

S B

160

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 160 Date on Bill: 3/4/83  
 Title: "An Act relating to the Board of Nursing; .....  
 Sponsor: Senator Josephson  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86
Capital						
Operating						
Total			0	0	0	

b. Revenues:

Revenue						
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

Funding for the Board of Nursing has been included in the FY '84 budget documents. This bill does not require added fiscal requirements as written.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Harry D. Treager, Director Phone: 465-2534  
 Division: Occupational Licensing Date: \_\_\_\_\_  
 Approved by Commissioner: Richard A. Lyon Date: \_\_\_\_\_  
 Department: Commerce and Economic Development

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

BOARD OF NURSING

CURRENT NUMBER OF LICENSEES 5,267

FY '82

Revenues	51.2
Expenditures	92.7

Personal Services	69.2
Board Travel & Per Diem	15.0
Contractual	8.0
Commodities	.5
TOTAL	<u>92.7</u>

FY '83 Allocated 21.1 (For Board travel and Per diem only)

Revenue (7/1/82 to 2/14/83)	99.2
Expenditures	39.5

Board Travel & Per Diem	5.7
Contractual	7.5
Personal Services (7/82 to 2/83)	26.3
	<u>39.5</u>

FY '84 (Board Component - Division Budget) Total 201.5

Nursing Board Allocation 22.3

\*Personal Services  
Contractual  
Commodities  
Equipment

\*The above are supported by the Administration component of the Division's budget.

A PERFORMANCE REVIEW OF THE  
BOARD OF NURSING

July 7, 1982

Audit Control Number  
08-112-0081-R

Commissioner, Department  
of Commerce and Economic  
Development

Charles R. Webber

Deputy Commissioner,  
Department of Commerce and  
Economic Development

Edward Eboch

Members of the  
Board of Nursing

Chairman  
Secretary  
Member  
Member  
Member  
Member  
Member

Sammye Rink, R.N.  
Keith B. Wise  
Betty Hodo, R.N.  
Marion E. Bayless, R.N.  
Jennifer A. Gleason, R.N.  
Eileen Montano, R.N.  
M. Gopinath

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

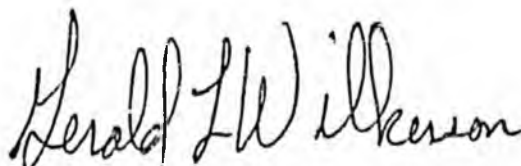
July 7, 1982

Members of the  
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the  
Alaska Statutes, the attached report is submitted for your  
review.

### A PERFORMANCE REVIEW OF THE BOARD OF NURSING

July 7, 1982



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE AND SCOPE OF THE REVIEW

### Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (Sunset Legislation), a review of the Board of Nursing was conducted to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Nursing should be reestablished. The law currently specifies that this Board will terminate on June 30, 1983, but will continue until June 30, 1984, for the purpose of concluding its affairs.

### Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint, and affirmative action functions. Our review consisted of analyzing and evaluating the following:

1. Applicable statutes and Board regulations;
2. review of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
3. interviews with OL employees; and,
4. complaints filed with OL, the Ombudsman's Office, the Equal Employment Opportunity Office, and the Human Rights Commission.

### Scope Constraints

This review was hampered by the following constraint:

1. For fiscal years 1979 and 1980 the Board did not submit a formal annual report to the Governor and the Legislature as required by AS.08.68.100(6).

## ORGANIZATION AND FUNCTION

The Board of Nursing, created in 1941, is a regulatory board composed of 7 members - 4 registered nurses, 1 licensed practical nurse, and 2 public members. The primary purpose of the Board is to protect the public's health, safety, and welfare through the regulation of the nursing practice.

The Board determines the minimum quality of nursing care in the State by:

1. Establishing or amending rules and regulations necessary and desirable to enforce State statutes;
2. approving curricula, adopting standards, and accrediting nursing education programs;
3. examining and issuing licenses to qualified applicants; and,
4. holding hearings in order to revoke, suspend, or take other action on the license of a person violating the nursing statutes and regulations.

In addition, the Board has staff support from the Division of Occupational Licensing (OL). The Division employs an Executive Officer of the Board who is statutorily responsible for performing administrative duties and assisting the Board in conducting examinations and educational programs.

OL is composed of two sections. The licensing section processes applications, prepares license files, collects inquires, and provides other administrative assistance to the Board. The other section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board currently regulates the practice of professional nursing (RN's) and practical nursing (LPN's). In 1973, the Legislature amended AS 08.68.410(5) to allow practice as an advanced nurse practitioner (ANP). An ANP is a registered nurse who by virtue of specialized education and experience, has become certified to perform acts of medical diagnosis, and prescription of medical, therapeutic, or corrective measures. The 1973 amendment required ANP regulations to be promulgated jointly by the Board of Nursing and the State Medical Board. The regulations authorizing the practice of advanced nurse practitioners, 12 AAC 44.400-490, went into effect January 13, 1980.

