

Introduced: 3/4/81
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 238

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of nursing; and
7 providing for an effective date."

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

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

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

11 There is created a Board of Nursing, consisting of seven members ap-
12 pointed by the governor. One member shall be a licensed practical nurse
13 currently involved in institutional nursing service, one member shall be
14 a registered nurse engaged in baccalaureate nursing education, and three
15 members shall be registered nurses [ONE MEMBER IN COMMUNITY OR PUBLIC
16 HEALTH NURSING AND TWO MEMBERS IN BASIC OR CONTINUING NURSING EDUCA-
17 TION, ONE NURSE] at large, and two members shall be persons who have no
18 direct financial interest in the health care industry.

19 * Sec. 2. AS 08.68.050 is amended to read:

20 Sec. 08.68.050. REMOVAL OF BOARD MEMBERS [FROM OFFICE]. A mem-
21 ber of the board may be removed from office by the governor for cause.
22 The board may by regulation provide that unexcused absences from meet-
23 ings is cause for removal [THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR
24 NEGLECT OF DUTY REQUIRED BY LAW, OR FOR UNPROFESSIONAL OR DISHONORABLE
25 CONDUCT AFTER A FAIR AND IMPARTIAL HEARING].

26 * Sec. 3. AS 08.68.060 is amended to read:

27 Sec. 08.68.060. QUALIFICATIONS OF REGISTERED NURSE AND LICENSED
28 PRACTICAL NURSE BOARD MEMBERS. The five members of the board who are
29 nurses shall be licensed [PROFESSIONAL NURSES] in the state, and shall

1 have been actively engaged in nursing for not less than four years
2 before appointment, three [TWO] years of which were within the five
3 years immediately preceding appointment.

4 * Sec. 4. AS 08.68.070 is amended to read:

5 Sec. 08.68.070. ELECTION OF OFFICERS. The board shall annually
6 elect a chairman and secretary [SECRETARY - TREASURER] from among its
7 members.

8 * Sec. 5. AS 08.68.080 is amended to read:

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

11 * Sec. 6. AS 08.68.100 is repealed and reenacted to read:

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

13 (1) adopt regulations necessary to implement this chapter,
14 including regulations pertaining to practice as an advanced nurse
15 practitioner and a nurse anesthetist;

16 (2) approve curricula and adopt standards for basic educa-
17 tion programs which prepare persons for licensing under AS 08.68.190;

18 (3) provide for surveys of the basic nursing education
19 programs in the state at the times it considers necessary;

20 (4) accredit education programs which meet the requirements
21 of this chapter and of the board, and deny, revoke, or suspend accredi-
22 tation of education programs for failure to meet the requirements;

23 (5) examine, license, and renew the licenses of qualified
24 applicants;

25 (6) prescribe requirements for competence before a former
26 nurse may resume the practice of nursing under this chapter;

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

29 (8) define by regulation the qualifications and duties of

1 the executive secretary and delegate authority to the executive secre-
2 tary which is necessary to conduct board business.

3 (b) The board may:

4 (1) conduct hearings upon charges of alleged violations of
5 this chapter or regulations adopted under it;

6 (2) invoke, or request the department to invoke, disciplin-
7 ary action against a licensee;

8 (3) prescribe requirements for competence to continue prac-
9 tice.

10 * Sec. 7. AS 08.68.111(a) and (b) are amended to read:

11 Sec. 08.68.111. EXECUTIVE SECRETARY [OFFICER] OF BOARD. (a) The
12 Department of Commerce and Economic Development, in consultation with
13 the Board of Nursing, shall employ a licensed, registered nurse, who is
14 not a member of the board, to serve as executive secretary [OFFICER] of
15 the board.

