

LEG. FINANCE - BILLS

1981 - 1982

1655

SB 238 - SB 238 am

1655

COMMITTEE REPORT
SENATE

4/14/81

FURTHER: None

Date: _____

Mr. President:

The Committee on FINANCE has had SB 238

practice of nursing

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached ^{Hess} amendments(s) same title
- replace with CS for _____ new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____ *Do pass if...*
 _____ *all...*

 CHAIRMAN

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 OR] 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 tentiously 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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A M E N D M E N T

OFFERED IN THE SENATE:

By: Senate HESS

To: SB 238 SENATE BILL No. 238

HOUSE BILL No. _____

PAGE: 5

LINE: 23

- 1) delete "AS 08.68.180"
- 2) insert "AS 08.68.170"

POSITION PAPER

SENATE BILL NO. 238

"An act relating to the practice of nursing; and providing for an effective date."

Analysis

Sections 1, 2, 3, 4 and 5 of this bill are being amended; 1) to broaden the membership of the board to include representation from the licensed practical nurse group; 2) to increase the number of at large members who are appointed by the Governor; 3) to provide for removal of board members by the Governor for just cause; 4) to delete the term 'professional nurse' and use terms which identify their practice, i.e., registered nurse and licensed practical nurse. This change is made in all sections that the term 'professional nurse' occurs.

Sections 9 - 16 amendments clarify and outline the process for individuals to become a licensed practical nurse and a registered nurse in Alaska, other states and places the same regulation requirements on graduates from foreign schools of nursing. These regulations are for the protection of the consumer.

Amendments to Section 16 - 18 clarifies the process and the board's responsibility in the denial of licensure which is for the safety and protection of the consumer.

Amendments in Section 21 clearly defines the board's responsibility in the accreditation of nursing education programs.

Department's Position

The Department supports the amendments in the bill as it clarifies the process for different levels of nurses in the state and from other states and countries to become licensed to practice and protects the consumer and the employer.

Recommended by: David Bruce
David Bruce,
Deputy Director
Division of Public
Health

Date: March 13 1981

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

Date: 3-18-81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 238
 Title "An act relating to the practice of nursing; and providing for an effective date."
 Requested by Commissioner's Office Date March 13, 1981

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Public Health
 BRU, Program, or Subprogram(s) Affected Nursing
 (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	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	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
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

IV. DATE March 13, 1981 PREPARED BY Lois M. Bergerson, Chief
 AGENCY Department of Health & Social Services
 PHONE 465-3150
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval *[Signature]* Date 3/10/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

Reid 1/19/82 st

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 da
Requested by House HESS Committee Date 1. 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.						
TOTAL	-0-	2.0	2.2	2.4	2.6	2.9

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 *Margaret Odland*
Margaret Odland, Regulations Specialist
AGENCY Division of Occupational Licensing
PHONE 465-2535

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

THIS FN ACCOMPANIED
BILL PASSED FROM
SFC. 6/18/81

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	5.0	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
TOTAL	0	10.0	5.5	6.0	6.6	7.3

FUNDING (Thousands of Dollars)

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

POSITIONS

	0	0	0	0	0	0
FULL TIME						
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

IV. DATE 1-27-81

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)

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 (avg. 3 days), 4 locations	=	600.00
Monitor @ 35.00 per day (avg. 3 days), 4 locations	=	420.00

Locations: Juneau	Total	1,020.00
Fairbanks		
Ketchikan		
Kodiak		

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. QUALIFICATION 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 OR] 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 tententially 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 03.68.251 [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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Sec. 08.68.165. Malpractice insurance. If medical malpractice insurance for nurses becomes unavailable on the voluntary market and the director of insurance finds, after public hearing, that the unavailability is impairing the delivery of nursing services to the public, the director of insurance may require all persons licensed under this chapter to carry medical malpractice insurance and to purchase their insurance from the Medical Indemnity Corporation of Alaska established under AS 21.88. If a finding of unavailability of insurance on the voluntary market and impairment of services has been made under this section, purchase of medical malpractice insurance from the Medical Indemnity Corporation of Alaska is a condition of licensure under this chapter. The provisions of this section are satisfied if the licensee's employer maintains insurance for him from the Medical Indemnity Corporation of Alaska. (§ 18 ch 102 SLA 1976)

