

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1735 SCOMM 69: HOUSE LIABILITY INSURANCE TASK FORCE, 1989-1990 / 303

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

=====

CODE NAME

=====

GR. NOT ACCEPTED

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	==	==	=====	=====
89.112	89/06/14	00	SVG		89/08/11	41
89.116	89/06/21	00	SVG		89/08/11	42
89.118	89/06/22	00	SVG		89/07/20	43
89.119	89/06/22	00	SVG		89/07/20	44
89.122	89/06/27	00	SVG		89/08/11	45
89.137	89/06/28	00	SVG		89/08/17	46
89.125	89/06/30	00	SVG		89/08/15	47
89.126	89/06/30	00	SVG		89/08/15	48
89.131	89/07/19	00	SVG		89/08/17	49
89.135	89/07/20	00	SVG		89/08/17	50
89.140	89/07/26	00	SVG		89/08/29	51
89.141	89/07/26	00	SVG		89/08/29	52
89.145	89/08/02	00	SVG		89/08/22	53
89.146	89/08/04	00	SVG		89/08/22	54
89.148	89/08/08	00	SVG		89/09/06	55
89.151	89/08/09	00	SVG		89/08/30	56
89.152	89/08/11	00	SVG		89/08/11	57
89.157	89/08/21	00	SVG		89/09/05	58
89.154	89/08/28	00	SVG		89/08/30	59
89.163	89/08/31	00	SVG		89/09/05	60
89.164	89/08/31	00	SVG		89/09/05	61
89.165	89/08/31	00	SVG		89/09/05	62
89.166	89/08/31	00	SVG		89/09/05	63
89.169	89/09/07	00	SVG		89/09/22	64
89.172	89/09/12	00	SVG		89/09/21	65
89.176	89/09/13	00	SVG		89/09/21	66
89.185	89/09/22	00	SVG		89/09/29	67

29

Subtotal

ATTY ON PROBATION

85.237	85/12/20	01	SVG	85/11/20	68
86.066	86/04/03	03	SVG	88/03/18	69

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

DISCIPLINE STATUS REPORT

CODE NAME

DISMISSED

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
86.243	86/12/15	07	SVG	MW	89/09/12	12
87.231	87/09/18	01	SVG	MW	89/09/21	13
87.251	87/10/20	01	SVG	MW	89/08/23	14
87.306	87/12/30	03	SVG	MW	89/09/29	15
88.025	88/01/28	05	SVG	MW	89/09/29	16
88.060	88/03/04	03	SVG	CJA	89/09/15	17
88.123	88/06/10	03	SVG	MW	89/09/29	18
88.161	88/07/25	07	SVG	MW	89/07/12	19
88.170	88/08/11	03	SVG	CJA	89/09/29	20
88.173	88/08/11	03	SVG	CJA	89/09/29	21
88.194	88/09/14	03	SVG	MW	89/09/13	22
88.251	88/11/25	04	SVG	CJA	89/09/14	23
89.006	89/01/09	01	SVG	CJA	89/08/09	24
89.015	89/01/26	07	SVG	CJA	89/09/14	25
89.042	89/02/27	04	SVG	CJA	89/08/09	26
89.071	89/04/10	03	SVG	MW	89/08/09	27
89.084	89/04/24	03	SVG	CJA	89/09/15	28
89.085	89/04/25	03	SVG	MW	89/08/09	29
89.088	89/04/25	04	SVG	CJA	89/08/22	30
89.089	89/04/25	04	SVG	CJA	89/08/22	31
89.090	89/04/25	04	SVG	CJA	89/08/22	32
89.092	89/05/01	05	SVG	MW	89/09/21	33
89.086	89/05/09	01	SVG	MW	89/07/19	34
89.102	89/05/26	02	SVG	CJA	89/08/22	35
89.107	89/06/01	07	SVG	CJA	89/08/22	36
89.124	89/06/29	03	SVG	CJA	89/09/29	37
89.138	89/07/24	07	SVG		89/09/29	38

27

Subtotal

GR. NOT ACCEPTED

89.073	89/04/14	00	SVG		89/07/20	39
89.074	89/04/14	00	SVG		89/08/25	40

SECTION G

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

DISCIPLINE STATUS REPORT

CODE NAME

CLSD PROBATION ENDED

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
83.036	83/08/15	11	SVG		89/07/24	1
83.043	83/11/22	03	SVG		89/07/24	2
84.435	84/02/14	03	SVG		89/07/24	3
84.443	84/02/21	03	SVG		89/07/24	4
						4

Subtotal

CLOSED BY ADMONITION

87.278	87/11/23	08	SVG	CJA	89/08/04	5
88.183	88/08/24	07	SVG	CJA	89/07/14	6
88.232	88/11/14	03	SVG	MW	89/08/18	7
89.032	89/02/14	07	SVG	MW	89/08/16	8
						4

Subtotal

CLOSED BY REPRIMAND

88.095	88/04/21	05	SVG	MW	89/08/09	9
						1

Subtotal

CLOSED BY SUSPENSION

85.048	85/04/04	07	SVG		89/08/21	10
85.221	85/11/15	07	SVG		89/08/21	11
						2

Subtotal

DISCIPLINE STATUS REPORT

Section F

CASES BY AGE AND STAGE OF PROCEEDING - LAST QUARTER REPORT

	Pre-1987	1987	1988	1989	Subtotal
CLOSED OR DISMISSED CASES					
CLOSED BY PUB REPRIMAND	0	0	0	0	0
CLOSED BY ADMONITION	0	0	0	0	0
CLOSED BY REPRIMAND	0	0	0	0	0
CLOSED BY CENSURE	0	0	0	0	0
CLOSED BY SUSPEND	0	0	0	0	0
CLOSED BY DISBAR	0	0	0	0	0
DISMISSED	<u>1</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>21</u>
TOTAL	1	5	5	10	21
OPEN CASES					
<u>Discipline in Effect or Pending</u>					
ATTORNEY ON PROBATION	8	0	0	0	8
SHORT TERM SUSPEND	0	0	0	0	0
PENDING SUPREME COURT	2	1	1	0	4
PENDING DISC. BOARD	1	1	0	0	2
PENDING STIPULATION	0	0	1	0	1
PENDING HRG. COMM.	0	0	0	0	0
PENDING PET. APPROVAL	0	0	0	0	0
PENDING ADMONITION	<u>0</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>5</u>
Subtotal	11	3	5	1	20
<u>Other Proceedings</u>					
PENDING FEE ARB.	1	0	0	0	1
PENDING CONCILIATION	0	0	0	0	0
ABEYANCE	<u>2</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>4</u>
Subtotal	3	2	0	0	5
<u>Under Investigation</u>					
SPECIAL COUNSEL INV. INVESTIGATION	<u>2</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>6</u>
	<u>7</u>	<u>23</u>	<u>66</u>	<u>42</u>	<u>138</u>
Subtotal	9	27	66	42	144
TOTAL (Percentage)	23 (14%)	32 (19%)	71 (42%)	43 (25%)	169 (100%)

DISCIPLINE STATUS REPORT

Section E

CASES BY AGE AND STAGE OF PROCEEDING - CURRENT QUARTER REPORT

	Pre-1987	1987	1988	1989	Subtotal
CLOSED OR DISMISSED CASES					
CLOSED PROBATION ENDED	4	0	0	0	4
CLOSED BY PUB REPRIMAND	0	0	0	0	0
CLOSED BY ADMONITION	0	1	2	1	4
CLOSED BY REPRIMAND	0	0	1	0	1
CLOSED BY CENSURE	0	0	0	0	0
CLOSED BY SUSPEND	2	0	0	0	2
CLOSED BY DISBAR	0	0	0	0	0
DISMISSED	<u>1</u>	<u>3</u>	<u>8</u>	<u>15</u>	<u>27</u>
TOTAL	7	4	11	16	38
OPEN CASES					
<u>Discipline in Effect or Pending</u>					
ATTORNEY ON PROBATION	4	0	0	0	4
SHORT TERM SUSPEND	0	0	0	0	0
PENDING SUPREME COURT	1	2	0	0	3
PENDING DISC. BOARD	0	0	1	0	1
PENDING STIPULATION	0	0	0	0	0
PENDING HRG. COMM.	0	0	1	0	1
PENDING PET. APPROVAL	0	0	0	0	0
PENDING ADMONITION	<u>2</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>5</u>
Subtotal	7	2	5	0	14
<u>Other Proceedings</u>					
PENDING FEE ARB.	1	0	0	1	2
PENDING CONCILIATION	0	0	0	0	0
ABEYANCE	<u>2</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>4</u>
Subtotal	3	2	0	1	6
<u>Under Investigation</u>					
SPECIAL COUNSEL INV. INVESTIGATION	<u>1</u> <u>5</u>	<u>4</u> <u>20</u>	<u>0</u> <u>55</u>	<u>0</u> <u>60</u>	<u>5</u> <u>140</u>
Subtotal	6	24	55	60	145
TOTAL (Percentage)	16 (10%)	28 (17%)	60 (36%)	62 (37%)	165 (100%)

DISCIPLINE STATUS REPORT.

Section D

OPEN CASES BY NATURE OF GRIEVANCE

<u>Code</u>	<u>Code Description</u>	<u>Number of Cases</u>
01.	<u>Trust violations</u> (co-mingling, mismanagement of client funds and property, failure to maintain records and to account to client, withholding client's property, embezzlement, conversion)	19
02	<u>Conflict of interest</u>	13
03	<u>Neglect</u> (failure to perform, delay, lack of communication)	47
04	<u>Relationship with client</u> (disclosing confidential information, failure to protect interests of client, improper withdrawal, refusal to release documents, abandonment)	16
05	<u>Misrepresentation/Fraud</u>	19
06	<u>Excessive fees</u>	4
07	<u>Interference with justice</u> (overzealous representation, failing to represent a client within bounds of the law, prosecutorial misconduct, communicating with one of adverse interest, threatening criminal prosecution to obtain advantage in civil matter, trial misconduct, trial publicity, improper communication with jurors, witnesses, officials, aiding unauthorized practice of law.	46
08	<u>Improper advertising and solicitation</u>	0
09	<u>Criminal conviction</u>	1
10	<u>Personal behavior</u>	0
11	<u>Wilful failure to cooperate with discipline authorities</u>	0
12	<u>Medical incapacity</u>	0
13	<u>Incompetence</u>	0
14	<u>No jurisdiction or referred to other agency</u>	0
15	<u>Other</u>	0
	TOTAL	165

DISCIPLINE STATUS REPORT

July 1, 1989 to September 30, 1989

Section A

Open cases at beginning of quarter		169
Cases closed or dismissed	(-)	38
New cases initiated	(+)	<u>34</u>
Open cases at end of quarter		165

Section B

Grievances Not Accepted	29
Filed/Under Review	26

Section C

New Grievances Received and Analyzed

(sum of new cases initiated and
grievances not accepted)

This Quarter	63
This Year To Date	187*
Last Year to Date	200

* corrected figure

The Honorable
Chief Justice Warren W. Matthews
October 5, 1989
Page 2 of 2

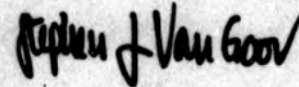
Section F reflects the number of open, closed or dismissed cases at each stage of the discipline process as of the last quarterly report.

Finally, Section G is a detailed listing of all cases under each procedural category by file number, date filed, grievance code, counsel assigned, and date the case was placed in that category.

If you have any questions concerning these reports, please contact me at your earliest convenience.

Sincerely,

ALASKA BAR ASSOCIATION



Stephen J. Van Goor
Bar Counsel

SVG:nlg

Enclosures

cc: Justice Jay A. Rabinowitz
Justice Edmond W. Burke
Justice Allen T. Compton
Justice Daniel A. Moore
David A. Lampen, Clerk of the Appellate Courts
Deborah O'Regan, Executive Director
(for distribution to Board of Governors)
John R. Lohff, Special Bar Counsel
Carol Jane Allen, Assistant Bar Counsel
Mark Woelber, Assistant Bar Counsel

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ALASKA BAR

ASSOCIATION

October 5, 1989

The Honorable
Chief Justice Warren W. Matthews
303 K Street, 5th Floor
Anchorage, AK 99501

RE: Quarterly Reports

Dear Chief Justice Matthews:

Enclosed with this letter are the Discipline Status Report, Fee Arbitration Report, Admission Report, and Other Proceedings Report for the third quarter: July 1, 1989 to September 30, 1989.

Section A of the Discipline Status Report reflects a summary of the period caseload: (1) open cases at the beginning of the period; (2) cases closed or dismissed during the period; (3) new cases initiated during the period; and (4) open cases at the end of the period.

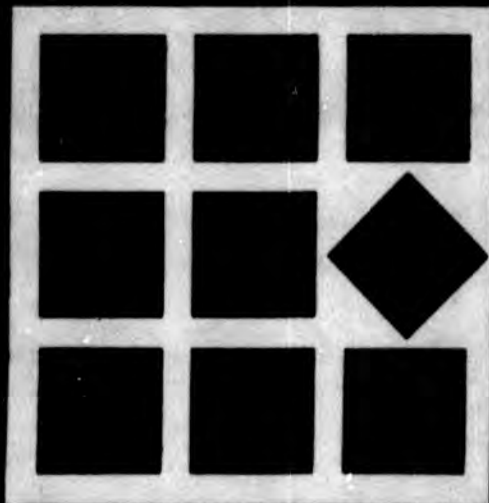
Section B reflects grievances which have been filed and are under review to determine whether an investigation should be opened. Section B also reflects grievances which have been filed but not opened because the allegations in the grievances were inadequate or insufficient to warrant an investigation.

Section C reflects new grievances which have been received and analyzed to determine whether an investigation should be opened. This section reflects the sum of "new cases initiated" reported in Section A and "grievances not accepted" reported in Section B. It also reports new grievances received and analyzed for the year to date and last year to date.

Section D reflects the uniform classification of grievances adopted by the National Organization of Bar Counsel and the number of open cases within each classification.

Section E reflects the number of open, closed or dismissed cases at each stage of the discipline process as of this report.

ethical grievances against attorneys



supervision of attorney conduct

All attorneys are governed by rules of ethics known as the Code of Professional Responsibility. An attorney who violates the Code of Professional Responsibility is subject to discipline. The Alaska Supreme Court exercises final authority over attorney conduct in Alaska.

The Disciplinary Board of the Alaska Bar Association has been given the responsibility by the Alaska Supreme Court and the legislature to process ethical grievances against attorneys and to recommend discipline when appropriate. The Disciplinary Board employs Discipline Counsel and staff to investigate and prosecute ethical grievances.

filing a complaint

Grievances must be written, signed statements, containing a clear explanation of the details of each act of alleged misconduct, including the approximate time and place of each. Copies of letters or other documents relating to the grievance should be included. A grievance must be sent to the Alaska Bar Association, where Discipline Counsel will review it and determine whether it contains sufficient factual allegations which, if true, would constitute ethical misconduct. Attorney Grievance forms, which may be used in filing a grievance, are available from the Alaska Bar Association.

examples of misconduct

The Code of Professional Responsibility covers a wide range of attorney conduct. Examples of misconduct are:

- conduct involving dishonesty, fraud, deceit, or misrepresentation
- revealing client confidences or secrets except under special circumstances
- charging a clearly excessive fee (generally a fee dispute is referred to the Attorney Fee Review Committee)
- withdrawing money from his/her office trust account for personal use unless it is undisputed that the attorney has earned the funds

If you have questions about an attorney's conduct you may call the Alaska Bar Association. The Code of Professional Responsibility is available at any court law library in the State of Alaska.

investigation

If review of a grievance indicates that ethical misconduct may have occurred, a copy of the grievance will be sent to the attorney for a response. If the response raises additional questions, the complainant may be asked to submit further comments.

The investigation of a complaint is confidential. All persons involved in the investigation of a complaint, including the complainant, must maintain confidentiality, but they may consult with an attorney. It is contempt of court to violate this confidentiality.

After investigation, Discipline Counsel will make one of the following decisions:

- dismiss the grievance if the evidence does not show unethical conduct
- issue a written private admonition to the attorney
- file a petition for formal hearing

appeal or dismissals

If a complainant disagrees with the dismissal of a grievance, (s)he may appeal the decision by writing a letter to the Bar Association specifically stating the reasons for appeal. The appeal and the file will be reviewed by a member of an Area Discipline Division.

hearings

Discipline hearings are public and are much like a courtroom trial, with witnesses testifying under oath. Complainants are generally called to testify at the hearing. A Hearing Committee of at least one non-attorney and two attorneys considers the evidence and makes a recommendation to the Disciplinary Board.

Three non-attorneys and nine attorneys sit on the Disciplinary Board. The Board reviews the record and considers the Hearing Committee's recommendation. The Board can 1) dismiss the matter if it finds insufficient evidence; 2) issue a public reprimand to the attorney; or 3) recommend that the attorney be disciplined by the Alaska Supreme Court. The Court can impose public censure, probation, suspension from practice for up to five years, or disbarment.

some things a complainant should not expect

You should not expect the Bar Association to provide you with legal advice or services. The Bar Association can only act to enforce the Code of Professional Responsibility and cannot represent you in civil or criminal matters.

You should not expect that your complaint will be decided solely on the basis of your statement of the facts, just as the attorney cannot expect that the matter will be decided solely on the basis of his or her version. The decision will be based on all the relevant evidence.

You should not expect, as a result of your complaint, that you will receive any money or reimbursement for loss.

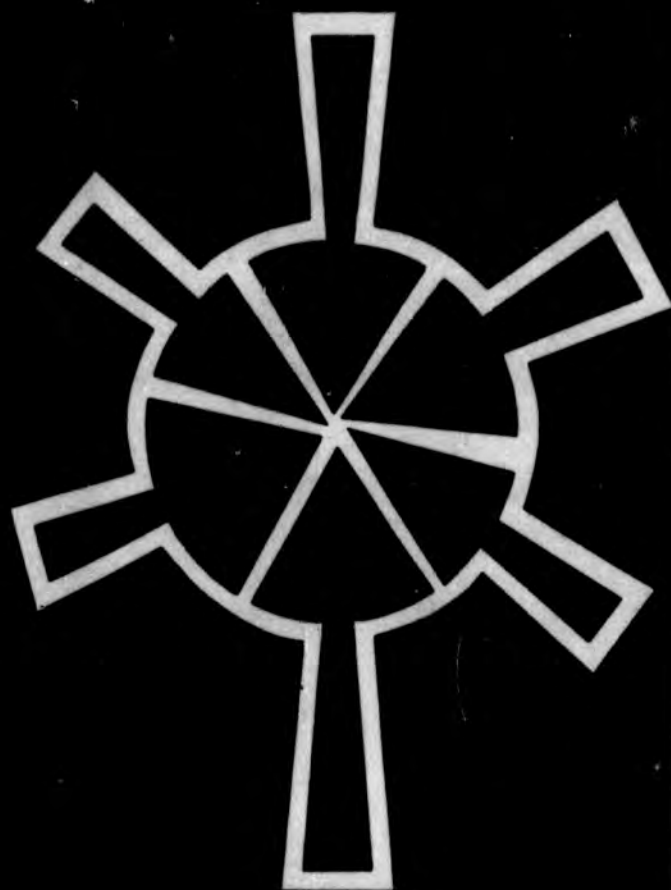
what a complainant can expect

You can expect that every attempt will be made to review your grievance in a manner which is timely and fair both to you and to the attorney.

