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58238

March 4, 1981

The Honorable Jalmari Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to qualifications for nursing practice in the state, and to the powers and duties of the Board of Nursing.

The bill would revise and clarify the powers and duties of the board and the qualifications required for service on the board. The bill would also require the board to conduct examinations in each region of the state.

In addition, the bill would clarify the requirements and procedures to be followed by applicants for licensing to engage in nursing practice and would clarify the status of nurse anesthetists. The bill would also add a requirement of continuing competence, which was recommended by the legislature during its sunset review of the board, and would bring criminal penalty provisions into conformity with the new criminal code. The bill also would amend the provisions which set out grounds for denial, suspension, or revocation of a license. The amendment deletes vague language and makes more specific the grounds for this type of disciplinary action.

The references in the bill to practical nurses do not reflect substantive changes in the regulation of these nurses, but only housekeeping amendments. The repeal of AS 08.68.270 and 08.68.275(b) which require compliance by the board with AS 44.62 (The Administrative Procedure Act) is also a technical amendment because the board is required by AS 08.18.140 and by AS 44.62.040, 44.62.310, and 44.62.330 to comply fully with the Administrative Procedure Act.

The bill would also repeal a provision which allows a nurse to be licensed as an inactive nurse rather than have his or her license lapse while the nurse does not

practice. I am proposing this repeal because I think that maintaining competence is more important in the provision of health care than the right to inactive status.

Sincerely,

*S. J. H.*

Jay S. Hammond  
Governor



MAR 27

<u>Section</u>	<u>Provision</u>	<u>Rationale</u>
Sec. 08.63.010 Creation & Membership of the Board	Composition of Board is changed to include a licensed practical nurse  Deletes service categories for membership.	To reflect those the Board regulates. . <i>OK</i>  In the past this has proved cumbersome in appointing or maintain- ing members on the Board (existing members often changed from one category to another while serving their terms). Leaving these categories open affords needed flexibility in appointing members whose expertise can be best utilized to deal with nursing issues.
Sec. 08.68.060 Qualifications of Registered Nurse & LPN Board Members	States nurses appointed to Board must be involved in nursing for three years within 5 years of appointment.	Ensures currency and awareness of issues
Sec. 08.68.070 Election of Officers	Elects a chairman and secretary	"Secretary-treasurer" was misleading. Board members have no treasury duties.
Sec. 080.68.080 Meetings	Board shall have 4 meetings/ year	The board has always needed 4 meetings/year to accomplish the large volume of work for which it is responsible. (This will that the Division of Occupational Licensing's budget will refl this need.) It will assure completion of the goals and object for the required performance report.
Sec. 08.68.100 Duties & Powers of the Board	Affirms the Board's responsi- bility to promulgate regulations for the advanced nurse practitioner and the nurse anesthetist without mandatory joint promulgation with the State Medical Board.	Reflects how board actually functions and reflects responsibil required by Sunset review.
Sec. 08.68.111 Executive Secretary of Board	"Executive Officer" changed to "Executive Secretary"	The use of the word "Secretary" instead of "Officer" in the Title, "Executive Officer" more accurately describes the responsibilities and functions of the position as prescribed by the Board.

SectionProvisionRationale

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Sec. 08.68.170  
Qualifications of  
Registered or Practical  
Nurse Applicants

When referring to Registered  
Nurses the word professional is  
deleted throughout the bill.

The term "professional" is unnecessary in identifying "Regi  
Nurse." Includes both R.N. and L.P.N. in same section

Sec. 08.68.190  
License by Examination

Provides for examination in  
different areas of state

Demanded by public because of the expense of traveling to  
Anchorage (each region of state needs defining?)

Sec. 08.68.200  
License by Endorsement

Specifically names CNATS  
(Canadian Nurses Association  
Testing Service Exam) as being  
able to be considered by the Board  
as an acceptable licensing exam-  
ination.

Updates statute to reflect current Board policy in acceptin  
this examination which is comparable to the recognized Amer  
exam.

Section AS 08.68.210  
Temporary Permits

Recognizes COGFNs (Commission on  
Graduates of Foreign Nursing  
Schools)

This will allow foreign nurse graduates to be granted a tem  
permit, (as recommended by the Sunset Review committee) unt  
they complete the required nursing exam.

Sec. 08.68.0220

Raises fees

Fee schedule was last revised 1970

c. 08.68270  
Grounds for Denial  
Suspension or Revocation

(2) substituted for moral  
turpitude

Explicitly delineates grounds for suspension, denial or  
revocation of a license as requested by Sunset Review  
"The Board of Nursing, in conjunction with the Attorney Gen  
should compose formal regulations which define and list exa  
of license violations." The Board will find this most  
helpful in substantiating its decisions on violations.

Sunset view committee recommended clarification of moral  
turpitude

(4) Needs revision before final  
form

----"which impairs ability to practice safely."

