

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 am

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 five members: two nursing home adminis-  
23 trators licensed under this chapter and practicing in the state, a  
24 registered nurse licensed in the state and having no direct financial  
25 interest in any nursing home, and two persons from the general public.

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

27 (c) Board members serve staggered terms of four [THREE] years or  
28 until their successor is appointed, except that a member appointed to a  
29 vacated term serves the duration of that term. A person who has served

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

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

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

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

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

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

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

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

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

21 \* Sec. 10. AS 08.70.080 is amended to read:

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

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

29 (b) An administrator may apply to the board for renewal of his

1 license every four years by submitting an application for renewal and  
2 proof of continued competency as required by regulation [TO THE BOARD];  
3 application forms for renewal are provided by the department.

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

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

8 \* Sec. 13. AS 08.70.150 is amended to read:

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

11 (1) examination fee . . . . . \$50 [\$25]

12 (2) investigation fee for persons applying  
13 for a license under AS 08.70.110(b) . . . . \$50 [\$25]

14 (3) [ANNUAL] license renewal fee (required  
15 every four years) . . . . . \$200 [\$50]

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

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

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

20 (1) secured a license through deceit, fraud, or intentional  
21 misrepresentation;

22 (2) engaged in deceit, fraud, or intentional misrepresenta-  
23 tion in the course of providing professional services or engaging in  
24 professional activities;

25 (3) advertised professional services in a false or misleading  
26 manner;

27 (4) has been convicted of a felony or other crime which  
28 affects his ability to continue to practice competently and safely;

29 (5) intentionally or negligently engaged in or permitted the

1 performance of patient care by persons under his supervision which does  
2 not conform to minimum professional standards regardless of whether  
3 actual injury to the patient occurred;

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

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

7 (A) professional incompetence;

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

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

12 (D) physical or mental disability;

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

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

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

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

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

23 (1) permanently revoke a license to practice;

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

25 (3) censure a licensee;

26 (4) issue a letter of reprimand;

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

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29 (A) report regularly to the board upon matters involving

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the basis of probation;

(B) limit practice to those areas prescribed;

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

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

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

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

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

(e) The board shall seek consistency in the application of disciplinary sanctions, and significant departure from prior decisions involving similar situations shall be explained in findings of fact or orders.

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

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

\* Sec. 17. AS 44.62.330(a) is amended by adding a new paragraph to read:

1 (47) Board of Nursing Home Administrators (AS 08.70.010).  
2 \* Sec. 18. AS 08.70.060, 08.70.070, and 08.70.140(a) are repealed.  
3 \* Sec. 19. This Act takes effect immediately in accordance with AS 01.10.  
4 070(c).  
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