16 (b) The executive secretary [OFFICER] shall perform duties as
17 prescribed by the board. [BE A NURSE HAVING A BACHELOR'S DEGREE OR
18 HIGHER, CURRENTLY LICENSED IN THE STATE AND WITH NOT LESS THAN FIVE
19 YEARS OF ACTIVE NURSING EXPERIENCE, OF WHICH NOT LESS THAN TWO YEARS
20 WITHIN THE PRECEDING FIVE YEARS HAS BEEN IN AN ADMINISTRATIVE OR A
21 TEACHING CAPACITY IN AN ACCREDITED INSTITUTION ACCEPTABLE TO THE BOARD.
22 IF A LICENSED PROFESSIONAL NURSE HOLDING A BACHELOR'S DEGREE IS NOT
23 AVAILABLE TO FILL THE POSITION OF EXECUTIVE OFFICER, THE BOARD MAY
24 WAIVE THE REQUIREMENT FOR A BACHELOR'S DEGREE AND APPOINT A LICENSED
25 PROFESSIONAL NURSE POSSESSING OTHER QUALIFICATIONS IN EDUCATION AND
26 ADMINISTRATIVE EXPERIENCE WHICH THE BOARD CONSIDERS ACCEPTABLE. HOW-
27 EVER, THE APPOINTEE SHALL COMPLETE THE REQUIREMENTS FOR THE AWARD OF A
28 BACHELOR'S DEGREE IN FOUR YEARS AFTER APPOINTMENT TO THE POSITION OF
29 EXECUTIVE OFFICER. ANNUALLY, THE APPOINTEE SHALL OFFER THE BOARD

1 EVIDENCE OF SATISFACTORY PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE.
2 IF AFTER THE ANNUAL REVIEW THE BOARD BELIEVES THAT THE APPOINTEE HAS
3 NOT MADE SATISFACTORY PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE, THE
4 DEPARTMENT MAY DISMISS THE APPOINTEE, NOTWITHSTANDING THE PROVISIONS OF
5 AS 39.25.170.]

6 * Sec. 8. AS 08.68.170 is amended to read:

7 Sec. 08.68.170. QUALIFICATIONS OF REGISTERED OR PRACTICAL [PROFES-
8 SIONAL] NURSE APPLICANTS. An applicant for a license to practice regis-
9 tered or practical [PROFESSIONAL] nursing shall submit to the board on
10 forms and in the manner prescribed by the board, written evidence, veri-
11 fied by oath, that the applicant has [COMPLETED AN APPROVED FOUR YEAR
12 HIGH SCHOOL COURSE OF STUDY OR THE EQUIVALENT AS DETERMINED BY THE AP-
13 PROPRIATE EDUCATIONAL AGENCY, AND HAS] successfully completed (1) a re-
14 gistered or practical [PROFESSIONAL] nursing education program accredi-
15 ted by the board; or (2) a registered or practical [PROFESSIONAL] nurs-
16 ing education program outside the state which, in the opinion of the
17 board, meets the minimum requirements of the board for an accredited
18 program of study in this state at the time the applicant graduated; or
19 (3) a registered or practical [PROFESSIONAL] nursing education program
20 accredited by the National League for Nursing at the time the applicant
21 graduated.

22 * Sec. 9. AS 08.68.190 is amended to read:

23 Sec. 08.68.190. LICENSE BY EXAMINATION. The applicant shall pass
24 a written examination as prescribed by [IN THE SUBJECTS WHICH] the board
25 [PRESCRIBES]. The board shall issue a license to an applicant who pas-
26 ses the examination to practice registered [PROFESSIONAL NURSING] or
27 practical nursing provided the other qualifications outlined in AS 08.-
28 68.170 and 08.68.180 are also met. The board shall conduct examinations
29 annually and as often as it considers necessary in each region of the

1 state.

2 * Sec. 10. 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 as a registered or practical nurse
5 [PROFESSIONAL NURSING OR TO PRACTICE PRACTICAL NURSING], whichever is
6 appropriate, to an applicant who

7 (1) is licensed as either a registered or [PROFESSIONAL
8 NURSE OR A] practical nurse under the laws of another state or terri-
9 tory, if in the opinion of the board the applicant meets the qualifica-
10 tions required for licensing in the state, and meets the requirements
11 of AS 08.68.170; or

12 (2) meets the requirements of AS 08.68.170 and has success-
13 fully completed the Canadian Nurses' Association Testing Service exami-
14 nation if the board determines it is comparable to the examination ad-
15 ministered by this state [EITHER § AS 08.68.170 OR § 08.68.180. WHICH-
16 EVER IS APPLICABLE].

