

Introduced: 2/27/80
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 910

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of nursing."

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

8 * Section 1. AS 08.68.010 is amended to read:

9 Sec. 08.68.010. CREATION AND MEMBERSHIP OF BOARD OF NURSING.

10 There is created a Board of Nursing, consisting of seven members
11 appointed by the governor. One member must [SHALL] be an actively
12 licensed practical nurse [CURRENTLY INVOLVED IN INSTITUTIONAL NURSING
13 SERVICE], one member an advanced nurse practitioner [IN COMMUNITY OR
14 PUBLIC HEALTH NURSING], one member who is a professional nurse engaged
15 in basic professional nursing education, [AND] two members who are
16 professional nurses with direct or indirect responsibilities for
17 nursing services [IN BASIC OR CONTINUING NURSING EDUCATION, ONE NURSE
18 AT LARGE], and two persons who have no direct financial interest in
19 the health care industry.

20 * Sec. 2. AS 08.68.060 is amended to read:

21 Sec. 08.68.060. QUALIFICATIONS OF REGISTERED NURSE AND LICENSED
22 PRACTICAL NURSE BOARD MEMBERS. The five members of the board who are
23 nurses must [SHALL] be licensed [PROFESSIONAL NURSES] in the state,
24 and must [SHALL] have been actively engaged in nursing for not less
25 than four years before appointment, three [TWO] years of which were
26 within the five years immediately preceding appointment. At least two
27 of the members who are professional nurses must hold a bachelor's
28 degree or higher.

29 * Sec. 3. AS 08.68.070 is amended to read:

1 Sec. 08.68.070. ELECTION OF OFFICERS. The board shall annually
2 elect a chairperson [CHAIRMAN] and secretary-treasurer from among its
3 members.

4 * Sec. 4. AS 08.68.080 is amended to read:

5 Sec. 08.68.080. MEETINGS. The board shall meet at least four
6 times [ONCE] a year.

7 * Sec. 5. AS 08.68.100 is amended to read:

8 Sec. 08.68.100. DUTIES AND POWERS OF BOARD. (a) The board
9 shall

10 (1) adopt [RULES AND] regulations necessary to make this
11 chapter effective, including regulations pertaining to practice as an
12 advanced nurse practitioner [AND WHEN NECESSARY, ADDITIONS TO OR
13 CHANGES IN RULES AND REGULATIONS OF THE BOARD BY A QUORUM VOTE BY
14 MAIL, THESE ADDITIONS TO OR CHANGES IN THE RULES AND REGULATIONS WHICH
15 ARE MADE BY MAIL AND THE VOTE ON THEM TO BE ENTERED IN THE MINUTES OF
16 THE BOARD AT ITS NEXT MEETING];

17 [(2) MAKE AVAILABLE, UPON REQUEST, COPIES OF THIS CHAPTER
18 AND THE REGULATIONS ADOPTED FOR ADMINISTERING IT;]

19 (3) approve curricula and adopt standards for

20 (A) educational programs preparing persons for licensure
21 or authorization to practice under AS 08.68, and

22 (B) basic and graduate degree educational programs in
23 nursing [LICENSING AND PROVIDE FOR SURVEYS OF THESE PROGRAMS IN
24 THE STATE AT THE TIMES IT CONSIDERS NECESSARY];

25 (4) accredit [ACCREDITS] educational programs which meet
26 the requirements of this chapter and [THE STANDARDS] of the board, and
27 deny, revoke, or suspend [OR WITHDRAW] accreditation from educational
28 programs for failure to meet board requirements [STANDARDS];

29 (5) examine, license, and renew the licenses of qualified

1 applicants [, AND CONDUCT HEARINGS UPON CHARGES AND ADMINISTER OATHS
2 TO PERSONS GIVING TESTIMONY AT HEARINGS];

3 (6) prescribe requirements to validate competency to con-
4 tinue or re-enter practice; [KEEP A RECORD OF ITS PROCEEDINGS, AND
5 SUBMIT ANNUAL REPORTS TO THE GOVERNOR AND THE LEGISLATURE]

6 (7) keep a record of its proceedings, and submit annual
7 reports to the governor and legislature;

8 (8) define by regulation the duties of the executive secre-
9 tary and delegate such authority of the board to the executive secre-
10 tary as may be necessary for the conduct of board business.