During October 1981 regulations went into effect allowing practice as a registered nurse anesthetist (RNA). An RNA is a certified registered nurse who has specialized education

and experience in administering anesthesia. RNA's were exempted from ANP regulations because of the nature of their practice and their working relationship with physicians.

Most licensing requirements are established by statute. Nurses are licensed by either examination or endorsement. The Board of Nursing recognizes and uses the State Board Test Pool Examination, a national test prepared by the National League of Nurses. Licenses by endorsement are issued to nurses licensed in other states that have licensing requirements acceptable to the Board of Nursing. In addition, temporary permits are issued to applicants awaiting examination or license by endorsement if they meet certain requirements.

## REPORT CONCLUSIONS

In our opinion, the Board of Nursing is operating in the public's best interest and should continue to regulate the practice of nursing. This control is necessary to protect the public's health, safety, and welfare.

Membership on the Board requires a great deal of dedication, time, and effort on the part of each Board member. We commend the members for their service in what is often a complex and difficult job.

While the Board has made significant progress in the implementation of prior audit recommendations, 2 of the 6 audit recommendations presented in our report entitled, "A Performance Review of the Board of Nursing" dated October 6, 1978, have not been fully implemented.

The Board should continue its effort towards developing relevant and effective regulations that will maintain a level of competence for practitioners (see Prior Audit Recommendation No. 1).

In addition, the Board should continue its effort in developing formal regulations which define and list examples of license violations (see Prior Audit Recommendation No. 4).

Finally, examination date announcements still do not allow adequate time for all interested applicants to submit applications before the required deadline (see Prior Audit Recommendation No. 12 from "A Performance Review of the Division of Occupational Licensing" dated October 30, 1978).

## PRIOR AUDIT RECOMMENDATIONS

The Board has made significant progress in the implementation of prior audit recommendations. However, 2 of the 6 audit recommendations presented in a previous audit report dated October 6, 1978, have not been fully implemented. The following is the status of these 2 audit recommendations.

### Prior Audit Recommendation No. 1

Legislation should be introduced requiring continuing education for nurses as a provision for license renewal.

The underlying purpose of continuing education (CE) is to permit professional education on a postgraduate level and allow for the maintenance and upgrading of professional competency.

The Alaska Nurses Association believed that CE was an essential means by which nurses maintain professional competence, and had a voluntary CE program for registered nurses. In addition, the University of Alaska's School of Nursing had been designing CE programs in preparation for a mandatory requirement. In response to a 1978 Legislative Audit questionnaire, 57 percent, 53 percent, and 68 percent of the nurses favored CE requirements for RN's, LPN's, and ANP's respectively.

### Legislative Audit's Current Position

The Board addressed the prior audit recommendation of requiring mandatory continuing education by evaluating it as one method of ensuring nursing competence. The Board proposed statutory amendments requiring the renewal of a nursing license contingent upon the practitioner's compliance with a "continuing competency" requirement. The statute, AS 08.68.276, was amended (effective July 2, 1982) allowing the Board to establish these competency requirements by regulations. The Board is currently deliberating over 8 different options concerning this competency requirement. The Board should continue its effort in developing relevant and effective regulations that will maintain a level of competence for practitioners.

### Prior Audit Recommendation No. 4

The Board of Nursing, in conjunction with the Attorney General, should compose formal regulations which define and list examples of license violations.

AS 08.68.270 outlines nursing license violations which are grounds for denial, suspension, or revocation of a license. The list includes vague terms such as "moral turpitude" and

"unprofessional conduct" which many nurses probably would not understand without a lawyer's advice. To date, the Board has not clarified or given examples of these terms.

The public and the nursing profession would be better informed and protected if they had guidance as to what constitutes an illegal act.

#### Legislative Audit's Current Position

Expending a considerable amount of time and effort, the Board addressed this problem in the statute revisions. The Board was successful in amending AS 08.68.270 to allow the Board, through regulations, to define license violations. The Board should continue its effort in developing these formal regulations.

The following recommendation was included in the audit report titled "A Performance Review of the Division of Occupational Licensing" dated October 30, 1978. The following is the status of the recommendation involving the Board of Nursing.

#### Prior Audit Recommendation No. 12

The Department of Commerce and Economic Development and all licensing boards should ensure that public notices of examinations are sufficiently and timely advertised.

