

ALASKA LEGISLATURE COMMITTEE FILES 1979-1980 86/2

668 SC FILE NO. 31

BOARD

of

NURSING



Alaska
Nurses
Association

~~520 West Eighth Avenue~~

~~Suite 111~~

1172 Gambell

Anchorage, Alaska 99501

(907) 274-0827

... a constituent of American Nurses' Association

February 20, 1979

Senator Bill Bradley
Chairman Senate Commerce
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Sir

The Legislative Committee of the Alaska Nurses Association has given testimony in favor of the activities of the Board of Nursing. We are in definite agreement with the continuation of the Board of Nursing for the regulation, maintenance and education in the area of professional nursing.

The following is a specific response regarding each of the proposed recommendations by the legislative audit committee.

1. Mandatory Continuing Education. We support what the Board of Nursing must do in response to the legislative audit report. We do recommend that the necessary statutory changes be given careful and serious thought and the input be gained from various sources regarding how the changes should be made. Simply implementing mandatory continuing education without quality, control and specific, clearly delineated implementation plans will not be the answer to improving nursing practice. The Alaska Nurses Association will be polling members regarding specific suggestions and hopefully specific implementation recommendations can be made as a result of the June 1979 State Convention. We further caution that an effective date for implementation could not be before 1982. It will be especially important to consider the added responsibility for implementing mandatory continuing education in terms of necessary resources and financial backing.

2. Representation. We clearly support this recommendation regarding the board consistency.

3. Foreign graduates. Considering the high failure rate of foreign graduates on the State Boards, the Legislative Committee of the Alaska Nurses Association can not completely support the issuance of temporary permits to all graduates. The suggestion of the Board of Nursing regarding the issuance of temporary permits according to the scoring on the International Nursing Exam given in foreign countries seems like a feasible one.

4,5 & 6 Define license violation, Goals & Objectives and Duty of Executive Officer. We support these recommendations.

Please feel free to call on us for any further information or questions regarding the above.

Sincerely

Susan Moch

Susan Moch
Co-Chairman
Alaska Nurses Association
Legislative Committee

A PERFORMANCE REVIEW
OF THE
BOARD OF NURSING

October 6, 1978

A PERFORMANCE REVIEW
OF THE
BOARD OF NURSING

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Commissioner of the Department
of Commerce and Economic
Development

H. Phillip Hubbard

Deputy Commissioner of the
Department of Commerce and
Economic Development

Bertram L. Wagnon

Members of the
Board of Nursing

Chairman
Secretary-Treasurer
Member
Member
Member
Member
Member

Eileen Montano, R.N.
Kandace Henry
Marjorie Van Kooten, R.N.
Norma J. Frank, R.N.
Betty Hodo, R.N.
Carol Ann Verga, R.N., C.N.M.
Erna Rasmussen

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

October 6, 1978

Members of the
Legislative Budget and Audit Committee:

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

A PERFORMANCE REVIEW
OF THE
BOARD OF NURSING

October 6, 1978



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

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

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

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Nursing should be re-established. The law currently specifies that this Board will terminate on June 30, 1979, but will continue until June 30, 1980 for the purpose of concluding its affairs.

Scope

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

- (1) Applicable statutes and Board regulations;
- (2) Interviews with Board members and questionnaires sent to the Board;
- (3) Correspondence with health agencies and professional associations;
- (4) Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) Interviews with OL employees;
- (6) Complaints filed with OL, the Ombudsman's Office, the Equal Employment Opportunity Office and the Human Rights Commission;
- (7) Questionnaires sent to State licensed nurses; and
- (8) Review of other states' licensing requirements.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported formal financial and program plans as required by AS 37.

07.050 nor has it developed and reported performance information regarding its effectiveness and accomplishments as required by AS 37.07.090.

- (2) OL has not adequately collected, recorded or maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out their administrative responsibilities.

ORGANIZATION AND FUNCTION

The Board of Nursing, created in 1941, is a regulatory board composed of seven members - five registered nurses and two public members. The primary purpose of the Board is to protect the public's health, safety and welfare through the regulation of nursing practice.

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

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

In addition, the Board has staff support from OL. The Division employs an Executive Officer of the Board who is statutorily responsible for performing administrative duties, carrying out regulations and policy decisions of the Board and assisting the Board in conducting examinations and educational programs.

OL is composed of two sections. The licensing section processes applications, prepares license files, collects fees, issues licenses and permits as authorized, answers inquiries and provides other administrative assistance to the Board. The other section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board currently regulates the practice of professional nursing (RNs), practical nursing (LPNs) and nurse midwifery. In 1973, the Legislature amended AS 08.68. 410(5) to allow practice as an advanced nurse practitioner (ANP). An ANP is a registered nurse who by virtue of specialized education and experience, has become certified to perform acts of medical diagnosis, and prescription of medical, therapeutic or corrective measures. The 1973 amendment required ANP regulations to be promulgated jointly by the Board of Nursing and the State Medical Board. In September of 1978, after commendable efforts by the Board of Nursing and little cooperation from the State Medical Board, proposed regulations

were approved by the Boards for public hearing which will allow registered nurses to perform an expanded role in the delivery of health care.

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

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these decisions, the legislative oversight committees should take into consideration the findings and alternatives presented in this report, so that the potential impact of policy changes can be evaluated.

Report Conclusions

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

However, certain changes should be made to improve the Board's responsibility to the public. Legislation is needed in two areas - continuing education and Board makeup and qualifications. Currently, there are no continuing education requirements for licensed nurses. The underlying purpose of continuing education is to permit professional education on a postgraduate level and allow for the maintenance and upgrading of professional competency. Legislation should be enacted enabling the Board to promulgate continuing education requirements (see Recommendation No. 1).

In addition, legislation should be enacted to ensure that licensed practical nurses and advanced nurse practitioners are adequately represented on the Board. The current qualification statute requires Board members, except public members, to be registered nurses and the Board makeup statute does not require a member to be an advanced nurse practitioner (see Recommendation No. 2).

The Board of Nursing should discontinue its policy of requiring foreign nurse graduates to have one year of work experience before a temporary permit can be issued. This policy, related to applications for examination, discriminates against foreign graduates. Once a foreign graduate qualifies for examination, he/she is on equal status with all qualified applicants and temporary permits should be issued consistently without further restrictions on the foreign graduate (see Recommendation No. 3).

FINDINGS AND RECOMMENDATIONS

Recommendations No. 1 through No. 5 are addressed to the Board of Nursing. Recommendation No. 6 is addressed to the Division of Occupational Licensing (OL) and should be read in conjunction with "A Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development, October 30, 1978", issued under separate cover.

Recommendation No. 1

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

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

As stated in a continuing education brochure of the Alaska Nurses Association, "People in the United States today view health care as a fundamental right. Nursing care is a major component of health care. Full participation of well-prepared nurses who systematically build upon their basic preparation through life-long learning is vital to improving the quality of health services. The Alaska Nurses Association believes that continuing education is an essential means by which nurses maintain professional competence".

In response to Legislative Audit questionnaires (see Appendixes D and E), six of the seven members of the Board of Nursing believe that the absence of CE is detrimental to the public's best interest; 73% of the licensed nurses responded that they had attended some form of CE seminars or classes in the past two years; and 57%, 53% and 68% of the nurses favored CE requirements for RNs, LPNs and ANPs respectively.

The Alaska Nurses Association currently has a voluntary CE program for registered nurses. Furthermore, the University of Alaska's School of Nursing has been designing CE programs in preparation for a mandatory requirement. These programs, if implemented, would provide CE classes throughout the State. The Board of Nursing should encourage and fully support the efforts of the School of Nursing.

A legislative continuing education requirement will necessitate the promulgation of regulations for the proper administration of such a program by the Board. In drafting these regulations, the Board should consider:

1. An effective date that will allow adequate time for the establishment of proper CE programs so as not to place an unnecessary hardship on the Alaska nurse;
2. Reviewing and approving CE programs offered in Alaska that meet Board requirements;
3. A provision allowing waivers of the CE requirement if undue hardship is justified; and
4. Approval of out-of-state CE programs that, in the opinion of the Board, meet Alaska's requirements."

Recommendation No. 2

A statutory amendment is needed to ensure that all regulated nurses are adequately represented on the Board of Nursing.

The Board presently regulates LPNs, RNs and ANPs. AS 08.68.060, which defines the qualifications of Board members, restricts the membership to RNs only. Therefore, LPNs cannot be assured of adequate representation. In addition, although all advanced nurse practitioners must be RNs and a current member of the Board is an ANP, AS 08.68.010 does not specify that a member of the Board be an ANP. Therefore, ANPs cannot be assured that they will be represented in the future. This is of particular importance considering the Board has regulations in the formal approval process that will expand existing ANP regulations to include all areas of specialization.

We recommend the Board consist of three RNs, one ANP, one LPN and two public members. By amending the current Board makeup and qualification statutes, all nurses will be assured of adequate representation.

Recommendation No. 3

The Board of Nursing should discontinue its policy of requiring foreign nurse graduates to have one year of work experience before a temporary permit can be issued.

Graduates of foreign nursing education programs applying for license by examination are required to meet the same basic qualifications required of United States nursing graduates. However, once these requirements are met, the U. S. graduate may be granted a temporary permit to practice nursing until the next examination is given. The foreign graduate, having met the same requirements, may only be issued a temporary permit if they have had one year of successful employment in the United States.

As is evident by examination statistics (see Appendix B), foreign graduates historically have had difficulty passing the examination. The Board recognized this and in an attempt to protect the public, adopted this temporary permit policy.

However, this policy requirement discriminates against the foreign graduate. Once a foreign graduate qualifies for examination, he/she is on equal status with all qualified applicants.

Instead, we recommend the Board more closely review the original application for license by examination to ensure the foreign graduate meets the minimum qualifications.

According to OL personnel, the possible cause of the foreign graduates' examination difficulty is not thoroughly understanding the English language. If so, we recommend the Board consider requiring the successful completion of an English comprehension exam as an initial qualification. The State of New Jersey recognizes the Test of English as a Foreign Language offered by the Educational Testing Service. An alternative the Board should consider is the Foreign Graduate Examination discussed by the Board at its May 1978, meeting.

In general, the Board's attention is needed to identify the cause of the low foreign graduate pass rate and take the proper and legal actions necessary to protect the Alaska public.

However, once the foreign graduate qualifies for examination, temporary permits should be issued consistently to all requesting applicants without further restrictions on the foreign graduate.

Recommendation No. 4

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

As 08.68.270 outlines nursing license violations which are grounds for denial, suspension or revocation of a license. The list includes vague terms such as "moral turpitude" and "unprofessional conduct" which many nurses probably would not understand without a lawyer's advice. To date, the Board has not clarified or given examples of these terms.

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

Recommendation No. 5

The Board of Nursing should refine their formal goals and objectives, include quantifiable measures and submit a performance report as required by AS 37.07.

Objectives describe what an agency or board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. Without measurable goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

The Board has formally adopted certain desirable goals and objectives. However, several are not capable of being measured. The Board should refine their goals and objectives so that they can be measured. Assistance, if needed, should be obtained from OL and/or the Office of the Governor's Division of Budget and Management. The refined goals, objectives and measures should be included in OL's budget documents to allow the Governor and the Legislature to properly evaluate the Board's performance.

The Executive Budget Act requires each State agency to submit a performance report to the Division of Budget and Management no later than September 1, for the preceding fiscal year. The Division of Budget and Management has not requested nor has the Board and OL prepared the required report.

In the 1977 Session, the Legislature, in conjunction with sunset legislation, amended the performance reporting statute (AS 37.07.090) to require agencies to specifically address eight criteria. The report, based on those criteria, would provide a useful tool for evaluating the Board in the future (see the OL Performance Audit Report).

Recommendation No. 6

The Division of Occupational Licensing (OL) should comply with the Board of Nursing resolution requiring the Executive Officer to review and approve all applications for license by endorsement.

During our review, we found that OL's licensing examiner for the Board has been reviewing and approving applications for license by endorsement without the formal authorization of the Board. OL also recognized this and requested the Board to formally authorize this procedure. At the September, 1978 meeting, the Board resolved that, although the current licensing examiner is more than adequately providing the review, they prefer that the Executive Officer, a professional nurse, perform the review and approval function.

To date, the transfer of responsibilities to the Executive Officer has not occurred. We recommend that OL complete this transfer to keep the review and approval process within authorized and legal bounds.

ANALYSIS OF PUBLIC NEED

Limited Analysis

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

- I. The extent to which the board, commission or program has operated in the public interest.
 1. The Board of Nursing has promulgated regulations governing nurse midwifery.
 2. As a result of Board efforts, advanced nurse practitioner regulations which will allow registered nurses to perform an expanded role in the delivery of health care are presently in the formal approval process.
 3. The Board accredits and periodically surveys Alaska nursing education programs to ensure educational standards are maintained.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 1. OL's investigative performance was not sufficient to provide adequate public protection (see the OL Performance Audit Report).
 2. The Board was impeded in their efforts to compose and approve advanced nurse practitioner regulations by the State Medical Board which was jointly responsible for the promulgation of the regulations (see "A Performance Review of the Alaska State Medical Board, October 30, 1978", issued under a separate cover).
- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
 1. The Board is currently considering revisions to the Nurse Practice Act.