11 (b) The board may:

12 (1) issue subpoenas, compel the attendance of witnesses,
13 and administer oaths to persons giving testimony at hearings;

14 (2) conduct hearings upon charges of alleged violations
15 of this chapter or regulations adopted under it;

16 (3) invoke, or request the department to invoke, discipli-
17 nary action against a licensee, in accordance with the Administrative
18 Procedure Act (AS 44.62).

19 * Sec. 6. AS 08.68.111 is amended to read:

20 Sec. 08.68.111. EXECUTIVE SECRETARY [OFFICER] OF BOARD. (a)
21 The Department of Commerce and Economic Development, in consultation
22 with the Board of Nursing, shall employ a licensed, professional
23 [REGISTERED] nurse, who is not a member of the board, to serve as
24 executive secretary [OFFICER] of the board.

25 (b) The executive secretary must [OFFICER SHALL] be a nurse
26 having a bachelor's degree or higher in nursing, must be currently
27 licensed in the state, and must meet other qualifications as estab-
28 lished by board regulations. [WITH NOT LESS THAN FIVE YEARS OF ACTIVE
29 NURSING EXPERIENCE, OF WHICH NOT LESS THAN TWO YEARS WITHIN THE PRE-

1 CEDING FIVE YEARS HAS BEEN IN AN ADMINISTRATIVE OR A TEACHING CAPACITY
2 IN AN ACCREDITED INSTITUTION ACCEPTABLE TO THE BOARD. IF A LICENSED
3 PROFESSIONAL NURSE HOLDING A BACHELOR'S DEGREE IS NOT AVAILABLE TO
4 FILL THE POSITION OF EXECUTIVE OFFICER, THE BOARD MAY WAIVE THE REQUIRE-
5 MENT FOR A BACHELOR'S DEGREE AND APPOINT A LICENSED PROFESSIONAL NURSE
6 POSSESSING OTHER QUALIFICATIONS IN EDUCATION AND ADMINISTRATIVE EXPERI-
7 ENCE WHICH THE BOARD CONSIDERS ACCEPTABLE. HOWEVER, THE APPOINTEE
8 SHALL COMPLETE THE REQUIREMENTS FOR THE AWARD OF A BACHELOR'S DEGREE
9 IN FOUR YEARS AFTER APPOINTMENT TO THE POSITION OF EXECUTIVE OFFICER.
10 ANNUALLY, THE APPOINTEE SHALL OFFER THE BOARD EVIDENCE OF SATISFACTORY
11 PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE. IF AFTER THE ANNUAL
12 REVIEW THE BOARD BELIEVES THAT THE APPOINTEE HAS NOT MADE SATISFACTORY
13 PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE, THE DEPARTMENT MAY
14 DISMISS THE APPOINTEE, NOTWITHSTANDING THE PROVISIONS OF AS 39.25.170.]

15 (c) The executive secretary [OFFICER] shall:

16 (1) perform the administrative duties as required by law,
17 regulation, or [THE STATUTES AND] the department, including the prepara-
18 tion of minutes of board meetings,

19 (2) carry out regulations and policy decisions, consistent
20 with law, made by the Board of Nursing, [AND]

21 (3) review and approve applicants for licensure who meet
22 the qualifications prescribed in this chapter and in the board's regu-
23 lations. [ASSIST THE BOARD IN THE CONDUCTING OF EXAMINATIONS, EDUCA-
24 TIONAL PROGRAMS, PREPARATION OF MINUTES AND OTHER BOARD ADMINISTRATIVE
25 WORK]

26 (4) bring before the board those applications that raise
27 questions requiring full board consideration.

28 (5) conduct licensure examinations for qualified applicants.

