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FILE NO. 31

FILE NO. 33

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Chapter 02. Miscellaneous Provisions.

Section

10. Professional designation requirements

Section

20. Limitation of liability for members of licensing boards

Sec. 08.02.010. Professional designation requirements. (a) A person licensed in the state as a chiropractor as defined in AS 08.20.220, a dentist as defined in AS 08.36.360, a medical practitioner or osteopath as defined in AS 08.64.380, a professional nurse as defined in AS 08.68.410, an optometrist as defined in AS 03.72.300(3), a registered pharmacist under AS 08.80, a registered physical therapist under AS 08.84, or a psychologist under AS 08.86, shall professionally identify himself by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 1 ch 6 SLA 1973)

Sec. 08.02.020. Limitation of liability for members of licensing boards. No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976)

Effective date. — Section 50, ch. 102, SLA 1976, makes this section effective 30 days after the effective date of this act.

Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

LPA BY EXM 11

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
Division of Occupational Licensing
Board of Nursing
Pouch D
Juneau, Alaska 99811

APPLICATION INFORMATION

AS 08.68.160 states in part that it is unlawful to practice or offer to practice professional or practical nursing without a valid, current license or temporary permit.

ALASKA does not license by waivers nor does it accept licensees from other states who do license by waiver. Licensing laws in Alaska are MANDATORY.

LICENSE RENEWAL occurs every two years on or before June 30 of the even numbered years. Licenses issued earlier in that even-numbered year must still pay the renewal fee.

REQUIREMENTS

LICENSED PRACTICAL NURSES Section 08.68.180 Alaska Statutes

1. Completion of the tenth grade or its equivalent.
2. Not less than 18 years of age.
3. Successful completion of a practical nursing program meeting Alaska requirements. Transcripts from military programs, programs outside the U.S.A. will be individually evaluated.
4. Examination Section 08.68.190.
 - a) Graduates of programs within the U.S.A.
 - (1) Prior to 1953 - must have passed your State Constructed Exam with a score of 75% or greater.
 - (2) Since 1953 - pass the State Board Test Pool Examination (SBTPE) with a score of 350 or better.
 - b) Foreign Graduates
 - (1) Canada - some Canadian provinces use the CNATS exam for testing "registered nursing assistants". This is acceptable if your educational program is comparable.
 - (2) All others must take the SBTPE here, or in another state.
5. Are you licensed elsewhere in the U.S.A.? Have you met all of the above requirements? If your answer is yes, then you may be licensed in Alaska by ENDORSEMENT.

- - - THE EXCEPTION - - -
6. If you have neither worked nor been enrolled in a nursing program within the past five years, the Board may legally require a Refresher Course or approved work experience before issuing a license.

HOW TO SUBMIT YOUR APPLICATION

1. All applicants need:
 - a) The blue application form, completed and notarized.
 - b) A recent photograph (head and shoulders) signed and dated.
 - c) A check, money order or bank draft for \$30.00.
One-half of this fee is non-refundable.
2. For license by ENDORSEMENT - in addition to item 1, submit the following items in this packet: (These forms must be returned by them to the Board of Nursing office in Juneau.)
 - a) "Verification of License" - fill in Part I.
Mail to the state where you took your board exams.
 - b) "Verification of Program" - fill in Part I.
Mail to your practical nursing program. If your school no longer exists, send the form to the State Board of Nursing in that state.
 - c) "References" - complete Part I, mail as directed on form. Problems? Contact the Executive Officer at the Anchorage office.

- b) Temporary Permit will be issued if you:
- 1) Complete item 1, above, and meet Alaska requirements;
 - 2) Submit a photocopy (notarized) of your current license from another state, and submit a written request.

REMEMBER - Permits are good only for 4 months and are non-renewable. There is no additional charge. They are not automatically issued.

3. For license by EXAMINATION in addition to number 1 above:

a) "Verification of Program" - send to your nursing program. In addition, request from your school:

- (1) Transcript (in English) sent directly to the Juneau address, and a
- (2) Letter from the Dean, or Director of your school recommending that you be allowed to sit the examination.

b) Who must be licensed by examination:

- (1) All new U.S.A. graduates or recent graduates who have never taken the SBTPE.
- (2) U.S.A. graduates on or after 1953 who have not taken the SBTPE. This includes:
 - (a) Texas LPN's who wrote the exam from 1952-1968(except April & November 1952)
 - (b) California LVN's writing the exam after July 1974.
- (3) All graduates of approved schools outside the U.S.A. who have not written the SBTPE in another state.
- (4) If you have taken, but failed, the SBTPE in another state, you may apply to take the examination here or you may be proctored in this state (by request) for another state.

c) Temporary Permit upon request:

- (1) Issued once you have completed the requirements for examination.
- (2) The T.P. good until exam results are received.
- (3) Is non-renewable.
- (4) You are not eligible for a T.P. if you have previously failed the exam or are one of those persons listed in b) (2), (3), or (4) of this section.