You can expect to receive written notice of the final decision concerning your grievance, and the reasons for that decision.

**Direct inquiries to:
Discipline Counsel
Alaska Bar Association
P.O. Box 100279
Anchorage, AK 99510
907-272-7469**

fee arbitration



what is a fee arbitration?

Fee arbitration is a process which may be used to resolve a dispute over fees with an attorney. The dispute is decided by an impartial panel which renders a final and binding decision based on the facts and evidence presented by the parties.

a public service

The fee arbitration process is a service provided by the Alaska Bar Association without charge to the person or attorney.

disputes subject to fee arbitration

A person may have a fee dispute with an attorney arbitrated. The attorney must be licensed to practice in the State of Alaska or the services must have involved a legal matter conducted in Alaska. The person must make efforts to resolve the dispute directly with the attorney before the arbitration process is commenced. The fee arbitration process cannot be used if the fee was determined by a court decision, by a statute, or by court rule.

requesting a fee arbitration

A person may request a fee arbitration by filling out a form available through the Bar Association. The person must state on the petition form the efforts that he or she has made to resolve the dispute directly with the attorney, describe the dispute as specifically as possible, and state the remedy sought from the attorney.

putting court proceeding "on hold"

A party in a civil court proceeding involving the collection of attorney fees may seek a "stay," which puts the court proceeding on "hold" while a fee arbitration is pending with the Bar Association. In order to obtain a stay, a petition for fee arbitration must be filed with the Bar Association within thirty (30) days of receiving a "Notice of Client's Right to Arbitrate" from the attorney.

assignment of arbitration to hearing panel

If a dispute involves an amount less than \$2,000.00, the matter will be heard by a single member of the fee arbitration committee. Otherwise, a panel of three members, one of whom is a non-attorney, is convened from a local standing committee in the community where the legal services were provided. There are local standing committees in Anchorage, Fairbanks, Juneau, and Ketchikan. Special arrangements are made in communities which are not close to one of these.

hearing

Twenty days advance notice of the hearing will be given to the parties. The chairperson of the hearing panel conducts the hearing and decides what testimony and documents may be used as evidence. Relevant and reliable evidence will be admitted. If the client or the attorney fails to appear at the hearing, the hearing panel may proceed in that person's absence. Special procedures may be used by a client or the attorney to submit a written statement in addition to, or instead of, testimony at the hearing; to submit witness affidavits instead of presenting their testimony in person, and to participate by conference call. The cost of the call will generally be paid by the party requesting it.

confidentiality

Fee arbitration proceedings are confidential. Hearings and records relating to the arbitration are only open to the parties to the dispute and not to the public.

decision

The hearing panel will make its decision within thirty days after the close of the hearing. The decision must be agreed to by a majority of the hearing panel members. The panel may decide that an attorney should refund fees already collected; should collect only a reduced fee; or that the fees are reasonable under the circumstances.

fee arbitration binding

All parties are bound by the decision of the fee arbitration panel, unless the decision is set aside by the superior court on appeal, as discussed below. A party may apply to the courts for an order "confirming" the arbitration decision. The decision is confirmed by the court without any further evidentiary proceeding, and may be enforced in the same manner as a court judgment.

appeal

Either party may appeal a decision of the fee arbitration committee within thirty days of the date that the decision is mailed or delivered. There are limited grounds for appeal, which are set out in Alaska Statutes 09.43.120-180. Procedures for appeal are set out in the Rules of Appellate Procedure 601-609.

assistance in filing

The Bar Association is here to provide assistance to persons seeking an opportunity to have their fee dispute arbitrated and is more than happy to provide clients with information and assistance in the processing and handling of their fee dispute.

Contact the:

**Alaska Bar Association
P.O. Box 100279
Anchorage, Alaska 99510
907-272-7469**

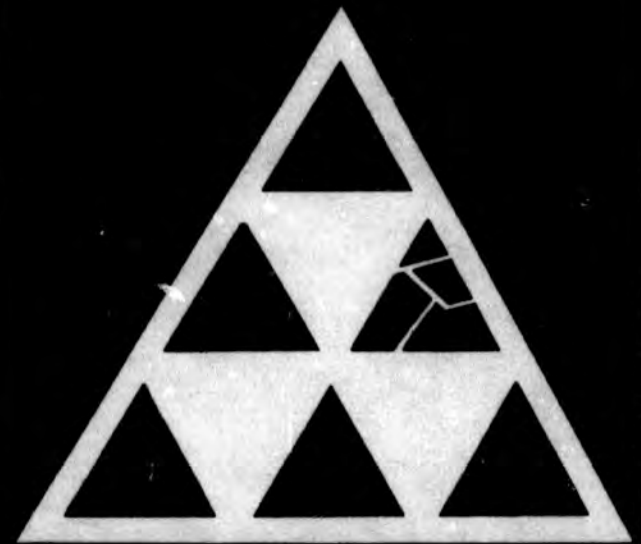
what to expect after a claim is filed

Each application for reimbursement will be reviewed and investigated. Applications which fail to make a case for reimbursement will be rejected. The reasons for the rejection will be set forth in a written report. Applications which are not rejected will be considered by the Client Security Fund Committee. Based upon its consideration, the Committee will make recommendation to the Board of Governors of the Alaska Bar Association. The Board will determine, in its discretion, whether and to what extent to reimburse the applicant. The decision to reimburse the applicant will depend on the amount of money available to the Fund, the number of claimants seeking reimbursement, and the degree of hardship suffered by each claimant.

Claims will generally not be awarded until the completion of the disciplinary action against the attorney. It is important, therefore, that a claimant report dishonest conduct to Discipline Counsel immediately and cooperate with any investigation by the Alaska Bar Association.

**Direct inquiries to:
Discipline Counsel
Alaska Bar Association
P.O. Box 100279
Anchorage, AK 99510
907-272-7469**

**client
security
fund**



client security fund

The Client Security Fund was established by the Alaska Bar Association to provide a remedy for clients who have lost money or other property as a result of the dishonest conduct of attorneys. The Fund is a remedy of last resort for clients who cannot get reimbursement from other sources, such as insurance or the attorney involved.

purpose of fund

The legal profession depends upon the trust of clients. Very few attorneys breach that trust. Nonetheless, it is important that the profession's reputation for honesty be maintained and protected. The Client Security Fund serves this function by providing reimbursement to clients whose money or property has been wrongfully taken by attorneys admitted to practice law in Alaska.

financing the fund

No tax dollars are used. The Client Security Fund is financed by judges and attorneys licensed to practice law in Alaska.

losses covered by the client security fund

The Client Security Fund Committee, under rules established by the Supreme Court, administers the Fund and it may recommend reimbursement of losses caused by the dishonest conduct of attorneys admitted to the practice of law in Alaska, up to a maximum of \$10,000.00 for each claim and \$50,000.00 per attorney. Dishonest conduct means the wrongful taking of a client's money or other property. A situation in which an attorney did not complete work for which the client has paid or did not perform to the client's satisfaction does not, alone, constitute a claim. A claim for reimbursement must be filed with the Committee within three years after the client discovers the loss.

The Client Security Fund Committee does not have authority to discipline attorneys for misconduct, resolve fee disputes or determine legal malpractice claims. Fee disputes, complaints of misconduct or malpractice should be pursued by notifying the Alaska Bar Association or by civil lawsuit. In addition to filing a claim with the Client Security Fund Committee, a claimant should report the attorney's conduct to the Alaska Bar Association. A claimant should also report illegal acts, such as theft or embezzlement, to the local District Attorney.

how to file a claim

A claim form and other information and assistance is available by writing the Client Security Fund Committee or calling the Alaska Bar Association. A claimant is not required to be represented by an attorney in order to process a claim with the Fund.

ALASKA BAR

A S S O C I A T I O N

January 16, 1990

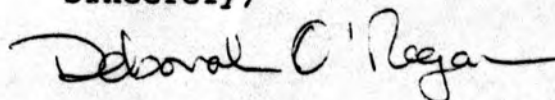
David Rogers
Liability Insurance Committee Task Force
P.O. Box 33932
Juneau, AK 99803

Dear David:

As requested, enclosed is the section from the Alaska Bar Association 1988 and 1989 Annual Reports covering the Bar's Continuing Legal Education (CLE) program. I've also enclosed some sample brochures from CLE seminars.

Please let me know if there is any further information which I can provide.

Sincerely,



Deborah O'Regan
Executive Director

Enclosures
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IV. CONTINUING LEGAL EDUCATION

Continuing Legal Education programs and activities are an important part of the work of the Alaska Bar Association and are in furtherance of its goal of serving and assisting the legal profession in the State of Alaska. Programs and activities presented for Continuing Legal Education (CLE) purposes are for the professional development and enhancement of the membership of the Alaska Bar Association. It is of the utmost importance that the Bar Association provide sufficient CLE seminars to allow attorney members to keep abreast of new developments in the field of law.

The supervisory responsibility for presenting and administering all CLE programs and activities is placed upon the Continuing Legal Education Committee and the Association's Director of Continuing Legal Education. The CLE Committee is composed of 13 Bar Association members: 12 attorney members representing the various geographic areas of the state, and 1 judicial representative. All members serve staggered 3-year terms.

The 16 substantive law sections of the Bar Association are responsible for sponsoring one CLE seminar a minimum of every two years. Most sections sponsor one CLE activity per year, in addition to holding regular monthly section meetings and an annual meeting at the yearly Bar convention. Other CLE seminars not sponsored by a particular Substantive Law Section are sponsored by the CLE Committee itself.

In 1989 the CLE program sponsored 24 live programs in Anchorage and 1 live program in Fairbanks with a total member attendance for the year of 1,335 (970 members/365 non-members). Average attendance at a CLE was 71. The most challenging CLE presented in 1989 was the National Institute of Trial Advocacy (NITA) Skills Course, an intensive 8-day program for 48 attorneys presented by a faculty of 17 practitioners and judges from across the United States. Local and Outside faculty provided a program of one-on-one training for our members which culminated in 12 simultaneous mock trials presided over by local volunteer judges, and augmented by over 100 local community volunteer jurors and witnesses.

Overall program income exceeded this year's target; however, the general CLE budget, which includes indirect costs of staff time and overhead, experienced a shortfall. This shortfall is significantly lower than in past years. The general fund of the Bar Association covers the indirect costs of CLE programs, including staff time. This financial arrangement allows the bar to offer programs at lesser registration fees than if administrative indirect costs had to be covered by direct program income. The Bar also offers a

registration fee credit option of up to 50% to members traveling into Anchorage via commercial carrier for a CLE program.

An expanded 2-day "Bridge-the-Gap" program for new admittees to the practice of law in Alaska was also presented in 1989. Ten sections participated in this program designed to help "bridge-the-gap" between the theory of law school and the practice of law, with emphasis on Alaskan legal practice.

In addition, updates to the 3rd edition of the "Bridge-the-Gap" manual were received from ten sections, and included for the first time were the topics of "Criminal Defense," "Criminal Prosecution," "Paralegal Profitability," "Collections and Executions," "Discovery," "Fast Track Rule," "Professional Conduct for the Non-Attorney," and "Tort Claims."

Group video replays of live programs are regularly scheduled in Juneau, Fairbanks and Kodiak, to meet the educational needs of bar members outside Anchorage, the usual venue for live programs. There is an average attendance of 5 bar members at each of these programs. Bar members receive CLE credit for attending a group video replay. A bar member in each city serves as the volunteer coordinator for these programs and handles scheduling, logistics, and registration.

A CLE Policy Statement and Guidelines was adopted by the Board of Governors in 1989. This Policy Statement and Guidelines aids the Bar in administering the CLE program and provides assistance to the CLE Director, CLE Committee, and Sections in developing CLE activities. The policy requires, for example, that the ethical content of every CLE topic be addressed at least peripherally at every CLE seminar, and clarifies the procedures for developing and sponsoring programs.

At the 1989 Annual Convention in Juneau, a resolution was passed to draft a proposed Mandatory Continuing Legal Education (MCLE) Rule requiring members to accrue a minimum number of CLE credits for seminars attended over a given period. A MCLE Committee was appointed to draft the Rule, and after consideration of comments by the CLE Committee, finalized a draft to be presented to the Board of Governors at their January 1990 meeting.

The CLE Library is now administered by the CLE Assistant and has dramatically improved service to bar members. The library contains videotapes (1/2" VHS) of all live programs, copies of course materials for each CLE, copies of Annual Section Updates, and a small number of audiotapes of short CLE programs. The library receives an average of 5 videotape rental and/or course materials requests per day, and usual response time to the request is 24 hours. Tape rental is normally \$10.00 per person plus \$25 per set of course materials. Priority is always given to bar members outside of

Anchorage. Library materials are also available for purchase including CLE course materials and Section Annual Updates. A CLE Library Catalog is scheduled for distribution in January 1990, and a CLE Calendar and Video Replay Calendar are routinely distributed and published in the Bar Rag.

In an effort to enhance the image of our CLE programs and create a more identifiable "look" for CLE brochures, as well decrease our printing costs, the CLE program now has a standard brochure designed by a graphic artist, and nearly all brochures are photocopied, rather than offset printed. Response to the new format has been excellent.

Over 125 attorney and non-attorney lecturers served as faculty for the 24 CLE programs presented live in 1989:

ALASKA BAR ASSOCIATION CLE CALENDAR

Programs are full day unless otherwise noted.

1989

#01 January 26 Lunch Program 1 CLE credit	Review of the New Recording Act	Hotel Captain Cook
#02 February 15 7.2 CLE Credits	Forensic Engineering: Testimony, Demonstrative Evidence and Exhibits	Anchorage Hilton
#03 February 24 AM Miniseminar 4.5 CLE Credits	Wrongful Discharge (ABA Tape Series & local commentary)	Hotel Captain Cook
#12 Feb 27,28 & Mar 1 22.8 CLE credits	Courtroom Procedures (Law Enforcement Coordinating Comm. & Crim. Pros. Section)	Egan Conv. Ctr.
#11 March 3 Afternoon 4.5 CLE Credits	Tax Aspects of Bankruptcy & Insolvency(ASCPA, AATC,ASIA)	Clarion Hotel
#96 March 7-9 9.6 CLE Credits	Hawaii CLE: Unorthodox Trial Techniques	Sheraton Kauai
#04 March 14 7.2 CLE Credits	Loan Documentation	Hotel Captain Cook
#04 March 16 7.2 CLE Credits	Loan Documentation (Live repeat of Anchorage program)	Sophie's Station, Fairbanks

#05 March 27 Half Day 3.3 CLE Credits	Securities Law for Non-Securities Lawyers	Hotel Captain Cook
#07 April 20-22 Half Day on Th and Fri -- Full Day on Sat 19.8 CLE Credits	Bridge the Gap	Hotel Captain Cook
#09 May 25-26 18 CLE credits	5th Annual Alaska Tax Conference (with APU & Ak Society of CPAs)	Anchorage Hilton
#08 June 8-10 6 CLE credits 3 CLE credits	Annual Convention - CLE: Negotiations Skills (1 day) Media and the Law (3-hr.)	Juneau
#16 July 12 7.2 CLE credits	Alaska Corporate Code	Hotel Captain Cook
#13 July 18 7.2 CLE credits	Foreclosure Issues in AK	Hotel Captain Cook
#06 Sept 7 Half Day 4.2 CLE credits	Adoption Issues	Hotel Captain Cook
#17 Sep 7-8 12 CLE credits	Fed. Sentencing Guidelines (in coop. with US Dist. and Probation Office)	Federal Bldg.
#10 Sep 16-23 63 CLE credits	NITA of the North - 8-day Intensive Trial Advocacy Program	Hotel Captain Cook
#15 Oct 27 4.4 CLE credits Half day	Maritime Personal Injury	Hotel Captain Cook
#18 Oct 31 & Nov 2 10.8 CLE credits 2 Half days	Fed. & State Sentencing Guidelines	Anchorage Hilton
#25 Nov 8 3.4 CLE credits Half day	Malpractice Survival	Hotel Captain Cook
#19 Nov 16 8.4 CLE credits	2nd Annual AK Native Law Conference	Hotel Captain Cook

#28 Nov 29
1.8 CLE credits
AM Miniseminar

Off the Record

Hotel Captain
Cook

#22 Dec 5
2.7 CLE credits
AM Miniseminar

Basic Nuts & Bolts of
Foreclosures

Hotel Captain
Cook

A total of 24 live programs were presented in 1989.

A small number of CLE programs each year are presented on a cooperative basis with organizations outside the Bar Association, such as Professional Education Group and ALI-ABA. Generally, Bar CLE programs are developed in-house with volunteer faculty from the Bar Association.

IV. CONTINUING LEGAL EDUCATION

Continuing Legal Education programs and activities are an important part of the work of the Alaska Bar Association and are in furtherance of its goal of serving and assisting the legal profession in the State of Alaska. Programs and activities presented for Continuing Legal Education (CLE) purposes are for the professional development and enhancement of the membership of the Alaska Bar Association. It is of the utmost importance that the Bar Association provide sufficient CLE seminars to allow attorney members to keep abreast of new developments in the field of law.

The supervisory responsibility for presenting and administering all CLE programs and activities is placed upon the Continuing Legal Education Committee and the Association's Director of Continuing Legal Education. The CLE Committee is composed of 13 Bar Association members: 12 attorney members representing the various geographic areas of the state, and 1 judicial representative. All members serve staggered 3-year terms.

The 15 substantive law sections of the Bar Association are responsible for sponsoring one CLE seminar a minimum of every two years. Most sections sponsor one CLE activity per year, in addition to holding regular monthly section meetings and an annual meeting at the yearly Bar convention.

In 1988 the CLE program sponsored 24 live programs in Anchorage and 1 live program in Juneau with a total member attendance for the year of 2,115. Average attendance at a CLE was 71.* Program income exceeded this year's target; however the general CLE budget, which includes indirect costs of staff time and overhead, experienced a shortfall. This shortfall is significantly lower than in past years. The general fund of the Bar Association covers the indirect costs of CLE programs, including staff time. This financial arrangement allows the bar to offer programs at lesser registration fees than if administrative indirect costs had to be covered by direct program income. The Bar also offers a registration fee credit option of up to 50% to members traveling into Anchorage via commercial carrier for a CLE program.

**This figure does not include 1) 1988 Convention CLE Attendance which is normally far higher than that of a regularly scheduled CLE or 2) the 100 non-bar members who attended the "1991" CLE sponsored by the Alaska Native Law Section.*

Group video replays of live programs are regularly scheduled in Juneau, Fairbanks, and, as of 1988, Kodiak, to meet the educational needs of bar members outside Anchorage, the usual venue for live programs. There is an average attendance of 5 bar members at each of these programs. Bar members receive CLE credit for attending a group video replay. A bar member in each city serves as the volunteer coordinator for these programs and handles scheduling, logistics, and registration. Ketchikan is exploring the possibility of doing group video replays in 1989.

The CLE program received for the first time a \$500 grant from the American Bar Association to assist in presenting a "Special Domestic Relations Issues" CLE sponsored by the Family Law Section in November 1988. The Bar CLE program will continue to apply for this type of grant in an effort to assist the CLE budget.

The draft of a CLE Policy Statement and Guidelines was developed in late 1988 for submission to the Board of Governors for adoption in 1989. This Policy Statement and Guidelines will aid the Bar in administering the CLE program and will provide assistance to the CLE Director, CLE Committee, and Sections in developing CLE activities. The CLE Committee reviewed the policy in 1988 and it was placed on the January 1989 Board agenda.