29 (6) assist the department in informing licensees of the

1 necessity to renew licenses,

2 (7) communicate with other state boards and educational in-
3 stitutions regarding licensure of candidates and related concerns,

4 (8) refer complaints against licensees to the department
5 for investigation,

6 (9) prepare periodic and special reports and surveys as
7 required, including the annual report to the governor and the legisla-
8 ture,

9 (10) collect, compile, analyze, and distribute data relating
10 to nursing education and licensure,

11 (11) respond to communications relating to nursing licensure,
12 the provisions of AS 08.68, nursing education, and other related
13 matters,

14 (12) direct communications requiring full board action to
15 the board,

16 (13) provide information concerning the provisions of AS
17 08.68, board regulations and policies, and trends in nursing and
18 nursing education to members of the public and the nursing profession,
19 and to schools and other interested institutions and organizations,

20 (14) participate in educational program surveys,

21 (15) refer educational program reports to the board,

22 (16) assist the board and the department in the preparation
23 of the annual budget,

24 (17) prepare and distribute the agenda for board meetings,

25 (18) collect and make available to the board all pertinent
26 information on issues before the board,

27 (19) assist the division in the orientation of new board
28 members.

29 * Sec. 7. AS 08.68.170 is amended to read:

1 Sec. 08.68.170. QUALIFICATIONS OF PROFESSIONAL OR PRACTICAL
2 NURSE APPLICANTS. An applicant for a license to practice professional
3 or practical nursing shall submit to the board on forms and in the
4 manner prescribed by the board, written evidence, verified by oath,
5 that the applicant has [COMPLETED AN APPROVED FOUR YEAR HIGH SCHOOL
6 COURSE OF STUDY OR THE EQUIVALENT AS DETERMINED BY THE APPROPRIATE
7 EDUCATIONAL AGENCY, AND HAS] successfully completed (1) a professional
8 or practical nursing education program accredited by the board; or (2)
9 a professional or practical nursing education program outside the
10 state which, in the opinion of the board, meets the minimum require-
11 ments of the board for an accredited program of study in this state at
12 the time the applicant graduated; or (3) a professional or practical
13 nursing education program accredited by the National League for Nursing
14 at the time the applicant graduated.

15 * Sec. 8. AS 08.68.190 is amended to read:

16 Sec. 08.68.190. LICENSE BY EXAMINATION. The applicant shall
17 pass a written examination as prescribed by [IN THE SUBJECTS WHICH]
18 the board [PRESCRIBES]. The board shall issue a license to an appli-
19 cant who passes the examination to practice professional [NURSING] or
20 practical nursing provided the other qualifications outlined in AS 08.-
21 68.170 and 08.68.180 are also met. The board shall conduct examina-
22 tions annually and as often as it considers necessary.

23 * Sec. 9. AS 08.68.200 is amended to read:

24 Sec. 08.68.200. LICENSE BY ENDORSEMENT. The board may issue a
25 license by endorsement to practice professional or practical nursing
26 [OR TO PRACTICE PRACTICAL NURSING], whichever is appropriate, to an
27 applicant who

28 (1) is licensed as either a professional or practical nurse
29 [. PRACTICAL NURSE] under the laws of another state or territory,

1 if in the opinion of the board the applicant meets the qualifications
2 required for licensing in the state, and meets the requirements of AS
3 08.68.170 [EITHER SEC. 170 OR SEC. 180 OF THIS CHAPTER, WHICHEVER IS
4 APPLICABLE]; or

5 (2) meets the requirements of AS 08.68.170 and has success-
6 fully completed the Canadian Nurses' Association Testing Service
7 (CNATS) examination if the board determines it is comparable to the
8 examination administered by this state.

9 * Sec. 10. AS 08.68.210(a)(2) is amended to read:

10 (2) meets the requirements of AS 08.68.170 [EITHER SEC. 170
11 OR SEC. 180 OF THIS CHAPTER, WHICHEVER IS APPLICABLE], and

12 * Sec. 11. AS 08.68.210(b) is amended to read:

13 (b) The board may issue a nonrenewable permit to an applicant
14 for license by examination if (1) the applicant [HE] meets the qualifi-
15 cations of AS 08.68.170, or (2) the applicant is a graduate of a
16 foreign school of nursing and has successfully completed the examina-
17 tion administered by the Commission on Graduates of Foreign Nursing
18 Schools (CGFNS) [SEC. 180 OF THIS CHAPTER, WHICHEVER IS APPLICABLE,
19 AND PAYS THE REQUIRED FEE]. The permit will be valid for a period not
20 extending beyond the time when the results are published of the first
21 examination the applicant is eligible to take after the permit is
22 issued.

