall make appoint-
25 ments within thirty days after receiving such list or lists.

26 The Governor may remove any Board member for neglect of any
27 duty required by law, or for unprofessional or dishonorable con-
28 duct after a fair and impartial hearing.

29 Section 4. QUALIFICATIONS OF BOARD MEMBERS. Each member of

1 the Board shall be a citizen of the United States and shall reside
2 in Alaska, and be licensed to practice professional nursing in
3 Alaska under the provisions of this Act, and shall hold a bacca-
4 laurate degree. Members shall have been actively engaged in
5 nursing for not less than four years at time of first appoint-
6 ment, two of which were within the last five years, and shall
7 have had three years' successful experience in nursing education
8 or nursing administration.

9 Section 5. OFFICERS; MEETINGS; QUORUM. The Board shall
10 annually elect from its members a President and a Secretary-
11 Treasurer. The Board shall meet as often, and at such times and
12 places, as may be necessary to conduct its business, provided
13 that at least one meeting shall be held annually. A majority of
14 the Board, including one officer, shall constitute a quorum.

15 Section 6. DUTIES AND POWERS.

16 (1) The Board shall adopt rules and regulations not
17 inconsistent with the law, as may be necessary from time to time
18 to enable it to carry into effect the provisions of this Act.
19 When necessary, additions to or changes in rules and regulations
20 of the Board may be made by a quorum vote by mail; such additions
21 or changes and the vote thereon shall be entered in the minutes
22 of the Board at its next meeting.

23 The Board shall make available, upon request, copies of this
24 Act and of regulations adopted for administering the Act.

25 (2) The Board shall approve curricula and shall adopt
26 standards for educational programs preparing persons for licen-
27 sure under this Act, and provide for surveys of such programs in
28 Alaska at such times as it may deem necessary. It shall accredit
29 such programs in Alaska as meet the requirements of this Act and

1 of the Board, and deny or withdraw accreditation from educational
2 programs in Alaska for failure to meet approved curricula or
3 other standards.

4 (3) The Board shall examine, license, and renew the
5 licenses of duly qualified applicants, and shall conduct hearings
6 upon charges and shall have the power to issue subpoenas, and
7 compel the attendance of witnesses, and administer oaths to per-
8 sons giving testimony at hearings, and initiate the prosecution
9 of all persons violating this Act and have power to incur such
10 necessary expenses therefor. The Board shall keep a record of
11 all its proceedings, and shall submit biennial reports to the
12 Governor and the Alaska Territorial Legislature.

13 (4) The Board may appoint and employ a qualified per-
14 son who shall not be a member of the Board to serve as executive
15 officer to the Board. The Board shall define the duties and fix
16 the compensation for the executive officer, and may employ such
17 other persons as may be necessary from time to time to carry on
18 the work of the Board.

19 Qualifications of the executive officer shall be not less
20 than those for members of the Board, except that the executive
21 officer need not be living in Alaska at time of appointment.

22 Section 7. EXPENSES. Members of the Board shall receive
23 such per diem and travel expenses as are provided by law.

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ARTICLE III

25 EXAMINATION AND LICENSING - PROFESSIONAL NURSE AND PRACTICAL NURSE

26 Section 8. QUALIFICATIONS OF PROFESSIONAL NURSE APPLICANTS.

27 An applicant for a license to practice professional nursing shall
28 submit to the Board on forms and in a manner prescribed by the
29 Board, written evidence, verified by oath, that said applicant

1 is of good moral character, and has completed an approved four
2 year high school course of study or the equivalent thereof as de-
3 termined by the appropriate educational agency, and has success-
4 fully completed and holds a diploma from:

5 (1) A professional nursing education program accredited
6 by the Alaska Board of Nursing (or)

7 (2) A professional nursing education program outside
8 Alaska which, in the opinion of the Board, is equivalent to the
9 minimum requirements of the Board for an accredited program of
10 study in Alaska, at the time the applicant graduated; or success-
11 fully completed a professional nursing education program accredit-
12 ed by the National League for Nursing, at the time the applicant
13 graduated.