The Department is required by statute to publish notices of examination, and it is each board's responsibility to notify the Department of upcoming examinations far enough in advance to permit proper advertisement.

During our review of examination advertisements, we found that many notices did not allow adequate time for individuals interested in taking the examination to submit applications within the advertised deadline. For example, on May 25, 1978, the Department advertised an upcoming Registered Nurses' examination. The notice required all completed applications to be submitted to the Department by May 26, 1978.

#### Legislative Audit's Current Position

Regulations for the Board of Nursing concerning the public notification of examinations, 12 AAC 44.290(b), state in part "application, fee and all credentials shall be on file in the board office not later than six weeks prior to the date of the examination."

A review of the advertising dates and the dates of examination from February 1979 through April 1982, disclosed

that there were many notices that did not give ample time between the publication and exam dates. For example, the Anchorage exam notification for the February 1982 exam was advertised 4 days in advance of the examination. Advertisements should be published early enough to allow adequate time for all interested candidates to submit applications before the required deadline.

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analyses indicate both positive and negative attainments as Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be comprehensive in nature, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
  - A. The following areas demonstrate the extent to which the Board has operated in the public's best interest.
    1. The Board has held public hearings to discuss statute and regulation revisions concerning; continuing competency requirements, Board membership, foreign nurse graduate requirements, and the definition of license violations. As a result of the Board's efforts, regulations and statutes have been revised governing these areas.
    2. The Board accredits and periodically surveys Alaska nursing education programs to ensure that educational standards are being maintained.
  - B. The following conditions and activities existed which could not be demonstrated to be in the public's best interest.
    1. Examination date announcements did not allow adequate time for all interested applicants to submit applications before the required deadline (see Prior Audit Recommendation No. 12).
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
  - A. When adjustments are made to the State Board Test Pool Exam it would be easier for the Board to reflect these adjustments in the exam fees, if these fees were established by regulation.

- B. The availability of the teleconference network has enhanced the Board's ability to efficiently communicate throughout the State during subcommittee meetings and public hearings.
- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
- A. The Board is currently developing relevant and effective regulations that will maintain a level of competence for practitioners.
  - B. Statutory amendments were passed that ensure full representation on the Board.
  - C. Statutory revisions were ratified allowing the foreign student a temporary permit to practice nursing until the next nursing examination is given.
  - D. The Board is in the process of developing formal regulations which define and list examples of license violations.
- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions of the effectiveness of service, economy of service, and availability of service which it has provided.
- A. When the need arises, the Board assists nursing applicants who have repeatedly failed the examination. The applicants are helped through counseling or referred to useful textbooks.
- V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
- A. The Board advertises meetings and examinations in newspapers in Anchorage, Fairbanks and Juneau. This complies with the requirements of the Administrative Procedures Act.
  - B. As recorded by the Board minutes, approximately 208 individuals have attended Board meetings during the past three years. This attendance figure does not include Board members or State employees.
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board,

commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

- A. Reviewing the complaint files of the Division of Occupational Licensing, it is determined that the Division is handling the complaints in a timely and efficient manner.
- B. Two complaints were filed with the Ombudsman during the fiscal years 1979 through 1981. One complaint concerned an obnoxious investigator representing the Board. The second complaint regarded an applicant seeking licensure by endorsement. Both of these complaints were subsequently resolved.

VII. The extent to which a board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.

- A. During the fiscal years 1979 through 1981, the Board issued approximately 1801 licenses and 1236 temporary permits to practice nursing in Alaska. Approximately 85% of the licenses issued are through the Board's statutory and regulatory endorsement procedures.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

- A. The nursing application solicits unnecessary information according to the State Equal Employment Opportunity Commission. Solicitation of items such as spouse's name, maiden name and place of birth should not be requested unless it is job related and absolutely essential.

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Prior Audit Recommendations.

APPENDIXES

APPENDIX A

BOARD OF NURSING  
REVENUES COMPARED WITH EXPENDITURES  
For the Fiscal Year Ended June 30, 1981  
(UNAUDITED)

Average Revenue (Schedule 1 and Note 1)	\$ 58,856
Expenditures (see Note 2)	
Direct Expenditures	\$54,799
Indirect Expenditures	<u>95,962</u>
Total Expenditures	<u>150,761</u>
<u>Excess of revenues Over Expenditures</u>	<u>\$ (91,905)</u>