2. The Board frequently notifies, usually by an official letter, legislators, legislative committees and professional associations of their support or nonsupport of legislation affecting the practice and licensing of nurses.
- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
1. The Board has, on occasion, assisted nursing applicants who had failed the examination in obtaining tutoring or refresher courses.
- V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
1. The Board advertises meetings and examinations in newspapers in Anchorage, Fairbanks, Juneau and Ketchikan. This complies with the requirements of the Administrative Procedures Act (see the OL Performance Audit Report).
 2. During the past three years, approximately 40 persons other than Board members and state employees were present during Board meetings as recorded by Board minutes.
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.
1. OL's investigative performance was not sufficient to provide adequate public protection (see the OL Performance Audit Report).
 2. Two complaints filed with the Ombudsman's Office concerning licensure of foreign nurses were found to be unsupported.
 3. One complaint filed with the Human Rights Commission concerning discrimination due to national origin was found to be unsupported.

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

1. In the past three years, the Board has issued approximately 1,900 licenses and 1,300 temporary permits to practice nursing in Alaska. Approximately 85% of the licenses issued are through the Board's statutory and regulatory endorsement procedures (see Appendix C).
2. However, the Board has not adopted regulations requiring continuing education for the nursing profession (see Recommendation No. 1).
3. All nursing examinations are given in Anchorage. This places an unnecessary hardship on nursing applicants from other areas of the State.

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

1. Nursing applications require unnecessary information such as an applicant's photograph, marital status and spouse's name. This is in violation of Equal Employment Opportunity requirements (see the OL Performance Audit Report).
2. A Board policy concerning temporary permits for foreign nursing graduates is discriminatory (see Recommendation No. 3).

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

Please refer to the previous section, Findings and Recommendations.

APPENDIXES

APPENDIX A

BOARD OF NURSING
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1978
(UNAUDITED)

Average Revenue (See Schedule 1 and Note 1)	\$ 56,500
Expenditures (see Note 2)	<u>98,600</u>
Excess of Expenditures Over Revenues	<u><u>\$(42,100)</u></u>

Schedule 1
Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Registered Nurse</u>		
Application Fee	\$20	With application
License by Examination Fee	20	With application
License by Endorsement Fee	20	With application
License Renewal Fee	15	Biennially
Late Fee Fine	10	With late payment
<u>Licensed Practical Nurse</u>		
Application Fee	\$15	With application
License by Examination Fee	15	With application
License by Endorsement Fee	15	With application
License Renewal Fee	15	Biennially
Late Fee Fine	10	With late payment

Note 1

Most of the nursing revenues are composed of license renewal fees. These fees are collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal year 1977 and 1978 in order to obtain an accurate representation of collected revenues.

Note 2

Expenditures included those made by Board members, such as travel and per diem and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, assisting the Board and OL.

APPENDIX B

EXAMINATION STATISTICS

Description

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

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

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

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

Alaska Registered Nurse Examination Statistics

<u>1978¹</u>	<u>Alaska Graduates</u>	<u>Other State's Graduates</u>	<u>Foreign Graduates</u>	<u>Total</u>
Passed	37	32	1	70
Failed	8	3	11	22
Total	45	35	12	92
% Pass Rate	82%	91%	8%	76%
 <u>1977²</u>				
Passed	33	24	3	60
Failed	7	5	14	26
Total	40	29	17	86
% Pass Rate	83%	83%	21%	70%

Alaska Registered Nurse Examination Statistics (cont'd.)

<u>1976</u> ³	<u>Alaska Graduates</u>	<u>Other State's Graduates</u>	<u>Foreign Graduates</u>	<u>Total</u>
Passed	44	25	6	75
Failed	7	4	4	15
Total	<u>51</u>	<u>29</u>	<u>10</u>	<u>90</u>
% Pass Rate	<u>86%</u>	<u>86%</u>	<u>60%</u>	<u>83%</u>

Alaska Licensed Practical Nurse Examination Statistics⁴

<u>1977</u> ²	<u>Alaska Graduates</u>	<u>Other State's Graduates</u>	<u>Foreign Graduates</u>	<u>Total</u>
Passed	28	12	1	41
Failed	2	-0-	2	4
Total	<u>30</u>	<u>12</u>	<u>3</u>	<u>45</u>
% Pass Rate	<u>93%</u>	<u>100%</u>	<u>33%</u>	<u>91%</u>
<u>1976</u> ³				
Passed	15	9	2	26
Failed	5	1	1	7
Total	<u>20</u>	<u>10</u>	<u>3</u>	<u>33</u>
% Pass Rate	<u>75%</u>	<u>90%</u>	<u>67%</u>	<u>79%</u>

Note 1

Statistics from the Executive Officer of the Board of Nursing.

Note 2

Statistics from the Board of Nursing's Annual Report, 1977.

Note 3

Statistics from the Board of Nursing's Annual Report, 1976.

Note 4

Results of the October 1978 examination are not available at this time.

APPENDIX C

ADMINISTRATIVE STATISTICS

	1978 ¹			1977 ²			1976 ³		
	<u>RN</u>	<u>LPN</u>	<u>Total</u>	<u>RN</u>	<u>LPN</u>	<u>Total</u>	<u>RN</u>	<u>LPN</u>	<u>Total</u>
Licenses Issued:									
by Endorsement	310	93	403	485	153	638	440	146	586
by Examination	70	1	71	60	39	99	75	26	101
<u>Total Licenses Issued</u>	<u>300</u>	<u>94</u>	<u>474</u>	<u>545</u>	<u>192</u>	<u>737</u>	<u>515</u>	<u>172</u>	<u>687</u>
Permits Issued:									
Awaiting Endorsement	167	44	211	293	94	387	306	129	435
Awaiting Examination	69	22	91	70	25	95	81	22	103
<u>Total Permits Issued</u>	<u>236</u>	<u>66</u>	<u>302</u>	<u>363</u>	<u>119</u>	<u>482</u>	<u>387</u>	<u>151</u>	<u>538</u>
Active Licenses:									
In-State Address	2,231	602	2,833	2,497	761	3,258	1,610	461	2,071
Out-of-State Address	359	119	478	520	161	681	195	71	266
<u>Total Active Licenses</u>	<u>2,590</u>	<u>721</u>	<u>3,311</u>	<u>3,017</u>	<u>922</u>	<u>3,939</u>	<u>1,805</u>	<u>532</u>	<u>2,337</u>

Note 1

Statistics from OL personnel and available records through September.

Note 2

Statistics from the Board of Nursing's Annual Report, 1977.

Note 3

Statistics from the Board of Nursing's Annual Report, 1976.

APPENDIX D

QUESTIONNAIRE SENT TO BOARD MEMBERS

1. What do you believe to be the goals and objectives of the Board of Nursing?

To protect citizens of Alaska from unsafe and unqualified practitioners. In addition the Board has established written objectives and Board philosophy.

2. How does the Board measure its progress in meeting its goals and objectives?

Methods used to make this measurement include public and professional input, results of examinations and board experiences in other states. The Board of Nursing can then review, evaluate and modify, as necessary, activity plans relating to long and short term objectives and goals.

3. Is the staff from the Department of Commerce and/or other departments adequate to perform and enforce all laws and regulations relating to the Board of Nursing? What staff support services are provided adequately? Inadequately? Are investigations performed adequately/inadequately?

Staff support of the licensing section is presently adequate. In the past, however, staff turnover and secretarial support was a problem. Investigative support is inadequate.

4. Are there any statutes or regulations that you believe to be obsolete, vague, unduly restrictive, and/or inadequate to provide the Board with the responsibility and power to properly govern the purpose and activities of the Board? Please list and explain.

The Board intends to revise the Nursing Practice Act. Areas of concern include:

- 1. Rules and regulations that must be promulgated with the State Medical Board.*
- 2. Board make-up.*
- 3. License fees set by statute.*

5. What evidence exists demonstrating that the absence of nursing regulations and/or the Board would be detrimental to the public's best interest?

The Nursing Board, using nursing statutes and regulations, determines the minimum level of competence for a nurse. The limits and controls on the qualifications, licensure and practice of a nurse assures the public that a practicing nurse has met this minimum level of competence.

6. What changes could be made to the Board which would improve its service to the nursing profession and/or the public?

The Nursing Board would like to hold more meetings in different locations. This would increase visibility and interaction between the Board and the public.

An increase in staff support would also improve services.

A change in the statutes concerning adding a L.P.N. to the Board, better liason with the State Medical Board and timely replacement of Board members would improve services.

7. Do you believe that the absence of continuing education requirements is detrimental to the public's best interest? Please explain.

Six Board members agree and one member disagrees that the absense of continuing education requirements is detrimental to the public's best interest.

8. Do you believe that the issuance of temporary permits to non-licensed nursing applicants is in the public's best interest? Please explain.

All Board members believe it is in the public's best interest to issue temporary permits to applicants if statutory and regulatory requirements are met.

9. Do you believe that the ratio of two public members to five nurses on the Board of Nursing is adequate for the Board to perform its duties?

Five of the Board members believe that the ratio of two public members to five nurses on the Board is adequate for the Board to perform it's duties. Of the two members who disagree, one member wants less public members while the other member wants more public members.

9. (cont'd.)

In answering, the members noted the importance of having nurses on the Board and that new members should have more orientation.

10. Do you believe there is a nurse shortage in Alaska? If yes, in what areas?

Most Board members believe there is a shortage of nurses at the baccalaureate level, at hospitals, and in the bush areas.

Other Board members feel there might not be a shortage of nurses, but rather a distribution problem or that nursing jobs are not as attractive as others, so nurses are taking jobs outside the nursing field.

11. If you answered yes to No. 10 above, what steps are or should the Board take to correct the nurse shortage?

Nursing standards should not be lowered. Applications should be handled in a more timely manner. More refresher courses and classes should be offered to help nurses in the bush.

12. Any additional comments.

The Board is hampered in performing its duties by outside factors such as inadequate support in the area of investigations, inadequate funds and untimely appointments to the Board.

APPENDIX E

QUESTIONNAIRE SENT TO NURSES

	% Responses (see Note 1)		
	Yes	No	Opinion
1. Have you been able to attend any nursing seminars or classes within the last <u>two</u> years?	73%	27%	0%
2. If so, how many hours of classes have you had?	Average 57.6 hr.		
3. Do you believe that state laws should require continuing education before the following licenses are renewed:			
A. professional nurse?	57%	38%	5%
B. practical nurse?	53%	43%	4%
C. advanced nurse practitioner?	68%	27%	5%
4. Have you ever had any contact with the Board of Nursing?	28%	66%	6%
5. If so, was it concerning:			
A. new regulations?	7%	24%	69%
B. Board policy?	4%	22%	74%
C. new legislation?	3%	24%	73%
D. investigations?	2%	23%	75%
E. other (please specify)?	12%	16%	72%

6. Do you believe the Board of Nursing has operated in the public's best interest?	80%	7%	13%
7. Would the absence of the Board be detrimental to the public's best interest?	79%	7%	14%

% Responses
(see Note 1)

	No		
	Yes	No	Opinion
8. Do you believe the Board should be made up of:			
A. a majority of nurses?	66%		
B. an equal number of nurses and public members?	34%		
C. a majority of public members?		0%	
9. Do you believe that Alaska's licensing requirements are adequate and effective in insuring that the public is protected?	83%	10%	7%
10. Are there any statutes or regulations that are obsolete, vague, unduly restrictive?	4%	51%	45%
Please specify: _____			

11. Do you have any complaints concerning the service provided by the staff support of the Division of Occupational Licensing, Department of Commerce?		80%	10%
Please specify: _____			

12. Do you believe that all geographical areas within the State are adequately serviced by nurses?	20%	28%	52%
If not, please specify: _____			

13. Are you aware of any discriminatory practices involving licensing of minority groups?	2%	96%	2%
14. Do you believe that the issuance of temporary permits to non-licensed nursing applicants is in the public's best interest?	71%	22%	7%

		% Responses (see Note 1)		
		Yes	No	Opinion
15.	Do you believe that the creation of advanced nurse practitioners within the nursing profession is in the public's best interest?	90%	5%	5%
16.	Do you believe there is a need to adopt regulations concerning the qualifications and practice of advanced nurse practitioners?	92%	3%	5%

Note 1

Number of questionnaires sent to State licensed nurses.	<u>300</u>
Number of nurses who responded.	<u>122</u>
Response rate.	<u>41%</u>

RECEIVED

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

JAN 11 AM.

LEGISLATIVE
AUDIT

January 9, 1979

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

Dear Mr. Wilkerson

We have reviewed your preliminary reports as shown below:

1. Board of Examiners in Optometry
2. Board of Dispensing Opticians
3. Board of Psychologist and Psychological Associate Examiners
4. Board of Chiropractic Examiners
5. Alaska State Medical Board
6. Board of Veterinary Examiners
7. State Physical Therapy Board
8. Board of Pharmacy
9. Board of Nursing
10. Board of Nursing Home Administrators
11. Board of Dental Examiners
12. Alaska Transportation Commission

We view these reviews of agency programs and activities which are specifically subject to termination in a manner different from those made of State departments or agencies. Usually we in the Executive Branch endeavor to respond directly to each finding and recommendation. However, in regard to the Boards and Commissions, the Executive Branch agency during a public hearing shall demonstrate a public need for its continued existence or the discontinuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

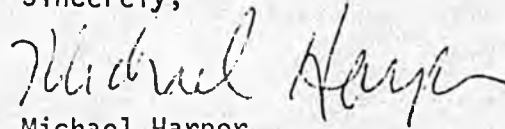
The Executive Branch of Alaska Government has made an extensive study of the above Boards and the Alaska Transportation Commission. We are continuing to study those entities, their origin, their present and future potential, and other related subjects in conjunction with Alaska statutes 24 and 44 (Sunset legislation). As prescribed in AS 44.66.050 one or more legislative hearings are to be held to receive testimony from the public, the Commissioner of the department having administrative responsibility for each, and the members of the Boards or Commission involved. During those hearings we will present our findings and recommendations affecting each of the foregoing Boards and the Alaska Transportation Commission.