14 Section 9. QUALIFICATIONS OF PRACTICAL NURSE APPLICANTS. An
15 applicant for a license to practice practical nursing shall submit
16 to the Board on forms prescribed by the Board written evidence,
17 verified by oath, that said applicant is of good moral character,
18 and has completed the tenth grade or its equivalent as determined
19 by the appropriate educational agency, and is not less than eight-
20 een years of age, and has successfully completed and holds a
21 diploma from:

22 (1) A practical nursing education program accredited by
23 the Alaska Board of Nursing (or)

24 (2) A practical nursing education program outside
25 Alaska which, in the opinion of the Board, is equivalent to the
26 minimum requirements of the Board for an accredited program of
27 study in Alaska at the time the applicant graduated.

28 Qualified students of the Mt. Edgecumbe School of Practical
29 Nursing graduation prior to January 1, 1959, and having only

1 eighth grade pre-training shall be eligible for licensure under
2 the provisions of this Act.

3 Section 10. LICENSE BY EXAMINATION. The applicant shall be
4 required to pass a written examination in such subjects as the
5 Board may determine. Upon the applicant successfully passing such
6 examination, the Board shall issue a license to the applicant to
7 practice professional nursing or practical nursing provided the
8 other qualifications outlined under Sections 8 and 9 herein are
9 also met. The Board shall conduct examinations annually and as
10 often as it deems necessary.

11 Section 11. LICENSE BY ENDORSEMENT; TEMPORARY PERMIT. The
12 Board may issue a license to practice professional nursing or
13 practical nursing by endorsement to an applicant who is duly
14 licensed as a professional nurse or practical nurse under the law
15 of another state, territory, or foreign country, if in the opinion
16 of the Board the applicant meets the qualifications required for
17 such licensing in Alaska at the time of graduation, and provided
18 the other qualifications outlined under Sections 8 and 9 are also
19 met.

20 The Board may, at its discretion, issue a "temporary permit"
21 to an applicant for licensure as a professional or practical nurse,
22 provided:

23 (1) The applicant submits proof satisfactory to the
24 Board that she is duly licensed in another state, territory, or
25 foreign country, and

26 (2) The required fee for license has been paid.

27 A temporary permit may be issued for a period not to exceed
28 four months as may be reasonably necessary to permit final action
29 on an application for license.

1 Section 12. LICENSE OF PRACTICAL NURSE BY WAIVER. Applica-
2 tion for licensure under this Section must be made by November 1,
3 1957, and the Board shall, by August 1, 1957, publicize in Alaska
4 the license by waiver provisions of this Section. The Board may
5 issue a license to practice practical nursing to any person who;
6
7 (1) Shall submit proof satisfactory to the Board, veri-
8 fied by oath, that said applicant is of good moral character, and
9 is employed as a practical nurse in a federal hospital in Alaska
10 or has lived in Alaska for not less than twelve months out of the
11 last three years prior to effective date of this Act, and was
12 actively engaged in practical nursing as defined in this Act for
13 not less than twelve months during the same three-year period; and

14 (2) Whose work record in Alaska during the period
15 applicant was engaged in practical nursing, as defined in this
16 Act, has been determined by the Board to have been satisfactory;
17 and has passed a written examination in such subjects as the Board
18 may determine.

19 To permit the processing of applications for license by
20 waiver, the practice of practical nursing by a person not holding
21 a license under the provisions of this Act shall not be considered
22 unlawful before March 1, 1958.

23 Section 13. FEES. The applicant applying for a license to
24 practice professional nursing or practical nursing in Alaska, shall
25 pay a fee of fifteen dollars (\$15.00) at the time the completed
26 application form is sent to the Board. The fees for each re-exam-
27 ination shall be fifteen dollars (\$15.00).

28 Section 14. USE OF TITLE AND ABBREVIATION. Any person who
29 holds a license to practice professional nursing in Alaska shall
30 have the right to use the title "licensed professional nurse",

1 "Registered nurse", and the abbreviation "R.N.". Any person who
2 holds a license to practice practical nursing in Alaska shall have
3 the right to use the title "licensed practical nurse" or "licensed
4 vocational nurse", and the abbreviation "L.P.N." or "L.V.N."
5 No other person shall assume such title or use such abbreviation
6 or any words, letters, signs, or devices to indicate that the
7 person using the same is a registered professional nurse, or a
8 licensed practical nurse.