23 * Sec. 12. AS 08.68.220 is amended to read:

24 Sec. 08.68.220. FEES. The following fees shall be imposed under
25 this chapter when applicable:

- 26 (1) for professional [OR REGISTERED] nursing
27 (A) application fee..... \$40 [\$20]
28 (B) license-by-examination fee..... \$20
29 (C) license-by-endorsement fee..... \$20

- 1 (D) biennial license renewal fee..... \$20 [\$15]
- 2 (2) for practical or vocational nursing
- 3 (A) application fee..... \$30 [\$15]
- 4 (B) license-by-examination fee..... \$10 [\$15]
- 5 (C) license-by-endorsement fee..... \$10 [\$15]
- 6 (D) biennial license renewal fee..... \$20 [\$15]

7 * Sec. 13. AS 08.68.251 is amended to read:

8 Sec. 08.68.251. LAPSED LICENSES. (a) A lapsed license may be
 9 reinstated if it has not remained lapsed for more than three [FIVE]
 10 years by payment of license fees which have fallen due during the
 11 lapsed period.

12 (b) If a [THE] license has remained lapsed for more than three
 13 [FIVE] years and

14 (1) if the board has reason to believe that the person
 15 applying for reinstatement [OF HIS LICENSE] no longer has sufficient
 16 knowledge to carry out the duties of a licensed nurse, the board shall
 17 [MAY] require the applicant to [TAKE AND PASS THE EXAMINATION GIVEN
 18 UNDER SEC. 190 OF THIS CHAPTER OR] complete a course of study [REFRESHER
 19 COURSE] approved by the board or pass an examination prescribed by the
 20 board, and to pay all applicable fees as if for a new application;

21 (2) if the board determines that the person applying for
 22 reinstatement has been actively employed in nursing in another state
 23 and has sufficient knowledge to carry out the duties of a licensed
 24 nurse, the lapsed license may be reinstated by payment of a reasonable
 25 fee imposed by the board under AS 44.62 (the Administrative Procedure
 26 Act), not to exceed the total fees required for a new application.

27 * Sec. 14. AS 08.68 is amended by adding a new section to read:

28 Sec. 08.68.261. INACTIVE NURSES UNDER PREVIOUS LAW. A nurse who
 29 holds an inactive license issued under previous AS 08.68.261 shall

1 either (1) activate the license on or before that renewal date, or (2)
2 permit the license to lapse.

3 * Sec. 15. AS 08.68.270 is amended to read:

4 Sec. 08.68.270. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION.
5 The board, after compliance with the Administrative Procedure Act (AS
6 44.62), may deny, suspend or revoke the license of a person who

7 (1) has obtained or attempted to obtain a license to prac-
8 tice nursing by fraud or deceit;

9 (2) has been convicted of a felony;

10 (3) has been convicted of any misdemeanor that bears direct-
11 ly on the fitness of the person to practice nursing [A CRIME INVOLVING
12 MORAL TURPITUDE];

13 (4) [IS] habitually abuses alcoholic beverages, stimulants,
14 or depressants or illegally uses hallucinogenic or stimulant drugs as
15 defined by AS 17.12.150(3) or narcotic drugs as defined by AS 17.10.-
16 230(13) [INTOXICATED OR IS ADDICTED TO THE USE OF NARCOTICS];

17 (5) has impersonated a professional or practical nurse;

18 (6) is guilty, in the opinion of the board, of negligence
19 which has resulted in a significant risk to the health or safety of
20 a client or has resulted in [SERIOUS] injury to a client [PATIENT];

21 (7) practices or attempts to practice nursing while afflicted
22 with physical or mental illness, deterioration, or disability to such
23 an extent that the affliction interferes with the individual's perfor-
24 mance of nursing functions [IS MENTALLY ILL OR MENTALLY INCOMPETENT];

25 (8) is guilty of unprofessional conduct;

26 (9) has wilfully [OR REPEATEDLY] violated any of the pro-
27 visions of this chapter;

28 (10) is considered by the board to be professionally incom-
29 petent;

(11) denies care or treatment to a patient or person seeking assistance if the sole reason for the denial is the failure or refusal of the patient or person seeking assistance to execute an agreement to arbitrate a dispute, controversy, or issue arising out of the care or treatment, as provided in AS 09.55.535(a).