17 * Sec. 11. AS 08.68.210(a)(2) is amended to read:

18 (2) meets the requirements of [EITHER] AS 08.68.170 [OR OR
19 08.68.180, WHICHEVER IS APPLICABLE], and

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

21 (b) The board may issue a nonrenewable permit to an applicant for
22 license by examination if (1) the applicant [HE] meets the qualifica-
23 tions of AS 08.68.180; or (2) the applicant is a graduate of a foreign
24 school of nursing and has successfully completed the examination ad-
25 ministered by the Commission on Graduates of Foreign Nursing Schools
26 [AS 08.68.170 OR 08.68.180, WHICHEVER IS APPLICABLE, AND PAYS THE
27 REQUIRED FEE]. The permit will be valid for a period not extending
28 beyond the time when the results are published of the first examination
29 the applicant is eligible to take after the permit is issued.

1 * Sec. 13. AS 08.68.220 is amended to read:

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

4 (1) for registered nurses: [PROFESSIONAL OR REGISTERED
5 NURSING]

6 (A) application fee. \$30 [\$20]

7 (B) license-by-examination fee 20

8 (C) license-by-endorsement fee 20

9 (D) biennial license renewal fee . . 20 [15]

10 (2) for practical or vocational nurses: [NURSING]

11 (A) application fee. \$20 [\$15]

12 (B) license-by-examination fee . . 10 [15]

13 (C) license-by-endorsement fee . . 10 [15]

14 (D) biennial license renewal fee . 20 [15]

15 * Sec. 14. AS 08.68.230(a) is amended to read:

16 (a) A person licensed to practice registered [PROFESSIONAL]
17 nursing in the state may use the title "licensed professional nurse,"
18 "registered nurse," and the abbreviation "R.N."

19 * Sec. 15. AS 08.68.240 is amended to read:

20 Sec. 08.68.240. NURSES LICENSED OR HOLDING TEMPORARY PERMITS
21 UNDER PREVIOUS LAW. A person holding a license to practice registered
22 [PROFESSIONAL] or practical nursing in the state under prior law is
23 considered licensed as a registered [PROFESSIONAL] or practical nurse.

24 * Sec. 16. AS 08.68.251 is amended to read:

25 Sec. 08.68.251. LAPSED LICENSES. (a) A lapsed license may be
26 reinstated if it has not remained lapsed for more than five years by
27 payment of the license fees for the period during which the license
28 has lapsed.

29 (b) If a [THE] license is lapsed for more than five years,

1 (1) [AND THE BOARD HAS REASON TO BELIEVE THAT THE PERSON
2 APPLYING FOR REINSTATEMENT OF HIS LICENSE NO LONGER HAS SUFFICIENT
3 KNOWLEDGE TO CARRY OUT THE DUTIES OF A LICENSED NURSE,] the board shall
4 [MAY] require the applicant to [TAKE AND PASS THE EXAMINATION GIVEN
5 UNDER AS 08.68.190 GR] complete a course of study [REFRESHER COURSE]
6 approved by the board or to pass an examination prescribed by the board,
7 and to pay the fees prescribed by this chapter; or

8 (2) if the board determines that the person applying for re-
9 instatement was actively employed in nursing in another state during the
10 time that the license has lapsed in this state, the license which has
11 lapsed may be reinstated by payment of fees as required by AS 08.01.-
12 100(b).

13 * Sec. 17. AS 08.68 is amended by adding a new section to read:

14 Sec. 08.68.265. SCOPE OF PRACTICE OF PRACTICAL NURSES. A prac-
15 tical nurse shall work under the supervision of a licensed registered
16 nurse, a licensed physician, or a licensed dentist.

17 * Sec. 18. AS 08.68.270 is amended to read:

18 Sec. 08.68.270. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION.
19 The board [, AFTER COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURE ACT (AS
20 44.62),] may deny, suspend or revoke the license of a person who

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

23 (2) has been convicted of a felony or other crime if the
24 felony or other crime is substantially related to the qualifications,
25 functions or duties of the licensee;

26 [(3) HAS BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE];

27 (4) [IS] habitually abuses alcoholic beverages, or illegal-
28 ly uses hallucinogenic or stimulant drugs as defined by AS 17.12.150(3)
29 or narcotic drugs as defined by AS 17.10.230(13) [INTOXICATED OR IS

1 ADDICTED TO THE USE OF NARCOTICS];

2 (5) has impersonated a registered [PROFESSIONAL] or prac-
3 tical nurse;

