

Original sponsor: Chance

Offered: 4/9/75  
Referred: Commerce and  
Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 132

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; and providing for an effective date."

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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.

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

12

There is established the Board of Nursing Home Administrators.

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Sec. 08.70.020. MEMBERSHIP BOARD; SOURCE OF APPOINTMENTS; TERM

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OF OFFICE. (a) The board consists of five members: two nursing home

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administrators licensed under this chapter and practicing in the state

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but not employed by the same corporation, a registered nurse licensed in

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the state, a physician licensed in the state, and a person from the

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general public.

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(b) Board members are appointed by the governor after consulting

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with the executive boards of the Alaska State Hospital Association,

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Alaska Medical Association, and the Alaska Nursing Association.

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(c) Board members serve staggered terms of three years or until

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their successor is appointed, except that a member appointed to a vacated

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term serves the duration of that term. On the first board two members

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serve one-year terms, two members serve two-year terms, and one member

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serves a three-year term.

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Sec. 08.70.030. ELECTION OF OFFICERS. The board shall annually

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elect a chairperson and a vice-chairperson from its members.

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Sec. 08.70.040. BOARD MEETINGS: QUORUM. The board shall meet at

1 least semiannually. A majority of the board constitutes a quorum.

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

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

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

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

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

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

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

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

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

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

29 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home

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

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

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

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

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

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

17 (2) persons licensed under emergency regulations 7AAC  
18 12.045 promulgated in Register 51, July 8, 1974, who have practiced as  
19 administrators since licensing.

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

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

1 the board.

2 Sec. 08.70.130. PROVISIONAL LICENSES. (a) A provisional license  
3 may be granted without examination to a person who meets the standards  
4 adopted by the board under sec. 50 of this chapter and who is needed to  
5 fill a vacancy in an administrative position.

6 (b) The provisional license is valid for six months and is non-  
7 renewable.

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

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

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

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

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

22 Sec. 08.70.160. UNLAWFUL ACTS. No person may

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

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

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

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

3 (5) otherwise violate this chapter.

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

7 Sec. 08.70.180. DEFINITIONS. In this chapter

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

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

10 (3) "license" means the certificate awarded by the board to  
11 a qualified person which entitles him to be a nursing home administrator  
12 in this state;

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

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

26 (6) "nursing home administrator" means a person who manages,  
27 supervises, or is in general charge of a nursing home, even though the  
28 duties are shared with another person; a member of a board of directors  
29 of a nursing home is an administrator only if he also serves in the

1 administrative capacity defined in this paragraph.

2 Sec. 08.70.190. FACILITIES OPERATED BY RELIGIOUS ORGANIZATIONS.

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

9 \* Sec. 2. This Act takes effect July 1, 1975.