

Introduced: 4/7/80
Referred: Health, Education
and Social Services

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 549

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 professional licensing and to the
7 regulation of nursing home administrators; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

11 (22) Board of Nursing Home Administrators.

12 * Sec. 2. AS 08.01.050(19) is amended to read:

13 (19) provide investigative services to the boards established
14 under AS 08.20, [AS 08.32,] AS 08.36, AS 08.64, AS 08.68, AS 08.70,
15 AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of
16 assisting those boards in matters of professional discipline.

17 * Sec. 3. AS 08.01.100(a) is amended to read:

18 (a) Except as provided in this title, [ALL] licenses shall be
19 renewed biennially on the dates set by the department with the approval
20 of the respective board.

21 * Sec. 4. AS 08.70.020(a) is amended to read:

22 (a) The board consists of three [FIVE] members: one [TWO] nursing
23 home administrator [ADMINISTRATORS] licensed under this chapter and
24 practicing in the state, one [A] registered nurse licensed in the state
25 and having no direct financial interest in any nursing home, and one
26 public member [TWO PERSONS FROM THE GENERAL PUBLIC].

27 * Sec. 5. AS 08.70.020(c) is amended to read:

28 (c) Board members serve staggered terms of four [THREE] years or
29 until their successor is appointed, except that a member appointed to a

1 vacated term serves the duration of that term. A person who has served
2 two successive complete terms may not be reappointed until four years
3 from the expiration of the second term [ON THE FIRST BOARD TWO MEMBERS
4 SERVE ONE-YEAR TERMS, TWO MEMBERS SERVE TWO-YEAR TERMS AND ONE MEMBER
5 SERVES A THREE-YEAR TERM].

6 * Sec. 6. AS 08.70.050(a)(2) is amended to read:

7 (2) examine, approve issuance of licenses and renewal of
8 [LICENSE, AND RENEW THE] licenses of qualified persons;

9 * Sec. 7. AS 08.70.050(a)(3) is amended to read:

10 (3) establish procedures to insure that licensees continue to
11 uphold the board's standards; impose disciplinary sanctions upon [RE-
12 VOKE, SUSPEND, OR REFUSE TO RENEW LICENSES OF] persons who fail to
13 uphold the standards;

14 * Sec. 8. AS 08.70.050(a) is amended by adding a new paragraph to read:

15 (6) adopt regulations insuring that renewal of a license is
16 contingent upon proof of continued competency by the licensee.

17 * Sec. 9. AS 08.70 is amended by adding a new section to read:

18 Sec. 08.70.055. REMOVAL OF BOARD MEMBERS. A member of the board
19 may be removed from office by the governor for cause. The board may by
20 regulation provide that unexcused absences from meetings constitute
21 cause for removal.

22 * Sec. 10. AS 08.70.080 is amended to read:

23 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home
24 administrator may manage, supervise, or be generally in charge of a
25 nursing home [UNLESS EXCEPTED BY THIS CHAPTER]. Only a nursing home
26 which is supervised by a licensed nursing home administrator may operate
27 in Alaska [UNLESS SPECIALLY EXCEPTED BY THE BOARD. THIS SECTION DOES
28 NOT APPLY TO THE ALASKA PIONEERS' HOMES].

29 * Sec. 11. AS 08.70.140(b) is amended to read:

1 (b) An administrator may apply to the board for renewal of his
2 license every four years by submitting an application for renewal and
3 proof of continued competency as required by regulation [TO THE BOARD];
4 application forms for renewal are provided by the department.

5 * Sec. 12. AS 08.70.140(c) is amended to read:

6 (c) A person whose license has expired for a period of 24 [12]
7 months or more must apply for a license in the same manner as an
8 applicant who has not been licensed before.