Mr. Gerald Wilkerson
Page 2

January 9, 1979

Accordingly, we are presenting this in addition to the responses from the Department of Commerce, Department of Law, and the individual Board or Commission members and others on an interim basis.

Sincerely,



Michael Harper
Administrative Assistant
to the Governor

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D

JUNEAU, ALASKA 99811

December 15, 1978

RECEIVED

JAN 11 AM.

LEGISLATIVE
AUDIT

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

Dear Mr. Wilkerson:

The following comments are in response to the Performance Review of the Board of Nursing, as submitted by the Division of Legislative Audit.

Recommendation No. 1. Agreed. Mandatory continuing education is one method of attempting to insure that practitioners maintain some level of competence. Remote areas of the state should not be exempt from such requirements, but special compliance provisions may have to be made by the board.

Recommendation No. 2. Agreed. The only category of nurse presently excluded from membership is the LPN which is specifically excluded by statute. As you are no doubt aware, the only currently licensed ANP in the state is a board member.

Recommendation No. 3. Agreed. This subject will be discussed by the board at its next regular meeting and appropriate procedures or recommendations will be implemented.

Recommendation No. 4. Agreed. Licensing violations for all boards should be more clearly defined, however, a list of examples should not imply that it is all-inclusive.

Recommendation No. 5. Agreed. The board's objectives and goals will be incorporated within the division's budget document. This board, and all others, will be contacted in March or April, 1979 for input into the FY 1981 budget.

Gerald L. Wilkerson, CPA

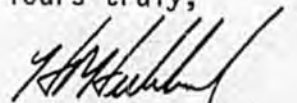
-2-

December 15, 1978

Recommendation No. 6. Agreed. This recommendation has been discussed with the board and has been implemented by the division.

I appreciate the time and efforts expended by your staff.

Yours truly,



H. Phillip Hubbard
Commissioner

RECEIVED

Box 10055
1.5 mi. Chena Ridge
Fairbanks, Alaska 99701
December 18, 1978

JAN 11 AM.

LEGISLATIVE
AUDIT

Gerald L. Wilkerson C.P.A.
Legislative Auditor
Division of Legislative Audit
Pouch W
Alaska Office Bldg.
Juneau, Alaska 99811



Dear Mr. Wilkerson:

Thank you for your report of October sixth on the Board of Nursing. The Board has looked forward to this report and is basically in agreement with your recommendations. Below follow our comments on each of your suggestions.

Recommendation No. 1 - Legislation should be introduced requiring continuing education for nurses as a provision for license renewal.

Except for one member, we are in favor of mandatory continuing education. As you have noted within your report, we are planning to introduce statute changes in the 1980 legislative session. Continuing education requirements will be incorporated into these proposed changes. It should be noted that the present nurse practitioner regulations do have a mandatory continuing education requirement.

The one member of the Board who was not in favor of mandatory continuing education felt that continuing education offerings are not widely available within the state. The Board would like to see funds appropriated to the School of Nursing for additional administrative and teaching staff in their Continuing Education Department. I understand that the director of the school, Dr. Glair Martin, has currently drafted a budget request for the next fiscal year for this purpose.

Continuing education credits may be earned through independent study modules. Many of these are available through nursing journals, and the School of Nursing presently is developing four. These may assist nurses who are in remote areas to partially fulfill their requirement. However, the Board is willing to consider an exception where c.e. may constitute hardship for a licensee and/or perhaps deprive the public of needed nursing care.

Your suggestion that the Board review and approve continuing education programs is impractical. It might cause a time delay in offering courses as well as place a heavy time burden on Board members. What we would do is to approve an approval mechanism. The voluntary continuing education (CEAR?) program, for instance, is functioning well and has been recently awarded national accreditation as an approval and recognition mechanism.

Recommendation No. 2 - A statutory amendment is needed to ensure that all regulated nurses are adequately represented on the Board of Nursing.

The board is in agreement that an LPN and an advanced nurse practitioner should be represented on the board. One member of the board would like the Board to consist of four RNs, one advanced registered nurse practitioner, one LPN and one rather than two public members. All of the other members of the board who responded, however, were in agreement with three RNs, one advanced nurse practitioner, one LPN and two public members.

Again, legislation to this effect will be introduced in 1980 with our proposed statute changes.

Recommendation No. 3 - The Board of Nursing should discontinue its policy of requiring foreign nurse graduates to have one year of work experience before a temporary permit can be issued.

OL personell may agree that the possible cause of the FNG's examination difficulty is English. The Board agrees that this may contribute to the low pass rate, but several other factors enter into it. These include a difference in the length and focus of foreign programs. American nursing programs place a great deal of emphasis on psycho-social aspects of nursing care, for instance. Most foreign programs do not. Many foreign programs do not address all the subject areas tested for by the SBTPE - obstetrical and psychiatric nursing are two examples.

In the past, the Board has tried to evaluate the programs of foreign nurse graduates. This proved to be very difficult - due to differences in language, terminology, inavailability of transcripts, etc. It was due to this that the policy of requiring some indication of proficiency (1 year work experience) developed.

COGFNS (The Committee on Graduates of Foreign Nursing Schools) has developed a proficiency exam for foreign nurses to take in their homeland as an indicator of whether or not they are able to pass the SBTPE. This, if made available in the United States, could serve as a basis for issuance of a temporary permit.

Until that time, the Board is faced with a dilemma. If it is unable to evaluate foreign nursing programs, how is it to be assured that a person is a safe practitioner even if they can speak English? Should a nurse who speaks English well, but has never had a course in obstetrical nursing, be given a temporary permit which allows the practice of nursing in this specialty?

This has been placed on the agenda for discussion at the next meeting and the Executive Officer has been directed to gather data from other states in the hopes of finding a solution to this problem.

Recommendation No. 4 - The Board of Nursing, in conjunction with the Attorney General, should compose formal regulations which define and list examples of license violations.

The board is heartily in agreement with this recommendation and would welcome assistance from the Attorney General's Office. We had planned to address this area in our statute revision.

The Board has drafted legal standards but we have not formally adopted these due to other priorities. These need discussion and refining, but they are a beginning.

Recommendation No. 5 - The Board of Nursing should refine their formal goals and objectives, include quantifiable measures and submit a performance report as required by AS 37.07.

Health care is becoming more concerned with outcomes. Nursing care plans (required by the Joint Commission on Accreditation of Hospitals to be done on each patient) necessitate that a measurable objective which includes evaluation criteria be written for each patient problem identified. Educational institutions require learning objectives be written for courses and lessons taught.

The Board of Nursing includes five nurses, and four educators. Goals and objectives are formulated and utilized by us almost daily in our professional careers.

We have attempted to write goals and objectives for the Board at various times (see enclosures from March and September meetings) to serve as guidelines and, in retrospect, of evaluation. They have not always been as refined as those we use as educators and nurses. The Board is heartily in agreement that this be done. We will write formal goals annually and review them each year. They will contain evaluation criteria and be specific and measurable.

The Board prepares an annual report for the governor. We are presently preparing a report to address the Sunset Act criteria, (See minutes enclosed.) The report is currently in draft form - being reviewed by Board members after the Executive Officer compiled a draft from their input. We are on schedule as outlined in our minutes.

We have never been informed of any other reporting requirements. If we had, we would have been pleased to comply.

Recommendation No. 6 - The Division of Occupational Licensing (OL) should comply with the Board of Nursing resolution requiring the Executive Officer to review and approve all applications for license by endorsement.
The Executive Officer has been reviewing and making the final decision on all licenses for about the past month. Therefore, OL has complied with this recommendation.

There are other areas in the report that deserve comment. The Board agrees that reference to marital status should be deleted on the application. However, we wish to retain the photograph requirement. In the past, it has helped us to identify false applications. It also is helpful for identification for testing.

The Board agrees that fees should not be set in the statutes or regulations. I believe this has been noted in past Board minutes.

Offering the SBTPE in areas other than Anchorage presents some problems. It would be more costly to offer at two test sites. The security of the exam necessitates that an experienced, highly reliable individual monitor the entire procedure. We have always required the Executive Officer to do this. A break in security could jeopardize our ability to hold future exams in the state, as well as the exam scores of nurses taking it at that time both in Alaska and nationwide.

One area I personally wished to see addressed was the amount of time this Board spends on review of test questions for the SBTPE. This is most time consuming - usually necessitates the review of about one thousand questions at each meeting several times per year.

The time period allowed for me to address this report has been too short. The report was received December third. At my own expense it was duplicated and sent express to Anchorage to be distributed to Board members. As of today, I have received replies from all of the nurses on the Board. (The public members have not responded.) I have drafted this from the comments of the Board members who replied, as well as my own opinions. There has not been the opportunity to send it out to Board members for final approval. Please be aware of this when reading the report. I suggest more time be allotted for a reply in future audits.

In summary, the Board is pleased with the report, feels it was well done, and is in agreement with most of the recommendations. We look forward to future evaluations of the Board's effectiveness.

Yours truly,

Eileen Montano

Eileen Montano, R.N., M.S.N.
Chairman, Board of Nursing

Enclosures

Meeting Minutes
Board of Nursing - May 78

Regulations Specialist, who called with some minor changes, which are indicated in hand writing, prior to being sent to the Division Director in Juneau for approval in order that the Board may then distribute copies of same to the Medical Board for collaborative efforts.)

POLICY ITEM: It was moved, seconded and carried unanimously that it be:

RESOLVED that the Board of Nursing will not compromise if the Medical Board insists upon writing in "total supervision" in the rules and regulations.

BOARD REPRESENTATION AT MEDICAL BOARD MEETING: it was moved, seconded and carried unanimously following discussion, that it be:

RESOLVED that Board Members Sister Carol, Jean Frank, Betty Hodo and the Executive Officer, Ruth McMahan, attend the July Medical Board meeting in Ketchikan to present the draft of the rules and regulations for the Advanced Nurse Practitioner.

ITEM WRITERS: The Executive Officer is to write UAA and ACC for nominations for item writers for the SBTPE who will then be considered at the August Board of Nursing meeting.

NEXT BOARD MEETING: The next Board meeting is tentatively set for August 10, 11, 12, 1978 in Fairbanks. This will provide some overlap with the AANA State Convention to be held in that same city on August 9, 10, 11, 1978.

GOALS AND AGENDA ITEMS:

1. Continue reviewing and revising ANP rules and regulations, presenting same to Board of Medicine and initiating public hearings at the appropriate time.
2. Review and revise the Nurse Practice Act.
3. Review and revise those sections of the Board Members Handbook still in need of change.
4. Prepare for the Sunset Review.
5. Consideration of difficult license applications.
6. Consideration of other office activity.

PA ORDERS:

Data including Attorney General opinions and Board opinions from other states was considered. Discussion followed. Carol then formulated the following motion in response to the inquiry from a medical board member. A letter to all medical board members addresses this Board's opinion regarding nurses following Physician's Assistants and Nurse Practitioner orders. It was moved, seconded and carried, that it be:

RESOLVED to incorporate the following statements in a letter to the members of the Medical Board:

OPINION REGARDING FOLLOWING ORDERS:

"It is the opinion of the Board of Nursing that nurses may administer medicines and treatments prescribed by health care providers who are authorized by the State of Alaska to prescribe such medications and treatments."

1. Nurses, in this context, means both RN's and LPN's.
2. This opinion, expressed by the Alaska Board of Nursing, is rendered in anticipation of the implementation of proposed changes in regulations and/or statutes by the Medical Board and Board of Nursing.
3. The foregoing assumes that nurses will continue to use judgment, skill and knowledge in the administration of medications and treatments.

Discussion followed on whether the opinion could be disseminated. It was agreed that if other states, individuals, etc., make inquiry, the "OPINION REGARDING FOLLOWING ORDERS" may be distributed.

MEETING:

The next meeting is tentatively scheduled for January 31, February 1, 2, (Wednesday/Thursday/Friday) 1979 in Kodiak if Juneau ok's the budget expenditure. The Executive Officer will initiate the inquiry.

APPLICATION:

The Executive Officer was directed to draft an application form for ANP's.

SELF-EVALUATION:

Mid-year evaluation of the goals and objectives established by the board at its May 1978 meeting.

1. Review, revise and present to the Medical Board, the ANP regulations. -- Achieved.

2. Nurse Practice Act - continue identification of problem areas. The board members have each been assigned a portion of the Nurse Practice Act to do an in-depth study and report back at next meeting.
3. Revision of Board Handbook. Substantial revision has been done - continue to update and have complete by May 1979. The Executive Officer will write to Juneau for those sections relating to the department.
4. Sunset Review. Substantial review time has been devoted to meeting with the legislative auditors and the department auditor and in completing questionnaires. At this meeting the board decided to set a time schedule for individual members and the Executive Officer to prepare written testimony.
 - a) Questions relating to Sunset mailed to board immediately following this meeting.
 - b) Return to Executive Officer by October 30, 1978.
 - c) Executive Officer to compile a preliminary report by November 30 and distribute to board for editing/ approval.
 - d) Return to Executive Officer by December 15.
 - e) Final draft to board first week in January.
 - f) To Division by mid-January 1979.
5. Consideration of difficult licenses - ongoing
6. Consideration of other office activity - ongoing.