The CLE Library is now administered by the CLE Assistant and has dramatically improved service to bar members. The library contains videotapes (1/2" VHS) of all live programs, copies of course materials for each CLE, copies of Annual Section Updates, and a small number of audiotapes of short CLE programs. The library receives an average of 5 videotape rental requests per day, and normal response time to the request is 24 hours depending on tape availability. Tape rental is normally \$10.00 per person plus \$25 for course materials. Priority is always given to bar members outside of Anchorage. Library materials are also available for purchase including CLE course materials and Section Annual Updates. Work is progressing on the revised CLE Library Catalog, and for the first time this year we have published a video replay schedule. The replay schedule and live schedule are also printed in the Bar Rep.

In an effort to enhance the image of our CLE programs and create a more identifiable "look" for CLE brochures, as well decrease our printing costs, the CLE program now has a standard brochure designed by a graphic artist, and nearly all brochures are photocopied, rather than offset printed. Response to the new format has been excellent.

Over 100 attorney and non-attorney lecturers served as faculty for the 25 CLE programs presented live in 1988:

1988 CONTINUING LEGAL EDUCATION PROGRAMS

DATE	COURSE	LOCATION	CREDITS
January 23	Civil Jury Instructions	Anchorage	3.3
February 10	Broker Liability	Anchorage	1.8
February 26	Drug Testing in the Workplace	Anchorage	7.5
March 3, 10, & 17	Medical Malpractice Litigation	Anchorage	7.5
March 21-27	Deposition Skills	Hawaii	9.9
April 7	Will & Trust Drafting	Anchorage	7.2
April 13, 10 & 27	Corporate Law Mini-Seminars (2.1 credits each)	Anchorage	6.3
April 15	Lawyer Malpractice	Anchorage	6.6
May 20	Listening & Memory Skills for Judges & Lawyers	Anchorage	7.2
June 9	New Wave Litigation	Anchorage	3.0
June 10	Constitutional Issues	Anchorage	3.0
June 11	Unorthodox Trial Techniques	Anchorage	3.0
June 13-14	Tax Conference, Pt. I	Anchorage	14.7
June 24	Off the Record	Fairbanks	3.0
July 27-29	Bankruptcy Law (ALI-ABA)	Anchorage	18.8
September 9	Lender Liability	Anchorage	7.2
September 16	Tax Conference, Pt. II	Anchorage	8.4
September 23	Maritime Liens & Mortgages	Anchorage	3.9
October 14	Hazardous Waste	Anchorage	8.4

November 4-5	Preserving the Settlement: 1991	Anchorage	12
November 10	Special Domestic Relations Issues	Anchorage	5.4
November 17 & 21	Estate Planning (ALI-ABA Video Replay)	Anchorage	4.4
November 30	Retainers & Trust Accounts	Anchorage	2.4
December 8	Lawyer Trust Accounting	Anchorage	7.2
December 7 & 14	Straight Talk for Attorneys	Anchorage	7.4

A small number of CLE programs each year are presented on a cooperative basis with organizations outside the Bar Association, such as Professional Education Group and ALI-ABA. Generally, Bar CLE programs are developed in-house with volunteer faculty from the Bar Association.

FROM THE PRESIDENT

Jeffrey Feldman

As we began the New Year, I gave some thought to the state of the Alaska Bar Association, and where the organization will be at the close of the next decade. The following is a proposed blueprint for the activities of the Bar Association and the changes that may be considered to meet the challenges we will face. In drafting this agenda, I have focused on the following goals:

1. To advance the administration of justice in our state.
2. To increase public confidence in both the system of justice and the self-regulation of the practice of law by the Alaska Bar Association;
3. To improve the professional competence of the members of the Alaska Bar Association;
4. To better serve the professional needs of the members of the Alaska Bar Association;
5. To maintain the institutional independence of the Alaska Bar Association; and
6. To increase the opportunities of participation by the membership in the Alaska Bar Association.

With these goals in mind, I propose the following:

Bar Examination

1. Speed up the bar examination process. With an applicant pool as small as Alaska's, we should aim at releasing results of the examination within sixty days of each administration of the test. We should relieve applicant's of the unnecessary anxiety and burden of having to wait several months for exam results.

2. Review the bar examination process. The last modification and experimentation with the bar examination was in 1982, when the research question was added to the test. The research question has been a success and has been demonstrated to have a high level of reliability (the results of the research question correlate highly with the results of the test, overall). We should consider:

- Expanding the research question component of the test to an additional day;
- Abandoning the multistate examination entirely;
- Encouraging further experimentation with the test with an eye towards arriving at a test that mirrors as closely as possible those skills required to be an effective lawyer.

Because of the small number of applicants in Alaska, we have the luxury of being able to experiment with testing alternatives. We should encourage creativity in this area.

3. The Alaska Bar Association should administer a mandatory ethics orientation class (much like a CLE program) which each successful Bar applicant should be required to take before being admitted to the Bar. The ethics program should cover such topics such as client relations, trust account problems, neglect, relations with the courts and the various ethical problems that arise on a regular basis and which give way to a substantial number of the grievances that are filed each year against Alaska lawyers.

Discipline

4. Speed up the grievance process. We should aim at reducing the time that expires from the filing of an initial grievance to the completion of the investigation by the Bar Association to sixty days. The period from filing a formal complaint until the hearing should not exceed 120 days and all area hearing committees should be required to deliver their

decisions within thirty days. Meeting this schedule will require that the Bar Association allocate additional resources to the discipline process. This will include an additional assistant discipline attorney, an investigator, and a secretary. Failure to allocate these resources, will limit the Bar's ability to keep pace with the grievance filings and additionally, will erode the confidence of the public, the legislature and the court in the Bar's ability to administer a system of self discipline.

5. Establish a grievance "fast-track" for quicker resolution of simple grievance cases until such time as the additional resources are allocated to increase the speed in which a grievance proceeding is handled. This will have the effect of reducing backlog substantially.

6. Make all portions of the discipline process open to the public. At present, proceedings are open only after a formal complaint has been filed. Opening earlier portions of the proceedings will increase public confidence in the integrity of the proceedings and reduce suspicions that the Bar Association only protects the interest of lawyers.

CLE

7. Aggressively extend the CLE program state-wide, and provide for a minimum of 6 live CLE programs in Juneau and 6 in Fairbanks each year. CLE is one of the statutorily mandated functions of the Association, and it is long time that we recognize that members outside of Anchorage have received second-hand treatment in the area of CLE.

8. Adopt a mandatory CLE rule as a demonstration of the commitment the Association has to professional competence and to foster confidence on the part of the public in the Association's commitment to this important function.

Board of Governors

9. Expand the Board of Governors to a total of sixteen persons (four additional members). The increase is merited by the growing workload of the board in matters relating to discipline, admissions, rule making and administration of the organization. The four new members should be comprised as follows:

- One additional lay member to be appointed by the Governor;
- One attorney member to be appointed from the second judicial district (presently unrepresented);
- One additional statewide at-large attorney member; and
- One attorney member from the third judicial district not residing in Anchorage (also presently unrepresented).

10. Decisions by the Board of Governors on discipline matters and admissions appeals should be by written opinion, which should be maintained and indexed.

11. Publish the minutes of the Board of Governors in the Bar Rag.

12. Publish the proposed and adopted budget of the Bar Association in the Bar Rag.

Better status and support

13. The Bar Association should devise a more effective and faster way of handling requests for ethics opinions. Several ethics sub-committees should be constituted to render opinions quickly so that attorneys that are conscientious enough to seek ethics advice can be provided with a

timely response.

14. Satellite Bar Association offices and improved tele-communications facilities should be developed to provide better services to attorneys outside of Anchorage.

Trust accounts

15. The Alaska Bar Association should randomly audit trust accounts to ensure proper accounting and compliance with ethical requirements. The actual number of accounts audited each year should be determined by auditors selected by the Bar Association. Mandatory audit procedure will require a bar rule change.

16. Participation in the IOLTA Program should be mandatory (Interest on Lawyer's Trust Accounts).

Law review

17. Produce a Manual on Civil and Criminal Practice in Alaska. Unlike many states, Alaska lacks a treatise on civil and criminal practice in our State. Commercial publishers have declined to publish such volumes because of the small number of sales that could be expected in Alaska. We should ask the Duke Law Review to cover several areas of civil and criminal practice in Alaska each year in a series of articles. The actual topics and the sequence of publication should be coordinated between the Law Review and a committee to be appointed by the Bar Association. Over the course of five years, most of the important areas of civil and criminal practice could be covered with scholarly treatment and by 1995 all of the articles could be edited, updated and assembled into what will become a Manual on Civil and Criminal Practice in Alaska. The edited materials could be published either by Duke and sold at a nominal cost to Alaska Lawyers, or, if necessary, could be published by the Bar Association (subject to working out copyright issues with Duke). Many members of the Bar Association have expressed a desire that the Law Review cover topics that are important and are relevant to practice in Alaska. This plan would insure that each edition of the Law Review would be of interest and helpful to many Alaska lawyers and would generate a product which, over a period of time, most lawyers would find very useful. If for some reason, Duke declines to cooperate with us on this project, we should re-negotiate the law review contract with another university willing to meet our needs.

Minority issues

18. The Alaska Bar Association and the Alaska Court System remain almost exclusively white institutions. A joint Judicial-Bar committee should be appointed, to examine issues relating to minority participation in both organizations to identify participation, goals and the means by which those goals can be realized.

Financing/fees

Adoption of some of these changes will generate significant costs to the Association. Consideration should be given to absorbing those costs by some or all of the following:

19. Review the current level of membership dues.

20. Review the level of surplus funds that are legitimately needed by the Association and consider a plan for use of any identified excess.

21. Identify services and items (membership directories, ethics opinions, etc.) that reasonably can be distributed by the Bar Association with a user fee that includes a modest profit.

22. Award costs and fees to the prevailing party in all grievance proceedings. This will have the salutary

effect of reimbursing the Bar Association in cases in which the Association prevails and, likewise, reimbursing the attorney/respondent who prevails in the grievance proceeding.

23. Assess costs against non-prevailing attorneys in fee arbitration proceedings.

Bar-Bench relations

24. Appoint a permanent bar-bench committee charged with the responsibility of constantly identifying the sources of bar-bench problems and convening programs aimed at improving bar-bench relations.

BAR PAC

25. As a unified, mandatory bar association, the Alaska Bar Association does not participate in political issues. Yet, there are a number of issues each year that arise (judicial pay raises, court system services, various legislation, etc.) that has an impact on the administration of justice. As lawyers, we have an obligation and a responsibility to participate in the public debate on these important issues and members of the bar should independently organize a political action committee to provide a means by which they may have a voice on these issues.

Reciprocal Conference with the USSR

26. Alaska will be hosting the 1990 Northern Justice Conference in June with lawyers and judges participating from the USSR. We should coordinate a reciprocal conference with the Soviet Union in 1991 or 1992 and consider institutionalizing relations and communications between our respective organizations.

There is no doubt that many of the proposals suggested above will spark vigorous debate and controversy. Yet, I believe that these changes will strengthen the organization and help us better realize the goals set out at the beginning of this column.

THE BAR RAG

Board of Governors
Alaska Bar Association
1989-1990

President: Jeffrey M. Feldman
President-elect: Daniel R. Cooper Jr.
Vice President: Alex Young
Secretary: Sandra Strasser
Non-Attorney Member:
Treasurer: Law M. Williams
Non-Attorney Member:

March 23 and 24, 1990
June 4-6, 1990
June 7-9, 1990, Annual Convention
Hotel Captain Cook, Anchorage

President: Jeffrey M. Feldman
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Vice President: Alex Young
Secretary: Sandra Strasser
Non-Attorney Member:
Treasurer: Law M. Williams
Non-Attorney Member:

Members:
Bruce A. Bookman
Andonia Harmon
Elizabeth "Pat" Kennedy
Ardith Lynch
John M. Menagh
Michael A. Thompson
Larry R. Weiss

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FEDERAL AND STATE SENTENCING PROCEDURES AND ISSUES

This seminar is designed to inform criminal defense attorneys of changes in sentencing procedures at both the state and federal levels and of current sentencing issues at both levels. It is intended to provide a practical approach to handling criminal sentencings at both the state and federal levels with an emphasis on recognizing and dealing with significant issues when they arise during sentencings.

Federal Sentencing Issues

Tuesday, October 31, 1989

9:00 a.m. — 5:00 p.m.

State Sentencing Issues

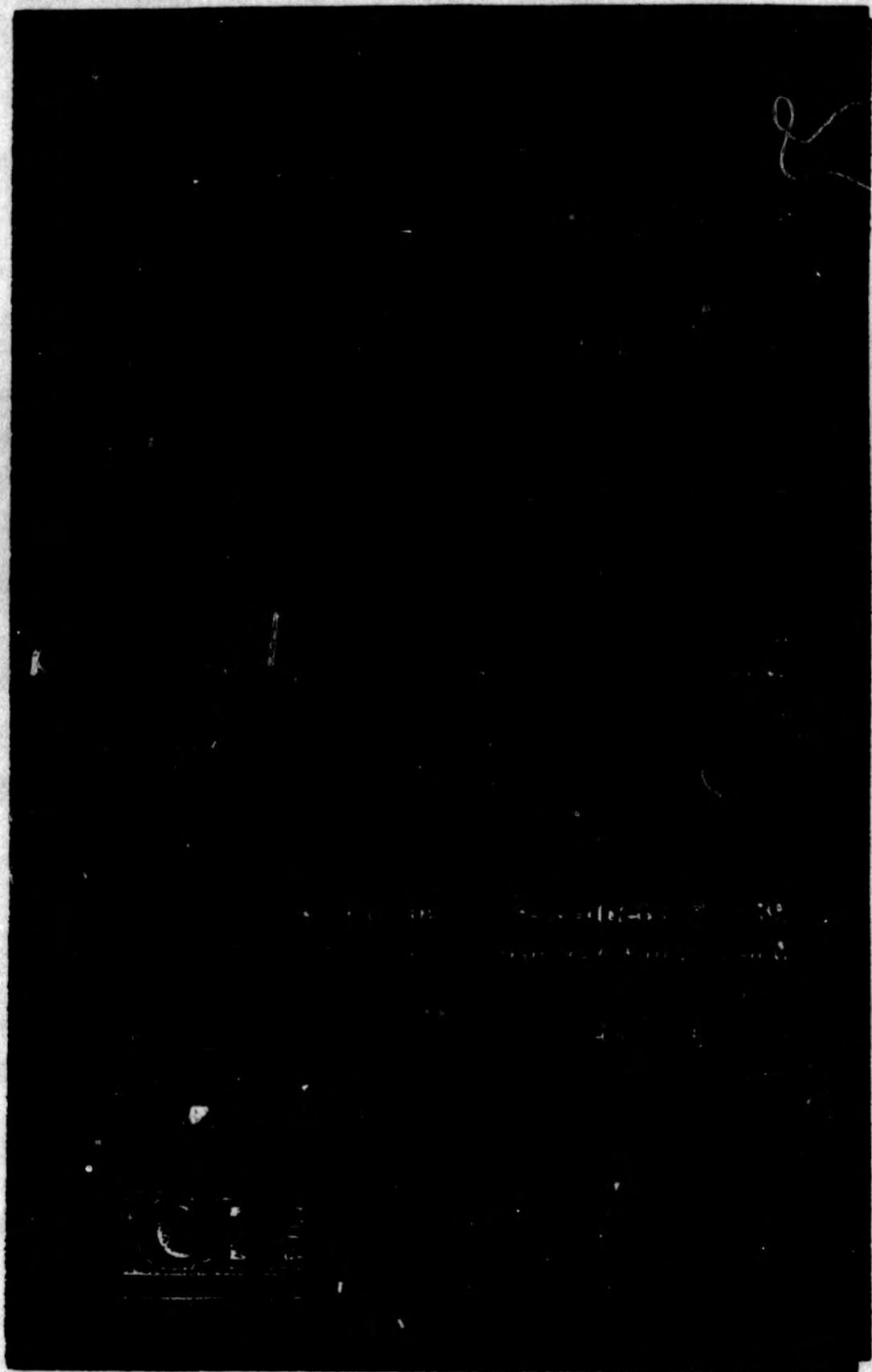
Thursday, November 2, 1989

2:00 p.m. — 5:00 p.m.

Anchorage Hilton Hotel



Sponsored by the
Criminal Defense Section of the
Alaska Bar Association



BASIC NUTS AND BOLTS OF NONJUDICIAL FORECLOSURES

This seminar is designed to give basic information concerning nonjudicial foreclosures. This program will be of assistance to individuals working at the operations level in banks, title companies, real estate offices, law offices and other offices dealing with foreclosures, and to attorneys with limited or NO experience with foreclosures who are interested in the practical aspects of this topic.

**Tuesday, December 5, 1989
Early Morning Mini-Seminar
8:00 a.m. - 10:30 a.m.
Hotel Captain Cook**



Sponsored by the
Real Estate Law Section
of the Alaska Bar Association

THE NEW AND IMPROVED CIVIL RULE 90.3: CHILD SUPPORT FOR THE "90'S"

This seminar is designed to inform practitioners and the public about the recent amendments, court decisions, and administrative regulations regarding child support.

LIVE IN 3 CITIES!

Anchorage

Tuesday & Wednesday

January 30 & 31, 1990

7:30 a.m. - 10:00 a.m.

Hotel Captain Cook

Fairbanks

Friday

March 2, 1990

8:30 a.m. - 1:00 p.m.

Ambassador Room

Regency Hotel

Juneau

Tuesday

April 10, 1990

8:30 a.m. - 1:00 p.m.

Hickel Room

Centennial Hall



Sponsored by the
Family Law Section
of the Alaska Bar Association

Nurses, etc.

**CHAPTER 68.
NURSING.****Article**

1. Board of Nursing (§§ 08.68.010—08.68.150)
2. Examination and Licensing (§§ 08.68.160—08.68.276)
3. Nursing Education Programs (§§ 08.68.280—08.68.330)
4. Unlawful Acts (§§ 08.68.340—08.68.390)
5. General Provisions (§§ 08.68.400—08.68.410)

**ARTICLE 1.
BOARD OF NURSING.****Section**

10. Creation and membership of Board of Nursing
60. Qualifications of registered nurse and licensed practical nurse board members
70. Election of officers
80. Meetings
90. Quorum
100. Duties and powers of board
111. Executive secretary of board
140. Applicability of Administrative Procedure Act
150. Expenses

Sec. 08.68.010. Creation and membership of Board of Nursing. There is created a Board of Nursing, consisting of seven members appointed by the governor. One member shall be a licensed practical nurse currently involved in institutional nursing service, one member shall be a registered nurse engaged in baccalaureate nursing education, three members shall be registered nurses at large, and two members shall be persons who have no direct financial interest in the health care industry.

Sec. 08.68.060. Qualifications of registered nurse and licensed practical nurse board members. The five members of the board who are nurses shall be licensed in the state, and shall have been actively engaged in nursing for not less than four years before appointment, three years of which were within the five years immediately preceding appointment.

Sec 08.68.070. Election of officers. The board shall annually elect a chairman and secretary from among its members.

Sec 08.68.080. Meetings. The board shall meet at least four times a year.

Sec. 08.68.090. Quorum. A majority of the board constitutes a quorum.