Schedule 1  
Types of Revenues

<u>Revenues</u>	<u>FEE RATES</u> <u>FY 1979-</u> <u>FY 1981</u>	<u>FEE RATES</u> <u>Effective</u> <u>July 2, 1982</u>	<u>Collection Time</u>
<u>Registered Nurse</u>			
Application Fee	\$20	\$30	With application
License by Exam- ination Fee	20	20	With application
License by Endorsement Fee	20	20	With application
License Renewal Fee	15	20	Biennially
Late Fee Fine	10	10	With late payment
<u>Licensed Practical Nurse</u>			
Application Fee	\$15	\$20	With application
License by Exam- ination Fee	15	10	With application
License by Endorsement Fee	15	10	With application
License Renewal Fee	15	20	Biennially
Late Fee Fine	10	10	With late payment

Note 1

Most of the nursing revenues are composed of license renewal fees. These fees are collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal year 1980 and 1981 in order to obtain an accurate representation of collected revenues.

Note 2

Direct expenditures include Board travel and those expenditures shown for the Board in the Division's accounts. Indirect expenditures are an allocated percentage of the administrative expenses of OL and an allocated percentage of the investigative expenses of OL. They do not include the expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

APPENDIX B

BOARD OF NURSING  
EXAMINATION STATISTICS

Description

The State Board Test Pool Examination is prepared by the National League of Nurses with input from the fifty State Boards of Nursing.

It is used by all fifty states to test nursing applicants for licensure.

The test is composed of five parts: psychiatric, obstetric, surgical, medical and nursing for children.

A grade of 350 on each part is considered a passing grade by all states except Hawaii.

Alaska Registered Nurse Examination Statistics

<u>FY 1981</u> <sub>1</sub>	<u>Alaska Graduates</u>	<u>Other State's Graduates</u>	<u>Foreign Graduates</u>	<u>Total</u>
Passed	4	4	2	10
Failed	0	1	8	9
Total	4	5	10	19
% Pass Rate	100%	80%	20%	52%
<u>FY 1980</u> <sub>1</sub>				
Passed	43	17	1	61
Failed	6	3	15	24
Total	49	20	16	85
% Pass Rate	88%	85%	6%	72%
<u>FY 1979</u> <sub>1</sub>				
Passed	29	20	1	50
Failed	8	4	4	16
Total	37	24	5	66
% Pass Rate	78%	83%	20%	76%

Alaska Licensed Practical Nurse Examination Statistics

<u>FY 1981</u> <sub>1</sub>	<u>Alaska Graduates</u>	<u>Other State's Graduates</u>	<u>Foreign Graduates</u>	<u>Total</u>
Passed	1	5	1	7
Failed	<u>0</u>	<u>2</u>	<u>1</u>	<u>3</u>
Total	<u>1</u>	<u>7</u>	<u>2</u>	<u>10</u>
% Pass Rate	<u>100%</u>	<u>71%</u>	<u>50%</u>	<u>70%</u>
 <u>FY 1980</u> <sub>1</sub>				
Passed	20	10	9	39
Failed	<u>2</u>	<u>2</u>	<u>3</u>	<u>7</u>
Total	<u>22</u>	<u>12</u>	<u>12</u>	<u>46</u>
% Pass Rate	<u>91%</u>	<u>83%</u>	<u>75%</u>	<u>85%</u>
 <u>FY 1979</u> <sub>1</sub>				
Passed	14	8	9	31
Failed	<u>2</u>	<u>1</u>	<u>6</u>	<u>9</u>
Total	<u>16</u>	<u>9</u>	<u>15</u>	<u>40</u>
% Pass Rate	<u>88%</u>	<u>89%</u>	<u>60%</u>	<u>78%</u>

Note 1

Statistics are from the Executive Officer of the Board of Nursing.

APPENDIX C

BOARD OF NURSING  
ADMINISTRATIVE STATISTICS

	<u>FY 1981</u>			<u>FY 1980</u>			<u>FY 1979</u>		
	<u>RN</u>	<u>LPN</u>	<u>Total</u>	<u>RN</u>	<u>LPN</u>	<u>Total</u>	<u>RN</u>	<u>LPN</u>	<u>Total</u>
<b>Licenses Issued:</b>									
By Endorsement	414	108	522	383	119	502	379	120	499
By Examination	<u>49</u>	<u>38</u>	<u>87</u>	<u>73</u>	<u>34</u>	<u>107</u>	<u>68</u>	<u>26</u>	<u>94</u>
<u>Total Licenses Issued (Note 1)</u>	<u>463</u>	<u>146</u>	<u>609</u>	<u>456</u>	<u>153</u>	<u>609</u>	<u>447</u>	<u>146</u>	<u>593</u>
<b>Permits Issued:</b>									
Awaiting Endorsement	302	71	373	235	78	313	237	70	307
Awaiting Examination	<u>43</u>	<u>27</u>	<u>70</u>	<u>71</u>	<u>21</u>	<u>92</u>	<u>59</u>	<u>22</u>	<u>81</u>
<u>Total Permits Issued (Note 1)</u>	<u>345</u>	<u>98</u>	<u>443</u>	<u>306</u>	<u>99</u>	<u>405</u>	<u>296</u>	<u>92</u>	<u>388</u>
<b>Active Licenses:</b>									
In-State Address	2936	832	3768						
Out-of-State Address	<u>755</u>	<u>217</u>	<u>972</u>						
<u>Total Active Licenses (Note 2)</u>	<u>3691</u>	<u>1049</u>	<u>4740</u>						