EXAMINATIONS are given each October in Alaska and may be offered in April beginning in 1979. The fee is \$30.00. You should be on the list six weeks prior to exam date and your application completed four weeks prior to exams - including the final transcript.

GENERAL INFORMATION

1. All documents, money, etc. must be sent to the Juneau address. All licenses, including temporary permits, are issued from Juneau.
2. Temporary permits require about 10 days from the time you mail to Juneau until you can expect to receive it. It is good for four months.
3. Permanent licenses may take up to four months to be processed.
4. PROBLEMS - QUESTIONS - CONCERNS - write, call or visit the Executive Officer for the Board of Nursing in the Anchorage office.
5. Are you still having problems? Are you interested in trends and issues facing nursing? Attend a Board of Nursing meeting. Write the Anchorage office. Office hours are 8 a.m. to 4:30 p.m.

Ruth McMahan, R.N., Executive Officer
 Board of Nursing
 142 East Third Avenue
 Anchorage, AK 99501 (907) 276-7969

Licensing Examiner
 Division of Occupational Licensing
 Pouch D, Juneau (907) 465-2544

CRITERIA FOR LICENSING

BY ENDORSEMENT

Tenth Grade
 Age 18
 Completion Approved Program
 SBTPE - 350 Score
 Completed Application With Fee & Picture
 Licensed in another state

BY EXAMINATION

Tenth Grade
 Age 18
 Completion Approved Program
 Completed Application With Fee & Picture
 Transcript (in English)
 Letter from Dean

NO LICENSE = NO WORK

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF NURSING
POUCH D, JUNEAU, ALASKA 99811

PHOTOGRAPH

APPLICATION FOR PRACTICAL NURSE LICENSE

RECENT PASS-PORT TYPE

HEAD AND SHOULDERS ONLY

YOU MAY NOT PRACTICE OR OFFER TO PRACTICE PRACTICAL NURSING IN ALASKA AS DEFINED IN THE NURSING STATUTES, CHAPTER 68, TITLE 8, WITHOUT A CURRENT ALASKA LICENSE.

I HEREBY MAKE APPLICATION FOR PRACTICAL NURSE LICENSURE IN ALASKA BY EXAMINATION [] ENDORSEMENT [] AND SUBMIT THE FOLLOWING EVIDENCE OF MY QUALIFICATIONS FOR SUCH LICENSE.

PLEASE PRINT OR TYPE

NAME _____
LAST FIRST MIDDLE MAIDEN SPOUSE'S NAME
SOCIAL SECURITY # _____ MALE [] FEMALE [] SINGLE [] MARRIED [] DIVORCED [] WIDOWED []
PERMANENT ADDRESS _____
STREET CITY STATE ZIP CODE
CURRENT ADDRESS _____
STREET CITY STATE ZIP CODE
DATE OF BIRTH _____ PLACE OF BIRTH _____

EDUCATION

HIGH SCHOOL _____
NAME AND LOCATION HIGHEST GRADE COMPLETED
COMPLETION OF TENTH GRADE, OR EQUIVALENCY TEST REQUIRED FOR PRACTICAL NURSES. IF NOT A TOTAL OF TEN (10) YEARS, SUBMIT NOTARIZED COPY OF G.E.D. TEST RESULTS, OR EXPLAIN ON SEPARATE SHEET.

SCHOOL OF NURSING _____
NAME AND LOCATION
DATE ENTERED _____ DATE COMPLETED _____ LENGTH OF COURSE _____

ADDITIONAL EDUCATION: NURSING COURSES TAKEN AFTER BASIC NURSING PROGRAM.

NAME OF PROGRAM _____ LENGTH OF PROGRAM _____
DATES TAKEN _____ NAME OF INSTITUTION _____

STATE OF ORIGINAL LICENSURE _____ YEAR _____ LICENSE # _____ BY: EXAM [] WAIVER []

OTHER STATES IN WHICH CURRENTLY LICENSED _____

IS YOUR APPLICATION FOR LICENSURE PENDING IN ANY OTHER STATE? YES [] NO []

IF SO, WHERE? _____
HAVE YOU EVER BEEN LICENSED IN ALASKA? YES [] NO []

IF YES, GIVE LICENSE NO. _____
HAVE YOU PREVIOUSLY MADE APPLICATION FOR LICENSURE IN ALASKA? YES [] NO []

IF SO, WHEN AND UNDER WHAT NAME? _____
HAVE YOU ACCEPTED A NURSING POSITION IN ALASKA? YES [] NO []

IF SO, WHERE? _____

HAS YOUR LICENSE EVER BEEN REVOKED OR SUSPENDED? YES [] NO []

HAVE YOU EVER BEEN REFUSED LICENSURE BY ANY STATE? YES [] NO []

HAVE YOU HAD ANY MAJOR PHYSICAL OR MENTAL ILLNESS WITHIN THE PAST FIVE (5) YEARS? YES [] NO []

HAVE YOU EVER BEEN TREATED FOR DRUG ADDICTION OR INEBRIETY? YES [] NO []

IF THE ANSWER TO ANY OF THE ABOVE QUESTIONS IS YES, PLEASE EXPLAIN FULLY, USING A SEPARATE SHEET.