Sec. 08.68.100. Duties and powers of board. (a) The board shall

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

(2) approve curricula and adopt standards for basic education programs that prepare persons for licensing under AS 08.68.190;

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

(4) approve education programs that meet the requirements of this chapter and of the board, and deny, revoke, or suspend approval of education programs for failure to meet the requirements;

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

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

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

(8) define by regulation the qualifications and duties of the executive secretary and delegate authority to the executive secretary that is necessary to conduct board business;

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

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

(b) The board may

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

(2) invoke, or request the department to invoke, disciplinary action against a licensee;

(3) prescribe requirements for competence to continue practice.

Sec. 08.68.111. Executive secretary of the board. (a) The Department of Commerce and Economic Development, in consultation with the Board of Nursing, shall employ a licensed, registered nurse, who is not a member of the board, to serve as executive secretary of the board.

(b) The executive secretary shall perform duties as prescribed by the board.

(c) *[Repealed, § 29 ch 14 SLA 1982.]*

(d) *[Repealed, § 1 ch 129 SLA 1974.]*

Sec. 08.68.140. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.62).

Sec. 08.68.150. Expenses. Members of the board are entitled to the per diem and travel expenses allowed by law.

ARTICLE 2.

EXAMINATION AND LICENSING

Section

160. License required

170. Qualifications of registered or practical nurse applicants

180. Qualifications of practical nurse applicants

190. License by examination

200. License by endorsement

210. Temporary permits

220. Fees

230. Use of title and abbreviation

240. Nurses licensed or holding temporary permits under previous law

251. Lapsed licenses

265. Scope of practice of practical nurses

270. Grounds for denial, suspension, or revocation

275. Disciplinary sanctions

276. Continuing competence required

278. Immunity for certain reports to the board

Sec. 08.68.160. License required. A person practicing or offering to practice professional or practical nursing in the state shall submit evidence of qualification to practice, and shall be licensed under this chapter.

Sec 08.68.170. Qualifications of registered or practical nurse applicants. An applicant for a license to practice registered or practical 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 successfully completed

(1) a registered or practical nursing education program accredited by the board; or

(2) a registered or 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 at the time the applicant graduated; or

(3) a registered or practical nursing education program accredited by the National League for Nursing at the time the applicant graduated.

Sec. 08.68.180. Qualifications of practical nurse applicants. (a) [Repealed, § 29 ch 14 SLA 1982.]

(b) A qualified student of the Mt. Edgecumbe School of Practical Nursing who was graduated before January 1, 1959, and had eighth grade pretraining is eligible for a license.

Sec 08.68.190. License by examination. The applicant shall pass a written examination as prescribed by the board. The board shall issue a license to an applicant who passes the examination to practice registered or practical nursing provided the other qualifications outlined in AS 08.68.170 and 08.68.180 are also met. The board shall conduct examinations annually and as often as it considers necessary at locations designated by the board.

Sec. 08.68.200. License by endorsement. The board may issue a license by endorsement to practice as a registered or practical nurse, whichever is appropriate, to an applicant who

(1) is licensed as either a registered or practical nurse under the laws of another state, if in the opinion of the board the applicant meets the qualifications required for licensing in the state, and meets the requirements of AS 08.68.170;

(2) meets the requirements of AS 08.68.170 and has successfully completed the Canadian Nurses' Association Testing Service examination if the board determines it is comparable to the examination administered by this state; or

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

Sec. 08.68.210. Temporary permits. (a) The board may issue a temporary permit, nonrenewable and valid for a period not exceeding four months, to an applicant for a license by endorsement if the applicant

(1) submits proof satisfactory to the board that the applicant is currently licensed in another state or Canadian province that administers an examination approved by the board under AS 08.68.200(2);

(2) meets the requirements of AS 08.68.170, and

(3) pays the required fee.

(b) The board may issue a nonrenewable permit to an applicant for license by examination if the applicant

(1) meets the qualifications of AS 08.68.170; or

(2) is a graduate of a foreign school of nursing and has successfully completed the examination administered by the Commission on Graduates of Foreign Nursing Schools. The permit will be valid for a period not extending beyond the time when the results are published of the first examination the applicant is eligible to take after the permit is issued, however, if the applicant does not take the examination for which the applicant is scheduled, the permit lapses on the day of the examination.

Sec. 08.68.220. Fees. The Department of Commerce and Economic Development shall set fees under AS 08.01.065 for each of the following:

(1) registered nursing:

(A) application;

(B) license by examination;

(C) license by endorsement;

(D) license renewal;

(2) for practical or vocational nursing:

(A) application;

(B) license by examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit.

Sec. 08.68.230. Use of title and abbreviation. (a) A person licensed to practice registered nursing in the state may use the title "licensed professional nurse," "registered nurse," and the abbreviation "R.N."

(b) A person licensed to practice practical nursing in the state may use the title "licensed practical nurse," or "licensed vocational nurse," and the abbreviation "L.P.N." or "L.V.N."

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

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

Sec. 08.68.240. Nurses licensed or holding temporary permits under previous law. A person holding a license to practice registered or practical nursing in the state under prior law is considered licensed as a registered or practical nurse.

Sec. 08.68.251. Lapsed licenses. (a) A lapsed license may be reinstated if it has not remained lapsed for more than five years by payment of the license fees for the current renewal period and the penalty fee. The person seeking reinstatement shall meet the continuing competency requirements of the board.

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

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

(2) if the board determines that the person applying for reinstatement was actively employed in nursing in another state during the time that the license has lapsed in this state, the license that has lapsed may be reinstated by payment of fees as required by (a) of this section.

Sec. 08.68.265. Scope of practice of practical nurses. A practical nurse shall work under the supervision of a licensed registered nurse, a licensed physician, or a licensed dentist.

Sec. 08.68.270. Grounds for denial, suspension, or revocation. The board may deny, suspend, or revoke the license of a person who

- (1) has obtained or attempted to obtain a license to practice nursing by fraud or deceit;
- (2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions or duties of the licensee;
- (3) habitually abuses alcoholic beverages, or illegally uses controlled substances;
- (4) has impersonated a registered or practical nurse;
- (5) has intentionally or negligently engaged in conduct that has resulted in a significant risk to the health or safety of a client or in injury to a client;
- (6) practices or attempts to practice nursing while afflicted with physical or mental illness, deterioration, or disability which interferes with the individual's performance of nursing functions;
- (7) is guilty of unprofessional conduct as defined by regulations adopted by the board;
- (8) has willfully or repeatedly violated any of the provisions of this chapter or regulations adopted under it;
- (9) is professionally incompetent;
- (10) denies care or treatment to a patient or person seeking assistance if the sole reason for the denial is the failure or refusal of the patient or person seeking assistance to agree to arbitrate as provided in AS 08.55.535(a).

Sec. 08.68.275. Disciplinary Sanctions. (a) The board may take the following disciplinary actions singly or in combination:

- (1) permanently revoke a license or permit to practice;
- (2) suspend a license for a stated period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand;
- (5) impose limitations or conditions on the professional practice of a licensee;
- (6) impose peer review;
- (7) impose professional education requirements until a satisfactory degree of skill has been attained in those aspects of professional practice determined by the board to need improvement;
- (8) impose probation and require the licensee to report regularly to the board upon matters involving the basis for the probation;
- (9) accept a voluntary surrender of a license.

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

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

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

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

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

Sec. 08.68.276. Continuing competence required. A license to practice nursing may not be renewed unless the nurse has complied with continuing competence requirements established by the board by regulation.

Sec. 08.68.278. Immunity for certain reports to the board. A person who, under oath and in good faith, reports information to the board relating to alleged incidents of incompetent, unprofessional, or unlawful conduct of a nurse is not liable in a civil action for damages resulting from the reporting of the information.

ARTICLE 3. NURSING EDUCATION PROGRAMS

Section

280. Nursing education program prohibited unless approved

290. Application for accreditation

330. List of Accredited Programs

Sec. 08.68.280. Nursing education program prohibited unless accredited. A person, institution, or agency may not conduct a nursing education program that prepares persons for examination or licensing unless the program is approved by the board. A program may be approved by the board only if it is established through an approved postsecondary educational institution.

Sec. 08.68.290. Application for accreditation. An institution desiring to conduct a nursing education program to prepare

registered or practical nurses shall apply to the board and submit evidence that

- (1) it is prepared to carry out the curriculum approved by the board for registered nursing or for practical nursing, and that
- (2) it is prepared to meet other standards established by law and by the board.

Sec. 08.68.330. List of approved programs. The board shall prepare, maintain, and from time to time publish a list of approved nursing education programs in the state.

ARTICLE 4. UNLAWFUL ACTS.

Section

- 340. Violations
- 360. Unlicensed practice a public nuisance
- 370. Application for injunction
- 380. Issuance of injunction
- 390. Remedy not exclusive

Sec. 08.68.340. Violations. (a) It is a class B misdemeanor for a person to

- (1) practice nursing under a diploma, license, or record that is unlawfully obtained, signed, or issued;
- (2) practice or offer to practice nursing without a license, unless the person gives necessary aid to the ill, injured, or infirm in an emergency;
- (3) employ as a nurse a person who is not licensed to practice nursing;
- (4) use in connection with the person's name a designation that implies that the person is a licensed nurse unless the person is licensed;
- (5) practice nursing during the time that the person's license is suspended or revoked;
- (6) practice nursing with knowledge that the person's license has lapsed;
- (7) conduct a nursing education program and represent or imply that it is accredited by the board, unless the program has been accredited by the board.

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

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

Sec. 08.68.360. Unlicensed practice a public nuisance. The practice of professional or practical nursing for compensation by a

person who is not licensed, or whose license is suspended, or revoked, or expired, is declared to be inimical to the public welfare and to constitute a public nuisance.

Sec. 08.68.370. Application for injunction. The board may apply for an injunction in a competent court to enjoin a person not licensed or whose license is suspended or revoked, or expired, from practicing professional or practical nursing. The court may issue a temporary injunction enjoining the defendant from practicing professional or practical nursing.

Sec. 08.68.380. Issuance of injunction. If it is established that the defendant has been or is practicing professional or practical nursing without a license or has been or is practicing nursing after the defendant's license has been suspended or revoked, or has expired, the court may enjoin the defendant from further practice.

Sec. 08.68.390. Remedy not exclusive. If a person violates an injunction issued under this section, the person may be punished for contempt of court. The injunction proceeding is in addition to other penalties and remedies provided in this chapter.

ARTICLE 5. GENERAL PROVISIONS.

Section

- 400. Exceptions to application of chapter
- 410. Definitions

Sec. 08.68.400. Exceptions to application of chapter. (a) This chapter does not apply to

- (1) a qualified nurse licensed in another state employed by the United States Government or a bureau, or agency, or division of the United States Government while in the discharge of official duties;
- (2) nursing service given temporarily in the event of a public emergency, epidemic, or disaster;
- (3) the practice of nursing by a student enrolled in a nursing education program accredited by the board when the practice is in connection with the student's course of study;
- (4) the practice of nursing by an individual enrolled in an approved program or course of study approved by the board to satisfy the requirements of AS 08.68.251;
- (5) the practice of nursing by a nurse licensed in another state who engages in nursing education or nursing consultation activities, if these activities and contact with clients do not exceed 20 working days within a licensing period; or
- (6) the practice of nursing by a nurse licensed in another state whose employment responsibilities include transporting patients

into, out of, or through this state; however, this exception is valid for a period not to exceed 48 hours for each transport.

(b) For purposes of this section the word "nurses" includes registered and practical nurse, and "nursing" means registered and practical nursing.

Sec. AS 08.68.410. Definitions. In this chapter,

(1) "advanced nurse practitioner" means a registered nurse authorized to practice in the state who, because of specialized education and experience, is certified to perform acts of medical diagnosis and the prescription of medical, therapeutic, or corrective measures under regulations adopted by the board;

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

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

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

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

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

(7) "practice of practical nursing" means the performance for compensation or personal profit or nursing functions that do not require the substantial specialized skill, judgment, and knowledge of a registered nurse;

(8) "practice of registered nursing" means the performance for compensation or personal profit of acts of professional service that requires substantial specialized knowledge, judgment, and skill based on the principles of biological, physiological, behavioral, and sociological sciences in assessing and responding to the health needs of individuals, families, or communities through services that include

- (A) assessment of problems, counseling, and teaching
 - (i) clients to maintain health or prevent illness; and
 - (ii) in the care of the ill, injured, or infirm;

(B) administration, supervision, delegation, and evaluation of nursing practice;

(C) teaching others the skills of nursing;

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

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

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

**CHAPTER 44.
BOARD OF NURSING**

Article

1. Nursing Education of Registered and Practical Nurses (12 AAC 44.010—12 AAC 44.140)
2. Nursing Education of Practical Nurses (12 AAC 44.150—12 AAC 44.280)
3. Examination and Licensure (12 AAC 44.290—12 AAC 44.320)
4. Advanced Nurse Practitioner (12 AAC 44.322—12 AAC 44.490)
5. Registered Nurse Anesthetists (12 AAC 44.500—12 AAC 44.560)
6. Continued Competency (12 AAC 44.600—12 AAC 44.660)
7. Disciplinary Guidelines (12 AAC 44.700—12 AAC 44.785)
8. General Provisions (12 AAC 44.900—12 AAC 44.990)

**ARTICLE 1.
NURSING EDUCATION OF
REGISTERED AND PRACTICAL NURSES**

Section

10. Purpose of accreditation
20. Types of accreditation
30. Survey
40. Establishment of nursing education program
50. Discontinuance of program
52. Denial, revocation, and reinstatement of accreditation
60. Organization and administration
72. Resources, facilities, and services
90. Faculty
130. Curriculum requirements
140. Reports

12 AAC 44.010. PURPOSE OF ACCREDITATION. The purpose of accreditation is

(1) to assure the safe practice of nursing by setting minimum requirements for the conduct of nursing education programs that prepare the nurse for practice;

(2) to assure the graduate of educational eligibility for admission to the licensing examination for nurses in Alaska; and

(3) to assure within the nursing education program the implementation of a comprehensive plan for the on-going evaluation of that program.

12 AAC 44.020. TYPES OF ACCREDITATION. (a) Full accreditation is granted to a nursing education program that has met the requirements set out in 12 AAC 44.010 — 12 AAC 44.140.

(b) Provisional accreditation is granted to a nursing education program that has not been in operation long enough to meet the requirements set out in 12 AAC 44.010 — 12 AAC 44.140.

(c) Conditional accreditation is granted to a nursing education program that has failed to maintain minimum standards and has been notified it must meet the requirements of the board within one year after the date of notice.

12 AAC 44.030. SURVEY. (a) The completed application for provisional accreditation must be submitted to the board when the nursing education program is ready for a survey visit.

(b) A survey of each nursing education program including affiliations and statewide facilities, is required for the purpose of full accreditation. The survey must be made by one or more representatives of the board, and may include an educational consultant, as designated by the board.

(c) Each nursing education program shall permit periodic surveys by the board or its designated representative for the purpose of determining compliance with accreditation standards. Each nursing education program shall permit a representative of the board to be included in national accreditation survey visits.

(d) Prior to a survey visit, specific information will be requested by the board.

(e) Repealed 4/2/86.

12 AAC 44.040. ESTABLISHMENT OF NURSING EDUCATION PROGRAM. (a) A university or college wishing to establish a nursing education program shall inform the board in writing during its initial planning period.

(b) There shall be information on the availability of clinical facilities and job opportunities for graduates.

12 AAC 44.050. DISCONTINUANCE OF PROGRAM. If a university or college with a nursing education program plans on discontinuing its program it shall notify the board in writing as soon as the decision is made.

12 AAC 44.052. DENIAL, REVOCATION, AND REINSTATEMENT OF ACCREDITATION. (a) After a hearing under AS 44.62, the board will, in its discretion, deny accreditation of a nursing education program if it determines that the program fails substantially to meet the standards for nursing education defined by the board.

(b) After a hearing under AS 44.62, the board will, in its discretion, revoke accreditation if

(1) the program has been unable to achieve minimal standards within one year of conditional accreditation; or

(2) the board determines that a nursing education program has not provided sufficient evidence that the standards of nursing education are being met.

(c) The board will, in its discretion, consider reinstatement of accreditation of a nursing education program upon submission of satisfactory evidence that the program meets the standards of nursing education.

12 AAC 44.060. ORGANIZATION AND ADMINISTRATION. (a) A nursing education program must be an integral part of an accredited institution authorized by the state to confer credentials in nursing.

(b) A nursing education program must have statements of purpose, philosophy, and objectives that are consistent with the law governing the practice of nursing.

(c) A nursing education program must be organized with clearly defined authority, responsibility, and channels of communication.

(d) A nursing education program must be administered by a registered nurse who is currently licensed in Alaska and who has at least a master's degree in nursing, and preparation or experience in administration, education, and clinical nursing practice.

(e) The administrator of a nursing education program is responsible for:

(1) the development and implementation of the curriculum;

(2) preparation and administration of the budget;

(3) recommendation for appointment, promotion, tenure, and retention of faculty; and

(4) notifying the board of any major changes in the program or its administration.

12 AAC 44.072. RESOURCES, FACILITIES, AND SERVICES. (a) Written agreements with cooperating agencies must be mutually developed and maintained, and periodically reviewed.

(b) Cooperating agencies must be approved by any existing appropriate accreditation, evaluation or licensing bodies.

12 AAC 44.090. FACULTY. (a) There must be a sufficient number of qualified faculty to meet the purposes and objectives of the nursing education program.

(b) Unless waived by the board, the minimum ratio of faculty-to-students in clinical areas involving direct care of patients or clients is one faculty member to 10 students.

(c) Nursing faculty who teach in a program offering the practical nurse certificate shall

- (1) be currently licensed as a registered nurse in Alaska;
- (2) have a minimum of a baccalaureate degree in nursing; and
- (3) have one year of clinical nursing experience relevant to areas of responsibility.

(d) Nursing faculty who teach in a program offering the associate degree or the baccalaureate degree in nursing shall

- (1) be currently licensed as a registered nurse in Alaska;
- (2) have a minimum of a masters degree in nursing; and
- (3) have one year of clinical nursing experience relevant to areas of responsibility.

(e) Adjunct faculty may be used for instruction of nursing courses and shall

- (1) be currently licensed as a registered nurse in Alaska;
- (2) have a minimum of a baccalaureate degree in nursing;
- (3) have one year of clinical nursing experience relevant to areas of responsibility;

(4) be supervised by qualified nursing faculty; or

(f) Faculty with comparable education will, in the board's discretion, be considered to have met the degree requirement of (c)(2), (d)(2), or (e)(2) of this section.

(g) Faculty are responsible for developing, implementing and evaluating the purpose, philosophy and objectives of the nursing program.

12 AAC 44.130. CURRICULUM REQUIREMENTS. (a) Curriculum must reflect the philosophy, conceptual framework, purpose, and objectives of the nursing education program, and must be consistent with laws governing the practice of nursing.

(b) The ratio between nursing and nonnursing credit must be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing;

(c) Learning experiences and methods of instruction must be selected to fulfill curriculum objectives.

(d) Curriculum must be evaluated by the faculty with provisions for student participation.

(e) Support courses must be taught by academic faculty prepared in those disciplines.

(f) Curriculum for programs offering the practical nurse certificate must include

(1) theory and practice in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life process;

(2) concepts of anatomy, physiology, chemistry, physics, and microbiology;

(3) concepts of communication, growth and development, interpersonal relations, and cultural diversity;

(4) ethics, nursing history and trends, vocational and legal aspects of nursing;

(5) concepts of pharmacology, nutrition, and diet therapy; and

(6) concepts of the nursing process.