Note 1

Statistics are from Division of Occupational Licensing Personnel and available records.

Note 2

Statistics for FY 1981 were from the Board of Nursing's Annual Report. The Statistics for FY 1980 and FY 1979 were not compiled by Division of Occupational Licensing Personnel.

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: 465-2500

October 13, 1982

RECEIVED

OCT 14 1982

LEGISLATIVE  
AUDIT

Mr. Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, Alaska 99811

Dear Mr. Wilkerson:

Thank you for the opportunity to comment on your Preliminary PERFORMANCE REVIEW OF THE BOARD OF NURSING. The Department of Commerce and Economic Development agrees with your basic findings that the Board of Nursing has been operating in the public interest and should be continued. The following comments address some of the detailed findings contained in your review.

Prior Audit Recommendation No. 1

Legislation should be introduced requiring continuing education for nurses as a provision for license renewal.

An amendment to the nursing statutes, AS 08.68.226, effective July 1, 1982, gives the board the authority to establish regulations to require evidence of continued competency for relicensure. The department was of assistance to and supportive of the Board of Nursing's proposed changes to the statute pertaining to the practice of nursing.

The department has supported the board's efforts to perform a thorough review of the advantages and disadvantages of mandatory continued competency review for relicensure. The board is proceeding cautiously in attempting to determine whether mandatory continuing education or other methods will assure competent nurses for Alaska's public.

The department is currently in the process of renewal for advanced nurse practitioners who are required to comply with continuing education regulations. This experience should aid the board and the department in developing future regulations for continuing competency. The department is prepared to assist the board as they continue with their research and development of continuing competency regulations.

Prior Audit Recommendation No. 4

The Board of Nursing, in conjunction with the Attorney General, should compose formal regulations which define and list examples of license violations.

The department endorsed the board in seeking amendments to the statute which specify acts of unprofessional conduct. After review by the House Health, Education and Social Service Committee and consultation with the Attorney General, it was decided that defining acts of unprofessional conduct be carried out by regulation. The Division of Occupational Licensing regulations specialist assisted the board in drafting these regulations which will soon be ready to begin the public hearing process. The department feels that outlining actions which may constitute unprofessional conduct will not only aid the licensees and consumers, but also the board and the department in dealing with violators of the statute.

Other changes in AS 08.068.270 and .340 brought these violation sections into compliance with the Alaska criminal codes, and the rewording of these sections makes the law clearer to the reader.

Prior Audit Recommendation No. 12

The Department of Commerce and Economic Development and all licensing boards should insure that public notices of examinations are sufficiently and timely advertised.

The department performs administrative functions for the Board of Nursing. One of these functions is to public notice examinations.

The Board of Nursing utilizes a national exam for licensure of registered nurses and practical nurses. The national organization sets the dates far in advance to allow for appropriate planning by educational agencies and candidates. Historically and currently, these exams are provided in April and October for LPN's and in February and July for RN's on the same dates around the country.

The department acknowledges the importance of public notice but does not believe the public has been harmed by the lack of timeliness of the notice. The candidates for nursing exams are made aware of the exams through the schools of nursing. The Executive Secretary communicates with and often makes presentations to graduating nursing classes in Alaska regarding the application procedure and the deadlines. The application for exam includes the deadlines so that all candidates are aware of the deadlines. Further, the board has been reasonable and flexible in allowing late applicants to sit the exam when appropriate. The department will work with the board to assure timely notice to the public of the Board of Nursing exams.

We concur with the importance of public notices. The Division of Occupational Licensing recently experienced an incident where the local newspaper lost the advertising order, found it, and due to their printing schedule could only print it on the day prior to the cutoff date for receiving applications. The Board of Nursing has accepted applications after the cutoff date. Normally, applications are received from the schools after graduation for the entire class. Schools must verify graduation and in-progress transcripts.