NPA ASSIGNMENTS:

- Article 1 - Carol Verga + Centralized licensing
- Article 2 - Eileen Montano
- Article 3 - Betty Hodo
- Article 4 - Kandy Henry
- Article 5 - Jean Frank

The Executive Officer will provide appropriate data to members to assist in revising data.

OBJECTIVES TO BE MET BY THE BOARD OF NURSING

1. Review, revise, and prepare Nurse Practice Act revisions for presentation to the 1980 legislature.
2. Prepare a Board of Nursing proposed budget to be submitted to the Division Director, Don Hostak following the January 31, 1979 board meeting.
3. Draft and submit to the division by mid-January 1979, written testimony required by the Sunset Review Legislative Audit team.
4. Review applications for Item Writers for the SBTPE. Submit board nominations to the National Council of State Boards of Nursing by December 1, 1978.
5. At least one board member to attend each Public Hearing related to the Advanced Nurse Practitioner Rules and Regulations.
6. Construct the application form for authorization of Advanced Nurse Practitioners and review each ANP application submitted to the board.
7. Review the criteria utilized by National Certifying bodies for issuing certificates. Maintain a list of Alaska Board of Nursing approved National Certifying bodies for distribution upon request.
8. Continue to refer complaints regarding the legal practice of nursing to the Division investigative section and to take action as necessary on cases presented to the Board of Nursing by the division investigative section.
9. Annually, review the reports presented by the Nursing programs for continuation of accreditation status making site visits as deemed necessary by the board.
10. Continue to examine, license and renew licenses of qualified applicants, maintaining a compilation of basic statistical information.
11. Participate, as a Board of Nursing, through National League of Nursing in the Annual review of draft questions related to the RN and LPN State Board Test Pool Examination observing all security requirements contained in the contract between Alaska and National League of Nursing.
12. To continue to hold four (4) meetings a year of three days each; to publicize the meetings well and encourage attendance by consumers as well as professionals.

12/10/79
Proposed Legislation

*Section 1. AS 08.68.010 is amended to read:

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 an actively licensed practical nurse [CURRENTLY INVOLVED IN INSTITUTIONAL NURSING SERVICE], one member an advanced nurse practitioner [IN COMMUNITY OR PUBLIC HEALTH NURSING] , one member from basic professional nursing education [AND] two members from service areas in nursing [IN BASIC OR CONTINUING NURSING EDUCATION, ONE NURSE AT LARGE], and two persons who have no direct financial interest in the health care industry.

*Section 2. AS 08.68.060 is amended to read:

Sec. 08.68.060. QUALIFICATIONS OF RN AND LPN BOARD MEMBERS.

The five members of the board who are nurses shall be licensed by [PROFESSIONAL NURSES IN] the state, and shall have been actively engaged in nursing for not less than four years before appointment, three [TWO] years of which were within the five years immediately preceding appointment. At least two of the members who are professional nurses shall hold a baccalaureate degree or higher .

*Section 3. AS 08.68.070 is amended to read:

Sec. 08.68.070. ELECTION OF OFFICERS. The board shall annually elect a chairperson [CHAIRMAN] and secretary-treasurer from among its members.

*Section 4. AS 08.68.080 is amended to read:

Sec. 08.68.080. MEETINGS. The board shall meet at least four times [ONCE] a year.

*Section 5. AS 08.68.100 is amended to read:

Sec. 08.68.100. DUTIES AND POWERS OF BOARD. The board shall

(1) adopt rules and regulations necessary to make this chapter effective and , when necessary, adopt additions to or changes in [RULES AND] regulations of the board [BY A QUORUM VOTE BY MAIL, THESE ADDITIONS TO OR CHANGES IN THE RULES AND REGULATIONS WHICH ARE MADE BY MAIL AND THE VOTE ON THEM TO BE ENTERED IN THE MINUTES OF THE BOARD AT ITS NEXT MEETING];

(2) repealed.

(3) approve curricula and adopt standards for

(A) educational programs preparing persons for licensure and/or authorization to practice under this act , and

(B) basic and graduate degree educational programs in nursing [LICENSING AND PROVIDE FOR SURVEYS OF THESE PROGRAMS IN THE STATE AT THE TIMES IT CONSIDERS NECESSARY];

(4) accredit[S] educational programs which meet the requirements of this chapter and [THE STANDARDS] of the board and deny , revoke or suspend [OR WITHDRAW] accreditation from educational programs for failure to meet board requirements [STANDARDS];

(5) examine, license, and renew the licenses of qualified applicants [, AND CONDUCT HEARINGS UPON CHARGES AND ADMINISTER OATHS TO PERSONS GIVING TESTIMONY AT HEARINGS];

(6) prescribe requirements to validate competency to continue or reenter practice ; [KEEP A RECORD OF ITS PROCEEDINGS, AND SUBMIT ANNUAL REPORTS TO THE GOVERNOR AND LEGISLATURE.]

(7) issue subpoenas , compel the attendance of witnesses and administer oaths to persons giving testimony at hearings ; and

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

(9) invoke disciplinary action against a licensee after compliance with the Administrative Procedure Act (AS 44.62);

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

(11) define the duties of the executive secretary and delegate such authority of the board to the executive secretary as may be necessary for the conduct of board business .

*Section 6. AS 08.68.111 is amended to read:

Sec. 08.68.111. EXECUTIVE SECRETARY [OFFICER] OF BOARD.

(a) The Department of Commerce and Economic Development, in consultation with the Board of Nursing, shall employ a licensed, professional [REGISTERED] nurse, who is not a member of the board, to serve as executive secretary [OFFICER] of the board.

(b) The executive secretary [OFFICER] shall be a nurse having a bachelor's degree or higher, in nursing, currently licensed in the State and shall meet other qualifications as established by board regulations [WITH NOT LESS THAN FIVE YEARS OF ACTIVE NURSING EXPERIENCE OF WHICH NOT LESS THAN TWO YEARS WITHIN THE PRECEDING FIVE YEARS SHALL HAVE BEEN IN AN ADMINISTRATIVE OR A TEACHING CAPACITY IN AN ACCREDITED INSTITUTION ACCEPTABLE TO THE BOARD. IF A LICENSED PROFESSIONAL NURSE HOLDING A BACHELOR'S DEGREE IS NOT AVAILABLE TO FILL THE POSITION OF EXECUTIVE OFFICER, THE BOARD MAY WAIVE THE REQUIREMENT FOR A BACHELOR'S DEGREE AND APPOINT A LICENSED PROFESSIONAL NURSE POSSESSING OTHER QUALIFICATIONS IN EDUCATION AND ADMINISTRATIVE EXPERIENCE WHICH THE BOARD CONSIDERS ACCEPTABLE. HOWEVER, THE APPOINTEE SHALL COMPLETE THE REQUIREMENTS FOR THE AWARD OF A BACHELOR'S DEGREE IN FOUR YEARS AFTER APPOINTMENTS TO THE POSITION OF EXECUTIVE OFFICER. ANNUALLY, THE APPOINTEE SHALL OFFER THE BOARD EVIDENCE OF SATISFACTORY PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE. IF AFTER THE ANNUAL REVIEW THE BOARD BELIEVES THAT THE APPOINTEE HAS NOT MADE SATISFACTORY PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE, THE DEPARTMENT MAY DISMISS THE APPOINTEE, NOTWITHSTANDING THE PROVISIONS OF AS 39.25.170].

(c) The executive secretary [OFFICER] shall:

(1) perform the administrative duties as required by the statutes and the department, including the preparation of minutes of board meetings .

(2) carry out regulations and policy decisions, consistent with law, made by the board of nursing, [AND]

(3) review and approve applicants for licensure who meet board standards , [ASSIST THE BOARD IN THE CONDUCTING OF EXAMINATIONS, EDUCATIONAL PROGRAMS, PREPARATION OF MINUTES AND OTHER BOARD ADMINISTRATIVE WORK.]

(4) bring before the board those applications which are irregular and require full board consideration ,

(5) conduct licensure examinations for qualified candidates ,

(6) assist the department in informing licensees of the necessity to renew licenses ,

(7) communicate with other state boards and educational institutions regarding licensure of candidates and related concerns

(8) refer complaints alleged against licensees to the investigative officer of the department ,

(9) prepare periodic and special reports and surveys as required , including the annual report to the governor and legislature ,

(10) Collect, compile , analyze and distribute data relating to nursing education and licensure ,

(11) respond to communication relating to nursing licensure , the nurse practice act , nursing education and other related matters ,

(12) direct communications requiring full board action to the board ,

(13) interpret and explain the nurse practice act , board regulations and policies , trends in nursing and nursing education to the public , those in the profession, schools , and other allied groups ,

(14) participate in educational program surveys ,

(15) refer educational program reports to the board ,

(16) assist the board and the division in the preparation of the annual budget ,

(17) prepare and distribute the agenda for board meetings

(18) collect and make available to the board all pertinent information on issues before the board ,

(19) assist the division in the orientation of new board members .

*Section 7. AS 08.68.170 is amended to read:

Sec. 08.68.170. QUALIFICATIONS OF PROFESSIONAL OR PRACTICAL NURSE APPLICANTS. An applicant for a license to practice professional 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 [COMPLETED AN APPROVED FOUR YEAR HIGH SCHOOL COURSE OF STUDY OR THE EQUIVALENT AS DETERMINED BY THE APPROPRIATE EDUCATIONAL AGENCY, AND HAS] successfully completed (1) a professional or practical nursing education program accredited by the board; or (2) a professional 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 professional or practical nursing education program accredited by the National League for Nursing at the time the applicant graduated.

*Section 8. AS 08.68.180 is repealed.

*Section 9. AS 08.68.190 is amended to read:

Sec. 08.68.190. LICENSE BY EXAMINATION. The applicant shall pass a written examination as prescribed by the [IN THE SUBJECTS WHICH THE] board [PRESCRIBES]. The board shall issue a license to an applicant who passes the examination to practice professional or practical nursing [OR PRACTICAL NURSING] provided the other qualifications outlined in section [S] 170 [AND 180] of this chapter are also met. The board shall conduct examinations annually and as often as considered necessary.

*Section 10. AS 08.68.200 is amended to read:

Sec. 08.68.200. LICENSE BY ENDORSEMENT. The board may issue a license by endorsement to practice professional or practical nursing [OR TO PRACTICE PRACTICAL NURSING], whichever is appropriate, to an applicant who (1) is licensed as either a professional or practical nurse [OR A PRACTICAL NURSE] under the laws of

another state or territory, if in the opinion of the board the applicant meets the qualifications required for licensing in the state, and meets the requirements of [EITHER] section 170 [OR SECTION 180] of this chapter [, WHICHEVER IS APPLICABLE] ; or

(2) has successfully completed the Canadian Nurses' Association Testing Service (CNATS) examination when comparable to the examination administered by this State and meets the requirements of Section 170 of this chapter .

*Section 11. AS 08.68.210(a)(2) is amended to read:

(2) meets the requirements of [EITHER] section 170 [OR SECTION 180] of this chapter, [WHICHEVER IS APPLICABLE,] and

*Section 12. AS 08.68.210(b) is amended to read:

(b) The board may issue a nonrenewable permit to an applicant for license by examination [IF HE MEETS THE QUALIFICATIONS OF SECTION 170 OR SECTION 180 OF THIS CHAPTER, WHICHEVER IS APPLICABLE, AND PAYS THE REQUIRED FEE]. 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 if

(1) the applicant meets the qualifications of section 170 of this chapter , or

(2) the applicant 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 (CGFNS).

*Section 13. AS 08.68.220 is amended to read:

Sec. 08.68.220. FEES. The following fees shall be imposed under this chapter when applicable:

(1) for professional [OR REGISTERED] nursing

- ?? {
- (A) application fee..... \$40 [\$20]
 - (B) [LICENSE BY] examination fee..... \$20 [\$20]
 - (C) license by endorsement fee..... \$20 [\$20]
 - (D) biennial license renewal fee..... \$20 [\$15]

(2) for practical or vocational nursing

- (A) application fee..... \$30 [\$15]
- (B) [LICENSE BY] examination fee..... \$10 [\$15]
- (C) license by endorsement fee..... \$10 [\$15]
- (D) biennial license renewal fee..... \$20 [\$15]

*Section 14. AS 08.68.251 is amended to read:

Sec. 08.68.251. LAPSED LICENSES. (a) A lapsed license may be reinstated if it has not remained lapsed for more than three [FIVE] years by payment of delinquent license fees.

(b) If a [THE] license is lapsed for more than three [FIVE] years and the board has reason to believe that the person applying for reinstatement of his license no longer has sufficient knowledge to carry out the duties of a licensed nurse, the board shall [MAY] require the applicant to [TAKE AND PASS THE EXAMINATION GIVEN UNDER SECTION 190 OF THIS CHAPTER OR] complete a course of study [REFRESHER COURSE] approved by the board or take and pass an examination and pay all delinquent license fees.

*Section 15. AS 08.68.260 is repealed.

*Section 16. AS 08.68 is amended by adding a new section to read:

Sec. 08.68.261. INACTIVE NURSES UNDER PREVIOUS LAW. A nurse who holds an inactive license issued under previous law on the license renewal date in 1982 shall either

- (1) activate the license or
- (2) permit the license to lapse.

