

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

1 IN THE SENATE

BY CHANCE

2 SENATE BILL NO. 132 am

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
16 state, a registered nurse licensed in the state, a physician licensed
17 in the state, and a person from the Pioneers of Alaska Grand Lodge.

18 (b) Board members are appointed by the governor after consulting
19 with the executive boards of the Alaska State Hospital Association,
20 Alaska Medical Association, and the Alaska Nursing Association.

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

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

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

1 Sec. 08.70.050. DUTIES AND POWERS OF THE BOARD. (a) The
2 board shall

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

7 (2) examine, license, and renew the licenses of qualified
8 persons;

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

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

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

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

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

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

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

28 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home
29 administrator may manage, supervise, or be generally in charge of a

1 nursing home unless excepted by this chapter. Only a nursing home
2 which is supervised by a licensed nursing home administrator may
3 operate in Alaska unless specially excepted by the board.

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

7 Sec. 08.70.100. QUALIFICATIONS OF APPLICANTS. Applicants for
8 licensing shall

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

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

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

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

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

24 Sec. 08.70.120. EXAMINATION. The purpose of the examination is
25 to test the applicant's knowledge of the health and safety standards
26 of the state and his experience in the practice of health care. The
27 board determines the content, scope, format, and grading procedure.
28 Examinations shall be given at least annually, at the time and place
29 chosen by the board.

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

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

7 (2) is needed to fill a vacancy in an administrative posi-
8 tion and no licensed administrator is available to fill the vacancy.

9 (b) The provisional license is valid for six months and is
10 nonrenewable.

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

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

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

19 Sec. 08.70.150. FEES. The following fees shall be imposed under
20 this chapter when applicable:

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

25 Sec. 08.70.160. UNLAWFUL ACTS. No person may

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

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

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

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

6 (5) otherwise violate this chapter.

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

10 Sec. 08.70.180. DEFINITIONS. In this chapter

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

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

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

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

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

29 (6) "nursing home administrator" means a person who manages,

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

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