

1 IN THE SENATE

BY CHANCE

2 SENATE BILL NO. 378

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 licensure of nurse midwives
7 and advanced registered nurse practitioners; and
8 providing for an effective date."

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

10 * Section 1. AS 08.68.160 is amended to read:

11 Sec. 08.68.160. LICENSE REQUIRED. A person practicing or offering
12 to practice professional or practical nursing or to practice as a nurse
13 midwife or as an advanced registered nurse practitioner in the state
14 shall submit evidence that he is qualified to practice, and shall be
15 licensed under this chapter.

16 * Sec. 2. AS 08.68 is amended by adding new sections to read:

17 Sec. 08.68.185. QUALIFICATIONS, DUTIES OF NURSE MIDWIFE APPLI-
18 CANTS. (a) An applicant for a license to practice as a nurse midwife
19 shall submit to the board on forms and in the manner prescribed by the
20 board, written evidence, verified by oath, that the applicant

21 (1) is a nurse licensed to practice in the state;

22 (2) has successfully completed an advanced nurse midwifery
23 education program which is approved by the board;

24 (3) is currently certified by the American College of Nurse
25 Midwives; and

26 (4) meets the standards adopted by the board for practice as
27 a nurse midwife.

28 (b) A nurse midwife shall

29 (1) assume responsibility for the management and direction of

1 all inpatient and outpatient care of low risk obstetrical patients, in-
2 cluding the prescription of medical, therapeutic or corrective measures;

3 (2) administer only the treatment which he has been trained
4 to administer;

5 (3) in the event of complications or deviation from the
6 normal in an obstetrics patient, relinquish responsibility to a licensed
7 physician; and

8 (4) be prepared to administer emergency treatment when
9 necessary.

10 Sec. 08.68.187. QUALIFICATIONS OF ADVANCED REGISTERED NURSE
11 PRACTITIONER APPLICANTS. An applicant for a license to practice as an
12 advanced registered nurse practitioner shall submit to the board on
13 forms and in the manner prescribed by the board, written evidence,
14 verified by oath, that the applicant

15 (1) is a nurse licensed to practice in the state;

16 (2) has established a collaborative relationship with at
17 least one licensed physician;

18 (3) meets the educational requirements established by the
19 board; and

20 (4) meets additional standards established by the board for
21 practice as an advanced registered nurse practitioner.

22 * Sec. 3. AS 08.68.190 is amended to read:

23 Sec. 08.68.190. LICENSE BY EXAMINATION. The applicant shall pass
24 a written examination in the subjects which the board prescribes. The
25 board shall issue a license to an applicant who passes the examination
26 to practice professional nursing or practical nursing, to practice as a
27 nurse midwife or an advanced registered nurse practitioner provided the
28 other qualifications outlined in secs. 170, [AND] 180, 185, and 187 of
29 this chapter are also met. The board shall conduct examinations

1 annually and as often as it considers necessary.

2 * Sec. 4. AS 08.68.200 is amended to read:

3 Sec. 08.68.200. LICENSE BY ENDORSEMENT. The board may issue a
4 license by endorsement to practice professional nursing, [OR TO] prac-
5 tice practical nursing, to practice as a nurse midwife or an advanced
6 registered nurse practitioner, whichever is appropriate, to an applicant
7 who is licensed as either a professional nurse, [OR A] practical nurse,
8 a nurse midwife, or an advanced registered nurse practitioner under the
9 laws of another state, territory, or foreign country, if in the opinion
10 of the board the applicant meets the qualifications required for
11 licensing in the state, and meets the requirements of either sec. 170,
12 [OR] sec. 180, 185, or 187 of this chapter, whichever is applicable.

13 * Sec. 5. AS 08.68.210 is amended to read:

14 Sec. 08.68.210. TEMPORARY PERMITS. (a) The board may issue a
15 temporary permit, nonrenewable and valid for a period not exceeding four
16 months, to an applicant for a license by endorsement if he

17 (1) submits proof satisfactory to the board that he is
18 currently licensed in another state, territory, or foreign country,

19 (2) meets the requirements of either 170, [OR] sec. 180, 185,
20 or 187 of this chapter, whichever is applicable, and

21 (3) pays the required fee.

22 (b) The board may issue a nonrenewable permit to an applicant for
23 license by examination if he meets the qualifications of sec. 170, [OR]
24 sec. 180, 185, or 187 of this chapter, whichever is applicable, and pays
25 the required fee. The permit will be valid for a period not extending
26 beyond the time when the results are published of the first examination
27 the applicant is eligible to take after the permit is issued.

28 * Sec. 6. AS 08.68.410(9) is amended to read:

29 (9) "advanced registered nurse practitioner" means a regis-

1 tered professional nurse who by virtue of specialized education and
2 experience, has become certified to perform acts of medical diagnosis,
3 and prescription of medical, therapeutic or corrective measures as
4 authorized by regulations promulgated under (5) of this section.

5 * Sec. 7. AS 08.68.410 is amended by adding a new paragraph to read:

6 (10) "nurse midwife" means the performance, for compensation,
7 of observation, care, counsel, and assistance to low risk obstetrical
8 patients in childbirth, delivery, and pre-natal and post-natal matters.

9 * Sec. 8. AS 08.68.220 is amended by adding a new paragraph to read:

10 (3) for nurse midwives or advanced registered nurse practi-
11 tioners

12 (A) application fee.....\$50

13 (B) license by examination fee.....\$25

14 (C) license by endorsement fee.....\$25

15 (D) biennial license renewal fee.....\$25.

16 * Sec. 9. AS 08.68.100 is amended by adding a new paragraph to read:

17 (7) with the assistance of the State Medical Board, develop
18 and adopt regulations regarding the registration of nurse midwives and
19 advanced registered nurse practitioners, and the medical services that
20 each may perform, including, but not limited to

21 (A) qualifications,

22 (B) application and registration procedures,

23 (C) the scope of the activities authorized, and

24 (D) the responsibilities of the supervising or training
25 physician.

26 * Sec. 10. AS 08.64.107 is amended by adding a new subsection to read:

27 (b) The board shall propose to the Board of Nursing regulations
28 regarding the scope, the medical services, and activities authorized to
29 be performed by nurse midwives and advanced registered nurse practi-

1 tioners and the responsibilities of the supervisory or collaborating
2 physician.

3 * Sec. 11. AS 08.64.170(a) is amended by adding a new paragraph to read:

4 (4) a nurse midwife licensed by the state under AS 08.68.160
5 may provide obstetric care to women under the supervision, control and
6 responsibility of either a physician licensed under this chapter or a
7 physician exempted from licensure under sec. 370 of this chapter.

8 * Sec. 12. AS 08.64.360 is amended to read:

9 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN
10 VIOLATION OF CHAPTER. Except for a physician assistant, a nurse midwife,
11 an advanced registered nurse practitioner, and a physician-trained
12 mobile intensive care paramedic under sec. 170 of this chapter, a person
13 practicing medicine or osteopathy in the state without obtaining and
14 filing an appropriate license is guilty of a misdemeanor and upon con-
15 viction is punishable by a fine of not less than \$50 nor more than \$100,
16 or by imprisonment for not less than 10 days nor more than 90 days, or
17 by both. Evidence that the defendant has failed to file a license with
18 the clerk of the court is prima facie evidence that the defendant is not
19 licensed. Each day of illegal practice is a separate offense.

20 * Sec. 13. This Act takes effect immediately in accordance with AS 01.10.
21 070(c).