* Sec. 16. AS 08.68 is amended by adding a new section to read:

Sec. 08.68.276. CONTINUING COMPETENCE REQUIRED. A license to practice nursing may not be renewed unless the nurse has complied with continuing competence requirements that may be established by the board by regulation.

* Sec. 17. AS 08.68.280 is amended to read:

Sec. 08.68.280. NURSING EDUCATION PROGRAM PROHIBITED UNLESS ACCREDITED. No person, institution or agency may conduct a nursing education program preparing persons for examination, licensure, authorization for specialized practice, or a graduate degree [FOR PROFESSIONAL OR PRACTICAL NURSES] unless the program is accredited by the board. All nursing education programs must be established in an accredited post secondary educational institution within the state.

* Sec. 18. AS 08.68.290 is amended to read:

Sec. 08.68.290. APPLICATION FOR ACCREDITATION BY BOARD. An institution desiring to conduct a nursing education program to prepare professional [OR PRACTICAL] nurses at the associate, baccalaureate or higher degree levels or to prepare a nurse to perform in an expanded role as an advanced nurse practitioner or to prepare practical nurses shall apply to the board and submit evidence that (1) it is prepared to carry out the curriculum which meets requirements prescribed by law and [APPROVED] by the board for professional nursing, [OR] for practice as an advanced nurse practitioner or for practical nursing, [AS THE CASE MAY BE,] and that (2) it is prepared to meet other

1 requirements prescribed [STANDARDS ESTABLISHED] by law and by the
2 board.

3 * Sec. 19. AS 08.68.300 is amended to read:

4 Sec. 08.68.300. SURVEY AND ACCREDITATION BY THE BOARD. The
5 board shall designate a survey team [THE EXECUTIVE OFFICER, A BOARD
6 MEMBER, OR A CONSULTANT TO SURVEY THE INSTITUTION APPLYING FOR ACCREDI-
7 TATION] to determine if the [STANDARDS AND] requirements prescribed
8 [REQUIRED] by law and the board are met. The board may survey a
9 nursing education program in the state at any time. Written reports
10 of the surveys shall be filed with and retained by the board [AND
11 RETAINED BY IT].

12 * Sec. 20. AS 08.68 is amended by adding a new section to read:

13 Sec. 08.68.325. RECOGNITION OF EDUCATIONAL PROGRAMS. No program
14 or course of study will be recognized as satisfying state requirements
15 without board approval.

16 * Sec. 21. AS 08.68.330 is amended to read:

17 Sec. 08.68.330. LIST OF ACCREDITED AND APPROVED PROGRAMS. The
18 board shall prepare, maintain, and periodically [FROM TIME TO TIME]
19 publish a list of accredited nursing education programs preparing
20 nurses to practice and programs or courses of study which are approved
21 to validate competency or to prepare a nurse for authorization to
22 practice as an advanced nurse practitioner or to obtain a graduate
23 degree [IN THE STATE].

24 * Sec. 22. AS 08.68.340 is repealed and re-enacted to read:

25 Sec. 08.68.340. VIOLATIONS. (a) It is a class A misdemeanor
26 for a person to:

27 (1) sell or fraudulently obtain or furnish a nursing diploma,
28 license renewal, or record, or knowingly aid in doing so;

29 (2) practice nursing under cover of a diploma, license, or

1 record illegally or fraudulently obtained or signed or issued unlaw-
2 fully, with knowledge of the illegality or unlawfulness of the act;

3 (3) practice or offer to practice nursing with knowledge
4 that he has not been licensed, except when rendering necessary aid to
5 the ill, injured, or infirm in an emergency, or knowingly to employ as
6 a nurse a person without a license to practice nursing;

7 (4) knowingly use in connection with his name a designation
8 tending to imply that he is a licensed nurse unless he is licensed;

9 (5) practice nursing during the time his license is suspended
10 or revoked, knowing of the suspension or revocation;

11 (6) conduct a nursing education program that represents or
12 implies that it is accredited knowing that the program has not been
13 accredited by the board;

14 (7) do an act described in AS 08.68.405(10), (11), (14), or
15 (15); or

16 (8) knowingly do an act described in AS 08.68.405(9).