Sec. 08.68.170. Qualifications of professional nurse applicants. An applicant for a license to practice professional nursing shall submit to the board on forms and in the manner prescribed by the board, written evidence, verified by oath, that the applicant has completed an approved four year high school course of study or the equivalent as determined by the appropriate educational agency, and has successfully completed (1) a professional nursing education program accredited by the board; or (2) a professional nursing education program outside the state which, in the opinion of the board, meets the minimum requirements of the board for an accredited program of study in this state at the time the applicant graduated; or (3) a professional nursing education program accredited by the National League for Nursing at the time the applicant graduated. (§ 8 ch 90 SLA 1957; am § 2 ch 129 SLA 1974; am § 1 ch 105 SLA 1976)

Effect of amendments. — The 1974 amendment substituted "in another state or territory" for "outside the state" in item (2). The 1976 amendment substituted "outside the state" for "in another state or territory" in item (2).

Sec. 08.68.180. Qualifications of practical nurse applicants. (a) An applicant for a license to practice practical nursing shall submit to the board on forms prescribed by the board written evidence, verified by oath, that the applicant has completed the tenth grade or its equivalent as determined by the appropriate educational agency, is not less than 18 years of age, and has successfully completed (1) a practical nursing education program accredited by the board; or (2) a practical nursing education program outside the state which, in the opinion of the board, meets the minimum requirements of the board for an accredited program of study in this state.

(b) A qualified student of the Mt. Edgecombe School of Practical Nursing who was graduated before January 1, 1959, and had eighth

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58238

March 4, 1981

The Honorable Jalmar 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/JSH

Jay S. Hammond
Governor

A M E N D M E N T

OFFERED IN THE SENATE:

By: Senate HESS

To: SB 238 SENATE BILL No. 238

HOUSE BILL No. _____

PAGE: 5

LINE: 23

- 1) delete "AS 08.68.180"
- 2) insert "AS 08.68.170"

COMMITTEE REPORT
HOUSE

FURTHER:

(1)

1/20/82

Date: 1/20/82

Mr. Speaker:

The Committee on FINANCE has had ST. JOHN

"An Act relative to the practice of nursing; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: Finance Committee

To: _____ HOUSE BILL No. _____

SENATE BILL No. 238 am

PAGE: 13

LINE: 11

DELETE "1981"; INSERT "1982" IN ITS PLACE.

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 am

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 08.68.170; 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 OR] 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 disciplinary 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), 08.68.250, 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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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE - Update

SB 238 am

I. REQUEST

Bill/Resolution No. SB 238 am
Title An Act relating to the practice of nursing; and providing for an effective
Requested by House Finance Committee Date 1-29-82 date.

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Regulation & Licensing of Professions; admin
(Note: If more than one budget component is affected, separate line-item & Boards 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		4.5	4.9	5.4	5.9	6.5
300 CONTRACTUAL		6.0	1.1	1.2	1.3	1.4
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		10.5	6.0	6.6	7.2	7.9

FUNDING (Thousands of Dollars)

See page 3 of Fiscal Note

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		10.5	6.0	6.6	7.2	7.9
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.

Costs for one additional meeting in Anchorage area; 3 days @ \$80 per diem/day & travel, 7 members, 1 executive secretary, and 1 licensing examiner. (New practice act mandates four meetings per year. Nursing Board presently budgeted for three meetings per year).

\$ 3,300.00

Travel and per diem costs for executive secretary to meet with nursing community and the public to discuss the new practice act, educational programs, and other public relation projects to be prescribed by regulation of the Nursing Board.

