

Original sponsor: Health, Education and
Social Services Committee

Offered: 5/24/80
Referred: Rules

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

HOUSE CS FOR SENATE BILL NO. 549

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the regulation of nursing home administrators, nursing homes, and hospitals with skilled nursing beds or intermediate care beds; and providing for an effective date."

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

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

(22) Board of Nursing Home Administrators.

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

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

* Sec. 3. AS 08.70.020(a) is amended to read:

(a) The board consists of five members: two nursing home administrators licensed under this chapter and practicing in the state, a registered nurse licensed in the state and having no direct financial interest in any nursing home, and two persons from the general public.

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

(c) Board members serve staggered terms of four [THREE] years or until their successor is appointed, except that a member appointed to a vacated term serves the duration of that term. A person who has served two successive complete terms may not be reappointed until four years from the expiration of the second term [ON THE FIRST BOARD TWO MEMBERS SERVE ONE-YEAR TERMS, TWO MEMBERS SERVE TWO-YEAR TERMS AND ONE MEMBER

1 SERVES A THREE-YEAR TERM].

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

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

5 * Sec. 6. AS 08.70.050(a)(3) is amended to read:

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

10 * Sec. 7. AS 08.70.050(a) is amended by adding a new paragraph to read:

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

13 * Sec. 8. AS 08.70 is amended by adding a new section to read:

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

18 * Sec. 9. AS 08.70.080 is amended to read:

19 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home
20 administrator may manage, supervise, or be generally in charge of a
21 nursing home. [UNLESS EXCEPTED BY THIS CHAPTER. ONLY A] The care pro-
22 vided by a nursing home or a licensed hospital providing nursing home
23 care through the use of skilled nursing beds or intermediate care beds
24 shall be [WHICH IS] supervised by a licensed nursing home administrator
25 or by a person exempted from licensure requirements under this section.
26 This section does not apply to persons engaged on the effective date of
27 this Act in managing or administering an Alaska Pioneers' Home or a hos-
28 pital with skilled nursing beds or intermediate care beds. [MAY OPERATE
29 IN ALASKA UNLESS SPECIALLY EXCEPTED BY THE BOARD. THIS SECTION DOES NOT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

APPLY TO THE ALASKA PIONEERS' HOMES.]

* Sec. 10. AS 08.70.140(c) is amended to read:

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

* Sec. 11. AS 08.70.150(3) is amended to read:

(3) [ANNUAL] license renewal fee \$50

* Sec. 12. AS 08.70 is amended by adding a new section to read:

Sec. 08.70.155. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

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

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

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

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

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

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

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(7) sold or furnished a license to another;

(8) practiced as a nursing home administrator or used a designation tending to imply that he is a nursing home administrator without a license issued under this chapter unless exempted from licensure requirements under AS 08.07.080.

* Sec. 13. AS 08.70.160 is repealed and re-enacted to read:

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

- (1) permanently revoke a license to practice;
- (2) suspend a license for a determinate period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand;
- (5) place a licensee on probationary status and require him

to

(A) report regularly to the board upon matters involving 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

1 section shall be entitled to a hearing by the board no later than seven
2 days after the effective date of the order. The person may appeal the
3 suspension after a hearing to a court of competent jurisdiction.

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

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

11 * Sec. 14. AS 08.70.170 is amended to read:

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

16 * Sec. 15. AS 44.62.330(a) is amended by adding a new paragraph to read:

17 (47) Board of Nursing Home Administrators (AS 08.70.010).

18 * Sec. 16. AS 08.70.060, 08.70.070, and 08.70.140(a) are repealed.

19 * Sec. 17. This Act takes effect immediately in accordance with AS 01.10.
20 070(c).

21
22
23
24
25
26
27
28
29