(g) Curriculum for programs offering the associate degree or baccalaureate degree in nursing must include

(1) theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life process;

(2) concepts of anatomy, physiology, chemistry, microbiology, and physics;

(3) sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, and cultural diversity;

(4) concepts of pharmacology, nutrition and diet therapy, and pathophysiology;

(5) concepts of ethics, nursing history and trends, and the professional and legal aspects of nursing;

(6) concepts of patient education;

(7) concepts of the nursing process.

12 AAC 44.140. REPORTS. By September 1 of each year, unless otherwise designated by the board, nursing education programs shall submit to the board reports related to faculty, students and current curriculum as follows:

(1) changes or new developments in the purpose, philosophy, objectives, conceptual framework, and subsequent curriculum changes;

(2) changes in the administrative structure;

(3) update on faculty membership;

(4) student enrollment statistics;

(5) resources and facilities data update;

(6) a program evaluation and plan for program improvement;

(7) projected changes for the school of nursing and curriculum for the next year;

(8) results of studies of postgraduate activities relative to ongoing employment and accomplishments of graduates.

ARTICLE 3. EXAMINATION AND LICENSURE

Section

- 290. Application for examination
- 300. Examinations
- 305. License by endorsement
- 310. Licensure of graduates of foreign schools of nursing
- 320. Temporary permits

12 AAC 44.290. APPLICATION FOR EXAMINATION. (a)

All applicants for license by examination in Alaska must

- (1) make written application, on a form provided by the department, for approval to take the licensing examination;
- (2) pay the application fee and the license by examination fee specified in 12 AAC 02.280;
- (3) provide the board with a complete certified transcript of his or her nursing education to the mailed directly to the department from the school of nursing; and
- (4) repealed 4/27/83;

(5) provide the nursing program verification form, completed by an official of the school of nursing attended, and mailed directly to the department from the school of nursing.

(b) The application and fees required under (a)(1) and (2) of this section must be post-marked no later than 60 days before the date of the examination except that applications post-marked after that date may be accepted on a showing of good cause. All supporting documents required under (a)(3) and (5) of this section, must be on file with the department no later than 21 days before the date of the examination.

12 AAC 44.300. EXAMINATIONS. (a) Candidates for a license by examination shall take the National Council Licensing Examination.

(b) Registered nurse candidates who receive a standard score of at least 1,600 on the examination will be issued a license by the board, provided all other qualifications and requirements outlined in AS 08.68 are also met.

(c) Practical nurse candidates who receive a standard score of at least 350 on the examination will be issued a license by the board, provided all other qualifications and requirements outlined in AS 08.68 are also met.

(d) Registered nurse candidates or practical nurse candidates who fail the examination may repeat the examination. A candidate who fails to retake the examination within five years after a first or second exam fail, must pursue a remedial course approved by the board. After a third exam fail or failure to retake the examination

within five years after receiving a failing grade on the examination, both a registered nurse and practical nurse candidate must submit to the board a proposal for a remedial course defined in relation to needs. The candidate must provide proof of having fulfilled the requirements of the remedial course before attempting to retake the examination.

12 AAC 44.305. LICENSE BY ENDORSEMENT. (a) All applicants for license by endorsement in Alaska must

(1) make written application on forms provided by the department;

(2) pay the application fee and the license by endorsement fee specified in 12 AAC 02.280; and

(3) submit, on a form provided by the department and verified by the endorsing state's licensing jurisdiction, proof of

(A) a license to practice as a registered nurse or a practical nurse issued by another state's licensing jurisdiction either

(i) before July 1, 1982 where licensure was obtained by successful completion of the State Board Test Pool examination with a score of 350 on each section for registered nurses and 350 on the examination for licensed practical nurses; or,

(ii) after June 30, 1982, where licensure was obtained by passing the National Council Licensing Examination with a standard score of 1600 for a registered nurse candidate or a standard score of 350 for a practical nurse candidate; or

(iii) before 1953, where licensure was obtained by passing the issuing state's constructed examination with a minimum score of 75 percent; and

(B) successful completion of an accredited nursing program;

(4) submit proof of employment in a nursing capacity within the five years preceding the date of application in the form of a reference letter from his or her past employer.

12 AAC 44.310. LICENSURE OF GRADUATES OF FOREIGN SCHOOLS OF NURSING. (a) Applicants shall submit all required documents accompanied by certified English translations if the original documents are not in English.

(b) Unless otherwise provided by this section, nurses who have received nursing education outside the United States shall write the National Council Licensing Examination.

(c) Applicants who have successfully completed the National Council Licensing Examination elsewhere will be licensed by endorsement.

(d) If an applicant was licensed in Canada either before August, 1980 as a result of passing the national Canadian examination with a score of at least 350 on each of the five parts of the examination, or after July, 1980 with a score of 400, an applicant may receive a license by endorsement in the manner provided by AS 08.68.200.

12 AAC 44.320. TEMPORARY PERMITS. (a) The board will, in its discretion, issue a temporary nonrenewable permit to an applicant for license by examination who

(1) applies on a form provided by the department in accordance with 12 AAC 44.290;

(2) pays the application fee, the license by examination fee, and the temporary permit fee specified in 12 AAC 02.280; and

(3) has taken the National Council Licensing Examination one time and is awaiting the results, or is scheduled to take the next National Council Licensing Examination.

(b) The board will, in its discretion, issue a temporary nonrenewable permit to an applicant for license by endorsement who

(1) applies on a form provided by the department;

(2) pays the application fee, the license by endorsement fee, and the temporary permit fee specified in 12 AAC 02.280; and

(3) submits verification of a current license to practice as a registered nurse or a practical nurse issued by another state licensing jurisdiction.

(c) A temporary permit issued under (a) of this section is valid until the results of the National Council Licensing Examination are made available to the board and notification of the results is received by the temporary permit holder.

(d) A temporary permit issued under (b) of this section is valid for four months from the date of issuance or until a permanent license is issued or denied, whichever occurs first.

ARTICLE 4. ADVANCED NURSE PRACTITIONER

Section

- 400. Requirements for initial authorization
- 420. Recognized certification bodies
- 430. Scope of practice
- 440. Legend drug prescriptive authority
- 445. Controlled substance prescriptive authority
- 450. Temporary and nonrenewable advanced nurse practitioner permits
- 460. Preceptorship permits
- 465. Identification
- 470. Renewal of authorization
- 490. Applicability

12 AAC 44.400. REQUIREMENTS FOR INITIAL AUTHORIZATION. (a) An applicant for initial authorization to practice as an advanced nurse practitioner as defined in AS 08.68.410(1)

(1) must have satisfactorily completed

(A) a formal one-academic-year educational course of study which

(i) prepares registered nurses to perform an expanded role in the delivery of health care;

(ii) includes a combination of classroom instruction and a component of supervised clinical practice; and

(iii) awards a degree, diploma or certificate to persons who successfully complete the course of study; or

(B) a formal course of study which does not necessarily meet the requirements of (A) of this paragraph and

(i) have been performing an expanded role in the delivery of health care for at least 12 months during the 18 months immediately preceding January 13, 1980; and

(ii) authorized in Alaska as an advanced nurse practitioner on 12/1/84; and

(2) must hold a current license to practice as a registered nurse in Alaska; and

(3) must hold a current certification of nurse practitioner in a speciality area of nursing granted by a national certification body recognized by the board; and

(4) shall, in the absence of a continuing education requirement of the certifying body, submit documented evidence of having obtained 30 contact hours of continuing education in the speciality area of the nurse practitioner every two years; and

(5) when delivering health care services to the public, shall have in effect a written plan approved by the board which outlines procedures for consultation with other health care professionals and for referral of clients to other health care professionals as indicated by clients' health care needs; the consultation referral plan must

(A) conform to criteria established by the board;

(B) include a method for quality assurance; and

(C) be kept current and made available to the board at any time the board considers it necessary for good cause;

(6) shall complete the application form provided by the board; and

(7) shall submit the application fee and the initial biennial authorization fee established by 12 AAC 02.280.

(b) Repealed 12/1/84.

(c) An applicant for initial authorization to practice as an advanced nurse practitioner on the basis of education in (a)(1)(B) of this section must apply to the board no later than June 30, 1981.

12 AAC 44.420. RECOGNIZED CERTIFICATION BODIES.

(a) The board will, in its discretion, recognize national certification bodies which certify advanced nurse practitioners by exercising responsibility for

(1) approving the basic education course of study in the specialty area;

(2) examining graduates of the course of study; and

(3) addressing the issue of ongoing competency.

(b) The board will annually review national certification bodies to assure that board requirements are met.

(c) The board will maintain a current list of certification bodies which it has reviewed and recognized.

(d) An applicant applying for an advanced nurse practitioner authorization by virtue of certification from a body not on the board's current list of certification bodies shall supply the board with sufficient data to evaluate the authority of the certifying body.

12 AAC 44.430. SCOPE OF PRACTICE. The board recognizes advanced and specialized acts of nursing practice as those described in the scope of practice statements for nurse practitioners certified by national certification bodies recognized by the board.

12 AAC 44.440. LEGEND DRUG PRESCRIPTIVE AUTHORITY. (a) The board will, in its discretion, authorize an advanced nurse practitioner or "ANP" to prescribe legend drugs in accordance with applicable state and federal laws.

(b) The board will transmit to the Board of Pharmacy a list of all ANP's with prescriptive authority. This list will include

(1) the name of the authorized ANP;

(2) the prescriber's identification number assigned by the board; and

(3) the effective date of prescriptive authority.

(c) A registered nurse who applies for authorization to prescribe drugs shall

(1) be currently designated as an ANP in Alaska;

(2) provide evidence of completion of 15 contact hours of education in pharmacology and clinical management of drug therapy within the two-year period immediately before the date of application; and

(3) submit a completed, notarized application, on a form provided by the department, accompanied by the application fee established by 12 AAC 02.280.

(d) Authorized prescriptions by an ANP must

(1) comply with all applicable state and federal laws; and

(2) be signed by the prescriber with the initials "ANP" and the prescriber's identification number assigned by the board.

(e) Prescriptive authorization will, in the board's discretion, be terminated if the ANP has

(1) not maintained current authorization as an ANP; or

(2) prescribed outside the ANP scope of practice or for other than therapeutic purposes.

(f) ANP prescriptive authority must be renewed biennially with the ANP authorization. Documentation of eight contact hours of pharmacology during the previous two years must be submitted at the time of renewal.

(g) The board will notify the Board of Pharmacy within 24 hours after a termination of, or change in, an advanced nurse practitioner's prescriptive authority.

12 AAC 44.445. CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY. (a) In addition to the legend drug prescriptive authority under 12 AAC 44.440, the board will, in its discretion, authorize an advanced nurse practitioner or "ANP" to prescribe schedule 2—5 controlled substances in accordance with applicable state and federal laws if an applicant

(1) applies on the form provided by the department;

(2) verifies the equivalent of one year of experience prescribing legend drugs under 12 AAC 44.440 within the five years immediately preceding the date of application; and

(3) pays the application fee established by 12 AAC 02.280.

(b) All the provisions of 12 AAC 44.440 apply to an ANP with controlled substance prescriptive authority under this section.

12 AAC 44.450. TEMPORARY AND NONRENEWABLE ADVANCED NURSE PRACTITIONER PERMITS. (a) The board will, in its discretion, grant a temporary permit to practice as an advanced nurse practitioner to an applicant who is currently certified as an advanced nurse practitioner in another state or jurisdiction with requirements at least equivalent to those of this state.

(b) The board will, in its discretion, grant a nonrenewable permit to practice as an advanced nurse practitioner to an applicant who meets the requirements of 12 AAC 44.400(a)(1), (2), (4), (5), (6) and (7) of this chapter; and

(1) has been accepted to take the next specialty board examination; or

(2) is awaiting certification results.

(c) A temporary permit granted under (a) of this section is nonrenewable and is valid for a period not to exceed four months.

(d) A nonrenewable temporary permit granted under (b)(1) of this section is valid only until the publication of the results of the first examination the applicant is eligible to take after the permit is issued.

(e) A nonrenewable permit granted under (b)(2) of this section is valid only until the applicant receives notice of certification results.

(f) An applicant who fails the certifying examination shall surrender a nonrenewable permit issued under this section.

12 AAC 44.460. PRECEPTORSHIP PERMITS. (a) The board will, in its discretion, grant a preceptorship permit to an applicant whose certifying body requires clinical practice in order to take the specialty board examination or who is engaged in a course of study which meets the requirements of 12 AAC 44.400(a)(1)(A).

(b) The applicant must meet the requirements of 12 AAC 44.400(a)(2),(5),(6) and (7) and submit documented evidence of a preceptorship arrangement to be approved by the board.

(c) A preceptorship permit expires and must be surrendered to the board at the time the preceptorship arrangement is terminated.

12 AAC 44.465. IDENTIFICATION. An ANP shall conspicuously display

(1) on his or her uniform or clothing a name plate including designation as an ANP; and

(2) in his or her customary place of employment, a current authorization to practice as an ANP; and

(3) a sign at least five inches by eight inches in size informing the public of the definition of an advanced nurse practitioner in AS 08.68.410(1).

12 AAC 44.470. RENEWAL OF AUTHORIZATION. (a) An applicant for renewal of an advanced nurse practitioner authorization shall submit to the board

(1) evidence of continued national certification since the date of original authorization or reauthorization in the applicant's specialty area;

(2) a completed renewal application on a form provided by the department; and

(3) the biennial authorization renewal fee established by 12 AAC 02.280.

(b) The date for renewal of authorization to practice as an advanced nurse practitioner will coincide with the renewal of the applicant's RN license.

12 AAC 44.490. APPLICABILITY. (a) The provisions of 12 AAC 44.400—12 AAC 44.490 of this chapter are applicable only to a registered professional nurse whose authorization to perform acts of medical diagnosis and prescription of medical, therapeutic, and corrective measures comes from the nurse's educational preparation, national certification, and authorization to practice in compliance with regulations established by the board.

(b) Nothing in 12 AAC 44.400—12 AAC 44.490 limits the usual and customary practice of a registered nurse or licensed practical nurse in Alaska.

ARTICLE 5. REGISTERED NURSE ANESTHETISTS

Section

500. Requirements for initial authorization

510. Scope of practice

530. Nonrenewable registered nurse anesthetist permits

540. Renewal of authorization

560. Applicability

12 AAC 44.500. REQUIREMENTS FOR INITIAL AUTHORIZATION. An applicant for initial authorization to practice as a registered nurse anesthetist shall

(1) submit documentation of having satisfactorily completed an educational program prescribed by a school of nurse anesthesia accredited by a nationally recognized accrediting agency approved by the United States Department of Education and the Board of Nursing;

(2) submit documentation of having successfully passed an examination administered by a nationally recognized certifying agency for nurse anesthetists following completion of the educational program described in (1) of this section;

(3) submit evidence of current national certification or recertification;

(4) submit written guidelines developed with appropriate health care professionals which must

(A) conform to criteria established by the board;

(B) include a method for quality assurance; and

(C) be kept current and be provided to the board at any time upon request;

(5) hold a current license to practice as a registered nurse in Alaska;

(6) complete the application form provided by the department; and

(7) submit the application fee and the initial biennial authorization fee established by 12 AAC 02.280.

12 AAC 44.510. SCOPE OF PRACTICE. (a) To ensure available nurse anesthesia to the Alaska public in accordance with the standards set forth by the national certifying board for nurse anesthetists, a registered nurse anesthetist in Alaska is authorized within the scope of his or her educational preparation to perform procedures outlined by the American Association Nurse Anesthetist Guidelines for the Practice of the Certified Registered Nurse Anesthetist

(b) A registered nurse anesthetist is authorized to administer anesthesia

(1) in collaboration with the director of the anesthesia service or a qualified designee of the director; or

(2) in collaboration with the primary physician or qualified physician designee of the primary physician or of the dentist responsible for the patient's immediate care.

(c) In this section, "collaboration" means a process which involves two or more parties working together, each contributing his or her respective area of expertise to provide more comprehensive care than one alone can offer.

Editor's Note: A copy of the American Association Nurse Anesthetist Guidelines for the Practice of the Certified Registered Nurse Anesthetist mentioned in 12 AAC 44.510(a), can be obtained from the American Association of Nurse Anesthetists, 216 Higgins Road, Park Ridge, Illinois 60068.

12 AAC 44.530. NONRENEWABLE REGISTERED NURSE ANESTHETIST PERMITS. (a) The board will, in its discretion, grant a nonrenewable permit to practice as a registered nurse anesthetist to an applicant who meets the requirements of 12 AAC 44.500(1), (4), (5), (6) and (7); and

(1) has been accepted to take the next scheduled certified registered nurse anesthetist examination; or

(2) is awaiting results of the examination.

(b) A nonrenewable permit granted under (a)(1) of this section is valid only until the date of the first available certification examination if the applicant fails to sit for the examination, or, if the applicant does sit for the certification examination, until the applicant receives notification of having successfully passed the certification examination on the first attempt.

(c) A nonrenewable permit granted under (a)(1) or (a)(2) of this section is valid until the applicant receives notification of having successfully passed the certification examination.

(d) The holder of a nonrenewable permit to practice as a registered nurse anesthetist granted under (a)(1) or (a)(2) of this section who fails to successfully pass the certification examination on the first attempt must surrender his or her nonrenewable permit to the board within 48 hours of receiving notification of failure.

(e) The holder of a nonrenewable permit granted under this section may practice only under the medical direction of an anesthesia service, an anesthesiologist, or a Registered Nurse Anesthetist.

12 AAC 44.540. RENEWAL OF AUTHORIZATION. (a) An applicant for renewal of authorization to practice as a registered nurse anesthetist shall submit to the board

(1) evidence of current national recertification; and

(2) a completed renewal application on a form provided by the department; and

(3) the biennial authorization renewal fee established by 12 AAC 02.280.

(b) The date of renewal of authorization to practice as a registered nurse anesthetist will coincide with the renewal of the applicant's registered nurse license.

12 AAC 44.560. APPLICABILITY. (a) The provisions of 12 AAC 44.500—12 AAC 44.550 are applicable only to a registered nurse whose authorization to perform acts of anesthesia service comes from the nurse's educational preparation, national certification and authorization to practice in compliance with regulations established by the board.

(b) Nothing in 12 AAC 44.500—12 AAC 44.550 limits the usual and customary practice of a registered nurse or licensed practical nurse in the State of Alaska.

ARTICLE 6. CONTINUING COMPETENCY.

Section

- 600. Purpose of continuing competency requirements
- 610. Continuing education requirements
- 620. Professional activities requirement
- 630. Nursing employment requirement
- 640. Alternative methods for continuing competency requirements
- 650. Requirements for new licenses
- 660. Audit and documentation

12 AAC 44.600. PURPOSE OF CONTINUING COMPETENCY REQUIREMENTS. The purpose of continuing competency requirements is to insure that nurses maintain the ability to safely and effectively apply nursing knowledge, principles and concepts in the practice of registered or practical nursing as defined in AS 08.68.410(7) and (8). Before a license can be renewed each biennial period, a registered nurse or a licensed practical nurse must document either

(1) compliance with 12 AAC 44.640; or

(2) completion of two of the following three methods for maintaining continuing competency:

(A) continuing education as prescribed under 12 AAC 44.610;

(B) professional activities as prescribed under 12 AAC 44.620; and

(C) nursing employment as prescribed under 12 AAC 44.630.