In addition, the Division of Occupational Licensing has reviewed this procedure in all licensing areas to assure that proper notice is being given. The licensing boards are being made aware of the potential for problems in this area and are being advised that exam dates must be set with sufficient advance notice to the Division of Occupational Licensing to permit timely public notice to be given.

#### ANALYSIS OF PUBLIC NEED

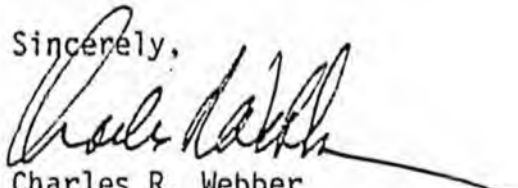
The following comments are intended to amplify the findings contained in the Analysis of Public Need section of the review.

With respect to Section IV on page 12, it should be noted that the Board of Nursing through its executive secretary corresponds on a regular basis with employers of nurses regarding board policies and practices in such areas as the temporary permit process, the license renewal process and disciplinary policies and procedures. We feel that through activities such as these the board has encouraged feedback from those who are affected by its regulations and decisions.

Similarly, with respect to Section V on page 12, the board encourages public participation in its deliberation by disseminating information regarding meetings to professional organizations, employers of nurses and other interested parties.

In closing, I would like to thank you again for the opportunity to comment on your findings and to express the department's appreciation for the constructive evaluations contained in your reviews.

Sincerely,



Charles R. Webber  
Commissioner

CRW/mc1/8

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAY S. HAMMOND, GOVERNOR

CENTURY PLAZA  
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PHONE: (907) 277-3623

October 5, 1982

Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit  
Pouch W-Alaska Office Building  
Juneau, Alaska 99811

RECEIVED  
OCT 19 1982  
LEGISLATIVE  
AUDIT

Dear Mr. Wilkerson,

Re: Preliminary Audit Report, Board of Nursing

The preliminary audit report on:

A Performance Review of the Board of Nursing, July 7, 1982, was received on September 28, 1982. This was timely as the Board of Nursing met on September 29, 30, and October 1, 1982. The entire Board had the opportunity to review the report and share their responses with me. The Board collectively prepared their response to the report.

Prior Audit Recommendation No. 1

Legislation should be introduced requiring continuing education for nurses as a provision for license renewal.

The Board of Nursing believes it to be in the best interests of the consumer to assure that licensees maintain competency to practice nursing. One of the Board's steps in attempting to accomplish this was seeing a proposed statutory change become law. The statute, AS 08.68.276, gives the Board the authority to establish regulations to require evidence of continuing competency for relicensure. This amendment went into effect July 1, 1982.

The Board has taken additional steps towards implementation of this recommendation. The Board established through regulation, continuing education requirements for advanced nurse practitioners which became effective January 13, 1980. These regulations, 12 AAC 44.470 require evidence of continuing education for the biennial renewal of advanced nurse practitioner authorization.

In 1980, the Board established a continued competency subcommittee which has carried out the task of reviewing the literature and the experience of other states regarding continuing education and competency. Concurrent to this committee beginning work, the Alaska Nurses Association made public the results of a state wide survey of registered nurses begun in the fall of 1978. There was a 42% response from 2,422 questionnaires sent by the Nurses Association. This survey was indepth and provided much information of value to the Board. A major point reported from this survey was that only 26% of the respondents thought continuing education should be mandatory for relicensure. The Association feels it is generally the concern of Alaska nurses that before a mandatory continuing education law is proposed, a financially feasible and accessible continuing education network be established.

The Board's subcommittee carried out a survey in December 1980 of all Boards of Nursing in the United States to determine more about the state of the art nationally. The survey indicated that only eight states had implemented mandatory continuing education requirements for relicensure. (See Attachment I). The committee members communicated further with the states who experienced mandatory requirements, and learned that some of these states are experiencing severe problems administering these programs. Two of these states have gone on to rescind their mandatory continuing education rules. Available literature indicates that now 12 states have mandatory continuing education requirements for nurses. The Board believes that continuing education is only one avenue for demonstrating competency, and there are other measurable alternatives.

Through the committee's work, the Board developed a definition of continued competency. The Board's working definition is "The ability to safely and effectively apply nursing knowledge, principals and concepts in the performance of nursing service, nursing education, nursing administration and nursing research." Once defined, the Board continued with outlining methods for measuring competency. Attachment II displays these measures. The Board is working further to define these methods for use in future regulations.

The continued competency committee has been searching for input from consumers on this issue and has developed a consumer survey. They are now looking for a means of carrying out this survey on a state wide basis.

#### Prior Audit Recommendation No. 4

The Board of Nursing, in conjunction with the Attorney General, should compose formal regulations which define and list examples of license violations.