Average 3 trips/year (1 Fbks area, 1 Southeast, 1 Kodiak or Nome areas); avg. costs: \$230/trip and 2 days per diem @ \$80/day.

1,170.00

Total \$ 4,470.00

Revised 2/9/82--see page 3

IV. DATE 1-29-82

PREPARED BY Mariorie Odland, Regulations Specialist

AGENCY Occupational Licensing

Original: Legislative Finance

PHONE 665-2535

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

(Continued . . .)

CONTRACTUAL - 9% inflation factor projected.

In FY'83, one time cost associated with printing and mailing of new practice act and amended application forms. \$ 5,000.00

Examinations - costs for head proctors and monitors administering nursing examinations throughout the State projected through 1987:

Head Proctor @ \$50/day (avg. 3 days), 4 locations*	600.00
Monitor @ \$35/day (avg. 3 days), 4 locations*	420.00

Total	\$ 6,020.00
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* Examination Location: Juneau, Fairbanks, Ketchikan, Kodiak

SB 238 am Fiscal Note Analysis

Projected increase in revenue for Board of Nursing, 08-53-5-035, due to increase of application, renewal, and examination fees in Sec.08.68.220.

RENEWAL FEE INCREASE

Based on license renewal year 1982. Renewal fees are the same for RN and LPN licenses.

3,954	-	licenses renewed in FY'80
<u>+ 1,625</u>	-	new licenses issued in FY'81 and to date
5,579	-	licenses expected to be renewed in 1982
<u>X \$20</u>	-	new renewal fee in SB 238 am
\$ 111,580		
5,579		
<u>X \$15</u>	-	old renewal fee
\$ 83,685		

\$111,580 - \$83,685 = \$27,895 expected increase in revenue from nursing license renewals.

APPLICATION AND LICENSE FEES

The license-by-examination fee or license-by-endorsement fee accompanies the application fee when receipted by the department.

Approximately 1,000 applications filed with the department per year:

- 600 - RN applications
- 400 - LPN applications

The increase for RN licensure occurs only in the application fee with an increase of \$10.

600 X \$10 = \$6,000 increase in revenue

The increase of the LPN application fee by \$5 is offset by the decrease of \$5 of the LPN license-by-examination fee and license-by-endorsement fee. No change in revenue.

EXAMINATION FEES

The National League for Nursing, Inc., charges the State \$25.95 for each RN examination provided and graded, and charges \$10.50 for each LPN examination provided and graded.

Average 55 RN examination applicants per year in Alaska.
Average 30 LPN examination applicants per year in Alaska.

Examination costs to the State for nursing examinations/yr =	\$ 1,427.25	RN exam
	<u>315.00</u>	LPN exam
	\$ 1,742.25	Total
Revenue from examination fees charged to applicants/yr =	\$ 1,100.00	RN exam
	<u>300.00</u>	LPN exam
	\$ 1,400.00	Total

Revenue	Expenditure	Deficit
\$1,400	- \$1,742.25	= (-\$342.25)

** Total revenue for the Board of Nursing in FY'80 was 71.7 (Included majority of 1980-81 renewal fees, application, examination and license fees).

Total revenue for the Board of Nursing in FY'81 was 46.7 (Included some late-renewal fees, application, examination and license fees).

By: Department of Commerce & Economic Development
Occupational Licensing - Marjorie Odland
465-2535

Marjorie Odland

CONTRACTUAL - 9% inflation factor projected.

