

Original sponsor: Chance

Offered: 5/16/75
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 132 (Judiciary) 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; and providing for an effective date."

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 OF
14 OFFICE. (a) The board consists of five members: one nursing home
15 administrator 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 two persons from the general public.

18 (b) Board members are appointed by the governor.

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

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

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

28 Sec. 08.70.050. DUTIES AND POWERS OF THE BOARD. (a) The board
29 shall

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1 (1) adopt standards for licensing nursing home administrators
2 to insure that licensees have knowledge and experience in health care
3 and institutional administration necessary for competent administrators,
4 and update the standards when necessary;

5 (2) examine, license, and renew the licenses of qualified
6 persons;

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

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

14 (5) keep a record of its proceedings and submit annual
15 reports to the governor and the legislature.

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

20 Sec. 08.70.060. EXPENSES. Board members serve voluntarily, except
21 that members are entitled to the travel expenses and per diem allowed by
22 law.

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

25 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home
26 administrator may manage, supervise, or be generally in charge of a
27 nursing home unless excepted by this chapter. Only a nursing home which
28 is supervised by a licensed nursing home administrator may operate in
29 Alaska unless specially excepted by the board. This section does not

1 apply to the Alaska Pioneers' Homes.

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

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

6 (1) applicants who pass the written examination administered
7 by the board and meet the standards established by the board under sec.
8 50 of this chapter;

9 (2) persons licensed under emergency regulations 7AAC 12.045
10 promulgated in Register 51, July 8, 1974, who have practiced as adminis-
11 trators since licensing.

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

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

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

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

Sec. 08.70.140. EXPIRATION AND RENEWAL. (a) A nursing home

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1 administrator's license expires on December 31 of the year issued.

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

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

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

- 10 (1) examination fee \$25
11 (2) investigation fee for persons applying for a
12 license under sec. 110(b) of this chapter \$25
13 (3) annual license fee \$50.

14 Sec. 08.70.160. UNLAWFUL ACTS. No person may

- 15 (1) sell or fraudulently obtain or furnish a license or aid
16 another in doing so;
17 (2) practice as a nursing home administrator under cover of a
18 license illegally or fraudulently obtained;
19 (3) practice as a nursing home administrator or use in
20 connection with his name a designation tending to imply that he is a
21 nursing home administrator unless licensed under this chapter;
22 (4) practice as a nursing home administrator during the time
23 his license issued under this chapter is suspended or revoked; or
24 (5) otherwise violate this chapter.

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

28 Sec. 08.70.180. DEFINITIONS. In this chapter

- 29 (1) "board" means the Board of Nursing Home Administrators;
- HCSSB 132 (Judiciary) am H -4-

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

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

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

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

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

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

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