The Board of Nursing agreed with audit recommendation No. 4. The Board of Nursing with the aid of the Attorney General, proposed the addition of a new section to the Nurse Practice Act which outlined actions which may constitute unprofessional conduct. After the House Health, Education and Social Service Committee review and further consultation with the Attorney General's office, it was advised that the defining of unprofessional conduct not be put into statute. The amendments effective July 1, 1982 allow the Board to promulgate regulations defining unprofessional conduct. The Board has worked with the Division of Occupational Licensing Regulations Specialist to develop these regulations. The draft regulations are prepared for publication and public comment at this time. (See Attachment III).

The Board believes that other changes in AS 08.68.270 and .340 help to designate what are illegal acts. The new statute revises several definitions and now includes an explanation of "incompetent" which serves to further inform consumers and nurses in this area.

#### Prior Audit Recommendation No. 12

The Department of Commerce and Economic Development and all licensing boards should insure that public notices of examinations are sufficiently and timely advertised.

Alaska statute 08.01.050 Administrative duties of the Department include (6) public notice of examination. The Board of Nursing utilizes a National Exam for licensure of RN's and LPN's. The dates of the exam are decided by the National Council State Boards of Nursing who own the exam and to which this Board is a member. The dates are established ten years in advance. The Board has made the department aware of the dates so that adequate notice may be made to candidates. (See Attachment IV).

There are several other items in the report about which the Board wishes to provide information. On page 4, the report states that "The Board of Nursing recognizes and uses the State Board Test Pool Examination, a national test prepared by the National League of Nurses." The Board does use the State Board Test Pool Examination, now called the National Council Licensure Exam. This national test is prepared by the National Council State Boards of Nursing.

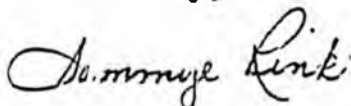
The Board wishes to clarify on page 12, the section regarding statutory changes for Foreign students. An applicant for licensure by exam who is a graduate of a foreign school of nursing may be issued a temporary permit if he/she has successfully completed the Commission on Graduates of Foreign Nursing Schools Exam.

Lastly, the Board wishes to explain further relating to examinations. In appendix B, the description of the exam refers only to the RN exam but data is given for both RN and PN exam. These exams are prepared by the National Council State Boards of Nursing with input from the constituent member Boards.

The practical nurse requires a comprehensive exam given in two sections with a recommended passing score of 350. All states use 350 except for New Jersey and Washington.

Thank you for your consideration of this response. If I can be of further assistance do not hesitate to contact me. The Board of Nursing looks forward to your final report.

Sincerely,

A handwritten signature in cursive script that reads "Sammie Rink".

Sammie Rink, R.N.  
Chairperson  
Alaska Board of Nursing

SR:GMM:1b

Attachments

DATE \_\_\_\_\_

1. Name of State Board Reporting \_\_\_\_\_
2. How many nurses are licensed in your State?
- |              |       |            |       |       |       |
|--------------|-------|------------|-------|-------|-------|
| RN (Active)  | _____ | (Inactive) | _____ | Total | _____ |
| LPN (Active) | _____ | (Inactive) | _____ | Total | _____ |
3. Has your Board defined continuing professional competency?  
Definition:
4. In regard to addressing the issues of continuing competency, is your Board:  
Thinking about it  Planning to address in the future   
Implementing requirements for license renewal now  Future
5. Is your Board under pressure from legislature or any other professional groups to make a decision on the competency issue? Yes  No   
Groups: \_\_\_\_\_
6. Has your Board or any other professional or non-professional group carried out a consumer survey in your state to determine how the consumer feels about continuing professional competency? Yes  No
7. Does your Board require evidence of competency for relicensure? Yes  No
8. Check the following requirements for relicensure if required by your Board:
- |                                |                          |
|--------------------------------|--------------------------|
| Continuing Education Credits   | <input type="checkbox"/> |
| Active Practice in Nursing     | <input type="checkbox"/> |
| Peer Review                    | <input type="checkbox"/> |
| Performance Evaluation         | <input type="checkbox"/> |
| Nursing Process Audits         | <input type="checkbox"/> |
| Formal Educational Achievement | <input type="checkbox"/> |
| Self Study                     | <input type="checkbox"/> |
| Re-examination                 | <input type="checkbox"/> |
| Other _____                    | <input type="checkbox"/> |
| _____                          | <input type="checkbox"/> |

9. Please supply information regarding any of the requirements checked above.

Example: 40 contact hours or 4 CEC's required every two years.