12 AAC 44.610. CONTINUING EDUCATION REQUIREMENTS. (a) Continuing education in nursing is a systematic educational experience that grants academic credit or contact hours

beyond the basic nursing program preparation. It promotes the enrichment of knowledge and improvement of skills for the enhancement of the nursing profession and the public health and safety.

(b) For continuing competency credit to be given by the board for continuing education, 15 contact hours in at least one of the following subject areas must be documented:

- (1) nursing practice areas and special health care problems;
- (2) biological, physical, or behavioral sciences;
- (3) legal or ethical aspects of health care;
- (4) management or administration of health care personnel and patient care;
- (5) teaching or learning processes of health care and patients;

or

(6) subjects approved by the board that are required as part of a formal nursing program but which are more advanced than those completed for original licensure.

(c) The board will give continuing education credit for contact hours which are part of a mediated learning system such as educational television, audio or video cassettes, or printed media, and for contact hours which are a part of an independent study program, if the system or program is accredited by an agency on a list of recognized accrediting agencies maintained by the board in its offices.

(d) A "contact hour," for purposes of this section is a minimum of 50 minutes of actual organized instruction. Academic credit will be converted to contact hours as follows:

- (1) one quarter academic credit equals 10 contact hours; and
- (2) one semester academic credit equals 15 contact hours.

12 AAC 44.620. PROFESSIONAL ACTIVITIES REQUIREMENT. (a) Professional activities are activities that use nursing knowledge, and that contribute to the health of individuals or the community.

(b) For continuing competency credit to be given by the board for professional activities, 15 hours of participation in at least one of the following areas must be documented:

- (1) a professional nursing or health-related organization;
- (2) authoring or contributing to an article, book, or publication related to health care;
- (3) development and oral presentation of a paper before a professional or lay group on a subject that explores new or current areas of nursing theory, technique, or philosophy;
- (4) design and conduct of a research study relating to nursing and health care; or
- (5) other professional activities approved by the board and included on a list maintained in its offices.

12 AAC 44.630. NURSING EMPLOYMENT REQUIREMENT. For continuing competency credit to be given by the board for nursing employment, at least 320 hours, per biennium, of nursing practice as defined in AS 08.68.410(7) or (8) must be documented on a renewal survey form provided by the board, including the name of the nurse's employer.

12 AAC 44.640. ALTERNATIVE METHODS FOR CONTINUING COMPETENCY REQUIREMENTS. A nurse may meet continuing competency requirements without meeting the requirements of 12 AAC 44.610—12 AAC 44.630 by documenting that after the last renewal date, the nurse has

- (1) completed a nursing refresher course approved by the board; or
- (2) attained a degree or certificate in nursing, or made progress toward one, beyond the education requirements for the nurse's original license by successfully completing at least two required courses; or
- (3) successfully completed the National Council Licensing Examination.

12 AAC 44.650. REQUIREMENTS FOR NEW LICENSEES.

(a) A licensee who receives his or her original license in the first year of the renewal period must comply with the continuing competency requirements of 12 AAC 44.600—12 AAC 44.640 before the first license renewal.

(b) A licensee who receives his or her original license in the second year of the renewal period must comply with the continuing competency requirements of 12 AAC 44.600—12 AAC 44.640 before the second license renewal.

12 AAC 44.660. AUDIT AND DOCUMENTATION. All information concerning continuing competency submitted with a renewal application is subject to audit at the discretion of the board. Satisfaction of continuing competency requirements must be documented on a renewal form provided by the board and must be submitted before license renewal.

ARTICLE 7. DISCIPLINARY GUIDELINES

Section

700. Purpose of disciplinary guidelines
710. Violations
720. Disciplinary guidelines
730. Terms of probation
740. Use of alcohol or drugs
750. Professional incompetence

- 760. Mental or physical disabilities
- 770. Unprofessional conduct
- 780. Reinstatement of a suspended license or authorization
- 785. Reinstatement of a revoked license or authorization

2 AAC 44.700. PURPOSE OF DISCIPLINARY GUIDELINES. To insure that the board's disciplinary policies are known and are administered consistently and fairly, the disciplinary guidelines in 12 AAC 44.710—12 AAC 44.785 are established.

12 AAC 44.710. VIOLATIONS. (a) A nurse who, after a hearing under the Administrative Procedure Act (AS 44.62), is found to have violated a provision of AS 08.68 or 12 AAC 44, is subject to the disciplinary penalties listed in AS 08.01.075 and AS 08.68.275, including public notice of the violation and penalty in appropriate publications.

(b) Nothing in the guidelines set out in 12 AAC 44.720 prohibits the board from imposing greater or lesser penalties than those described in 12 AAC 44.720 or restricting the practice of a nurse depending upon the circumstances of a particular case.

12 AAC 44.720. DISCIPLINARY GUIDELINES. (a) The board will, in its discretion, revoke a license if the licensee

- (1) commits a violation that is a second offense;
- (2) violates the terms of probation from a previous offense;
- (3) obtains or attempts to obtain, by fraud or deceit, a license to practice nursing;
- (4) is convicted of a felony or other crime, if the felony or other crime is substantially related to the qualification, functions, or duties of the licensee;

(5) habitually abuses alcoholic beverages, or illegally uses a controlled substance, as defined in AS 11.71.900(4), to the extent that the abuse or use interferes with nursing functions, and if the licensee fails or refuses to participate in a rehabilitation program acceptable to the board;

(6) impersonates another health care provider;

(7) intentionally or negligently engages in conduct that results in a significant risk to the health or safety of a client or injury to a client;

(8) engages in unprofessional conduct, as described in 12 AAC 44.770, if the health, safety or welfare of another person is placed at risk; or

(9) is professionally incompetent, if the incompetence results in risk or injury to a client.

(b) The board will, in its discretion, suspend a license for up to two years followed by probation of not less than two years, if the licensee

(1) habitually abuses alcoholic beverages, or illegally uses controlled substances, as defined in AS 11.71.900(4), to the extent that the abuse or use interferes with nursing functions, but the licensee participates in a rehabilitation program acceptable to the board;

(2) willfully or repeatedly violates the statute in AS 08.68 or regulation of the board; or

(3) is professionally incompetent, if the incompetence results in the public health, safety or welfare, being placed at risk.

(c) The board will, in its discretion, suspend a license for up to one year, followed by probation for not more than one year, if the licensee

(1) engages in unprofessional conduct, as described in 12 AAC 44.770; or

(2) denies care or treatment to a person seeking assistance because the person failed to or refused to agree to arbitrate as provided in AS 09.55.535(a).

(d) The board will review, on an individual basis, the need for revocation or limitation of the license of a licensee who practices or attempts to practice while afflicted with a physical or mental illness, deterioration, or disability that interferes with the individual performance of nursing functions.

12 AAC 44.730. TERMS OF PROBATION. A licensee who is placed on probation will, in the board's discretion, be subject to one or more of the following terms of probation, and to other relevant terms of probation including those set out in 12 AAC 44.740—12 AAC 44.760:

(1) obey all the laws of the United States, State of Alaska, and all laws pertaining to the practice of nursing in this state;

(2) fully comply with the probation program established by the board, and cooperate with representatives of the board;

(3) notify the board in writing of the dates of departure and return if the licensee leaves Alaska to reside or practice outside the state;

(4) report in person at meetings of the board of nursing, or to its designated representatives, during the period of probation, as directed by the board;

(5) submit written reports and verification of actions as are required by the board during the period of probation;

(6) if employed in nursing at any time during the period of probation, have the employer submit to the board verification that the employer understands the conditions of probation;

(7) be employed as a nurse only in a setting in which full supervision is provided, and not personally function as a supervisor.

12 AAC 44.740. USE OF ALCOHOL OR DRUGS. (a) In addition to one or more of the terms of probation set out in 12 AAC 44.730, a licensee placed on probation for the habitual abuse of alcohol or illegal use of controlled substances, as defined in AS 11.71.900(4), will, in the board's discretion, also be subject to one or more of the relevant terms of probation including the following:

(1) physical and mental health examinations as determined by the board to evaluate the licensee's ability to perform the professional duties of a nurse;

(2) as determined by the board, participation, until completion, in an ongoing program of rehabilitative counseling, alcoholics anonymous, narcotics anonymous, or an impaired nurse group, which includes progress reports from the care provider when requested by the board;

(3) abstain from the personal use of alcohol;

(4) abstain from the personal use of alcohol or controlled substances, as defined in AS 11.71.900(4), in any form, except when lawfully prescribed by a physician authorized to practice medicine in Alaska;

(5) submit to tests and samples required for the detection of alcohol or controlled substances, as defined in AS 11.71.900(4), at the request of the board or the board's representative.

(b) Access to controlled substances, as defined in AS 11.71.900(4), in the work setting will, in the board's discretion, be restricted.

12 AAC 44.750. PROFESSIONAL INCOMPETENCE. In addition to one or more of the terms of probation set out in 12 AAC 44.730, a licensee placed on probation after being found professionally incompetent will, in the board's discretion, be subject to one or more of the following terms of probation:

(1) successful completion of an appropriate course or courses in nursing, as determined by the board, before the end of the probationary period; or

(2) participation in 15 contact hours of appropriate continuing competency education in nursing.

12 AAC 44.760. MENTAL OR PHYSICAL DISABILITIES. (a) In addition to one or more of the terms of probation set out in 12 AAC 44.730, a licensee placed on probation for practicing or attempting to practice nursing while afflicted with a physical or mental illness, deterioration, or disability that interferes with the licensee's performance of nursing will, in the board's discretion, be subject to a physical or mental health examination to evaluate the licensee's ability to perform the professional duties of a nurse, and, if medically determined, must participate in and complete a recommended treatment program that includes written progress reports from the care provider when requested by the board.

(b) In this section, "care provider" means a person who or organization that, by the nature of experience and training, is qualified in the opinion of the board to provide substance abuse counseling, rehabilitation, or related services to the public through established and recognized treatment programs.

12 AAC 44.770. UNPROFESSIONAL CONDUCT. Nursing conduct which could adversely affect the health and welfare of the public constitutes unprofessional conduct under AS 08.68.270(8) and includes the following:

(1) failing to use sufficient knowledge, skills or nursing judgment in the practice of nursing as defined by the level of licensure;

(2) assuming duties and responsibilities, on repeated occasions, without sufficient preparation or for which competency has not been maintained;

(3) knowingly delegating a nursing care function, task, or responsibility to another who is not licensed under AS 08.68 to perform that function, task, or responsibility, when the delegation is contrary to AS 08.68 or 12 AAC 44 or involves a substantial risk or harm to a client;

(4) failing to exercise adequate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

(5) failing to perform acts within the nurse's scope of competence which are necessary to prevent substantial risk or harm to a client;

(6) violating the confidentiality of information or knowledge concerning a client;

(7) physically or verbally abusing a client;

(8) using alcohol or other drugs to the extent that the use interferes with nursing functions;

(9) violating state or federal laws regulating drugs, including but not limited to forging prescriptions or unlawfully distributing drugs or narcotics;

(10) failing to maintain a record for each client which accurately reflects the nursing problems and interventions for the client, or falsifying a client's records or intentionally making an incorrect entry in a client's chart;

(11) leaving a nursing assignment without properly notifying appropriate personnel;

(12) permitting another person to use his or her nursing license or permit for any purpose;

(13) failing to report, through proper channels, facts known to the nurse regarding incompetent, unprofessional or illegal practice of health care provider unless it has already been reported and the provider is already participating in a treatment or educational program approved by the appropriate board;

(14) engaging in fraud, misrepresentation, or deceit in writing the licensing examination;

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

(16) for an advanced nurse practitioner to perform duties other than those specified in 12 AAC 44.430;

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

(18) for a registered nurse anesthetist to perform duties outside the scope of practice described in 12 AAC 44.510;

(19) discrimination on the basis of race, religious creed, color, national origin, ancestry or sex in the provision of nursing services;

(20) signing a record as a witness attesting to the wastage of controlled substances which the nurse did not actually witness;

(21) exploiting the patient for financial gain or offering, giving, soliciting or receiving fees for referral of a patient or client;

(22) intentionally misappropriating medications, property, supplies, equipment or other resources of the client or agency for personal or unauthorized use;

(23) removal of a patient's life support system without appropriate medical or legal authorization;

(24) untruthful or misleading advertising of nursing services; and

(25) knowingly violating laws regulating health insurance including those laws established in AS 21.36.360.

12 AAC 44.780. REINSTATEMENT OF A SUSPENDED LICENSE OR AUTHORIZATION. A suspended license or authorization may be reinstated in the termination of suspension only if the requirements in the suspension order have been met.

12 AAC 44.785. REINSTATEMENT OF A REVOKED LICENSE OR AUTHORIZATION. (a) One year after revocation of a license or authorization, the licensee or authorized nurse practitioner may apply to the board in writing for reinstatement.

(b) The applicant for reinstatement shall appear before the board.

(c) The board will, in its discretion, request, as a condition for temporary reinstatement, the applicant to work in a supervised relationship approved by the board for a specified length of time.

(d) The applicant is responsible for providing a written evaluation from the employer regarding his or her performance and will be evaluated by the board to determine whether or not the license or authorization will be reinstated.

ARTICLE 8. GENERAL PROVISIONS

Section

900. License renewal

930. Change of Name

990. Definitions

12 AAC 44.900. LICENSE RENEWAL. (a) A licensed practical nurse license must be renewed biennially by September 30. A registered nurse license must be renewed biennially by November 30. Notice of renewal with inventory questionnaire will be mailed to every currently licensed nurse at least 60 days before the renewal date.

(b) A license not renewed by the last day of the last month of the licensing period will be automatically cancelled on the first day of the following month.

(c) A cancelled license will be reinstated upon receipt of payment of license renewal fees and all applicable penalty fees.

12 AAC 44.930. CHANGE OF NAME. A licensee authorized to practice under this chapter shall notify the board of a change of mailing address or name within 60 days after the change. A report of a change of name must be made in writing and must be accompanied by one of the following to verify the change of name:

- (1) a completed affidavit supplied by the board;
- (2) a certified copy of a marriage certificate;
- (3) a certified copy of a divorce decree; or
- (4) a certified copy of a court ruling.

12 AAC 44.990. DEFINITIONS. As used in this chapter (1) "accreditation" means the approval granted a school of professional or practical nursing which has met the minimum requirements of the board;

(2) "associate degree program" includes general academic and nursing courses, is conducted within a community or junior college; and prepares a person for an associate degree in nursing;

(3) "baccalaureate program" is a program conducted in a senior college or university and which is in an academic department, division, school or college of the senior college or university, which prepares persons for a baccalaureate degree in nursing;

(4) "board" means Alaska Board of Nursing;

STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

**7TH FLOOR FRONTIER BLDG.
3601 C STREET, SUITE 722
ANCHORAGE, ALASKA 99503
PHONE: (907) 561-2878**

January 18, 1990

David Rogers
Box 33932
Juneau, AK 99803

Dear Mr. Rogers,

You have asked that I summarize the requirements for continued competency for nurses.

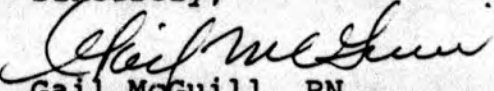
Registered and Practical nurses are required by 08.68.276 to comply with continuing competency requirements in order to renew a license to practice nursing. The regulations 12 AAC 44.600-660 provide the details of the requirement.

In order to renew a license to practice nursing, a nurse must do two out of three items during the biennium. The choices are; (a) 15 contact hours of continuing education, (b) 15 hours of professional activities, and (c) 320 hours of nursing employment. These choices are intended to provide options for nurses who are currently practicing as well as those who may be taking time off to raise a family or pursue other interests but want to return to practice in the future.

A nurse who is not currently practicing may allow her/his license to lapse. However, if the license is lapsed for five or more years and the nurse does not practice, such as in another state, the nurse is required to take a refresher course prior to relicensure.

I hope this information will be helpful to the task force. Do not hesitate to call me again should you need further information.

Sincerely,


Gail McGuill, RN
Executive Secretary
Alaska Board of Nursing

1009n/tb

NURSING EDUCATION PROGRAMS IN ALASKA

BACCALAUREATE DEGREE PROGRAM

College of Nursing and the Health Sciences
University of Alaska, Anchorage
3221 Providence Drive
Anchorage, Alaska 99508
Phone: (907) 786-1267

Dean: Laura MacLachlan, PhD, RN
Established: 1968 at Alaska Methodist University
Accreditation by Alaska Board of Nursing in 1973

MASTER'S DEGREE PROGRAM

College of Nursing and the Health Sciences
University of Alaska, Anchorage
3221 Providence Drive
Anchorage, Alaska 99508

Dean: Laura MacLachlan, PhD, RN
Established: 1981

ASSOCIATE DEGREE PROGRAMS

University of Alaska
Associate Degree Nursing Program
2533 Providence Avenue
Anchorage, Alaska 99508
Phone: (907) 786-1273

COORDINATOR: Anita Watts-Soquet, RN, MN
Established: 1970
Accreditation by Alaska Board of Nursing in 1973

Everett Community College
Associate Degree Nursing Program
806 Wetmore Avenue
Everett, Washington 98201-1327
Phone: (206) 259-7151

Division Director: Stu Borger, RN
Provisional Accreditation by Alaska Board of Nursing 1989

**ALASKA BOARD OF NURSING
ANNUAL PERFORMANCE REPORT
FISCAL YEAR 1989**

Prepared by:

**Gail M. McGuill, RN
Executive Secretary
August 31, 1989**

CONTENTS

Board of Nursing Members.	3
Narrative Summary	4
Statistical Overview.	6
Table I, Licensing Activity	8
TABLE II, Five Year Summary 1985-1989	9
Table III, Alaska Nurses Endorsed to Other Jurisdictions.	10
Table IV, Exam Results for Alaska Candidates.	11
Table V, National Licensing Exam Statistics, RN's	12
Table VI, Investigation Statistics.	13
Sunset Audit Recommendations.	14
Review of Prior Year Objectives	15
Goals and Objectives, FY 90	22
Board Travel Request.	24
Budget Recommendations.	25
Legislative Recommendations	25
Regulation Recommendations	26
Addendum A - Senate Bill 156	
Addendum B - Level of Entry Interim Reports	
Addendum C - Nursing Education Programs in Alaska	

BOARD OF NURSING
MEMBERS AND STAFF
JUNE 30, 1989

BOARD MEMBERS

Janet L. Buness, R.N., B.S.N. P. O. Box 1192 Wrangell, AK 99929	March 31, 1991
Barbara Carberry, R.N. (Chairperson) Box 2402 Kodiak, AK 99615	March 31, 1990
Tina DeLapp, R.N., Ed. D 13101 S. Bragaw Anchorage, AK 99516	March 31, 1993
Kathi Hewitt, L.P.N. 1660 Peger Road Fairbanks, AK 99709	March 31, 1991
Gail Stewart, R.N., A.N.P. 12220 Rainbow Avenue Anchorage, AK 99516	March 31, 1992
Franceda Veal Owens (Public Member) (Secretary) 3716 Locarno Anchorage, AK 99508	March 31, 1990
Georgianna Waskey (Public Member) Box 1432 Bethel, AK 99559	March 31, 1991

BOARD STAFF

Gail M. McGuill, R.N.
Executive Secretary
Anchorage, AK

Nancy Ferguson
Licensing Examiner
Juneau, AK

Dorothy Fulton, R.N., M.A.
Nurse Aide Program Manager
Anchorage, AK

NARRATIVE SUMMARY

The Alaska Board of Nursing is glad to provide you with the Annual Report for Fiscal Year 1989. This Annual Report reflects the Board's continued attention and support for acceptable standards in nursing education and nursing practice in Alaska. The members of the Board take their responsibility to protect the public seriously and look forward to another year of service to the Alaskan consumers of nursing care.