4 (6) has intentionally or negligently engaged in conduct
5 which has resulted in a significant risk to the health or safety of a
6 client or in injury to a client [IS GUILTY, IN THE OPINION OF THE
7 BOARD, OF NEGLIGENCE WHICH HAS RESULTED IN SERIOUS INJURY TO A PATIENT];

8 (7) practices or attempts to practice nursing while afflic-
9 ted with physical or mental illness, deterioration, or disability
10 which interferes with the individual's performance of nursing functions
11 [IS MENTALLY ILL OR MENTALLY INCOMPETENT];

12 (8) is guilty of unprofessional conduct as defined by regu-
13 lations adopted by the board;

14 (9) has wilfully or repeatedly violated any of the pro-
15 visions of this chapter or regulations adopted under it;

16 (10) is [CONSIDERED BY THE BOARD TO BE] professionally in-
17 competent;

18 (11) denies care or treatment to a patient or person seeking
19 assistance if the sole reason for the denial is the failure or refusal
20 of the patient or person seeking assistance to agree to arbitrate
21 [EXECUTE AN AGREEMENT TO ARBITRATE A DISPUTE, CONTROVERSY, OR ISSUE
22 ARISING OUT OF THE CARE OR TREATMENT,] as provided in AS 09.55.535(a).

23 * Sec. 19. AS 08.68.275 is amended by adding a new subsection to read:

24 (c) The board shall seek consistency in the application of dis-
25 ciplinary sanctions. A significant departure from earlier disciplinary
26 decisions of the board which involve similar situations shall be ex-
27 plained in findings of fact or orders made by the board.

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

29 Sec. 08.68.276. CONTINUING COMPETENCE REQUIRED. A license to

1 practice nursing may not be renewed unless the nurse has complied with
2 continuing competence requirements established by the board by regula-
3 tion.

4 * Sec. 21. AS 08.68.280 is amended to read:

5 Sec. 08.68.280. NURSING EDUCATION PROGRAM PROHIBITED UNLESS
6 ACCREDITED. No person, institution or agency may conduct a nursing
7 education program which prepares persons for examination, licensing,
8 authorization for specialized practice, or a graduate degree [FOR
9 PROFESSIONAL OR PRACTICAL NURSES] unless the program is accredited by
10 the board. A program may be accredited by the board only if it is
11 established through an accredited postsecondary educational institu-
12 tion.

13 * Sec. 22. AS 08.68.290 is amended to read:

14 Sec. 08.68.290. APPLICATION FOR ACCREDITATION. An institution
15 desiring to conduct a nursing education program to prepare registered
16 [PROFESSIONAL] or practical nurses shall apply to the board and submit
17 evidence that (1) it is prepared to carry out the curriculum approved
18 by the board for registered [PROFESSIONAL] nursing or for practical
19 nursing, [AS THE CASE MAY BE,] and that (2) it is prepared to meet
20 other standards established by law and by the board.

21 * Sec. 23. AS 08.68.340 is repealed and reenacted to read:

22 Sec. 08.68.340. VIOLATIONS. (a) It is a class B misdemeanor for
23 a person to:

24 (1) practice nursing under a diploma, license, or record
25 which is unlawfully obtained, signed, or issued;

26 (2) practice or offer to practice nursing without a license,
27 unless the person gives necessary aid to the ill, injured, or infirm in
28 an emergency;

29 (3) employ as a nurse a person who is not licensed to prac-

1 tice nursing;

2 (4) use in connection with the person's name a designation
3 which implies that the person is a licensed nurse unless the person is
4 licensed;

5 (5) practice nursing during the time that the person's
6 license is suspended or revoked;

7 (6) practice nursing with knowledge that the person's li-
8 cense has lapsed;

9 (7) conduct a nursing education program and represent or
10 imply that it is accredited by the board, unless the program has been
11 accredited by the board.

12 (b) It is a class A misdemeanor for a person to knowingly or in-
13 tentionally do any of the acts described in (a)(1) -- (5) and (7) of
14 this section.

15 (c) It is a violation for a person to practice nursing during the
16 time that the person's license has lapsed if the person does not know
17 that his license has lapsed.