*Section 17. AS 08.68.270 is amended to read:

Sec. 08.68.270. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION. The board, after compliance with the Administrative Procedure Act (AS 44.62), 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;

(3) has been convicted of any misdemeanor [CRIME INVOLVING MORAL TURPITUDE] which bears directly on the fitness of the person to practice nursing;

(4) [IS] habitually abuses alcoholic beverages or depressants or illegally uses hallucinogenic or stimulant drugs as defined by AS 17.12.150(3) or narcotic drugs as defined by AS 17.10.230(13) [INTOXICATED OR IS ADDICTED TO THE USE OF NARCOTICS];

(5) has impersonated a professional or practical nurse;

(6) is guilty, in the opinion of the board, of negligence which has resulted in a significant risk to the health or safety of a patient or has resulted in [SERIOUS] injury to a patient;

(7) attempts to practice nursing while afflicted with physical or mental illness, deterioration or disability to such an extent that such an affliction interferes with the individual's performance of nursing functions [IS MENTALLY ILL OR MENTALLY INCOMPETENT];

(8) is guilty of unprofessional conduct;

(9) has willfully or repeatedly violated any of the provisions of this chapter;

(10) is considered by the board to be professionally incompetent;

(11) 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 execute an agreement to arbitrate a dispute, controversy, or issue arising out of the care or treatment as provided in AS 09.55.535(a).

*Section 18. AS 08.68 is amended by adding a new section to read:

Sec. 08.68.276. CONTINUING COMPETENCE REQUIRED. No license to practice nursing shall be renewed unless the nurse has complied with continuing competence requirements which may be established by the board through regulation.

Section 19. AS 08.68.280 is amended to read:

Sec. 08.68.280. NURSING EDUCATION PROGRAM PROHIBITED UNLESS ACCREDITED. No person, institution or agency may conduct a nursing education program preparing persons for examination , licensure , authorization for specialized practice or a graduate degree [FOR PROFESSIONAL OR PRACTICAL NURSES] unless the program is accredited by the board. All such programs shall be established in an accredited post secondary educational institution within the State .

Section 20. AS 08.68.290 is amended to read:

Sec. 08.68.290. APPLICATION FOR ACCREDITATION BY BOARD. An institution desiring to conduct a nursing education program to prepare professional [OR PRACTICAL] nurses at the associate , baccalaureate and higher degree levels or to prepare a nurse to perform in an expanded role as an advanced nurse practitioner or to prepare practical nurses shall apply to the board and submit evidence that (1) it is prepared to carry out the curriculum which meets standards and requirements required by law and [APPROVED BY] the board for professional nursing , [OR] for practice as an advanced nurse practitioner or for practical nursing [AS THE CASE MAY BE,] and that (2) it is prepared to meet other standards established by law and by the board.

*Section 21. AS 08.68.300 is amended to read:

Sec. 08.68.300. SURVEY AND ACCREDITATION BY THE BOARD. The board shall designate a survey team [THE EXECUTIVE OFFICER, A BOARD MEMBER, OR A CONSULTANT TO SURVEY THE INSTITUTION APPLYING FOR ACCREDITATION] to determine if the standards and requirements required by law and the board are met. The board may survey a nursing education program in the State at any time. Written reports of the surveys shall be filed and retained by the board [AND RETAINED BY IT].

*Section 22. AS 08.68 is amended by adding a new section to read:

Sec. 08.68.325. EDUCATIONAL PROGRAMS OR COURSES OF STUDY VALIDATING CONTINUING PRACTICE COMPETENCY FOR PURPOSES OF MEETING STATE REQUIREMENTS. No program or course of study will be recognized as satisfying state requirements without board approval.

*Section 23. AS 08.68.330 is amended to read:

Sec. 08.68.330. LIST OF ACCREDITED AND APPROVED PROGRAMS. The board shall prepare, maintain [,] and periodically [FROM TIME TO TIME] publish a list of accredited nursing education programs preparing nurses to practice and programs or courses of study which are approved to validate competency or to prepare a nurse for authorization to practice as an advanced nurse practitioner or to obtain a graduate level degree [IN THE STATE].

*Section 24. AS 08.68.350 is amended to read:

Sec. 08.68.350. PUNISHMENT FOR MISDEMEANOR. A person who violates section 340 of this chapter is punishable by imprisonment for not less than six months [10 DAYS] nor more than one year, or by a fine of not less than \$1,000 [\$10] nor more than \$5,000 [\$500] , or by both.

*Section 25. AS 08.68.360 is amended to read:

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.

*Section 26. AS 08.68.400 is amended to read:

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 his official duties; or

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

(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; or

(4) the practice of nursing by an individual [A NURSE] enrolled in an approved program or course of study for purposes of meeting competency re-entry requirements [REFRESHER COURSE].

*Section 27. AS 08.68.410 is amended to read:

Sec. 08.68.410. DEFINITIONS. As used in this chapter

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

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

(3) "licensed practical nurse" is equivalent to the title licensed vocational nurse and the name suffixes L.P.N. or L.V.N.;

(4) repealed

(5) "practice of professional nursing" means the performance for compensation or personal profit of acts of professional service requiring [OF OBSERVATION, CARE AND COUNSEL OF THE ILL, INJURED, OR INFIRM, OR THE MAINTENANCE OF HEALTH OR PREVENTION OF ILLNESS OF OTHERS, THE SUPERVISION AND TEACHING OF PERSONNEL; OR THE ADMINISTRATION OF MEDICATIONS AND TREATMENTS PRESCRIBED BY A LICENSED PHYSICIAN OR DENTIST WHICH REQUIRE] substantial specialized knowledge, judgment and skill based upon [ON KNOWLEDGE AND APPLICATION OF] the principles of biological, physiological, behavioral and sociological sciences in assessing and responding to actual or potential health needs of individuals, families or communities through such services as : [PHYSICAL, AND SOCIAL SCIENCE: BUT THE FOREGOING DO NOT INCLUDE ACTS OF MEDICAL DIAGNOSIS, OR THE PRESCRIPTION OF MEDICAL THERAPEUTIC OR CORRECTIVE MEASURES UNLESS AUTHORIZED BY REGULATIONS PROMULGATED JOINTLY BY THE STATE MEDICAL BOARD AND THE BOARD OF NURSING AND AS IMPLEMENTED BY THE BOARD OF NURSING;]

(A) assessment, problem identification, counsel, and health teaching :

(i) in the maintenance of health or in the prevention of illness of others ; and

(ii) in the care of the ill , injured , or infirm ;

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

(C) teaching of nursing ;

(D) execution of a medical regimen as prescribed by a health care provider authorized by the State to perform acts of medical practice ;

(E) performance of such additional acts requiring education and training and which are recognized by the nursing profession as properly performed by registered professional nurses .

(F) performance of acts of medical diagnosis and the prescription of medical therapeutic or corrective measures when authorized by regulations promulgated and implemented by the board .

(6) "advanced nurse practitioner" is a registered professional nurse authorized in the state who by virtue of specialized education and experience, has become certified to perform acts of medical diagnosis , and prescription of medical , therapeutic or corrective measures as authorized by regulations promulgated under (5) (F) of this section.

(7)[6] "practice of practical nursing" means the performance for compensation or personal profit of selected arts in the [CARE OR] prevention of illness, and in the care of the ill, injured, or infirm under the direction of a licensed professional nurse or a licensed physician or a licensed dentist not requiring the substantial specialized skill, judgement and knowledge required in professional nursing;

(8)[7] an "accredited nursing education program" is a program having curricula and standards which meet the requirements established by the board;

(9)[8] "endorsement" is the licensing or registering of an applicant without examination through the acceptance of a license or registration issued by any state or territory after a

comprehensive examination which is equivalent to the examination offered in this state, and providing the applicant meets all other qualifications required by law;

(10) Unprofessional conduct shall include but not be limited to the following acts which are contrary to the accepted standards of the nursing profession :

(A) failure to utilize appropriate judgment in administering safe nursing practice based upon the level of nursing for which the individual is educationally prepared and licensed ;

(B) failure to exercise technical competence in carrying out nursing care ;

(C) failure to follow policies or procedures implemented in the practice situation to safeguard the client ;

(D) failure to safeguard the client's dignity and right to privacy ;

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

(F) verbally or physically abusing clients ;

(G) performing new nursing techniques or procedures without proper education and preparation ;

(H) using alcohol or other drugs to the extent that such usage interferes with nursing functions ;

(I) making any disposition of prescription drugs or narcotics other than that ordered or prescribed by persons authorized by this state to do so ;

(J) falsifying client's records or intentionally charting incorrectly ;

(K) violating state or federal laws relative to drugs by forging prescriptions or by making drugs available to self , friends , or family members ;

(L) delegating nursing care , functions, tasks and/or responsibilities to others contrary to the Alaska statutes governing nursing and/or to the detriment of client safety ;

(M) assuming duties and responsibilities, on repeated occasions , without adequate training or when competency has not been maintained ;

(N) aiding , abetting or assisting any other person to violate or circumvent any law or duly promulgated rule or regulation intended to guide the conduct of a nurse ;

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

(P) failure to report through the proper channels the incompetent , unethical , or illegal practice of any person who is providing health care ;

(Q) failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional ;

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

(S) committing any act which endangers client welfare.

(T) failure to perform acts within the nurse's scope of competence which are necessary for the client's welfare.

(11) "professional incompetence" means that the nurse does not possess the skills , knowledge and awareness of his limitations and abilities to safely continue the practice of nursing

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAY S. HAMMOND, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811

December 10, 1979

The Honorable Brad Bradley
Senate Commerce Committee
P.O. Drawer 8-Q
Anchorage, Alaska 99508

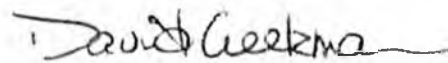
Dear Senator Bradley:

Enclosed, please find copies of all division and board prepared rough drafts of legislation for possible introduction in the upcoming session of the Legislature. Of these drafts, only the ones relating to construction contractor bonding requirements and the Board of Nursing will be introduced as Executive Branch Legislation.

Please also find enclosed copies of all written correspondence between this division and the boards regarding legislation for the upcoming session.

If you have any questions, please feel free to either write or give me a call at 465-2534.

Sincerely,



David Creekman
Regulations Specialist

cc: Mr. Christian Basler

STATE OF ALASKA



BOARD OF NURSING

CENTRALIZED LICENSING STATUTE, AS 08.01.
MISCELLANEOUS PROVISIONS, AS 08.02
NURSING STATUTES CHAPTER AS 08.68.
AND
NURSING REGULATIONS 12 AAC 44

DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
POUCH "D"
JUNEAU, ALASKA 99811

PRINTED: August 17, 1978

CHAPTER 01. CENTRALIZED LICENSING

Section	Section
10. Applicability of chapter	80. Department regulations
20. Board organization	87. Powers and duties of department
25. Public members	90. Applicability of the Administrative Procedure Act
30. Quorum	100. License renewal, lapse and reinstatement
40. Transportation and per diem	105. Penalty for improper payment
50. Administrative duties of department	110. Definitions
60. Application for license	
70. Administrative duties of boards	

Sec. 08.01.010. APPLICABILITY OF CHAPTER. This chapter applies to the

- (1) Board of Public Accountancy;
- (2) Board of Barber Examiners;
- (3) Repealed by sec. 6 ch 32 SLA 1971.
- (4) Board of Chiropractic Examiners;
- (5) Board of Hairdressing and Beauty Culture Examiners;
- (6) Board of Dental Examiners;
- (7) Board of Electrical Examiners;
- (8) State Board of Registration for Architects, Engineers and Land Surveyors;
- (9) State Medical Board;
- (10) Board of Nursing;
- (11) Board of Examiners in Optometry;
- (12) Board of Pharmacy;
- (13) Real Estate Commission;
- (14) Board of Veterinary Examiners;
- (15) Board of Psychologist and Psychological Associate Examiners;
- (16) Collection Agency Board;
- (17) Board of Welding Examiners;
- (18) Board of Marine Pilots;
- (19) Board of Dispensing Opticians;
- (20) Guide Licensing and Control Board.

Sec. 08.01.020. BOARD ORGANIZATION. Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members.

Sec. 08.01.025. PUBLIC MEMBERS. No public members of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a members of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates.

Sec. 08.01.030. QUORUM. A majority of the membership of a board constitutes a quorum unless otherwise provided.

Sec. 08.01.040. TRANSPORTATION AND PER DIEM. A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180.

Sec. 08.01.050. ADMINISTRATIVE DUTIES OF THE DEPARTMENT. (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;

- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof of loss of the original and payment of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;
- (19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in sec. 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned.

Sec. 08.01.060. APPLICATION FOR LICENSE. All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department.

Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board shall perform the following duties in addition to those provided in its respective law:

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;
- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates at least 15 days before meeting.

Sec. 08.01.080. DEPARTMENT REGULATIONS. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license.

Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a chapter in this title dealing with one of the boards listed in sec. 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in sec. 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or

reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in sec. 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require license by a board listed in sec. 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents.

Sec. 08.01.090. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings held under this chapter, except those under AS 08.01.087(b).

Sec. 08.01.100. LICENSE RENEWAL, LAPSE AND REINSTATEMENT. (a) All licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license, permit or certificates requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days.

Sec. 08.01.105. PENALTY FOR IMPROPER PAYMENT. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

Sec. 08.01.110. DEFINITIONS. In this chapter

- (1) "board" includes the boards and commissions listed in sec. 10 of this chapter;
- (2) "department" means the Department of Commerce and Economic Development;
- (3) "commissioner" means the commissioner of commerce and economic development;
- (4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in sec. 10 of this chapter;
- (5) "licensee" means any person who holds a license;
- (6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in sec. 10 of this chapter.