9 * Sec. 13. AS 08.70.150 is amended to read:

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

- 12 (1) examination fee \$50 [\$25]
13 (2) investigation fee for persons applying
14 for a license under AS 08.70.110(b) \$50 [\$25]
15 (3) [ANNUAL] license renewal fee (required
16 every four years) \$200 [\$50]

17 * Sec. 14. AS 08.70 is amended by adding a new section to read:

18 Sec. 08.70.155. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

19 After a hearing the board may impose disciplinary sanctions when it
20 finds that a licensee

- 21 (1) secured a license through deceit, fraud, or intentional
22 misrepresentation;
23 (2) engaged in deceit, fraud, or intentional misrepresenta-
24 tion in the course of providing professional services or engaging in
25 professional activities;
26 (3) advertised professional services in a false or misleading
27 manner;
28 (4) has been convicted of a felony or other crime which
29 affects his ability to continue to practice competently and safely;

1 (5) intentionally or negligently engaged in or permitted the
2 performance of patient care by persons under his supervision which does
3 not conform to minimum professional standards regardless of whether
4 actual injury to the patient occurred;

5 (6) failed to comply with this chapter, with a regulation
6 adopted under this chapter, or with an order of the board;

7 (7) continued to practice after becoming unfit due to

8 (A) professional incompetence;

9 (B) failure to keep informed of or use current profes-
10 sional theories or practices;

11 (C) addiction or severe dependency on alcohol or other
12 drugs which impairs his ability to practice safely;

13 (D) physical or mental disability;

14 (8) engaged in lewd or immoral conduct in connection with the
15 delivery of professional service to patients;

16 (9) sold or furnished a license to another;

17 (10) practiced as a nursing home administrator or used a
18 designation tending to imply that he is a nursing home administrator
19 without a license issued under this chapter.

20 * Sec. 15. AS 08.70.160 is repealed and re-enacted to read:

21 Sec. 08.70.160. DISCIPLINARY SANCTIONS. (a) When it finds that a
22 licensee is guilty of an offense under AS 08.70.155, the board may
23 impose the following sanctions singly or in combination:

24 (1) permanently revoke a license to practice;

25 (2) suspend a license for a determinate period of time;

26 (3) censure a licensee;

27 (4) issue a letter of reprimand;

28 (5) place a licensee on probationary status and require him

29 to

1 (A) report regularly to the board upon matters involving
2 the basis of probation;

3 (B) limit practice to those areas prescribed;

4 (C) continue professional education until a satisfactory
5 degree of skill has been attained in those areas determined by the
6 board to need improvement;

7 (6) impose limitations or conditions on the practice of a
8 licensee.

9 (b) The board may withdraw probation status if it finds that the
10 deficiencies which required the sanction have been remedied.

11 (c) The board may summarily suspend a license before final hearing
12 or during the appeals process if the board finds that the licensee poses
13 a clear and immediate danger to the public health and safety if he
14 continues to practice. A person whose license is suspended under this
15 section shall be entitled to a hearing by the board no later than seven
16 days after the effective date of the order. The person may appeal the
17 suspension after a hearing to a court of competent jurisdiction.

18 (d) The board may reinstate a license which has been suspended or
19 revoked if the board finds after a hearing that the applicant is able to
20 practice with skill and safety.

21 (e) The board shall seek consistency in the application of dis-
22 ciplinary sanctions, and significant departure from prior decisions
23 involving similar situations shall be explained in findings of fact or
24 orders.

25 * Sec. 16. AS 08.70.170 is amended to read:

26 Sec. 08.70.170. PENALTIES. A person convicted of violating a
27 provision of this chapter is guilty of a class B misdemeanor [PUNISHABLE
28 BY A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN
29 ONE YEAR, OR BY BOTH].

1 * Sec. 17. AS 44.62.330(a) is amended by adding a new paragraph to read:
2 (47) Board of Nursing Home Administrators (AS 08.70.010).
3 * Sec. 18. AS 08.70.060, 08.70.070, and 08.70.140(a) are repealed.
4 * Sec. 19. This Act takes effect immediately in accordance with AS 01.10.-
5 070(c).

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