

Original sponsors: Donley, Hanley,  
Gruenberg, et al.

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 178 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the practice of nursing; extend-

7

ing the termination date of the Board of Nursing; and

8

providing for an effective date."

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

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\* Section 1. AS 08.03.010(c)(1) is amended to read:

11

(1) Board of Nursing (AS 08.68.010) -- June 30, 1991

12

[1987].

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\* Sec. 2. AS 08.68.100(a) is amended to read:

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(a) The board shall

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(1) adopt regulations necessary to implement this chapter,

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including regulations pertaining to practice as an advanced nurse

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practitioner and a nurse anesthetist;

18

(2) approve curricula and adopt standards for basic educa-

19

tion programs that prepare persons for licensing under AS 08.68.190;

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(3) provide for surveys of the basic nursing education

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programs in the state at the times it considers necessary;

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(4) approve [ACCREDIT] education programs that meet the

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requirements of this chapter and of the board, and deny, revoke, or

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suspend approval [ACCREDITATION] of education programs for failure to

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meet the requirements;

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

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applicants;

28

(6) prescribe requirements for competence before a former

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nurse may resume the practice of nursing under this chapter;

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

3 (8) define by regulation the qualifications and duties of  
4 the executive secretary and delegate authority to the executive secre-  
5 tary that is necessary to conduct board business;

6 (9) develop reasonable and uniform standards for nursing  
7 practice;

8 (10) publish advisory opinions regarding whether nursing  
9 practice procedures or policies comply with acceptable standards of  
10 nursing practice as defined under this chapter.

11 \* Sec. 3. AS 08.68.190 is amended to read:

12 Sec. 08.68.190. LICENSE BY EXAMINATION. The applicant shall  
13 pass a written examination as prescribed by the board. The board  
14 shall issue a license to an applicant who passes the examination to  
15 practice registered or practical nursing provided the other qualifica-  
16 tions outlined in AS 08.68.170 and 08.68.180 are also met. The board  
17 shall conduct examinations annually and as often as it considers  
18 necessary at locations designated by the board [IN EACH REGION OF THE  
19 STATE].

20 \* Sec. 4. AS 08.68.200 is amended to read:

21 Sec. 08.68.200. LICENSE BY ENDORSEMENT. The board may issue a  
22 license by endorsement to practice as a registered or practical nurse,  
23 whichever is appropriate, to an applicant who

24 (1) is licensed as either a registered or practical nurse  
25 under the laws of another state [OR TERRITORY], if in the opinion of  
26 the board the applicant meets the qualifications required for licens-  
27 ing in the state, and meets the requirements of AS 08.68.170; [OR]

28 (2) meets the requirements of AS 08.68.170 and has success-  
29 fully completed the Canadian Nurses' Association Testing Service

1 examination if the board determines it is comparable to the examina-  
2 tion administered by this state; or

3 (3) has not worked as a nurse within the last five years,  
4 if the applicant meets the continuing competency requirements of the  
5 board or completes a course of study approved by the board.

6 \* Sec. 5. AS 08.68.210(a) is amended to read:

7 (a) The board may issue a temporary permit, nonrenewable and  
8 valid for a period not exceeding four months, to an applicant for a  
9 license by endorsement if the applicant

10 (1) submits proof satisfactory to the board that the appli-  
11 cant is currently licensed in another state or Canadian province that  
12 administers an examination approved by the board under AS 08.68.200(2)  
13 [TERRITORY],

14 (2) meets the requirements of AS 08.68.170, and

15 (3) pays the required fee.

16 \* Sec. 6. AS 08.68.210(b) is amended to read:

17 (b) The board may issue a nonrenewable permit to an applicant  
18 for license by examination if [(1)] the applicant (1) meets the quali-  
19 fications of AS 08.68.170; or (2) [THE APPLICANT] is a graduate of a  
20 foreign school of nursing and has successfully completed the examina-  
21 tion administered by the Commission on Graduates of Foreign Nursing  
22 Schools. The permit will be valid for a period not extending beyond  
23 the time when the results are published of the first examination the  
24 applicant is eligible to take after the permit is issued, however, if  
25 the applicant does not take the examination for which the applicant is  
26 scheduled, the permit lapses on the day of the examination.

27 \* Sec. 7. AS 08.68.230 is amended by adding new subsections to read:

28 (c) A person who holds a temporary permit to practice as a  
29 registered nurse shall use the title "Temporary Registered Nurse" and

1 the abbreviation "TRN."

2 (d) A person who holds a temporary permit to practice as a  
3 licensed practical nurse shall use the title "Temporary Licensed  
4 Practical Nurse" and the abbreviation "TLPN."

5 \* Sec. 8. AS 08.68.251 is amended to read:

6 Sec. 08.68.251. LAPSED LICENSES. (a) A lapsed license may be  
7 reinstated if it has not remained lapsed for more than five years by  
8 payment of the license fees for the current renewal period and the  
9 penalty fee. The person seeking reinstatement shall meet the continu-  
10 ing competency requirements of the board [DURING WHICH THE LICENSE HAS  
11 LAPSED].

12 (b) If a license is lapsed for more than five years,

13 (1) the board shall require the applicant to complete a  
14 course of study approved by the board or to pass an examination pre-  
15 scribed by the board, and to pay the fees prescribed by this chapter;  
16 or

17 (2) if the board determines that the person applying for  
18 reinstatement was actively employed in nursing in another state during  
19 the time that the license has lapsed in this state, the license that  
20 has lapsed may be reinstated by payment of fees as required by (a) of  
21 this section [AS 08.01.100(b)].