08.68.276  
Continuing Competence  
required

Continuing Competence requirements  
which may be established by the  
Board by regulation

Continuing competence is a concern for all professionalsto  
The Board is studying various methodologies for assuring  
competence. These include recent work experience, continui  
education, and testing. Each of these areas are being rese  
in terms of impact on health care in the State, cost to the  
consumer, availability, and overall relation to the ongoing  
competency of the nurse to provide quality of care. While  
the Board is not ready to make a statement in relation to c  
best method(s) for insuring the competency of the Alaskan n  
and much more time needs to be devoted to researching this  
it does feel it should have the authority to address ongoing  
competency. The Board was asked to address this by the leg

ec. 08.68.340  
Violations

Violations

Classifies violations according to the new criminal code

ec. 08.68.400 (a) (4)

Exempts inactive nurses enrolled in an approved "refresher" program from licensure

Added to enable nurses to gain clinical experience in an approved program to satisfy requirements for licensure and re-enter the work force

ec. 08.68.400  
Options

Exempts consultants from licensure requirements

Allows nursing consultants to visit Alaska and provide consultative service or education without having to obtain Alaska licensure

ec. 08.68.410  
Definitions

Definitions

Updates the definition of the practice of registered nursing

ec. 28

Merely clarifies the legal status of regulations adopted jointly by the Board of Nursing and the State Medical Board.

FISCAL NOTE

**I. REQUEST**

Bill/Resolution No. SB 238

Title An Act relating to the practice of nursing; and providing for an effective date.

Requested by Governor

Date 1-27-81

**II. FISCAL DETAIL**

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Regulation and licensing of professions. (Boards)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

**EXPENDITURES** (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	4.0	4.5	5.0	5.6	6.3
300 CONTRACTUAL	0	6.0	1.0	1.0	1.0	1.0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>10.0</b>	<b>5.5</b>	<b>6.0</b>	<b>6.6</b>	<b>7.3</b>

**FUNDING** (Thousands of Dollars)

GENERAL FUND	0	10.0	5.5	6.0	6.6	7.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

**POSITIONS**

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

**III. ANALYSIS** (See Fiscal Note Preparation Instructions, Section III)

**TRAVEL** - Cost for 1 additional meeting, 3 days in Anchorage (Nursing Board presently budgeted for 3 meetings in FY'82. New practice act mandates 4 meetings per year.)

7 board members, 1 Exec. Sec., 1 Licensing Examiner (travel + per diem) = 2.9

Cost for exec. Secretary to travel to discuss with public and nursing community the new practice act; educational programs; and other public relations projects to be prescribed by regulation by the board.

2 trips to Fairbanks = .7  
1 trip to Juneau = .4

(12% inflation factor used for travel costs)

Total Travel = 4.0

*Margaret Blair*

CONTRACTUAL

In FY'82, costs of 5.0 covers one-time expense associated with printing and distribution of new practice act.

Cost for head proctors and monitors for examinations:

Head proctor @ 50.00 per day (avn. 3 days), 4 locations	=	600.00
Monitor @ 35.00 per day (avn. 3 days), 4 locations	=	420.00

Locations: Juneau			
Fairbanks			
Ketchikan			
Kodiak			
	Total		1,020.00

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE - SUPPLEMENT

I. REQUEST

Bill/Resolution No. SB 238 am

Title An Act relating to the practice of nursing; and providing for an effective date

Requested by House HESS Committee Date 1-18-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, Or Subprogram(s) Affected Regulation and Licensing of professions

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL	-0-	2.0	2.2	2.4	2.6	2.9
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>2.0</b>	<b>2.2</b>	<b>2.4</b>	<b>2.6</b>	<b>2.9</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	2.0	2.2	2.4	2.6	2.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

TRAVEL - 10% inflation factor projected above.

Travel and per diem costs for one additional board member on the Board of Nursing. Expect new member to be located in Anchorage area. Four meetings per year, 3 days each @ \$80 per diem/day. Anticipate meetings to be held in: Kodiak, Ketchikan, Nome and Anchorage in FY'83.

Travel - \$ 950.00  
Per diem- 960.00  
\$1,910.00

IV. DATE January 18, 1982

PREPARED BY Marjorie Odland, Regulations Specialist

AGENCY Division of Occupational Licensing

Original: Legislative Finance

PHONE 465-2535

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

POSITION PAPER  
FOR  
SENATE BILL 256

For: "An Act repealing the requirement that the person managing or administering an Alaska Pioneers' Home be a licensed nursing home administrator; and providing for an effective date."

Senate Bill 256 is in conflict with the intent of AS 08.70.080 which it seeks to amend. Licensure by examination, Section 08.70.120, is to test the applicants' knowledge of the health and safety standards of the state and his/her experience in the practice of health care.

The law seeks to establish quality assurance measurement for the administration of skilled and intermediate care for all Alaskan residents.

Section 08.70.080 should remain unamended, and retain the quality assurance mechanism as a consistent standard for administration of all skilled and intermediate care facilities.