17 (b) It is a class B misdemeanor for a person to:

18 (1) practice nursing under cover of a diploma, license, or
19 record illegally obtained or signed or issued unlawfully;

20 (2) practice or offer to practice nursing without having
21 been licensed, except when rendering necessary aid to the ill, injured,
22 or infirm in an emergency, or to employ as a nurse a person without a
23 license to practice nursing;

24 (3) use in connection with his name a designation tending
25 to imply that he is a licensed nurse unless he is licensed;

26 (4) practice nursing during the time his license is suspended
27 or revoked or with knowledge his license has lapsed;

28 (5) conduct a nursing education program that represents or
29 implies that is is accredited, unless the program has been accredited

1 by the board; or

2 (6) do an act described in AS 08.68.405(4), (6), (7), (8),
3 (12), (17), (18), or (19).

4 (c) It is a violation for a person to practice nursing during
5 the time his license is lapsed.

6 * Sec. 23. AS 08.68.400(a) is amended to read:

7 (a) This chapter does not apply to

8 (1) a qualified nurse licensed in another state employed by
9 the United States Government or a bureau, or agency, or division of
10 the United States Government while in the discharge of his official
11 duties;

12 (2) nursing service given temporarily in the event of a
13 public emergency, epidemic, or disaster;

14 (3) the practice of nursing by a student enrolled in a
15 nursing education program accredited by the board when the practice is
16 in connection with the student's course of study; [OR]

17 (4) the practice of nursing by an individual [A NURSE]
18 enrolled in an approved program or course of study for purposes of
19 meeting competency re-entry requirements under AS 08.68.251; or
20 [REFRESHER COURSE]

21 (5) the practice of nursing by a nurse licensed in another
22 state who engages in nursing education or nursing consultation activi-
23 ties when these activities and contact with clients do not exceed 20
24 working days within a licensing period.

25 * Sec. 24. AS 08.68 is amended by adding a new section to read:

26 Sec. 08.68.405. UNPROFESSIONAL CONDUCT. (a) A person who com-
27 mits one of the following acts is guilty of unprofessional conduct:

28 (1) failing to use appropriate judgment in the practice of
29 nursing based upon the level of nursing for which the individual is

1 educationally prepared and licensed;

2 (2) failing to exercise technical competence in carrying
3 out nursing care;

4 (3) failing to safeguard a client's dignity and right to
5 privacy;

6 (4) violating the confidentiality of information or know-
7 ledge concerning a client;

8 (5) verbally abusing a client;

9 (6) physically abusing a client;

10 (7) performing new nursing techniques or procedures without
11 proper education and preparation;

12 (8) using alcohol or other drugs to the extent that the use
13 interferes with nursing functions;

14 (9) making a disposition of prescription drugs or narcotics
15 other than that ordered or prescribed by a person authorized by law to
16 do so;

17 (10) falsifying a client's records or intentionally making
18 an incorrect entry in a client's chart;

19 (11) violating state or federal laws regulating drugs, by
20 forging prescriptions or by making drugs available to himself, friends,
21 or family members;

22 (12) delegating a nursing care function, task, or responsi-
23 bility to another who is not licensed under AS 08.68 to perform that
24 function, task, or responsibility, and the delegation involves a sub-
25 stantial risk of harm to a client;

26 (13) assuming duties and responsibilities, on repeated
27 occasions, without adequate training or when competency has not been
28 maintained;

29 (14) assisting another person to violate or circumvent any

1 law or regulation intended to regulate nursing practice;

2 (15) permitting or allowing another person to use his or
3 her nursing license or permit for any purpose;

4 (16) failing to exercise adequate supervision over persons
5 who are authorized to practice only under the supervision of the
6 licensed professional;

7 (17) leaving a nursing assignment without properly notifying
8 appropriate personnel;

9 (18) committing any act that poses a substantial risk of
10 harm to a client;

11 (19) failing to perform acts within the nurse's scope of
12 competence which are necessary to prevent substantial risk of harm to
13 a client;

14 (20) failing to report as required by AS 08.68.406.