22 \* Sec. 9. AS 08.68.270 is amended to read:

23 Sec. 08.68.270. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION.  
24 The board may deny, suspend, or revoke the license of a person who

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

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

- 1                   (3) [Repealed
- 2                   (4)] habitually abuses alcoholic beverages, or illegally
- 3 uses controlled substances [AS DEFINED BY AS 11.71.900(4)];
- 4                   (4) [(5)] has impersonated a registered or practical nurse;
- 5                   (5) [(6)] has intentionally or negligently engaged in
- 6 conduct that has resulted in a significant risk to the health or
- 7 safety of a client or in injury to a client;
- 8                   (6) [(7)] practices or attempts to practice nursing while
- 9 afflicted with physical or mental illness, deterioration, or disabili-
- 10 ty which interferes with the individual's performance of nursing
- 11 functions;
- 12                   (7) [(8)] is guilty of unprofessional conduct as defined by
- 13 regulations adopted by the board;
- 14                   (8) [(9)] has wilfully or repeatedly violated a provision
- 15 [ANY OF THE PROVISIONS] of this chapter or regulations adopted under
- 16 it;
- 17                   (9) [(10)] is professionally incompetent;
- 18                   (10) [(11)] denies care or treatment to a patient or person
- 19 seeking assistance if the sole reason for the denial is the failure or
- 20 refusal of the patient or person seeking assistance to agree to arbi-
- 21 trate as provided in AS 09.55.535(a).
- 22 \* Sec. 10. AS 08.68.275 is repealed and reenacted to read:
- 23                   Sec. 08.68.275. DISCIPLINARY SANCTIONS. (a) The board may take
- 24 the following disciplinary actions singly or in combination:
- 25                   (1) permanently revoke a license or permit to practice;
- 26                   (2) suspend a license for a stated period of time;
- 27                   (3) censure a licensee;
- 28                   (4) issue a letter of reprimand;
- 29                   (5) impose limitations or conditions on the professional

1 practice of a licensee;

2 (6) impose peer review;

3 (7) impose professional education requirements until a  
4 satisfactory degree of skill has been attained in those aspects of  
5 professional practice determined by the board to need improvement;

6 (8) impose probation and require the licensee to report  
7 regularly to the board upon matters involving the basis for the pro-  
8 bation;

9 (9) accept a voluntary surrender of a license.

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

12 (c) The board may summarily suspend a license before final  
13 hearing or during the appeals process if the board finds that the  
14 licensee poses a clear and immediate danger to the public health and  
15 safety. A person whose license is suspended under this section is  
16 entitled to a hearing by the board within seven days after the effec-  
17 tive date of the order. If, after a hearing, the board upholds the  
18 suspension, the licensee may appeal the suspension to a court of  
19 competent jurisdiction.

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

23 (e) The board may return a license that has been voluntarily  
24 surrendered if the board determines that the licensee is competent to  
25 resume practice and that the applicable renewal fees are paid.

26 (f) The board shall seek consistency in the application of  
27 disciplinary sanctions. A significant departure from prior decisions  
28 involving similar situations shall be explained in the findings of  
29 fact or order.

1 \* Sec. 11. AS 08.68 is amended by adding a new section to article 2 to  
2 read:

3 Sec. 08.68.278. IMMUNITY FOR CERTAIN REPORTS TO THE BOARD. A  
4 person who, under oath and in good faith, reports information to the  
5 board relating to alleged incidents of incompetent, unprofessional, or  
6 unlawful conduct of a nurse is not liable in a civil action for  
7 damages resulting from the reporting of the information.

8 \* Sec. 12. AS 08.68.280 is amended to read:

9 Sec. 08.68.280. NURSING EDUCATION PROGRAM PROHIBITED UNLESS  
10 APPROVED [ACCREDITED]. A [NO] person, institution, or agency may not  
11 conduct a nursing education program that prepares persons for examina-  
12 tion or [,] licensing [, AUTHORIZATION FOR SPECIALIZED PRACTICE, OR A  
13 GRADUATE DEGREE] unless the program is approved [ACCREDITED] by the  
14 board. A program may be approved [ACCREDITED] by the board only if it  
15 is established through an approved [ACCREDITED] postsecondary educa-  
16 tional institution.

17 \* Sec. 13. AS 08.68.330 is amended to read:

18 Sec. 08.68.330. LIST OF APPROVED [ACCREDITED] PROGRAMS. The  
19 board shall prepare, maintain, and from time to time publish a list of  
20 approved [ACCREDITED] nursing education programs in the state.

21 \* Sec. 14. AS 08.68.400(a) is amended to read:

22 (a) This chapter does not apply to

23 (1) a qualified nurse licensed in another state employed by  
24 the United States Government or a bureau, or agency, or division of  
25 the United States Government while in the discharge of official  
26 duties;

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

29 (3) the practice of nursing by a student enrolled in a

1 nursing education program accredited by the board when the practice is  
2 in connection with the student's course of study;

3 (4) the practice of nursing by an individual enrolled in an  
4 approved program or course of study approved by the board to satisfy  
5 the requirements of AS 08.68.251; [OR]

6 (5) the practice of nursing by a nurse licensed in another  
7 state who engages in nursing education or nursing consultation activ-  
8 ities, if these activities and contact with clients do not exceed 20  
9 working days within a licensing period; or

10 (6) the practice of nursing by a nurse licensed in another  
11 state whose employment responsibilities include transporting patients  
12 into, out of, or through this state; however, this exception is valid  
13 for a period not to exceed 48 hours for each transport.

14 \* Sec. 15. This Act takes effect immediately under AS 01.10.070(c).