In FY'83, one time cost associated with printing and mailing of new practice act and amended application forms. \$ 5,000.00

Examinations - costs for head proctors and monitors administering nursing examinations throughout the State projected through 1987:

Head Proctor @ \$50/day (avg. 3 days), 4 locations*	600.00
Monitor @ \$35/day (avg. 3 days), 4 locations*	420.00
	<hr/>
Total	\$ 6,020.00

* Examination Location: Juneau, Fairbanks, Ketchikan, Kodiak

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 am

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 regist-
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 08.68.170; 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 OR] 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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<u>Section</u>	<u>Provision</u>	<u>Rationale</u>
Sec. 08.68.010 Creation & Membership of the Board	Composition of Board is changed to include a licensed practical nurse	To reflect those the Board regulates.
	Deletes service categories for membership.	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. 08.68.080 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 ensure that the Division of Occupational Licensing's budget will reflect this need.) It will assure completion of the goals and objectives 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 responsibilities 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.

provided by state Board
of Nursing re SB 238

Section	Provision	Rationale	2
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 "Registered 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 accepting this examination which is comparable to the recognized American exam.	
Section AS 08.68.210 Temporary Permits	Recognizes COGNs (Commission on Graduates of Foreign Nursing Schools)	This will allow foreign nurse graduates to be granted a temporary permit, (as recommended by the Sunset Review committee) until they complete the required nursing exam.	
Sec. 08.68.0220	Raises fees	Fee schedule was last revised 1970	
ec. 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 General, should compose formal regulations which define and list examples of license violations." The Board will find this most helpful in substantiating its decisions on violations.	
	(4) Needs revision before final form	Sunset view committee recommended clarification of moral turpitude	
		---"which impairs ability to practice safely."	
ec. 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 professional today. The Board is studying various methodologies for assuring competence. These include recent work experience, continuing education, and testing. Each of these areas are being researched 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 the best method(s) for insuring the competency of the Alaskan nurse, and much more time needs to be devoted to researching this area, it does feel it should have the authority to address ongoing competency. The Board was asked to address this by the legisla- ture during Sunset Review.	

SectionProvisionRationale

3

Sec. 08.68.340
Violations

Violations

Classifies violations according to the new criminal code

Sec. 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

Sec. 08.68.400
Exceptions

Exempts consultants from
licensure requirements

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

Sec. 08.68.410
Definitions

Definitions

Updates the definition of the practice of registered nursing

Sec. 28

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

Rec'd 1/19/82 SFC

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.						
TOTAL	-0-	2.0	2.2	2.4	2.6	2.9

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, Regulation 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

SENATE BILL NO. 238

"An act relating to the practice of nursing; and providing for an effective date."

Analysis

Sections 1, 2, 3, 4 and 5 of this bill are being amended; 1) to broaden the membership of the board to include representation from the licensed practical nurse group; 2) to increase the number of at large members who are appointed by the Governor; 3) to provide for removal of board members by the Governor for just cause; 4) to delete the term 'professional nurse' and use terms which identify their practice, i.e., registered nurse and licensed practical nurse. This change is made in all sections that the term 'professional nurse' occurs.

Sections 9 - 16 amendments clarify and outline the process for individuals to become a licensed practical nurse and a registered nurse in Alaska, other states and places the same regulation requirements on graduates from foreign schools of nursing. These regulations are for the protection of the consumer.

Amendments to Section 16 - 18 clarifies the process and the board's responsibility in the denial of licensure which is for the safety and protection of the consumer.

Amendments in Section 21 clearly defines the board's responsibility in the accreditation of nursing education programs.

Department's Position

The Department supports the amendments in the bill as it clarifies the process for different levels of nurses in the state and from other states and countries to become licensed to practice and protects the consumer and the employer.

Recommended by: David Bruce
David Bruce,
Deputy Director
Division of Public
Health

Date: March 13, 1981

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

Date: 3-18-81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 238
 Title "An act relating to the practice of nursing; and providing for an effective date."
 Requested by Commissioner's Office Date March 13, 1981

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Public Health
 BRU, Program, or Subprogram(s) Affected Nursing
 (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	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	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
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

IV. DATE March 13, 1981 PREPARED BY Lois M. Bergerson, Chief
 AGENCY Department of Health & Social Services
 PHONE 465-3150
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 3/16/81

58238

March 4, 1981

The Honorable Jalmar 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/JSH

Jay S. Hammond
Governor