15 (b) The board may by regulation provide that other acts contrary
16 to the standards of the nursing profession constitute unprofessional
17 conduct.

18 * Sec. 25. AS 08.68 is amended by adding a new section to read:

19 Sec. 08.68.406. DUTY TO REPORT ILLEGAL CONDUCT OR CONDUCT
20 DANGEROUS TO CLIENTS. A nurse who witnesses a health care provider
21 engaged in the following conduct shall report that conduct to the
22 appropriate licensing board or to the immediate supervisor of that
23 provider:

24 (1) any act described in AS 08.68.405(6), (8), (9), (10),
25 (11), (12), (14), (15), (18), or (19);

26 (2) any act described in AS 08.64.380(3)(B) or (F);

27 (3) any act posing a danger to a client's welfare.

28 * Sec. 26. AS 08.68.410 is repealed and re-enacted to read:

29 Sec. 08.68.410. DEFINITIONS. As used in this chapter

1 (1) "accredited nursing education program" means a program
2 having curricula and standards which meet the requirements established
3 by the board;

4 (2) "advanced nurse practitioner" means a registered pro-
5 fessional nurse authorized to practice in the state who, by virtue of
6 specialized education and experience, has become certified to perform
7 acts of medical diagnosis and the prescription of medical, therapeutic,
8 or corrective measures under regulations adopted by the board;

9 (3) "board" means the Board of Nursing;

10 (4) "endorsement" is the licensing of an applicant without
11 examination through the acceptance of a license or registration issued
12 by any state or territory after a comprehensive examination which is
13 substantially equivalent to the examination offered in this state;

14 (5) "licensed practical nurse" is equivalent to the title
15 "licensed vocational nurse" and to the name suffix abbreviations
16 L.P.N. and L.V.N.;

17 (6) "licensed professional nurse" is equivalent to the
18 common title "registered nurse" and the name suffix abbreviation R.N.;

19 (7) "practice of practical nursing" means the performance
20 for compensation or personal profit of selected acts in the prevention
21 of illness, and in the care of the ill, injured, or infirm under the
22 direction of a licensed professional nurse or a licensed physician or
23 a licensed dentist not requiring the substantial specialized skill,
24 judgment, and knowledge required in professional nursing;

25 (8) "practice of professional nursing" means the performance
26 for compensation or personal profit of acts of professional service
27 requiring substantial specialized knowledge, judgment, and skill based
28 upon the principles of biological, physiological, behavioral, and
29 sociological sciences in assessing and responding to actual or poten-

1 tial health needs of individuals, families, or communities through
2 such services as:

3 (A) assessment, problem identification, counseling,
4 and health teaching:

5 (i) in the maintenance of health or in the
6 prevention of illness of clients; and

7 (ii) in the care of the ill, injured, or infirm;

8 (B) administration, supervision, delegation, and
9 evaluation of nursing practice;

10 (C) teaching of nursing;

11 (D) execution of a medical regimen as prescribed by a
12 health care provider authorized by the state to perform acts of
13 medical practice;

14 (E) performance of such additional acts requiring
15 education and training and recognized by the nursing profession
16 as properly performed by registered professional nurses;

17 (F) performance of acts of medical diagnosis and the
18 prescription of medical therapeutic or corrective measures under
19 regulations adopted by the board;

20 (9) "professional incompetence" means that a nurse does not
21 possess the skills, knowledge, and awareness of his or her limitations
22 and abilities to continue safely the practice of nursing.

23 * Sec. 26. Administrative regulations, adopted jointly by the Board of
24 Nursing and the State Medical Board and in effect on the effective date of
25 this Act, remain in effect until amended or repealed by the Board of Nursing
26 under this Act.

27 * Sec. 27. AS 08.68.180(a), 08.68.260, and 08.68.350 are repealed.
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29