9 Section 15. NURSES LICENSED OR HOLDING TEMPORARY PERMITS
10 UNDER PREVIOUS LAW. Any person holding a valid license to
11 practice professional or practical nursing in Alaska under previous
12 Territorial law, shall be deemed to be licensed as a professional
13 or practical nurse, as the case may be, under the provisions of
14 this Act.

15 Any person holding a valid temporary permit may continue to
16 practice as a professional or practical nurse, as the case may be,
17 until the expiration date of the permit and shall be eligible for
18 licensure under the provisions of this Act.

19 Section 16. RENEWAL OF LICENSE. The license of every
20 practicing professional and practical nurse shall be renewed
21 annually, and shall be applied for sixty days before the expira-
22 tion date of the current license; provided, that if the renewal
23 fee and the application are not received by the Board for a period
24 of sixty days after they are due, said license may be renewed only
25 after the payment of an additional reinstatement fee of two dollars
26 (\$2.00) and a satisfactory explanation. Upon receipt of an applica-
27 tion prescribed by the Board and the payment of a renewal fee of
28 three dollars (\$3.00), the Board shall verify the accuracy of the
29 application and shall issue to the applicant a certificate of re-

1 renewal. Such renewal shall render the holder thereof a legal
2 practitioner for the period stated on the renewal form.

3 Any person practicing nursing during the time her license
4 has lapsed shall be considered an illegal practitioner and shall
5 be subject to the penalties provided for violations of this Act.

6 Any licensee who is not practicing need not obtain a renewal
7 of her license until such time as she desires to engage in the
8 practice of nursing, when she shall remit the renewal fee for the
9 current year and the prescribed application form. The Board, at
10 its discretion may issue her a renewal certificate with or with-
11 out examination.

12 Every licensee whose renewal fee for the calendar year 1957
13 was paid prior to the effective date of this Act shall pay a pro-
14 rated fee for the period January 1, 1958 through June 30, 1958.
15 The amount of such fee and the date it shall be due shall be
16 fixed by the Board.

17 ARTICLE IV

18 DISPOSITION OF FUNDS

19 All fees received by the Board except examination fees shall
20 be deposited with the Alaska Treasurer. Examination fees shall
21 be paid into the Board treasury and shall be used to defray the
22 cost of conducting examinations.

23 The officer of the Board receiving fees shall be bonded.

24 ARTICLE V

25 ACCREDITATION OF NURSING EDUCATION PROGRAMS

26 Section 17. APPLICATION FOR ACCREDITATION. Any institution
27 desiring to conduct a nursing education program in Alaska to pre-
28 pare professional or practical nurses shall apply to the Board
29 and submit evidence that:

1 (1) It is prepared to carry out the curriculum approved
2 by the Board for professional nursing or for practical nursing,
3 as the case may be, and that

4 (2) It is prepared to meet such other standards as
5 shall be established by this law and by the Board.

6 Section 18. SURVEY AND ACCREDITATION BY THE BOARD. The
7 nursing education program applying for accreditation shall be
8 surveyed in its entirety with all affiliating institutions by
9 the executive officer, Board member or consultant authorized by
10 the Board to determine if such standards and requirements as are
11 provided by the statutes and the Board are met. The Board may
12 from time to time as it deems necessary survey any nursing educa-
13 tion program in Alaska. Written reports of all surveys shall be
14 submitted to the Board and shall be retained in its files.

15 If in the opinion of the Board the nursing education pro-
16 gram meets the requirements established by the Board, it shall
17 be accredited as an approved nursing education program for pro-
18 fessional or practical nurses and its graduates shall be eligible
19 for licensure.

20 The Board may deny, revoke or suspend accreditation of any
21 nursing education program if it determines after notice and hear-
22 ing that required standards are not being maintained.

23 No person, institution or agency shall conduct a nursing
24 education program for professional or practical nurses unless
25 such program is accredited by the Board.

26 Section 19. LIST OF ACCREDITED PROGRAMS. The Board shall
27 prepare, maintain, and from time to time publish a list of ac-
28 credited nursing education programs in Alaska.

