

Introduced: 2/5/75
Referred: Health, Education
and Social Services

1 IN THE SENATE

BY CHANCE

2 *HCS* SENATE BILL NO. 132 *am (Jud) am H*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of nursing home
7 administrators."

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

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 70. NURSING HOME ADMINISTRATORS.

11 Sec. 08.70.010. CREATION OF BOARD OF NURSING HOME ADMINISTRATORS.

12 There is established the Board of Nursing Home Administrators.

13 Sec. 08.70.020. MEMBERSHIP BOARD; SOURCE OF APPOINTMENTS; TERM
14 OF OFFICE. (a) The board consists of five members: two nursing home
15 administrators licensed under this chapter and practicing in the state,
16 a registered nurse licensed in the state, a physician licensed in the
17 state, and a person from the general public.

18 (b) Board members are appointed by the governor after consulting
19 with the executive board of the Alaska State Hospital Association.
20 The nursing home administrators on the board shall be selected from
21 a list of qualified administrators prepared by the executive board of
22 the association and containing at least five candidates.

23 (c) Board members serve staggered terms of three years or until
24 their successor is appointed, except that a member appointed to a
25 vacated term serves the duration of that term. On the first board
26 two members serve one-year terms, two members serve two-year terms, and
27 one member serves a three-year term.

28 Sec. 08.70.030. ELECTION OF OFFICERS. The board shall annually
29 elect a chairperson and a vice-chairperson from its members.

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1 Sec. 08.70.040. BOARD MEETINGS: QUORUM. The board shall meet
2 at least semiannually. A majority of the board constitutes a quorum.

3 Sec. 08.70.050. DUTIES AND POWERS OF THE BOARD. (a) The board
4 shall

5 (1) adopt standards for licensing nursing home administrators
6 to insure that licensees are of good character, with knowledge and
7 experience in health care and institutional administration necessary
8 for competent administrators, and update the standards when necessary;

9 (2) examine, license, and renew the licenses of qualified
10 persons;

11 (3) establish procedures to insure that licensees continue
12 to uphold the board's standards; revoke, suspend, or refuse to renew
13 licenses of persons who fail to uphold the standards;

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

18 (5) initiate prosecution of persons violating this chapter;

19 (6) keep a record of its proceedings and submit annual reports
20 to the governor and the legislature.

21 (b) The board may adopt regulations necessary for the performance
22 of its duties and to meet the requirements of Title 19 of the Social
23 Security Act, the federal rules promulgated under it, and other federal
24 requirements.

25 Sec. 08.70.060. EXPENSES. Board members serve voluntarily, except
26 that members are entitled to the travel expenses and per diem allowed
27 by law.

28 Sec. 08.70.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
29 The board shall comply with the Administrative Procedure Act (AS 44.62).

1 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home
2 administrator may manage, supervise, or be generally in charge of a
3 nursing home unless excepted by this chapter. Only a nursing home which
4 is supervised by a licensed nursing home administrator may operate in
5 Alaska unless specially excepted by the board.

6 Sec. 08.70.090. APPLICATION. Applicants shall file applications
7 with the Department of Commerce on forms provided by the department.
8 Information requested on the forms shall be given under oath.

9 Sec. 08.70.100. QUALIFICATIONS OF APPLICANTS. Applicants for
10 licensing shall

- 11 (1) be 19 years of age or older;
- 12 (2) be in sound physical and mental health;
- 13 (3) have a high school diploma or its equivalent.

14 Sec. 08.70.110. LICENSING. (a) The board shall license

15 (1) qualified applicants who pass the written examination
16 administered by the board and meet the standards established by the
17 board under sec. 50 of this chapter;

18 (2) persons who passed the professional examination service's
19 nursing home administrators examination given in Alaska on August 12,
20 1972, and have practiced as administrators since the examination.

21 (b) The board may issue a license without examination to a person
22 holding a current license as a nursing home administrator from another
23 jurisdiction, if the board finds that the standards for licensing in
24 the other jurisdiction are substantially equivalent to those in this
25 state, and the person is otherwise qualified.