CHAPTER 68. NURSING

Article

1. Board of Nursing (secs. 08.68.010-08.68.150)
2. Examination and Licensing (secs. 08.68.160-08.68.275)
3. Nursing Education Programs (secs. 08.68.280-08.68.330)
4. Unlawful Acts (secs. 08.68.340-08.68.390)
5. General Provisions (secs. 08.68.400-08.68.410)

Article 1. Board of Nursing

Section	Section
10. Creation and membership of Board of Nursing	100. Duties of board
20. Term of office	110. (Repealed)
30. Limitation on term of service	111. Executive officer of board
40. (Repealed)	120. (Repealed)
50. Removal from office	130. (Repealed)
60. Qualifications of board members	140. Applicability of Administrative Procedure Act
70. Election of officers	150. Expenses
80. Meetings	
90. Quorum	

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 currently involved in institutional nursing service, one member in community or public health nursing and two members in basic or continuing nursing education, one nurse at large, and two persons who have no direct financial interest in the health care industry. (sec 3 ch 90 SLA 1957; am sec 1 ch 67 SLA 1973; am sec 15 ch 102 SLA 1976)

Sec. 08.68.020. Term of office. Members serve staggered terms of five years and until their successors are appointed. The terms of the public members on the board shall be set so that they do not expire at the same time. Vacancies on the board shall be filled for the unexpired term. (sec 3 ch 90 SLA 1957; am sec 16 ch 102 SLA 1976)

Sec. 08.68.030. Limitation on term of service. A board member may not serve more than two consecutive terms. Time served in filling an unexpired vacancy of two years or less is not considered a term. (sec 3 ch 90 SLA 1957)

Sec. 08.68.050. Removal from office. The governor may remove any board member for neglect of duty required by law, or for unprofessional or dishonorable conduct after a fair and impartial hearing. (sec 3 ch 90 SLA 1957)

Sec. 08.68.060. Qualifications of board members. The five members of the board who are nurses shall be licensed professional nurses in the state, and shall have been actively engaged in nursing for not less than four years before appointment, two years of which were within the five years preceding appointment. (sec 4 ch 90 SLA 1957; am sec 17 ch 102 SLA 1976)

Sec. 08.68.070. Election of officers. The board shall annually elect a chairman and secretary-treasurer from among its members. (sec 5 ch 90 SLA 1957)

Sec. 08.68.080. Meetings. The board shall meet at least once a year. (sec 5 ch 90 SLA 1957)

Sec. 08.68.090. Quorum. A majority of the board constitutes a quorum. (sec 5 ch 90 SLA 1957)

Sec. 08.68.100. Duties of board. The board shall

(1) adopt rules and regulations necessary to make this chapter effective and when necessary, additions to or changes in rules and regulations of the board by a quorum vote by mail, these additions to or changes in the rules and regulations which are made by mail and the vote on them to be entered in the minutes of the board at its next meeting;

(2) make available, upon request, copies of this chapter and the regulations adopted for administering it;

(3) approve curricula and adopt standards for educational programs preparing persons for licensing and provide for surveys of these programs in the state at the times it considers necessary;

(4) accredits educational programs which meet the requirements of this chapter and the standards of the board, and deny or withdraw accreditation from educational programs for failure to meet board standards;

(5) examine, license, and renew the licenses of qualified applicants, and conduct hearings upon charges and administer oaths to persons giving testimony at hearings;

(6) keep a record of its proceedings, and submit annual reports to the governor and the legislature. (sec 6(1) (2) (3) ch 90 SLA 1957)

Sec. 08.68.111. Executive officer of 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 officer of the board.

(b) The executive officer shall be a nurse having a bachelor's degree or higher, currently licensed in the state and with not less than five years of active nursing experience, of which

not less than two years within the preceding five years shall have been in an administrative or a teaching capacity in an accredited institution acceptable to the board. If a licensed professional nurse holding a bachelor's degree is not available to fill the position of executive officer, the board may waive the requirement for a bachelor's degree and appoint a licensed professional nurse possessing other qualifications in education and administrative experience which the board considers acceptable. However, the appointee shall complete the requirements for the award of a bachelor's degree in four years after appointment to the position of executive officer. Annually, the appointee shall offer the board evidence of satisfactory progress toward award of a bachelor's degree. If after the annual review the board believes that the appointee has not made satisfactory progress toward award of a bachelor's degree, the department may dismiss the appointee, notwithstanding the provisions of AS 39.25.170.

(c) the executive officer shall:

(1) perform the administrative duties as required by the statutes and the department,

(2) carry out regulations and policy decisions, consistent with law, made by the Board of Nursing, and

(3) assist the board in the conducting of examinations, educational programs, preparation of minutes and other board administrative work. (sec 1 ch 47 SLA 1967; am sec 1 ch 81 SLA 1969; am sec 2 ch 67 SLA 1973; am sec 1 ch 129 SLA 1974; am sec 49 ch 218 SLA 1976)

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. (sec 7 ch 90 SLA 1957)

Article 2. Examination and Licensing

Section	Section
160. License required	220. Fees
175. Malpractice Insurance	230. Use of title and abbreviation
177. Qualifications of professional nurse applicants	240. Nurses licensed or holding temporary permits under previous law
180. Qualifications of practical nurse applicants	250. (Repealed)
190. License by examination	251. Lapsed licenses
200. License by endorsement	260. Inactive nurses
210. Temporary permits	270. Grounds for denial, suspension or revocation.
	275. Limits or conditions on license; discipline

Sec. 08.68.060. Qualifications of board members. The five members of the board who are nurses shall be licensed professional nurses in the state, and shall have been actively engaged in nursing for not less than four years before appointment, two years of which were within the five years preceding appointment. (sec 4 ch 90 SLA 1957; am sec 17 ch 102 SLA 1976)

Sec. 08.68.070. Election of officers. The board shall annually elect a chairman and secretary-treasurer from among its members. (sec 5 ch 90 SLA 1957)

Sec. 08.68.080. Meetings. The board shall meet at least once a year. (sec 5 ch 90 SLA 1957)

Sec. 08.68.090. Quorum. A majority of the board constitutes a quorum. (sec 5 ch 90 SLA 1957)

Sec. 08.68.100. Duties of board. The board shall

(1) adopt rules and regulations necessary to make this chapter effective and when necessary, additions to or changes in rules and regulations of the board by a quorum vote by mail, these additions to or changes in the rules and regulations which are made by mail and the vote on them to be entered in the minutes of the board at its next meeting;

(2) make available, upon request, copies of this chapter and the regulations adopted for administering it.

(3) approve curricula and adopt standards for educational programs preparing persons for licensing and provide for surveys of these programs in the state at the times it considers necessary;

(4) accredits educational programs which meet the requirements of this chapter and the standards of the board, and deny or withdraw accreditation from educational programs for failure to meet board standards;

(5) examine, license, and renew the licenses of qualified applicants, and conduct hearings upon charges and administer oaths to persons giving testimony at hearings;

(6) keep a record of its proceedings and submit annual reports to the governor and the legislature. (sec 6(1) (2) (3) ch 90 SLA 1957)

Sec. 08.68.111. Executive officer of 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 officer of the board.

(b) The executive officer shall be a nurse having a bachelor's degree or higher, currently licensed in the state and with not less than five years of active nursing experience, of which

Sec. 08.68.160. License required. A person practicing or offering to practice professional or practical nursing in the state shall submit evidence that he is qualified to practice, and shall be licensed under this chapter. (sec 1 ch 90 SLA 1957)

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

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

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

(b) A qualified student of the Mt. Edgecumbe School of Practical Nursing who was graduated before January 1, 1959, and had eighth grade pretraining is eligible for a license. (sec 9 ch 90 SLA 1957; am sec 3 ch 129 SLA 1974; am sec 2 ch 105 SLA 1976)

Sec. 08.68.190. License by examination. The applicant shall pass a written examination in the subjects which the board prescribes. The board shall issue a license to an applicant who passes the examination to practice professional nursing or practical nursing provided the other qualifications outlined in sections 170 and 180 of this chapter are also met. The board shall conduct examinations annually and as often as considers necessary. (sec 10 ch 90 SLA 1957)

Sec. 08.68.200. License by endorsement. The board may issue a license by endorsement to practice professional nursing or to practice practical nursing, whichever is appropriate, to an applicant who is licensed as either a professional nurse or a practical nurse under the laws of another state or territory, if in the opinion of the board the applicant meets the qualifications required for licensing in the state, and meets the requirements of either section 170 or section 180 of this chapter, whichever is applicable. (sec 11 ch 90 SLA 1957; am sec 1 ch 37 SLA 1970; am sec 4 ch 129 SLA 1974)

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 he

- (1) submits proof satisfactory to the board that he is currently licensed in another state or territory,
- (2) meets the requirements of either section 170 or section 180 of this chapter, whichever is applicable, and
- (3) pays the required fee.

(b) The board may issue a nonrenewable permit to an applicant for license by examination if he meets the qualifications of section 170 or section 180 of this chapter, whichever is applicable, 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. (sec 11 ch 90 SLA 1957; am sec 2 ch 37 SLA 1970; am sec 5 ch 129 SLA 1974)

Sec 08.68.220 Fees. The following fees shall be imposed under this chapter when applicable:

- (1) for professional or registered nursing
 - (A) application fee.....\$20
 - (B) license by examination fee..... 20
 - (C) license by endorsement fee..... 20
 - (D) biennial license renewal fee..... 15

(2) for practical or vocational nursing

(A) application fee.....\$15

(B) license by examination fee..... 15

(C) license by endorsement fee..... 15

(D) biennial license renewal fee..... 15

(sec 13 ch 90 SLA 1957; am sec 1 ch 80 SLA 1960; am sec 5 ch 94 SLA 1968; am sec 2 ch 81 SLA 1969; am secs 3, 4 ch 37 SLA 1970)

Sec. 08.68.230. Use of title and abbreviation. (a) a person licensed to practice professional 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.". (sec 14 ch 90 SLA 1957)

Sec 08.68.240. Nurses licensed or holding temporary permits under previous law. A person holding a license to practice professional or practical nursing in the state under prior law is considered licensed as a professional or practical nurse. (sec 15 ch 90 SLA 1957)

Sec. 08.68.251. Lapsed licenses. A lapsed license may be reinstated if it has not remained lapsed for more than five years. If the license is lapsed for more than five years and the board has reason to believe that the person applying for reinstatement of his license no longer has sufficient knowledge to carry out the duties of a licensed nurse, the board may require the applicant to take and pass the examination given under section 190 of this chapter or complete a refresher course approved by the board. (sec 3 ch 81 SLA 1969; am sec 6 ch 129 SLA 1974)

Revisor's note (1969). -
In ch 81 SLA 1969 this section
was numbered as AS 08.68.250.

Sec. 08.68.260. Inactive nurses. A licensed nurse may apply to be placed on inactive status. An inactive nurse may engage in the practice of nursing by submitting an application for renewal and the current biennial renewal fee to the board and receiving a renewal certificate. If the board has reason to believe that the applicant for a renewal certificate no longer has sufficient knowledge to carry out the duties of a licensed nurse, the board may require the applicant to take and pass the examination given under section 190 of this chapter or complete a refresher course approved by the board. (sec 16 ch 90 SLA 1957; am sec 2 ch 80 SLA 1960; am sec 4 ch 81 SLA 1969, am sec 7 ch 129 SLA 1974)

Sec. 08.68.270. Grounds for denial, suspension or revocation. The board, after compliance with the Administrative Procedure Act (AS 44.62), 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;
- (3) has been convicted of a crime involving moral turpitude;
- (4) is habitually intoxicated or is addicted to the use of narcotics;
- (5) has impersonated a professional or practical nurse;
- (6) is guilty, in the opinion of the board, of negligence which has resulted in serious injury to a patient;
- (7) is mentally ill or mentally incompetent;
- (8) is guilty of unprofessional conduct;
- (9) has willfully or repeatedly violated any of the provisions of this chapter;
- (10) is considered by the board to be professionally incompetent. (sec 20 ch 90 SLA 1957, am sec 8 ch 129 SLA 1974)

Cited in *Leege v. Martin*, C.J.S. references.-53 C.J.S. Sup. Ct. Op. No. 131 (File No. Licenses section 44; 70 C.J.S. 256), 379 P.2d 447 (1963) Physicians and Surgeons sec 16.