18 * Sec. 24. AS 08.68.400 is amended to read:

19 (a) This chapter does not apply to

20 (1) a qualified nurse licensed in another state employed by
21 the United States government or a bureau, or agency, or division of the
22 United States government while in the discharge of his official duties;

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

25 (3) the practice of nursing by a student enrolled in a nur-
26 sing education program accredited by the board when the practice is in
27 connection with the student's course of study; [OR]

28 (4) the practice of nursing by an individual [A NURSE] en-
29 rolled in an approved program or course of study approved by the board

1 to satisfy the requirements of AS 08.68.251 [REFRESHER COURSE]; or

2 (5) the practice of nursing by a nurse licensed in another
3 state who engages in nursing education or nursing consultation activi-
4 ties, if these activities and contact with clients do not exceed 20
5 working days within a licensing period.

6 (b) For purposes of this section the word "nurses" includes
7 registered [PROFESSIONAL] and practical nurses, and "nursing" means
8 registered [PROFESSIONAL] and practical nursing.

9 * Sec. 25. AS 08.68.410 is repealed and reenacted to read:

10 Sec. 08.68.410. DEFINITIONS. In this chapter,

11 (1) "advanced nurse practitioner" means a registered nurse
12 authorized to practice in the state who, because of specialized edu-
13 cation and experience, is certified to perform acts of medical diag-
14 nosis and the prescription of medical, therapeutic, or corrective
15 measures under regulations adopted by the board;

16 (2) "board" means the Board of Nursing;

17 (3) "incompetent" means that a nurse does not possess the
18 skills, knowledge, and awareness of his limitations and abilities to
19 safely practice nursing;

20 (4) "licensed practical nurse" is equivalent to the title
21 "licensed vocational nurse" and to the name suffix abbreviations L.P.N.
22 and L.V.N.;

23 (5) "licensed registered nurse" is equivalent to the common
24 title "registered nurse" and the name suffix abbreviation R.N.;

25 (6) "nurse anesthetist" means a registered nurse authorized
26 to practice in the state who, because of specialized education and
27 experience, is certified to select and administer anesthetic and give
28 anesthesia care under regulations adopted by the board;

29 (7) "practice of practical nursing" means the performance

1 for compensation or personal profit of nursing functions which do not
2 require the substantial specialized skill, judgment, and knowledge of a
3 registered nurse;

4 (8) "practice of registered nursing" means the performance
5 for compensation or personal profit of acts of professional service
6 which requires substantial specialized knowledge, judgment, and skill
7 based on the principles of biological, physiological, behavioral, and
8 sociological sciences in assessing and responding to the health needs
9 of individuals, families, or communities through services which in-
10 clude;

11 (A) assessment of problems, counseling and teaching
12 (i) clients to maintain health or prevent illness;

13 and

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

15 (B) administration, supervision, delegation, and evalu-
16 ation of nursing practice:

17 (C) teaching others the skills of nursing;

18 (D) execution of a medical regimen as prescribed by a
19 person authorized by the state to practice medicine;

20 (E) performance of other acts which require education
21 and training that are recognized by the nursing profession as
22 properly performed by registered nurses;

23 (F) performance of acts of medical diagnosis and the
24 prescription of medical therapeutic or corrective measures under
25 regulations adopted by the board.

26 * Sec. 26. A member of the Board of Nursing appointed before July 1,
27 1981 may continue until his or her appointment under AS 08.68.010 -- 08.68.-
28 030 expires, notwithstanding AS 08.68.010 as amended in sec. 1 of this Act.
29 Appointments to the Board of Nursing made after July 1, 1981 shall be in

1 accordance with AS 08.68.010 enacted in sec. 1 of this Act.

2 * Sec. 27. A nurse who holds an inactive license issued before July 1,
3 1981 shall either (1) make the license active by the next renewal date, or
4 (2) allow the license to lapse.

5 * Sec. 28. Administrative regulations adopted jointly by the Board of
6 Nursing and the State Medical Board under AS 08.68 which are in effect on
7 July 1, 1981 remain in effect until amended or repealed by the Board of
8 Nursing as provided by law.

9 * Sec. 29. AS 08.68.111(c), 08.68.180(a), 08.68.260, 08.68.275(b),
10 08.68.300 -- 08.68.320 and 08.68.350 are repealed.

11 * Sec. 30. This Act takes effect July 1, 1981.
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