29 ARTICLE VI

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1 DENIAL, SUSPENSION AND REVOCATION OF LICENSE

2 Section 20. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION,

3 The Board, after due notice and hearing, shall have power to
4 deny, suspend or revoke any license to practice either profes-
5 sional or practical nursing issued by the Board or applied for in
6 accordance with the provisions of this Act, of any persons who:

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

9 (2) Has been convicted of a felony;

10 (3) Has been convicted of any crime involving moral
11 turpitude;

12 (4) Is habitually drunk or is addicted to the use of
13 narcotics;

14 (5) Has impersonated a professional or practical
15 nurse;

16 (6) Is guilty, in the opinion of the Board, of negli-
17 gence which has resulted in serious injury to a patient;

18 (7) Is mentally ill or mentally incompetent;

19 (8) Is guilty of unprofessional conduct;

20 (9) Has wilfully or repeatedly violated any of the
21 provisions of this Act.

22 Section 21. PROCEEDINGS. Upon the filing of a sworn com-
23 plaint with the Board, charging a person with any action speci-
24 fied as a ground for suspension or revocation of a license, and
25 after two or more Board members have made a preliminary investi-
26 gation and believe the complaint to have merit, the Board shall
27 fix a time and place for a hearing on such charges. Notice shall
28 be given to the person charged stating time and place fixed for
29 the hearing and the nature of the charges made against such per-

1 sen. The notice may be served by a person authorized by the
2 Board, by registered mail, or by publication, at least thirty
3 days prior to the hearing.

4 Notice by publication may be given, if after diligent search
5 a person cannot be found in Alaska, by publishing such notice
6 once each week for two consecutive weeks, in any newspaper in
7 general circulation in the municipality or area in which the per-
8 son charged last practiced. The date of hearing shall be not
9 less than thirty days after the date of last published notice

10 The attendance of witnesses and the production of books,
11 papers, and documents at the hearing may be compelled by sub-
12 poenas issued by the Board, and served in accordance with the
13 law. The person charged shall have the right to appear either
14 personally or by counsel, or both, to produce witnesses and evi-
15 dence on her own behalf, to cross-examine witnesses and to have
16 subpoenas issued by the Board.

17 If the person charged is found to have violated the provi-
18 sions of this Act, the Board may refuse to issue a license to the
19 applicant, or may revoke, or suspend her license. A revoked or
20 suspended license may be reissued after one year in the discre-
21 tion of the Board.

22 The hearing accorded nurse education institutions and other
23 persons under this Act shall be conducted by the Board in sub-
24 stantial conformity with the above provisions.

25 ARTICLE VII

26 VIOLATION OF ACT -- PENALTIES

27 Section 22. It shall be a misdemeanor for any person,
28 including any corporation, association or individual, to do any
29 of the following acts:

1 and to constitute a public nuisance. The Board of Nursing may,
2 in the name of the People of Alaska, through the Attorney General
3 apply for an injunction in any court of competent jurisdiction to
4 enjoin any person who has not been issued a license or whose
5 license has been suspended or revoked, or expired, from practic-
6 ing nursing; and, upon the filing of a verified petition in such
7 court, the court or any judge thereof, if satisfied by affidavit,
8 or otherwise, that such person is or has been practicing nursing
9 without having been issued a license, or after his license has
10 been suspended or revoked or expired, may issue a temporary in-
11 junction, without notice or bond, enjoining the defendant from
12 further practicing nursing. A copy of said verified complaint
13 shall be served upon the defendant and the proceedings shall
14 thereafter be conducted as in other civil cases. If it be esta-
15 blished that said defendant has been, or is practicing nursing
16 without having been issued a license or has been or is practicing
17 nursing after his license has been suspended, or revoked, or has
18 expired, the court, or any judge thereof, may enter a decree en-
19 joining said defendant from further practicing. In case of viola-
20 tion of the terms of any injunction issued under the provisions
21 of this Section, the violator may be punished for contempt of
22 court. Such injunction proceeding shall be in addition to, and
23 not in lieu of, all penalties and other remedies in this Act
24 provided.

25 ARTICLE IX

26 EXCEPTIONS

27 For purposes of this Article the word "nurses" shall include
28 both professional and practical nurses, and "nursing" shall mean
29 both professional and practical nursing.