Sec. 08.68.275. Limits or conditions on license; discipline. (a) In addition to action under sec. 270 of this chapter, upon a finding that by reason or demonstrated problems of competence, experience, education, or health the authority to practice nursing should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this section. (sec 18 ch 102 SLA 1976)

Article 3. Nursing Education Program

Section	Section
280. Nursing education program prohibited unless accredited	310. Accreditation
290. Application for accreditation	320. Denial of accreditation
300. Survey and accreditation by the board	330. List of accredited programs

Sec. 08.68.280. Nursing education program prohibited unless accredited. No person, institution or agency may conduct a nursing education program for professional or practical nurses unless the program is accredited by the board. (sec 18 ch 90 SLA 1957)

Sec. 08.68.290. Application for accreditation. An institution desiring to conduct a nursing education program to prepare professional 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 professional nursing or for practical nursing, as the case may be, and that (2) it is prepared to meet other standards established by law and by the board. (sec 17 ch 90 SLA 1957)

Sec. 08.68.300. Survey and accreditation by the board. The board shall designate the executive officer, a board member, or a consultant to survey the institution applying for accreditation to determine if the standards and requirements required by law and the board are met. The board may survey a nursing education program in the state at any time. Written reports of the surveys shall be filed with the board and retained by it. (sec 18 ch 90 SLA 1957)

Sec. 08.68.310. Accreditation. If, in the opinion of the board, the nursing education program meets the requirements established by the board, the board shall accredit it as an approved nursing education program for professional or practical nurses. The graduates of an accredited nursing program are eligible for licenses. (sec 18 ch 90 SLA 1957)

Sec. 08.68.320. Denial of accreditation. The board may deny, revoke or suspend accreditation of a nursing education program if it determines that required standards are not being maintained. (sec 18 ch 90 SLA 1957)

Sec. 08.68.330. List of accredited programs. The board shall prepare, maintain, and from time to time publish a list of accredited nursing education programs in the state. (sec 19 ch 90 SLA 1957)

Article 4. Unlawful Acts

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

Sec. 08.68.340. Violations. It is a misdemeanor for a person to

(1) sell or fraudulently obtain or furnish a nursing diploma, license renewal or record, or aid or abet therein; or

(2) practice nursing under cover of a diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or by fraudulent representation; or

(3) practice or offer to practice nursing without a license, except when rendering necessary aid to the ill, injured or infirm in an emergency, or to knowingly employ a person without a license to practice nursing; or

(4) use in connection with his name a designation tending to imply that he is a licensed nurse unless he is licensed; or

(5) practice nursing during the time his license is lapsed, suspended or revoked; or

(6) conduct a nursing education program unless the program has been accredited by the board; or

(7) violate any provision of this chapter. (secs 1, 22 ch 90 SLA 1957, am sec 9 ch 129 SLA 1974)

C.J.S. references.-53 C.J.S.
Licenses sections 62 to 65; 70
C.J.S. Physicians and Surgeons
section 8.

Sec. 08.68.350. Punishment for misdemeanor. A person who violates section 340 of this chapter is punishable by imprisonment for not less than 10 days nor more than one year, or by a fine of not less than \$10 nor more than \$500, or by both. (sec 22 ch 90 SLA 1957)

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. (art VIII ch 90 SLA 1957)

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. (art VIII ch 90 SLA 1957)

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 his license has been suspended, or revoked or has expired, the court may enjoin the defendant from further practice. (art VIII ch 90 SLA 1957)

Sec. 08.68.390. Remedy not exclusive. If a person violates an injunction issued under this section, he may be punished for contempt of court. The injunction proceeding is in addition to other penalties and remedies provided in this chapter. (art VIII ch 90 SLA 1957)

Article 5. General Provisions

Section	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 his official duties; or

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

(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; or

(4) the practice of nursing by a nurse enrolled in an approved refresher course.

(b) For purposes of this section the word "nurses" includes professional and practical nurses, and the "nursing" means professional and practical nursing. (art IX ch 90 SLA 1957, am sec 10 ch 125 SLA 1974)

Sec. 08.68.410. Definitions. As used in this chapter

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

(2) "licensed professional nurse" is equivalent to the common title registered nurse;

(3) "licensed practical nurse" is equivalent to the title licensed vocational nurse;

(4) "practical nursing" also means vocational nursing;

(5) "practice of professional nursing" means the performance for compensation of observation, care and counsel of the ill, injured, or infirm, or the maintenance of health or prevention of illness of others, the supervision and teaching of personnel; or the administration of medications and treatments prescribed by a licensed physician or dentist which require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social science; but the foregoing do not include acts of medical diagnosis, or the prescription of medical therapeutic or corrective measures unless authorized by regulations promulgated jointly by the State Medical Board and the Board of Nursing and as implemented by the Board of Nursing;

(6) "practice of practical nursing" means the performance for compensation of selected acts in the care or prevention of illness, and in the care of the ill, injured, or infirm under the direction of a licensed professional nurse or a licensed physician or a licensed dentist not requiring the substantial specialized skill, judgment and knowledge required in professional nursing;

(7) an "accredited nursing education program" is a program having curricula and standards which meet the requirements established by the board;

(8) "endorsement" is the licensing or registering of an applicant without examination through the acceptance of a license or registration issued by any state or territory after a comprehensive examination which is equivalent to the examination offered in this state, and providing the applicant meets all other qualifications required by law;

(9) "advanced nurse practitioner" means a registered professional nurse who by virtue of specialized education and experience, has become certified to perform acts of medical diagnosis, and prescription of medical, therapeutic or corrective measures as authorized by regulations promulgated under (5) of this section. (sec 2 ch 90 SLA 1957; am se 5 ch 37 SLA 1970; am sec 3 ch 67 SLA 1973, am secs 11, 12 ch 129 SLA 1974)

TITLE 12. PROFESSIONAL AND VOCATIONAL REGULATIONS

CHAPTER 44. BOARD OF NURSING

Article

- 1. Nursing Education of Professional Nurses
- 2. Nursing Education of Practical Nurses
- 3. Examination and Licensure
- 4. Advanced Nurse Practitioner
- 5. General Provisions

ARTICLE 1. NURSING EDUCATION OF PROFESSIONAL NURSES

Section	Section
10. Purpose of accreditation	90. Faculty
20. Types of Accreditation	100. Qualifications of director and professional nursing instructors
30. Survey	
40. Establishment of school of professional nursing	110. Records
50. Discontinuance of program	120. School catalogue
60. Organization of schools	130. Curriculum requirements
70. Budget	140. Reports
80. Student clinical experience	

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 school of professional nursing that prepares the nurse practitioner;

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

(3) to encourage within school of professional nursing self-evaluation and study for growth, development and improvement of this program. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100
AS 08.68.290

12 AAC 44.020. TYPES OF ACCREDITATION. (a) Full accreditation is granted a school of professional nursing that has met the requirements as set forth in secs. 10 - 140 of this chapter.

(b) Provisional accreditation is granted a school of professional nursing that has not been in operation long enough to fulfill the standards of accreditation of secs. 10 - 140 of this chapter.

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(c) Conditional accreditation is granted a school of professional nursing which has failed to maintain minimum standards and has been notified that it must meet the requirements of the board within one year from date of notice. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.109(1)(3)(4)
AS 08.68.290

12 AAC 44. 030. SURVEY. (a) The completed application for provisional accreditation shall be submitted to the board when the school of professional nursing is ready for a survey visit.

(b) A survey of each school of nursing, including affiliations and extended campus facilities, is required for the purpose of full accreditation and shall be made by one or more representatives of the board and may include a faculty member from an established professional nursing program.

(c) Each school of professional nursing shall permit periodic surveys by the board or their designated representative for the purpose of determining compliance with accreditation standards.

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

(e) The information supplied by the school and the written report of the survey will be given to the board. The report and recommendations of the board will be sent to the administrator of the controlling body and the delegated nurse administrator of the program. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)(4)
AS 08.68.300

12 AAC 440.040. ESTABLISHMENT OF SCHOOL OF PROFESSIONAL NURSING. (a) Any university or college wishing to establish a school of professional nursing shall inform the board in writing during the initial planning period.

(b) There shall be information on the availability of clinical facilities and job opportunities for graduates. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)(4)
AS 08.68.300

12 AAC 44.050. DISCONTINUANCE OF PROGRAM. When a school of professional nursing plans on discontinuing its program it shall

(1) notify the board in writing as soon as the decision is made;

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(2) give assurances that the educational standards shall be maintained until the last class has graduated or that adequate provisions are made for the transfer of students unable to complete the program; and

(3) make provisions for the preservation of students' records. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)

12 AAC 44.060. ORGANIZATION OF SCHOOLS. (a) There shall be a clear statement of philosophy which shall be filed with the board.

(b) The school of professional nursing shall be an integral part of an accredited institution of higher learning. There shall be a plan of organization and administration of the school of professional nursing with an organization diagram available to all persons concerned with the school of professional nursing. This chart shall indicate responsibilities and lines of communication and show how individuals and units within the school of professional nursing stand in relation to one another and to such groups as the board of control and clinical facilities. The relationships may be direct, advisory, contractual, coordinating or cooperative in nature. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.070. BUDGET. (a) The financial statement of a school of professional nursing shall be submitted annually to the board and must include assets and liabilities, allowance for fiscal year for faculty salaries, administrative positions, laboratory equipment, maintenance, capital improvement, library.

(b) In addition to the information required in (a) of this section, a school for professional nursing applying for initial, provisional accreditation shall submit a proposed budget for five years which includes projected amounts and sources of funding, and an analysis of projected disbursements. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.080. STUDENT CLINICAL EXPERIENCE. (a) Assignment of students for clinical experience shall be the responsibility of the director of the school of professional nursing and the faculty.

(b) Each school of professional nursing shall include in its curriculum student experience in meeting the physical, emotional and social needs of people of all ages in health and illness for nursing care.

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(c) If there is more than one professional nursing program having clinical experience simultaneously within the same clinical area, each group shall have separate instructors.

(d) In student clinical experience, the clinical instructor-student ratio may not exceed 1:12 at any given time. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.090. FACULTY. The administration and teaching staff shall consist of

(1) a director of the school of professional nursing

(2) nursing instructors prepared in the major broad areas of current nursing practice. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.100. QUALIFICATIONS OF DIRECTOR AND PROFESSIONAL NURSING INSTRUCTORS. (a) The director of a school of professional nursing shall be a professional nurse and have at least a master's degree in education or nursing, including course work in curriculum development and counseling, and at least one year of experience either in instruction or administration of nursing education.

(b) Instructors who are responsible for the development and implementation of curriculum in one of the specialty areas shall have a master's degree in nursing, and have at least one year of clinical nursing experience in that area.

(c) Instructors who supervise nursing practice in a school of professional nursing shall have at least a baccalaureate degree in nursing and have at least one year of clinical nursing experience in the area in which they are teaching. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.110. RECORDS. The school of professional nursing shall provide for

(1) pre-admission and current records for each student, including information as to the student's knowledge and skills related to the practice of professional nursing; and

(2) the official transcript of each student. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)
AS 08.68.300

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12 AAC 44.120. SCHOOL CATALOGUE. In the catalogue of the accredited institution there shall be a current official statement, developed by the nursing faculty, describing the nursing program, which includes

- (1) a statement of the philosophy and objectives of the school of professional nursing;
 - (2) admission and graduation policies and procedures;
 - (3) the curriculum, course description, and list of faculty members; and
 - (4) description of physical facilities.
- (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.130. CURRICULUM REQUIREMENTS. Baccalaureate and associate degree programs shall comply with the following minimum curriculum requirements

- (1) biological and physical sciences
 - (A) academic faculty prepared in these areas shall provide this instruction;
 - (B) subject matter shall relate to structure and function of the human body;
- (2) behavioral and social sciences
 - (A) academic faculty prepared in these areas shall provide this instruction;
 - (B) subject matter shall include principles of psychology, communications, growth and development, and interpersonal relationships;
- (3) nursing science
 - (A) the school of professional nursing shall provide instruction and clinical experience in the major broad areas of current nursing practice;
 - (B) it shall provide instruction in allied subjects such as community health, pharmacology, nutrition and diet therapy, history and trends in nursing and professional responsibilities;
 - (C) theory and laboratory experience shall be concurrent to enable students to develop basic skills in professional nursing;

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(D) throughout the program the student shall have experience applying the principles learned by working with the health team in providing nursing services and health education to people of all ages. (Eff. 10/14/72, Register 43)

12 AAC 44.140. REPORTS. By July 1 of each year, schools of professional nursing shall submit to the Board of Nursing reports related to faculty, students and current curriculum as follows

- (1) written job descriptions and qualifications for each category of faculty;
- (2) names, educational qualifications, and titles of all nursing faculty members;
- (3) a count of students admitted, withdrawn, transferred and graduated on forms provided by the board;
- (4) a copy of the catalogue;
- (5) course outlines for all nursing courses;
- (6) budget information required in sec. 70 of this chapter; and
- (7) a copy of any written agreement between the school of professional nursing and clinical facilities. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.300

ARTICLE 2. NURSING EDUCATION OF PRACTICAL NURSES

Section	Section
150. Purpose of accreditation	220. Student clinical experience
160. Types of accreditation	230. Faculty
170. Survey	240. Qualifications of director of practical nursing instructors
180. Establishment of school of practical nursing	250. Records
190. Discontinuance of program	260. School catalogue
200. Organization of schools	270. Curriculum requirements
210. Budget	280. Reports

12 AAC 44.150. PURPOSE OF ACCREDITATION. The purpose of accreditation is

- (1) to assure safe practice of nursing by setting minimum requirements for the conduct of school of practical

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nursing that prepares the practical nurse;

(2) to assure the graduates of their eligibility for admission to the licensing examination for practical nurses in Alaska; and

(3) to encourage within school of practical nursing self-evaluation and study for growth, development and improvement of its program. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100
AS 08.68.290

12 AAC 44.160. TYPES OF ACCREDITATION. (a) Full accreditation is granted a school of practical nursing that has met the requirements as set forth in secs. 150 - 280 of this chapter.

(b) Provisional accreditation is granted a school of practical nursing that has not been in operation long enough to fulfill the standards of accreditation of secs. 150 - 280 of this chapter.

(c) Conditional accreditation is granted a school of practical nursing which has failed to maintain minimum standards and has been notified that it must meet the requirements of the board within one year from date of notice. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.109(1)(3)(4)
AS 08.68.290

12 AAC 44.170. SURVEY. (a) The completed application for provisional accreditation shall be submitted to the board when the school of practical nursing is ready for a survey visit.

(b) A survey of each school of nursing, including affiliations and extended campus facilities, is required for the purpose of FULL accreditation and shall be made by one or more representatives of the board and may include a faculty member from an established practical nursing program.

(c) Each school of practical nursing shall permit periodic surveys by the board or their designated representative for the purpose of determining compliance with accreditation standards.