Governor Steve Cowper appointed Kathi Hewitt, L.P.N., to fill the vacant position requiring a practical nurse. Ms. Hewitt is employed by Fairbanks Memorial Hospital in Fairbanks. At the same time Gail Stewart, RN, ANP, was appointed to fill the registered nurse vacancy. Ms. Stewart is a family nurse practitioner employed by the Alaska Native Medical Center. In March 1989, Governor Cowper appointed Tina DeLapp, R.N., Ed.D, to fill the nurse educator position on the Board. Dr. DeLapp is the Associate Dean for The College of Nursing and Health Sciences at the University of Alaska, Anchorage. Currently there are no vacancies on the Board of Nursing.

The Board of Nursing conducted three two-day meetings and held two telephone conference calls. One conference call was a regularly scheduled meeting and the other was to take action on two disciplinary matters. A wide range of issues was addressed by the Board at its meetings and is detailed in the review of prior year objectives.

The impact of the nursing shortage was felt by staff and is reflected in the increase in the number of temporary permits and licenses issued during the year. The lack of registered nurse staff available in the Alaska labor market pool caused nurse administrators to look more closely at allocation of the nursing resources and at scope of practice of nurses. The Board responded to questions in that regard and its objectives for FY 90 reflect continued interest and concern in this area.

The Board has continued to support the activities of its subcommittee on Level of Entry into Practice. The Committee is expected to present its final report to the Board at the September 1989 meeting of the Board of Nursing.

The project which has demanded the most Division (Board) staff time has been assumption of the nurse aide training and competency evaluation program required by OBRA 87. The Board has provided advice on the requirements as they have been developed. This project was a major undertaking for the Division as it meant the establishment of a totally new program which affects a major part of the health care community.

The members of the Board of Nursing serving during FY 89 included:

Janet Bunes, RN
Barbara Carberry, RN, RNA, Chairperson
Tina DeLapp, RN, EdD
Effie Graham, RN, PhD
Kathi Hewitt, LPN
Gail Stewart, RN, ANP
Franceda Veal-Owens, Public Member
Georgianna Waskey, Public Member

Division of Occupational Licensing staff assisting the Board of Nursing during FY 89 were:

Gail M. McGuill, RN, Executive Secretary
Nancy Ferguson, Licensing Examiner
Dorothy Fulton, RN, Nurse Aide Program Manager
Kevin Henderson, Regulations Specialist
Dorothy Hansen, Investigator
Sammie LaChappelle, Investigator

The Board of Nursing also recognizes and appreciates the assistance to the Board and staff by Assistant Attorneys General Lawrence Delay, Jim Forbes, Elizabeth Kertulla and Linda O'Bannon.

STATISTICAL OVERVIEW

General Statistics

The licensing activities for the Board of Nursing can be reviewed on the following pages. Table I provides information on the number of permits and licenses issued during fiscal year 1989. This table also indicates the number of active licensees and information on the numbers of advanced nurse practitioners and registered nurse anesthetists.

The number of registered and practical nurses licensed rose over FY 88 for both categories. The increase in registered nurses was 17% over FY 88 with the increase for practical nurses at 33%.

A review of Table II, Five Year Summary FY 1985-1989 shows an average of 497 RN's and 100 LPN's per year in the five years from 1985-1989. This is still significantly less than the five year averages from 1981 to 1985 of 600 RN's and 177 LPN's per year. The numbers of nurses licensed per year has increased each year for the past two years. The number of temporary permits is also on the increase.

Table III provides a look at the endorsement information on Alaska licensees.

Table VI provides information in the investigations activity for FY 89.

Board of Nursing Activity

The Board of Nursing met five times during FY 89.
The dates and places were:

August 10, 1988	Teleconference meeting: Sites included Anchorage, Mt. Village, Fairbanks, Juneau, Kodiak & Wrangell
October 13-15, 1988	Anchorage (Joint meeting of health care boards 10-15-88)
January 23, 1989	Conference call for disciplinary matters: Sites included Anchorage, Bethel, Fairbanks, Kodiak & Wrangell
Feb. 28-Mar. 1, 1989	Anchorage
May 25, 26, 1989	Anchorage

The Board of Nursing Subcommittee on Level of Entry into Nursing met in Anchorage as follows:

July 14, 15, 1988
December 9, 10, 1988
April 27, 28, 1989
May 19, 1989

Examination Statistics

The Board of Nursing in conjunction with the Division of Occupational Licensing administered the National Council Licensing Examination for licensure by exam for practical nurses and registered nurses. Examinations were administered according to contract and security measures with the National Council State Boards of Nursing by the Executive Secretary, Licensing Examiner, Board Members and Registered Nurse Proctors. The following are dates and places that the exams for this reporting period were given:

July 12-13, 1988	Series 788 (RN)	Anchorage, Juneau and Fairbanks
October 8, 1988	Series 088 (PN)	Anchorage and Juneau
February 14, 15 1989	Series 289 (RN)	Anchorage and Juneau
April 18, 1989	Series 489 (PN)	Anchorage

Table IV data shows the percentages of passing scores for Alaska candidates on exams given in the state. These tables reflect information for University of Alaska graduates from the BSN and ADN programs.

Information is provided on the number of first time candidates taking the exam who are graduates of a school of nursing in the United States. The other category includes candidates who are repeating the exam and/or who have graduated from foreign schools of nursing.

Table V provides information on the standard score means for first time candidates from the registered nurse programs. This table also shows Alaska's rank with other U.S. jurisdictions for the exam. The statistical information on the performance of Alaska graduates on the examination is important to the Board of Nursing when they review the nursing programs.

Table I

**LICENSING ACTIVITY
FISCAL YEAR ENDING JUNE 30, 1989**

<u>ACTIVITY FY 89</u>	<u>#RN's</u>	<u>LPN's</u>
Temporary Permits Issued by Exam	75	5
Temporary Permits Issued by Endorsement	328	53
TOTAL PERMITS	403	58
Licensed by Examination	75	14
Licensed by Endorsement	465	84
TOTAL LICENSED DURING FY 89	540	98
Active Licenses	4,405	742
Revoked	2	1
Lapsed	8,531	3,656
GRAND TOTAL LICENSED SINCE 1941	12,936	4,402

	<u>NEW</u>	<u>CURRENT</u>
ADVANCED NURSE PRACTITIONERS	15	132
Temporary Permits	5	
Preceptorship Permits	0	
REGISTERED NURSE ANESTHETISTS	18	51

TABLE II

NURSE LICENSING ACTIVITY
FIVE YEAR SUMMARY FY 1985 - 1989

Registered Nurse	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Endorsement	479	397	328	383	465
Exam	<u>107</u>	<u>98</u>	<u>88</u>	<u>67</u>	<u>75</u>
TOTAL	<u>586</u>	<u>495</u>	<u>416</u>	<u>450</u>	<u>540</u>

Licensed Practical Nurse	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Endorsement	145	79	44	56	84
Exam	<u>27</u>	<u>30</u>	<u>9</u>	<u>10</u>	<u>14</u>
TOTAL	<u>172</u>	<u>109</u>	<u>53</u>	<u>66</u>	<u>98</u>

LICENSING ACTIVITY

FISCAL YEAR - 1989

ALASKA NURSES ENDORSED TO OTHER JURISDICTIONS

	<u>RN</u>	<u>LPN</u>		<u>RN</u>	<u>LPN</u>
Alabama	2	0	Nebraska	3	0
Arizona	5	1	Nevada	4	1
Arkansas	1	0	New Hampshire	1	1
California	27	4	New Jersey	1	0
Colorado	4	1	New Mexico	3	0
Connecticut	10	0	New York	1	1
Florida	6	1	North Carolina	9	2
Georgia	3	0	North Dakota	1	0
Hawaii	2	0	Ohio	3	3
Illinois	9	3	Oklahoma	1	0
Indiana	3	0	Oregon	11	1
Iowa	1	0	Pennsylvania	4	0
Kansas	2	1	Tennessee	1	1
Kentucky	2	0	Texas	8	1
Louisiana	1	2	Utah	6	2
Maine	2	0	Virginia	0	1
Maryland	1	1	Washington	18	2
Massachusetts	1	0	Washington D.C.	5	0
Michigan	11	6	West Virginia	2	1
Minnesota	10	1	Wisconsin	2	1
Mississippi	0	1	U. S. Military	4	0
Missouri	1	0	Hospitals	4	0
Montana	3	0			
FOREIGN					
Australia	1	0			
Canada	1	0			
TOTALS	204	40			

EXAM RESULTS FOR ALASKA CANDIDATES

RESULTS OF RN EXAM BY TYPE OF CANDIDATE

<u>Series</u>	<u># 1st time</u>	<u># Pass</u>	<u>% Pass</u>	<u># Others</u>	<u># Pass</u>	<u>% Pass</u>
788	51	48	94%	13	3	23%
299	21	20	95%	10	5	50%
Total	72	68	94%	23	8	35%

RESULTS OF PN EXAM BY TYPE OF CANDIDATE

<u>Series</u>	<u># 1st Time</u>	<u># Pass</u>	<u>% Pass</u>	<u>Other</u>	<u># Pass</u>	<u>% Pass</u>
088	9	9	100%	6	1	16%
489	3	3	100%	7	1	14%
Total	12	12	100%	13	2	15%

Note: Alaska does not have a practical nurse education program.

TABLE V

NATIONAL LICENSING EXAM STATISTICS, RN's

<u>Series</u> <u>788</u>	<u>School</u>	<u>N</u>	<u>Mean Score</u>	<u>% Passed</u>
	Univ. of Alaska ADN	17	2172	100%
	Univ. of Alaska BSN	20	2238	100%
	Alaska Total	37	2207	100%
	All U.S. Jurisdictions	52,223	1943	84%
	Alaska's rank with other Jurisdictions			1 out of 55
<u>Series</u> <u>289</u>	University of Ak. BSN	6	*	100%
	Alaska Total	6		100%
	All U.S. Jurisdictions	13,068		85%

*Beginning with Series 289, the results are reported as pass/fail.

INVESTIGATION STATISTICS FY 89

Cases as of July 1, 1988	10
Cases Opened	20
Cases Closed	13
Cases as of June 30, 1989	15
Cases Transferred to Litigation	5

SUNSET AUDIT RECOMMENDATIONS

Recommendation No. 1

The Department of Commerce and Economic Development in conjunction with the Board of Nursing should comply with existing regulations.

The audit report released in December, 1986, found 54% of the exam public notices were not provided in a timely manner. The report said the notices were not made enough in advance to allow all potential candidates to meet the application deadlines.

A review of exam public notices for the exams during this reporting period indicates improvement has been made in this area. All notices were published at least 30 days in advance of the initial deadlines for making application for the nursing exams. This area of concern continues to be monitored by the Executive Secretary.

REVIEW OF PRIOR YEAR OBJECTIVES

1. Objective: The Board of Nursing will continue to define, review, maintain, develop and interpret standards of nursing care that protect the Alaska consumer.

Actions:

This objective is seen by the Board as its most important continuing responsibility. The Board advises staff on issues related to scope of practice. This year interpretative statements were made on issues related to intraosseus needle insertion, administration of medications via intraplural catheters and supervision of nurse anesthetists.

2. Objective:

The Board of Nursing through the Division of Occupational Licensing will continue to license individuals in a timely manner consistent with the Alaska Statutes and Regulations and Board of Nursing Policy.

Actions:

The Licensing Examiner for the Board of Nursing processes all applications for licensure. Completed files are reviewed by the Executive Secretary and approved for licensure as appropriate. All applications which fall out of the parameters are reviewed and acted upon by the Board or a designated member. The full Board acted upon 7 RN applications and 2 LPN applications.

The Board of Nursing continues to contract with the National Council State Boards of Nursing for use of the national licensing exams for registered and practical nursing. In accordance with provisions of the contract, the Board nominated interested registered nurses for service as item writers. The National Council chose Janet Schaffner of Anchorage to serve as an item writer.

Regulation changes were adopted in October which allowed Alaska to accept the new pass/fail scoring for the NCLEX exams. Candidates for licensure beginning with the test administered October, 1988 for LPN's and February, 1989 for RN's received a pass or fail score instead of a numerical score as was the case in the past.

3. Objective: Propose statutory revisions to allow for regulation of nursing assistants, including educational preparation and continuing competency of nursing assistants as required by federal legislation P.L.100-203.

DISCIPLINE STATUS REPORT

July 1, 1989 to September 30, 1989

Section A

Open cases at beginning of quarter		169
Cases closed or dismissed	(-)	38
New cases initiated	(+)	<u>34</u>
Open cases at end of quarter		165

Section B

Grievances Not Accepted	29
Filed/Under Review	26

Section C

New Grievances Received and Analyzed

(sum of new cases initiated and
grievances not accepted)

This Quarter	63
This Year To Date	187*
Last Year to Date	200

* corrected figure

DISCIPLINE STATUS REPORT.

Section D

OPEN CASES BY NATURE OF GRIEVANCE

<u>Code</u>	<u>Code Description</u>	<u>Number of Cases</u>
01	<u>Trust violations</u> (co-mingling, mismanagement of client funds and property, failure to maintain records and to account to client, withholding client's property, embezzlement, conversion)	19
02	<u>Conflict of interest</u>	13
03	<u>Neglect</u> (failure to perform, delay, lack of communication)	47
04	<u>Relationship with client</u> (disclosing confidential information, failure to protect interests of client, improper withdrawal, refusal to release documents, abandonment)	16
05	<u>Misrepresentation/Fraud</u>	19
06	<u>Excessive fees</u>	4
07	<u>Interference with justice</u> (overzealous representation, failing to represent a client within bounds of the law, prosecutorial misconduct, communicating with one of adverse interest, threatening criminal prosecution to obtain advantage in civil matter, trial misconduct, trial publicity, improper communication with jurors, witnesses, officials, aiding unauthorized practice of law.	46
08	<u>Improper advertising and solicitation</u>	0
09	<u>Criminal conviction</u>	1
10	<u>Personal behavior</u>	0
11	<u>Wilful failure to cooperate with discipline authorities</u>	0
12	<u>Medical incapacity</u>	0
13	<u>Incompetence</u>	0
14	<u>No jurisdiction or referred to other agency</u>	0
15	<u>Other</u>	0
	TOTAL	165

DISCIPLINE STATUS REPORT

Section E

CASES BY AGE AND STAGE OF PROCEEDING - CURRENT QUARTER REPORT

	Pre-1987	1987	1988	1989	Subtotal
CLOSED OR DISMISSED CASES					
CLOSED PROBATION ENDED	4	0	0	0	4
CLOSED BY PUB REPRIMAND	0	0	0	0	0
CLOSED BY ADMONITION	0	1	2	1	4
CLOSED BY REPRIMAND	0	0	1	0	1
CLOSED BY CENS'URE	0	0	0	0	0
CLOSED BY SUSPEND	2	0	0	0	2
CLOSED BY DISBAR	0	0	0	0	0
DISMISSED	<u>1</u>	<u>3</u>	<u>8</u>	<u>15</u>	<u>27</u>
TOTAL	7	4	11	16	38
OPEN CASES					
<u>Discipline in Effect or Pending</u>					
ATTORNEY ON PROBATION	4	0	0	0	4
SHORT TERM SUSPEND	0	0	0	0	0
PENDING SUPREME COURT	1	2	0	0	3
PENDING DISC. BOARD	0	0	1	0	1
PENDING STIPULATION	0	0	0	0	0
PENDING HRG. COMM.	0	0	1	0	1
PENDING PET. APPROVAL	0	0	0	0	0
PENDING ADMONITION	<u>2</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>5</u>
Subtotal	7	2	5	0	14
<u>Other Proceedings</u>					
PENDING FEE ARB.	1	0	0	1	2
PENDING CONCILIATION	0	0	0	0	0
ABEYANCE	<u>2</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>4</u>
Subtotal	3	2	0	1	6
<u>Under Investigation</u>					
SPECIAL COUNSEL INV.	1	4	0	0	5
INVESTIGATION	<u>5</u>	<u>20</u>	<u>55</u>	<u>60</u>	<u>140</u>
Subtotal	6	24	55	60	145
TOTAL (Percentage)	16 (10%)	28 (17%)	60 (36%)	62 (37%)	165 (100%)

DISCIPLINE STATUS REPORT

Section F

CASES BY AGE AND STAGE OF PROCEEDING - LAST QUARTER REPORT

	Pre-1987	1987	1988	1989	Subtotal
CLOSED OR DISMISSED CASES					
CLOSED BY PUB REPRIMAND	0	0	0	0	0
CLOSED BY ADMONITION	0	0	0	0	0
CLOSED BY REPRIMAND	0	0	0	0	0
CLOSED BY CENSURE	0	0	0	0	0
CLOSED BY SUSPEND	0	0	0	0	0
CLOSED BY DISBAR	0	0	0	0	0
DISMISSED	<u>1</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>21</u>
TOTAL	1	5	5	10	21
OPEN CASES					
<u>Discipline in Effect or Pending</u>					
ATTORNEY ON PROBATION	8	0	0	0	8
SHORT TERM SUSPEND	0	0	0	0	0
PENDING SUPREME COURT	2	1	1	0	4
PENDING DISC. BOARD	1	1	0	0	2
PENDING STIPULATION	0	0	1	0	1
PENDING HRG. COMM.	0	0	0	0	0
PENDING PET. APPROVAL	0	0	0	0	0
PENDING ADMONITION	<u>0</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>5</u>
Subtotal	11	3	5	1	20
<u>Other Proceedings</u>					
PENDING FEE ARB.	1	0	0	0	1
PENDING CONCILIATION	0	0	0	0	0
ABEYANCE	<u>2</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>4</u>
Subtotal	3	2	0	0	5
<u>Under Investigation</u>					
SPECIAL COUNSEL INV. INVESTIGATION	<u>2</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>6</u>
Subtotal	9	27	66	42	144
TOTAL (Percentage)	23 (14%)	32 (19%)	71 (42%)	43 (25%)	169 (100%)

SECTION G

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

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CODE NAME

=====

CLSD PROBATION ENDED

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	===	===	=====	=====
83.036	83/08/15	11	SVG		89/07/24	1
83.043	83/11/22	03	SVG		89/07/24	2
84.435	84/02/14	03	SVG		89/07/24	3
84.443	84/02/21	03	SVG		89/07/24	4

						4

Subtotal

CLOSED BY ADMONITION

87.278	87/11/23	08	SVG	CJA	89/08/04	5
88.183	88/08/24	07	SVG	CJA	89/07/14	6
88.232	88/11/14	03	SVG	MW	89/08/18	7
89.032	89/02/14	07	SVG	MW	89/08/16	8