10. Have other professional groups addressed the competency issue in your state?

Yes  No  Group: \_\_\_\_\_

11. Would you like the results of this survey? Yes  No

12. Would you be willing to share copies of surveys you have conducted or information related to the area of competency? Yes  No







YES	NO	WHO?	YES	NO	
	X			X	
X		Nurses Assoc.		X	Defined incompetency
	X			X	
X		All Health Prof.			30 hours, Continued Education every 2 years
	X			X	
X		Nurses Assoc.		X	
	X			X	Refresher if not active in 5 years.
	X			X	24 contact hours every 2 years.
				X	1 year employment in 5 years proposed - were not allowed to adopt.
	X			X	
	X			X	
X		Pharm		X	Have carried out study on competency.
	X			X	
	X		X		45 hours for 3 years.
	X			X	15 contact hours, Continued Education now - 30 hours after July, 1982.
X		Nurses Assoc.		X	1 year active practice in 5 years, 15 hours Continued Education
X		M.H. Adm. Dietician		X	
				X	
X		Medical sych.		X	

	YES	NO	WHO?	YES	NO	
MA						
MI						
MINN					X	30 C.E.U. every 2 years, demonstration of a skill required after 1986.
MS		X		X		
MO		X			X	Active practice within 2 years.
MT	X		Nurses Assoc.		X	Voluntary Continued Education through Nurses Association.
NE		X			X	Legislative mandate Continued Education and practice after January, 1983.
NV						
NH		X			X	Refresher if not active in 5 years.
NJ		X		In process		
NM		X		X		Legislative mandate Continued Education
NY		X			X	
NC	X		Nurses Assoc.		X	
ND						
OH						
OK						
OR					X	960 hours of practice in 5 years to renew license.
PA		X			X	
RI		X			X	
SC		X		X		Authority of Board to require C.E. repealed in the 1979 legislative session.
SD						
TN		X			X	Refresher if inactive for 5 years.



## Measure of Competency

1. Continuing Education

Short-term educational offerings accredited or approved by an approval body such as ANA-CEARP or other State Boards of Nursing including but not limited to workshops, seminars, inservice offerings, self-study and other non academic courses applicable to the participant's practice.

2. Formal Education Achievement

Including but not limited to academic courses in a formal nursing program which may lead to a degree, diploma or certification of completion. Refresher courses which meet the Board's guidelines may apply.

3. Certification

National accrediting bodies approved by the Board will be accepted as evidence of competency.

4. Performance Evaluation

A current employer's evaluation which includes psycho-social and technical skills which satisfactorily meets the standard of performance of the agency.

5. Nursing Process Audit

Concurrent or retrospective study which has brought about an improvement in or reinforced the quality of care that the participant provides may be used as evidence of competency.

6. Peer Review

A documented performance evaluation by a peer based on predetermined standards of performance including psycho-social and technical skills. Define how the person performing the peer evaluation meets the Board's criteria.

7. Scholarly and Professional Activities

This category will include but not be limited to activities as article/book publication, research, teaching and working on professional committees.

8. Exams

The Board will consider successful performance on written and oral competency based examinations, including but not limited to New York State Regents Exam.

(10) Violating the confidentiality of information or knowledge concerning a client.

(11) Physically or verbally abusing a client.

(12) Using alcohol or other drugs to the extent that the use interferes with nursing functions.

(13) Violating state or federal laws regulating drugs by forging prescriptions or by unlawfully distributing drugs or narcotics.

(14) Falsifying a client's records or intentionally making a incorrect entry in a client's chart.

(15) Leaving a nursing assignment without properly notifying appropriate personnel.

(16) Permitting another person to use his or her nursing license or permit for any purpose.

(17) Intentionally or negligently contributing to violation a law or regulation regulating nursing practice.

(18) For any person not authorized to practice as a registered nurse anesthetist to use the title registered nurse anesthetist, nurse anesthetist or certified registered nurse anesthetist or the abbreviation CRNA or any other words, letters, signs or figures to indicate that the person is a registered nurse anesthetist.

(19) For a registered nurse anesthetist to perform duties outside of the scope of practice described in 12 AAC 44.510 (Eff. 10/8/81 Reg. 80).

(20) For any person not authorized to practice acts of medical diagnosis or medical therapeutics as an advanced nurse practitioner, to use the title nurse practitioner or advanced nurse practitioner, or the abbreviation NP or ANP or any other words, letters, signs or figures to indicate that the person is an advanced nurse practitioner.

(21) For an advanced nurse practitioner to perform duties other than those specified in section 430 of this chapter. (Eff. 1/13/80, Reg. 73)

Authority: AS 08.68.100(1)

AS 08.68.270(8)

September 29, 1982