26 Sec. 08.70.120. EXAMINATION. The purpose of the examination
27 is to test the applicant's knowledge of the health and safety standards
28 of the state and his experience in the practice of health care. The
29 board determines the content, scope, format, and grading scheme.

1 Examinations shall be given at least annually, at the time and place
2 chosen by the board.

3 Sec. 08.70.130. PROVISIONAL LICENSES. (a) A provisional license
4 may be granted without examination to a person who meets the standards
5 adopted by the board under sec. 50 of this chapter and who

6 (1) has served as administrator of a hospital, nursing home,
7 or home for the aged continuously from January, 1971, until the
8 effective date of this chapter, or

9 (2) is needed to fill a vacancy in an administrative
10 position and no licensed administrator is available to fill the vacancy.

11 (b) The provisional license is valid for six months and is
12 nonrenewable.

13 Sec. 08.70.140. EXPIRATION AND RENEWAL. (a) A nursing home
14 administrator's license expires on December 31 of the year issued.

15 (b) An administrator may apply for renewal of his license by
16 submitting an application for renewal to the board; application forms
17 for renewal are provided by the department.

18 (c) A person whose license has expired for a period of 12 months
19 or more must apply for a license and be examined in the same manner
20 as an applicant who has not been licensed before.

21 Sec. 08.70.150. Fees. The following fees shall be imposed under
22 this chapter when applicable:

- 23 (1) examination fee \$25
24 (2) investigation fee for persons applying for a
25 license under sec. 110(b) of this chapter \$25
26 (3) annual license fee \$50.

27 Sec. 08.70.160. UNLAWFUL ACTS. No person may

28 (1) sell or fraudulently obtain or furnish a license or aid
29 another in doing so;

1 (2) practice as a nursing home administrator under cover of
2 a license illegally or fraudulently obtained;

3 (3) practice as a nursing home administrator or use in
4 connection with his name a designation tending to imply that he is a
5 nursing home administrator unless licensed under this chapter;

6 (4) practice as a nursing home administrator during the
7 time his license issued under this chapter is suspended or revoked; or

8 (5) otherwise violate this chapter.

9 Sec. 08.70.170. PENALTIES. A person convicted of violating a
10 provision of this chapter is punishable by a fine of not more than
11 \$500, or by imprisonment for not more than one year, or by both.

12 Sec. 08.70.180. DEFINITIONS. In this chapter

13 (1) "board" means the Board of Nursing Home Administrators;

14 (2) "department" means the Department of Commerce;

15 (3) "license" means the certificate awarded by the board
16 to a qualified person which entitles him to be a nursing home adminis-
17 trator in this state;

18 (4) "licensee" means a person who has been granted a license
19 to be a nursing home administrator in this state by the board;

20 (5) "nursing home" means a facility which is operated in
21 connection with a hospital or in which nursing care and medical services
22 are prescribed by or performed under the general direction of persons
23 licensed to practice medicine or surgery within the state for the
24 accommodation of convalescents or other persons who are not acutely
25 ill but who do require skilled nursing care and related medical services;
26 the term "nursing home" is restricted to those facilities the purpose
27 of which is to provide skilled nursing care and related medical ser-
28 vices for a period of not less than 24 hours a day to individuals
29 admitted because of illness, disease or physical or mental infirmity;

1 (6) "nursing home administrator" means a person who manages,
2 supervises, or is in general charge of a nursing home, even though the
3 duties are shared with another person; a member of a board of directors
4 of a nursing home is an administrator only if he also serves in the
5 administrative capacity defined in this paragraph.

6 Sec. 08.70.190. FACILITIES OPERATED BY RELIGIOUS ORGANIZATIONS.
7 Nothing in this chapter or the regulations under this chapter is to
8 be construed as requiring a person who applies for a license as adminis-
9 trator of a facility operated by a religious organization relying on
10 spiritual means alone for healing to have skills in medical techniques
11 or educational qualifications which are not in accord with the care
12 and treatment provided in the facility.
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