						4

Subtotal

CLOSED BY REPRIMAND

88.095	88/04/21	05	SVG	MW	89/09/09	9

						1

Subtotal

CLOSED BY SUSPENSION

85.048	85/04/04	07	SVG		89/08/21	10
85.221	85/11/15	07	SVG		89/08/21	11

						2

Subtotal

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

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CODE NAME

=====

DISMISSED

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	===	===	=====	=====
86.243	86/12/15	07	SVG	MW	89/09/12	12
87.231	87/09/18	01	SVG	MW	89/09/21	13
87.251	87/10/20	01	SVG	MW	89/08/23	14
87.306	87/12/30	03	SVG	MW	89/09/29	15
88.025	88/01/28	05	SVG	MW	89/09/29	16
88.060	88/03/04	03	SVG	CJA	89/09/15	17
88.123	88/06/10	03	SVG	MW	89/09/29	18
88.161	88/07/25	07	SVG	MW	89/07/12	19
88.170	88/08/11	03	SVG	CJA	89/09/29	20
88.173	88/08/11	03	SVG	CJA	89/09/29	21
88.194	88/09/14	03	SVG	MW	89/09/13	22
88.251	88/11/25	04	SVG	CJA	89/09/14	23
89.006	89/01/09	01	SVG	CJA	89/08/09	24
89.015	89/01/26	07	SVG	CJA	89/09/14	25
89.042	89/02/27	04	SVG	CJA	89/08/09	26
89.071	89/04/10	03	SVG	MW	89/08/09	27
89.084	89/04/24	03	SVG	CJA	89/09/15	28
89.085	89/04/25	03	SVG	MW	89/08/09	29
89.088	89/04/25	04	SVG	CJA	89/08/22	30
89.089	89/04/25	04	SVG	CJA	89/08/22	31
89.090	89/04/25	04	SVG	CJA	89/08/22	32
89.092	89/05/01	05	SVG	MW	89/09/21	33
89.086	89/05/09	01	SVG	MW	89/07/19	34
89.102	89/05/26	02	SVG	CJA	89/08/22	35
89.107	89/06/01	07	SVG	CJA	89/08/22	36
89.124	89/06/29	03	SVG	CJA	89/09/29	37
89.138	89/07/24	07	SVG		89/09/29	38

27

Subtotal

GR. NOT ACCEPTED

89.073	89/04/14	00	SVG		89/07/20	39
89.074	89/04/14	00	SVG		89/08/25	40

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

=====

CODE NAME

=====

GR. NOT ACCEPTED

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	===	===	=====	=====
89.112	89/06/14	00	SVG		89/08/11	41
89.116	89/06/21	00	SVG		89/08/11	42
89.118	89/06/22	00	SVG		89/07/20	43
89.119	89/06/22	00	SVG		89/07/20	44
89.122	89/06/27	00	SVG		89/08/11	45
89.137	89/06/28	00	SVG		89/08/17	46
89.125	89/06/30	00	SVG		89/08/15	47
89.126	89/06/30	00	SVG		89/08/15	48
89.131	89/07/19	00	SVG		89/08/17	49
89.135	89/07/20	00	SVG		89/08/17	50
89.140	89/07/26	00	SVG		89/08/29	51
89.141	89/07/26	00	SVG		89/08/29	52
89.145	89/08/02	00	SVG		89/08/22	53
89.146	89/08/04	00	SVG		89/08/22	54
89.148	89/08/08	00	SVG		89/09/06	55
89.151	89/08/09	00	SVG		89/08/30	56
89.152	89/08/11	00	SVG		89/08/11	57
89.157	89/08/21	00	SVG		89/09/05	58
89.154	89/08/28	00	SVG		89/08/30	59
89.163	89/08/31	00	SVG		89/09/05	60
89.164	89/08/31	00	SVG		89/09/05	61
89.165	89/08/31	00	SVG		89/09/05	62
89.166	89/08/31	00	SVG		89/09/05	63
89.169	89/09/07	00	SVG		89/09/22	64
89.172	89/09/12	00	SVG		89/09/21	65
89.176	89/09/13	00	SVG		89/09/21	66
89.185	89/09/22	00	SVG		89/09/29	67

29

Subtotal

ATTY ON PROBATION

85.237	85/12/20	01	SVG	85/11/20	68
86.066	86/04/03	03	SVG	88/03/18	69

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

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CODE NAME

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ATTY ON PROBATION

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	===	===	=====	=====
86.076	86/04/14	03	SVG		88/03/18	70
86.209	86/10/13	05	SVG		88/03/18	71

						4

Subtotal

PENDING SUPREME CT.

86.184	86/09/12	05	SVG		89/09/11	72
87.078	87/03/19	05	SVG		89/09/11	73
87.157	87/06/22	03	SVG		89/03/30	74

						3

Subtotal

PENDING DISC. BOARD

88.010	88/01/14	09	SVG		89/07/13	75

						1

Subtotal

PENDING HRG. COMM.

88.225	88/11/07	07	SVG	CJA	89/08/09	76

						1

Subtotal

Report Date 3RD QUARTER 1989

Last Revision Date :89/10/05

DISCIPLINE STATUS REPORT

CODE NAME

PENDING ADMONITION

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
85.170	85/09/26	04	SVG	MW	89/08/21	77
86.169	86/08/13	03	SVG	JRL	89/04/20	78
88.011	88/01/14	01	SVG	MW	89/08/21	79
88.107	88/05/17	06	SVG	CJA	89/08/09	80
88.166	88/08/05	07	SVG	MW	89/08/28	81
						5

Subtotal

PENDING FEE ARB.

86.083	86/04/21	04	SVG		86/07/08	82
89.011	89/01/20	01	SVG	CJA	89/08/30	83
						2

Subtotal

ABEYANCE/ COURT CASE

83.327	83/05/24	03	SVG		86/05/06	84
84.139	84/08/20	03	SVG		86/05/07	85
87.087	87/03/27	05	SVG		87/11/05	86
87.236	87/09/29	01	SVG		88/03/11	87
						4

Subtotal

UNDER INVESTIGATION

85.186	85/10/11	02	SVG		85/10/11	88
86.011	86/01/14	02	SVG		86/05/08	89

DISCIPLINE STATUS REPORT

CODE NAME

UNDER INVESTIGATION

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
86.023	86/02/05	07	SVG	CJA	86/02/20	90
86.134	86/06/27	07	SVG		86/07/17	91
86.225	86/11/12	07	SVG		86/12/05	92
86.237	86/12/01	04	SVG	JRL	89/01/27	93
87.013	87/01/15	04	SVG		87/01/21	94
87.070	87/03/12	03	SVG	CJA	87/03/23	95
87.079	87/03/19	05	SVG		87/09/11	96
87.088	87/03/27	02	SVG	CJA	87/09/22	97
87.110	87/04/17	01	SVG		87/04/23	98
87.126	87/05/12	04	SVG		87/05/29	99
87.128	87/05/13	07	SVG	JRL	87/06/18	100
87.129	87/05/13	07	SVG	JRL	87/06/18	101
87.130	87/05/13	07	SVG	JRL	87/06/18	102
87.131	87/05/13	07	SVG	JRL	87/06/18	103
87.133	87/05/14	02	SVG	MW	87/05/21	104
87.139	87/05/27	04	SVG	CJA	88/12/30	105
87.146	87/06/01	03	SVG	MW	87/06/15	106
87.177	87/07/09	03	SVG	CJA	87/07/24	107
87.182	87/07/20	07	SVG		87/08/03	108
87.197	87/07/30	06	SVG		88/01/04	109
87.215	87/08/31	01	SVG	CJA	87/09/09	110
87.222	87/09/11	01	SVG		87/09/16	111
87.242	87/10/09	03	SVG		87/10/13	112
87.247	87/10/15	05	SVG		87/10/20	113
87.255	87/10/26	03	SVG		87/12/02	114
87.256	87/10/26	07	SVG		87/11/04	115
87.273	87/11/18	03	SVG		87/12/02	116
87.296	87/12/11	07	SVG		87/12/16	117
88.002	87/12/31	07	SVG		88/01/25	118
88.015	88/01/18	05	SVG		88/01/25	119
88.026	88/01/28	07	SVG		88/02/04	120
88.035	88/02/08	07	SVG		88/02/24	121
88.062	88/03/07	02	SVG		88/09/28	122
88.064	88/03/08	02	SVG	MW	88/03/25	123
88.063	88/03/09	06	SVG	CJA	88/03/10	124
88.067	88/03/11	01	SVG	CJA	88/03/24	125
88.078	88/03/22	01	SVG		88/04/27	126

Report Date 3RD QUARTER 1989

Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

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CODE NAME

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UNDER INVESTIGATION

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	===	===	=====	=====
88.097	88/04/04	03	SVG	MW	88/04/27	127
88.088	88/04/06	04	SVG	CJA	88/04/27	128
88.098	88/04/27	03	SVG	MW	88/05/16	129
88.105	88/05/09	01	SVG		88/06/21	130
88.106	88/05/11	04	SVG		88/05/17	131
88.132	88/05/17	01	SVG	CJA	88/06/21	132
88.109	88/05/18	05	SVG	MW	88/05/18	133
88.111	88/05/19	07	SVG	CJA	88/06/21	134
88.117	88/05/26	01	SVG		88/05/31	135
88.118	88/05/26	02	SVG	CJA	88/06/20	136
88.125	88/06/03	05	SVG	CJA	88/06/22	137
88.126	88/06/03	07	SVG		88/07/27	138
88.141	88/06/30	07	SVG		88/07/20	139
88.145	88/07/06	03	SVG	MW	88/07/26	140
88.147	88/07/06	03	SVG		88/07/26	141
88.150	88/07/11	04	SVG		88/11/02	142
88.176	88/07/11	02	SVG	MW	89/03/24	143
88.153	88/07/13	07	SVG	CJA	88/07/26	144
88.157	88/07/15	01	SVG	CJA	88/07/26	145
88.158	88/07/18	03	SVG	MW	88/07/19	146
88.164	88/08/01	07	SVG		88/09/01	147
88.189	88/08/01	07	SVG		88/09/01	148
88.190	88/08/01	07	SVG		88/09/01	149
88.178	88/08/18	07	SVG	CJA	88/08/22	150
88.187	88/08/30	07	SVG	CJA	88/09/21	151
88.188	88/08/30	03	SVG		88/09/23	152
88.191	88/09/01	03	SVG	CJA	88/09/22	153
88.192	88/09/12	06	SVG		88/09/27	154
88.195	88/09/19	05	SVG		88/09/21	155
88.211	88/10/01	04	SVG		89/03/29	156
88.209	88/10/04	05	SVG		88/10/25	157
88.208	88/10/06	07	SVG		88/10/31	158
88.207	88/10/07	02	SVG	CJA	88/10/25	159
88.214	88/10/11	07	SVG		88/10/31	160
88.215	88/10/11	07	SVG		88/10/31	161
88.217	88/10/13	07	SVG		88/10/31	162
88.220	88/10/26	03	SVG		88/11/21	163

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

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CODE NAME

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UNDER INVESTIGATION

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	==	==	=====	=====
88.240	88/12/02	05	SVG		89/03/31	164
88.241	88/12/02	05	SVG		89/03/31	165
88.242	88/12/02	05	SVG		89/03/31	166
88.246	88/12/07	03	SVG		88/12/30	167
88.247	88/12/08	05	SVG		88/12/14	168
88.253	88/12/15	07	SVG		89/02/09	169
88.261	88/12/15	07	SVG		89/02/09	170
88.258	88/12/27	03	SVG		89/02/01	171
88.259	88/12/29	02	SVG		89/02/01	172
89.001	89/01/03	07	SVG	MW	89/02/02	173
89.004	89/01/04	03	SVG	CJA	89/09/15	174
89.002	89/01/05	03	SVG	CJA	89/02/02	175
89.009	89/01/13	07	SVG		89/05/10	176
89.010	89/01/13	03	SVG		89/02/02	177
89.026	89/01/19	07	SVG		89/02/03	178
89.013	89/01/24	03	SVG	MW	89/02/02	179
89.023	89/01/24	01	SVG		89/02/03	180
89.025	89/01/24	04	SVG		89/02/03	181
89.027	89/01/27	07	SVG		89/03/16	182
89.028	89/01/27	07	SVG		89/03/17	183
89.031	89/02/10	01	SVG	CJA	89/02/28	184
89.039	89/02/23	07	SVG		89/02/28	185
89.043	89/02/27	03	SVG		89/03/17	186
89.045	89/03/01	01	SVG	CJA	89/03/17	187
89.047	89/03/03	07	SVG	CJA	89/03/17	188
89.048	89/03/06	02	SVG		89/03/17	189
89.053	89/03/15	03	SVG		89/03/23	190
89.054	89/03/16	03	SVG		89/04/18	191
89.057	89/03/16	02	SVG	MW	89/03/24	192
89.068	89/03/28	05	SVG		89/03/31	193
89.097	89/04/05	07	SVG	CJA	89/05/10	194
89.082	89/04/24	03	SVG	MW	89/05/12	195
89.091	89/05/01	03	SVG		89/05/09	196
89.095	89/05/03	03	SVG	CJA	89/05/15	197
89.098	89/05/04	05	SVG		89/05/12	198
89.083	89/05/22	03	SVG		89/05/26	199
89.101	89/05/22	03	SVG	MW	89/06/26	200

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

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CODE NAME

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UNDER INVESTIGATION

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	===	===	=====	=====
89.106	89/05/30	03	SVG	MW	89/06/23	201
89.109	89/06/01	07	SVG		89/06/27	202
89.108	89/06/02	04	SVG		89/09/07	203
89.110	89/06/07	07	SVG		89/09/14	204
89.111	89/06/07	03	SVG	CJA	89/09/01	205
89.114	89/06/21	07	SVG		89/09/14	206
89.115	89/06/21	07	SVG		89/09/14	207
89.117	89/06/22	03	SVG	MW	89/07/21	208
89.127	89/07/05	07	SVG	CJA	89/08/17	209
89.132	89/07/06	03	SVG	CJA	89/08/17	210
89.128	89/07/11	05	SVG	MW	89/08/17	211
89.133	89/07/18	03	SVG		89/08/18	212
89.142	89/07/26	03	SVG	CJA	89/08/21	213
89.143	89/07/28	03	SVG	CJA	89/09/01	214
89.144	89/07/31	03	SVG	MW	89/09/01	215
89.147	89/08/07	07	SVG	CJA	89/09/12	216
89.149	89/08/08	04	SVG	CJA	89/08/21	217
89.150	89/08/08	02	SVG		89/09/07	218
89.156	89/08/10	03	SVG	MW	89/09/07	219
89.159	89/08/24	03	SVG		89/09/25	220
89.160	89/08/24	03	SVG	CJA	89/09/12	221
89.161	89/08/25	07	SVG	MW	89/09/12	222
89.162	89/08/31	07	SVG		89/09/11	223
89.167	89/09/05	04	SVG	CJA	89/09/21	224
89.174	89/09/07	01	SVG	CJA	89/09/21	225
89.175	89/09/11	05	SVG	MW	89/09/26	226
89.170	89/09/12	04	SVG		89/09/26	227
89.171	89/09/12	01	SVG		89/09/20	228
89.173	89/09/12	01	SVG	MW	89/09/21	229
89.178	89/09/14	03	SVG	CJA	89/09/21	230
89.179	89/09/15	04	SVG	CJA	89/09/25	231
89.180	89/09/18	03	SVG	CJA	89/09/21	232

145

Subtotal

Report Date 3RD QUARTER 1989
Last Revision Date :89/10/05

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DISCIPLINE STATUS REPORT

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CODE NAME

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FILED/UNDER REVIEW

FILE NO.	DATE FILED	GRIEVANCE	BC	ABC	CODE AS OF	#
=====	=====	==	==	==	=====	=====
89.067	89/03/27	00	SVG		89/03/28	233
89.105	89/05/30	00	SVG		89/05/31	234
89.113	89/06/14	00	SVG		89/06/14	235
89.120	89/06/20	00	SVG		89/06/23	236
89.121	89/06/27	00	SVG		89/06/27	237
89.123	89/06/28	00	SVG		89/06/28	238
89.129	89/07/11	00	SVG		89/07/12	239
89.130	89/07/12	00	SBC		89/07/12	240
89.134	89/07/20	00	SVG		89/07/20	241
89.136	89/07/21	00	SVG		89/07/24	242
89.139	89/07/25	00	SVG		89/07/31	243
89.153	89/08/11	00	SVG		89/08/11	244
89.155	89/08/11	00	SVG		89/08/11	245
89.158	89/08/23	00	SVG		89/08/24	246
89.168	89/09/06	00	SVG		89/09/06	247
89.189	89/09/12	00	SVG		89/09/26	248
89.177	89/09/13	00	SVG		89/09/13	249
89.181	89/09/20	00	SVG		89/09/22	250
89.182	89/09/20	00	SVG		89/09/22	251
89.183	89/09/20	00	SVG		89/09/22	252
89.184	89/09/20	95	SVG		89/09/22	253
89.186	89/09/25	00	SVG		89/09/25	254
89.187	89/09/25	00	SVG		89/09/25	255
89.188	89/09/25	00	SVG		89/09/25	256
89.190	89/09/29	00	SVG		89/09/29	257
89.191	89/09/29	00	SVG		89/09/29	258

Subtotal

26

Grand Total

258
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FEE ARBITRATION REPORT

July 1, 1989 to September 30, 1989

Section A Summary

Open cases at beginning of quarter	49
Cases closed	(-) 18
New cases initiated	(+) 24
Open cases at end of quarter	55

Section B Description of Open Cases

Under Review	4
Pending Stay	9
Petition Returned For Completion	2
Panel not Assigned	12
Pending Settlement	0
Panel Assigned	5
Remand/Reconsideration	1
Pending Decision	7
Decision Issued	13
Decision Appealed	<u>2</u>
	55

Section C Description of Closed Cases

No Atty./Client Relationship	0
Fee Set by Court/Statute	0
Petition Withdrawn	2
Petition Rejected	1
Closed: Settlement	3
Dismissed w/o prejudice	1
Dismissed w/prejudice	0
Decision Final	10
Reversed on Appeal	0
Sustained on Appeal	<u>1</u>
	18

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FEE ARB QUARTERLY REPORT

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STATUS

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PANEL NOT ASSIGNED

CASE #	FILED	JUD. DIST.	RED. ASKED	RED. AWRDED	STATUS CHNG	#
89.004	89/01/30	3	10,000.00		89/01/30	1
89.011	89/02/23	3	2,000.00		89/08/25	2
89.021	89/04/07	1	17,000.00		89/04/20	3
89.029	89/05/26	3	5,042.28		89/06/19	4
89.035	89/06/26	3	10,000.00		89/06/26	5
89.039	89/07/26	1	720.09		89/08/07	6
89.043	89/08/15	3	9,333.33		89/08/17	7
89.045	89/08/18	3	1,000.00		89/08/18	8
89.049	89/08/31	3	1,279.00		89/08/31	9
89.050	89/09/05	3	2,500.00		89/09/06	10
89.052	89/09/13	3	242.00		89/09/14	11
89.053	89/09/18	1	600.00		89/09/20	12

						12

Subtotal

UNDER REVIEW

89.056	89/09/29	3	75,000.00		89/09/29	13
89.057	89/09/29	3	392.40		89/09/29	14
89.058	89/09/29	1	10,651.74		89/09/29	15
89.059	89/09/29	1	155.00		89/09/29	16

						4

Subtotal

PENDING STAY

89.033	89/06/19	3	4,977.27		89/06/19	17
89.036	89/06/28	3	1,300.00		89/06/29	18
89.042	89/08/09	3	752.31		89/08/09	19
89.044	89/08/16	1	2,129.22		89/08/18	20
89.046	89/08/18	3	11,132.25		89/08/22	21