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

(e) The information supplied by the school and their written report of the survey will be given to the board. The report and recommendations of the board will be sent to the

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administrator of the controlling body and the delegated nurse administrator of the program. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)(4)
AS 08.68.300

12 AAC 44.180. ESTABLISHMENT OF SCHOOL OF PRACTICAL NURSING. (a) Any college wishing to establish a school of practical nursing shall inform the board in writing during the initial planning period.

(b) There shall be information on the availability of clinical facilities and job opportunities for graduates. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)(4)
AS 08.68.300

12 AAC 44.190. DISCONTINUANCE OF PROGRAM. When a school of practical nursing plans on discontinuing its program it shall

(1) notify the board in writing as soon as the decision is made;

(2) give assurances that the educational standards shall be maintained until the last class has graduated or that adequate provisions are made for the transfer of students unable to complete the program; and

(3) make provision for preservation of students' records. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)

12 AAC 44.200. ORGANIZATION OF SCHOOLS. (a) There shall be a clear statement of philosophy which shall be filed with the board.

(b) The school of practical nursing shall be an integral part of an accredited institution of higher learning. There shall be a plan of organization and administration of the school of practical nursing with an organization diagram available to all persons concerned with the school of practical nursing. This chart shall indicate responsibilities and lines of communication and show how individuals and units within the school of practical nursing stand in relation to one another and to such groups as the board of control and clinical facilities. The relationships may be direct, advisory, contractual, coordinating or cooperative in nature. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.210. BUDGET. (a) The financial statement of a school of practical nursing shall be submitted annually to the

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board and must include assets and liabilities, allowance for fiscal year for faculty salaries, administrative positions, laboratory equipment, maintenance, capital improvement, library.

(b) In addition to the information required in (a) of this section, a school of practical nursing applying for initial, provisional accreditation shall submit a proposed budget for five years which includes projected amounts of sources of funding, and an analysis of projected disbursements. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.220. STUDENT CLINICAL EXPERIENCE. (a) Assignment of students for clinical experience shall be the responsibility of the director of the school of practical nursing and the faculty.

(b) Each school of practical nursing shall include in its curriculum, student clinical experience in the areas of medical, surgical, obstetrical, psychiatric and pediatric nursing.

(c) If there is more than one nursing program having clinical experience simultaneously within the same clinical area, each group shall have separate instructors.

(d) In student clinical experience, the clinical instructor-student ratio may not exceed 1:12 at any given time. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.230. FACULTY. The administration and teaching staff shall consist of

(1) a director of the school of practical nursing;
and

(2) nursing instructors in each specialty area, medical, surgical, obstetrical, psychiatric and pediatric nursing. (Eff 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.240. QUALIFICATIONS OF DIRECTOR AND PRACTICAL NURSING INSTRUCTORS. (a) The director of a school of practical nursing shall have at least a baccalaureate degree in nursing, including coursework in curriculum development and counseling, and at least one year of experience either in instruction or administration of nursing education and one year clinical nursing experience in the areas in which he is teaching.

(b) Instructors who teach in a school of practical nursing shall be registered nurses with a bachelor's degree who have

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at least one year of clinical nursing experience in the area in which they are teaching. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.250. RECORDS. The school of practical nursing shall provide for

(1) pre-admission and current records for each student, including information as to the student's knowledge and skills related to the practice of practical nursing; and

(2) the official transcript of each student.
(Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)
AS 08.68.300

12 AAC 44.260. SCHOOL CATALOGUE. In the catalogue of the accredited institution there shall be a current official statement, developed by the nursing faculty describing the nursing program, which includes

(1) a statement of the philosophy and objectives of the school of practical nursing;

(2) admission and graduation policies and procedures;

(3) the curriculum, course description, and list of faculty members; and

(4) description of physical facilities,
(Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)

12 AAC 44.270. CURRICULUM REQUIREMENTS. The program for a school of practical nursing shall comply with the following minimum requirements

(1) the school of practical nursing shall provide instruction and clinical experience in medical, surgical, obstetrical, pediatric and psychiatric nursing;

(2) the school of practical nursing shall provide instruction in those basic principles of the physical, social and behavioral sciences which relate to the practice of practical nursing;

(3) the school of practical nursing shall provide instruction in the basic concepts of nutrition, pharmacology, communications, history and trends in nursing, and vocational responsibilities;

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(4) theory and laboratory experience shall be concurrent to enable students to develop basic skills in practical nursing; and

(5) throughout the program the student shall have experience applying all principles learned by working with the health team in providing basic bedside care to patients. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(3)
AS 08.68.290

12 AAC 44.280. REPORTS. By July 1 of each year, schools of practical nursing shall submit to the board reports related to faculty, students, and current curriculum as follows

(1) written job descriptions and qualifications for each category of faculty;

(2) names, educational qualifications, and titles of all nursing faculty members;

(3) a count of students admitted, withdrawn, transferred and graduated, on forms provided by the board;

(4) a copy of the catalogue;

(5) course outlines for all nursing courses;

(6) budget information required in sec. 210 of this chapter; and

(7) a copy of any written agreement between the school of practical nursing and clinical facilities. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.300

ARTICLE 3. EXAMINATION
AND LICENSURE

Section
290. Application for
examination
300. State board
examinations

Section
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 shall

(1) make written application on forms provided by the board for permission to be admitted to the licensing examination;

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- (2) pay the required fee;
 - (3) provide the board with a complete certified transcript of her nursing education; and
 - (4) submit a letter of recommendation for examination from the director of the school of nursing.
- (b) Application, fee, and all credentials shall be on file in the board office not later than six weeks prior to the date of the examination. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(5)
AS 08.68.190

12 AAC 44.300. STATE BOARD EXAMINATIONS. (a) Candidates shall write the State Board Test Pool Examination.

- (b) Registered nurse candidates who receive a standard score of 350 or above in each area of the examination will be issued a license by the Board of Nursing.
- (c) Registered nurse candidates who fail one or two areas of the examination need repeat only the areas failed. Candidates who fail three or more areas of the examination shall repeat the entire examination.
- (d) Licensed practical nurse candidates who receive a standard score of 350 or above will be issued a license by the Board of Nursing.
- (e) Licensed practical nurse candidates who fail the examination shall repeat said examination.
- (f) After the third failure both registered nurse and licensed practical nurse candidates shall be required to repeat, at an accredited school of nursing, the theory and practice in the areas failed. The candidate shall provide proof of having fulfilled this requirement. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(5)
AS 08.68.190

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 State Board Test Pool Examination.
- (c) Applicants who have successfully completed the State Board Test Pool Examination elsewhere shall be licensed by endorsement.

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(d) If licensed in Canada as a result of passing the national Canadian examination, and having received a score of at least 350 on each part of the examination, an applicant may receive a license by endorsement in the manner provided by AS 08.68.200. If the examination did not include all subjects included in the State Board Test Pool Examination, the applicant will be required to examine in those subjects. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.190
AS 08.68.200
AS 08.68.210(a)(b)

12 AAC 44.320. TEMPORARY PERMITS. A temporary nonrenewable permit may be issued to an applicant who has taken the State Board Test Pool Examination one time and the results are pending. This permit will be valid until the results of this examination are published. (Eff. 10/14/72, Register 43; am 6/27/76, Register 58)

Authority: AS 08.68.100(1)(5)
AS 08.68.200
AS 08.68.210(a)(b)

ARTICLE 4. ADVANCED
NURSE PRACTITIONER

Section

322. Nurse-midwife

1. AAC 44.322. NURSE-MIDWIFE. (a) A person may not practice or offer to practice as a nurse-midwife in Alaska or use a title or initials signifying that he or she is a nurse-midwife unless authorized to do so by the board.

(b) An applicant for authorization to practice as a nurse-midwife must meet the following requirements

- (1) apply on forms provided by the board;
- (2) at the time of application, provide written evidence of an established collaborative relationship with a physician or physicians appropriate to the area of practice, at least one physician who must be certified by the American Board of Obstetrics and Gynecology or eligible for certification by that board;
- (3) pay a fee of \$25, which must accompany the application;
- (4) be currently licensed to practice as a professional nurse in Alaska;
- (5) be certified by the American College of Nurse-Midwives; and

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(6) submit documentary evidence of nurse-midwifery practice within the five years before application.

(c) A person authorized to practice as a nurse-midwife by the board shall immediately report in writing to the board any change in conditions or terms in his or her collaborative relationship.

(d) A nurse-midwife may

(1) manage all in- and out-patient care of a low-risk obstetrical patient, which included the prescription of necessary medical therapeutic or corrective measures, or those patients who meet criteria established by an advisory committee jointly appointed by the board and the State Medical Board; and

(2) provide family planning services.

(e) A nurse-midwife may not

(1) continue to manage a patient if abnormal conditions or complications are apparent or known to exist, except that emergency measures may be performed, if necessary, after summoning a physician but before arrival of a physician;

(2) perform deliveries except within a hospital licensed under AS 18.30.101 - 18.30.130 unless prevented from doing so by unusual or emergency circumstances.

(f) The executive officer of the board will prepare and transmit to the Alaska Board of Pharmacy a listing of all nurse-midwives. The listing will contain

(1) the name and Drug Enforcement Administration number, if issued, of each nurse-midwife;

(2) the beginning and ending dates of the nurse-midwife's authority to prescribe; and

(3) any limitations on the prescribing authority of the nurse-midwife.

(g) The executive officer of the board will notify the Alaska Board of Pharmacy within 24 hours of a termination or any other change in the prescribing authority of the nurse-wife and the reason for the action.

(h) The authority to practice as a nurse-midwife will be denied, revoked or suspended in accordance with AS 08.68.270 and provisions of this chapter. (Eff. 6.27.76, Register 58)

Authority: AS 08.68.100(1)(5)
AS 08.68.111
AS 08.68.410(5)

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ARTICLE 5.
GENERAL PROVISIONS

Section	Section
330. License renewal	350. Reinstatement of a revoked license.
340. Reinstatement of a suspended license.	360. Change of name
	370. Definitions

12 AAC 44.330. LICENSE RENEWAL. (a) All licenses shall be renewed biennially by June 30. Notice of renewal with inventory questionnaire will be mailed to every currently licensed nurse on or before May 1 of every even-numbered year.

(b) Any licenses not renewed by June 30 will be automatically canceled by July 1 or placed on the inactive list at the request of the licensee.

(c) To retain legal recognition as a nurse-midwife, a license must be renewed biennially by June 30 with

(1) a fee of \$20 accompanying the renewal application;

(2) evidence of meeting any existing educational requirements for continued certification by the American College of Nurse-Midwives. (Eff. 10/14/72, Register 43; am 6/27/76, Register 58)

Authority: AS 08.68.100(1)(5)

12 AAC 44.340. REINSTATEMENT OF A SUSPENDED LICENSE. A suspended license may be reinstated at the termination of suspension only if the requirements in the suspension order have been met. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(5)

12 AAC 44.350. REINSTATEMENT OF A REVOKED LICENSE.

(a) One year after revocation of a license the licensee may apply to the board in writing for reinstatement of a license.

(b) The applicant for reinstatement may be requested to appear before the board.

(c) The board may request the applicant to work under supervision for a specified length of time in an agency approved by the board as a condition for temporary reinstatement of license.

(d) The applicant shall be responsible for providing a written evaluation from the employing agency regarding his performance and will be evaluated by the board to determine whether or not the license shall be reinstated. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)(5)

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12 AAC 44.360. CHANGE OF NAME. The name of a licensed nurse shall be changed on the records when a request is made in writing and accompanied by one of the following

- (1) affidavit form supplied by the board;
- (2) certified copy of marriage certificate; or
- (3) certified copy of court ruling. (Eff. 10/14/72, Register 43)

Authority: AS 08.68.100(1)

12 AAC 44.370. DEFINITIONS. As used in this chapter

- (1) "board" means Alaska Board of Nursing;
- (2) "shall" indicates a mandatory requirement;
- (3) "may" indicates permission at the discretion of the board;
- (4) "school" or "program" means a division in a college or university which is responsible for preparing persons for practice of professional or practical nursing;
- (5) "clinical facility" means any facility which provides laboratory experience for the education of students in a school of professional or practical nursing;
- (6) "accreditation" means the approval granted a school of professional or practical nursing which has met the minimum requirements of the board;
- (7) "baccalaureate program" is conducted in a senior college or university and is an academic department, division, school or college of the senior college or university, which prepares persons for a baccalaureate degree in nursing;
- (8) "associate degree program" includes general academic and nursing courses, is conducted within a community or junior college, and prepares persons for an associate degree in nursing;
- (9) "collaborative relationship" is a working relationship between a nurse and a physician which utilizes their respective areas of expertise to meet the common goal of providing comprehensive care for the patient;
- (10) "manage" means select and perform those measures essential to the effective execution of care and treatment regimens;

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(11) "low-risk obstetrical patient" is a person who meets the following criteria

- (A) general good health;
- (B) no major medical disorders, such as diabetes, heart disease, epilepsy, kidney disease, blood dyscrasia;
- (C) no previous major obstetrical complications;
- (D) parity under six;
- (E) not presenting during the course of pregnancy symptoms of toxemias, hydramnios, placenta previa or abruptio, malposition of fetus, multiple pregnancy;
- (F) vital signs remaining within normal curve;
- (G) labor progressing according to normal curve;
- (H) no prolonged rupture of membranes;
- (I) no anesthesia, required or desired, other than pudendal or local; and
- (J) acceptance of management of care by a nurse-midwife. (Eff. 10/14/72, Register 43; am 6/27/76, Register 58)

Authority: AS 08.68.100(1)
AS 08.68.410(5)