Recommended by: Phoebe A. Lindsey  
Phoebe A. Lindsey, Director  
Division of State Health  
Planning and Development

Date: March 12, 1981

Approved by: Helen D. Beirne  
Helen D. Beirne  
Commissioner

Date: 3/19/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 256

Title "An Act repealing the requirement that the person managing or administering an"

Requested by Dept. of Health & Social Services Date 3/12/81

\* Alaska Pioneers' Home be a licensed nursing home administrator; and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Health

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
<b>TOTAL</b>		0				

FUNDING (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER (Specify Fund Source)		0				

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill does not directly impact the Division of State Health Planning and Development

IV. DATE March 12, 1981

PREPARED BY Phyllis A. Lindsey  
AGENCY Division of State Health Planning & Development  
PHONE 465-3037

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval \_\_\_\_\_

Date 3/13/81

SB 238 TITLE & SPONSOR SUMMARY 16 39 1/18/82 PAGE 1 OF  
 AMENDED TITLE SB 238AM  
 AN ACT RELATING TO THE PRACTICE OF NURSING, AND PROVIDING  
 FOR AN EFFECTIVE DATE

PRIME SPONSOR SENATE RULES COMMITTEE GENERAL DOLLARS \$10,000 (F. NOTE)  
 OTHER DOLLARS 60

CO-SPONSORS

CURRENT STATUS 02/19/81 IN (H) HESS REFERRAL FINANCE  
 SB 238 SENATE ACTION 16 40 1/18/82 PAGE 2 OF

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/04/81	01	0367	FIRST READING -- COMMITTEE REPORTS
03/04/81	02	0368	GOV TRANSMITTAL LETTER
03/04/81	03	0368	FISCAL NOTE SEN SUPPL 117
04/14/81	04	0736	HESS -- DP(CAM)04
06/18/81	05	1521	FIN -- OTHER05
06/19/81	06	1537	RLS -- OTHER06 TAKEN UP IMMEDIATELY
06/19/81	07	1542	SECOND READING
06/19/81	08	1542	AM01 ADOPTED BY UNAN CONSENT
06/19/81	09	1542	ADVANCED TO 3RD READING BY UNAN CONSENT
06/19/81	10	1542	THIRD READING
06/19/81	11	1543	PASSED BY DIV 19 00 01
06/19/81	12	1543	EFFECTIVE DATE VOTE SAME AS PASSAGE
****	**	**	*** ** *

SB 238 HOUSE ACTION 15 40 1/18/82 PAGE 3 OF  
 DATE SEQ PAGE LEGISLATIVE ACTION

06/19/81	13	2259	FIRST READING -- COMMITTEE REPORTS HESS FINANCE RULES
****	**	**	*** ** *

MSG 82-00001666 PRTY 1 01/18/82 12:24:29 ORIG: LA00 IN= 0006 OUT= 0062  
FROM: CINDY, ANCH TO: JUNEAU INFO  
TARGET: LJH2 SUBJ: POM PAGE 0003

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TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH  
FROM: SUSAN LITTELL, SR BOX 3216 F, WASILLA, 99687 (376-6536)

THE SMALL NUMBER OF LICENSED PRACTICAL NURSES PRACTICING IN THE STATE DOES NOT WARRANT TWO LPN'S ON THE BOARD OF NURSING PROPOSED BY DENNIS DEWITT. LPN'S, BECAUSE OF THEIR LIMITED EDUCATION AND BY LAW, WORK UNDER THE SUPERVISION OF A REGISTERED NURSE. THEY SHOULD NOT BE IN A POSITION TO REGULATE NURSING PRACTICE. CONSUMER SAFETY WOULD BE JEOPARDIZED.

MSG 82-00001581 PRTY 1 01/18/82 10:10:49 ORIG: LA00 IN= 0002 OUT= 0030  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJM2 SUBJ: P O M PAGE 0001

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TO: ALL MEMBERS OF THE LEGISLATURE

FROM: LINDA SLONE, 6400 REED WAY, ANC 99502 (276 3073)

I STRONGLY URGE YOU TO SUPPORT HOUSE BILL 621 SO THAT OURS AND OTHER FOREIGN ADOPTED CHILDREN CAN BE ISSUED SUBSTITUTE BIRTH CERTIFICATES.

MSG 82-00001581 PRTY 1 01/18/82 10:10:49 ORIG: LA00 IN= 0002 OUT= 0030  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJM2 SUBJ: P O M PAGE 0007

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TO: ALL MEMBERS OF THE LEGISLATURE

FROM: JACULINE TORKELSON, P. O. BOX 551, CHUGIAK 99567 (688-2127)

IN SEPTEMBER WE ADOPTED A BABY GIRL FROM INDIA. PLEASE SUPPORT THE PASSAGE OF HOUSE BILL 621 AND MAKE IT POSSIBLE FOR OUR DAUGHTER TO GET A BIRTH CERTIFICATE. ALASKA IS OUR PERMANENT HOME. MY PARENTS MOVED HERE IN 1951 AND IT WILL BE OUR DAUGHTERS HOME FOR MANY YEARS. THANK YOU.