DO NOT WRITE HERE

LICENSE NO. _____
DATE GRANTED _____

NAMES AND ADDRESSES OF LAST FOUR EMPLOYERS

NAME OF EMPLOYER

ADDRESS & ZIP CODE NO.

TYPE OF WORK

DATES EMPLOYED

1 _____

2 _____

3 _____

4 _____

CERTIFICATE OF CHARACTER AND ABILITY: Please list three (3) registered nurses, one of whom should be an administrator of nursing service or director of nursing education, who can attest to your professional ability and character.

NAME

ADDRESS & ZIP CODE NO.

TITLE

1 _____

2 _____

3 _____

AFFIDAVIT: To be signed and sworn to by the applicant in the presence of an officer authorized to administer oaths.

STATE OF _____

COUNTY OF _____

I, BEING DULY SWORN, DECLARE THAT I AM THE PERSON REFERRED TO IN THE FORE GOING APPLICATION, THAT THE INFORMATION SUPPLIED THEREIN IS TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF APPLICANT

Sworn to before me this _____ day of _____, 19 _____

SIGNATURE OF NOTARY

My commission expires _____

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
Division of Occupational Licensing
Board of Nursing
Pouch D
Juneau, Alaska 99811

NURSING PROGRAM VERIFICATION

APPLICANT: Check the statement appropriate to the method by which you are applying for license and mail to your school of nursing.

_____ I am applying for a nursing license in Alaska by examination.

- * Please have an official nursing school transcript sent to the above address. Notify me if a fee is required.
- * Complete Section II and return this form to the above address at your earliest convenience.

_____ I am applying for a nursing license in Alaska by endorsement.

- * Please complete Section II and return this form to the above address at your earliest convenience.

Applicant's signature _____
address _____

My diploma/degree/certificate was granted in 19____ under the name of:

SECTION II. For completion and return by School of Nursing.

The above person completed _____ did not complete _____ the required course of study in the professional _____ practical _____ nursing education program at _____
Name of Program

Location _____

Accredited at the time of graduation by:

State Board of Nursing _____

National League for Nursing _____

Other accrediting body _____

Signature _____

Title _____

Date _____

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
Division of Occupational Licensing
Board of Nursing
Pouch D
Juneau, Alaska 99811

NURSING PROGRAM VERIFICATION

APPLICANT: Check the statement appropriate to the method by which you are applying for license and mail to your school of nursing.

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- * Please have an official nursing school transcript sent to the above address. Notify me if a fee is required.
- * Complete Section II and return this form to the above address at your earliest convenience.

_____ I am applying for a nursing license in Alaska by endorsement.

- * Please complete Section II and return this form to the above address at your earliest convenience.

Applicant's signature _____

address _____

My diploma/degree/certificate was granted in 19____ under the name of:

SECTION II. For completion and return by School of Nursing.

The above person completed _____ did not complete _____ the required course of study in the professional _____ practical _____ nursing education program at _____

Name of Program

Location _____

Accredited at the time of graduation by:

State Board of Nursing _____

National League for Nursing _____

Other accrediting body _____

Signature _____

Title _____

Date _____

STATE OF ALASKA
 DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
 Division of Occupational Licensing
 Board of Nursing
 Pouch D, Juneau, Alaska 99811

VERIFICATION OF LICENSURE

APPLICANT: Complete Section I. Mail to the State Board of Nursing or official of the country where you obtained your original license for completion of Section II. (A fee may be required for completion of this form.)

SECTION I

NAME _____ LICENSE NO. _____

ADDRESS _____ PROFESSIONAL _____

PRACTICAL _____

SECTION II: To be completed by Board of Nursing.

Date of Birth _____ Social Security No. _____

The applicant completed an approved program in Professional _____/Practical _____ nursing.

Name of School _____

City _____ State _____ Year of Graduation _____
 Original License issued by examination _____ waiver _____ endorsement _____

Date issued _____ License number _____

License is Current _____ Expiration Date _____ Inactive _____ Lapsed _____

License has been Suspended _____ Revoked _____ Surrendered _____ Reinstated _____
 (If answer is yes, please explain on reverse side.)

The applicant wrote a State Constructed Licensing Examination _____

The applicant wrote the State Board Test Pool Exam: Series # _____ Form # _____

If other than above, give name _____

Professional: Scores Attained/Required _____ Practical Nurse Score Attained _____

Medical Nursing _____ Required _____

Psychiatric Nursing _____

Obstetric Nursing _____

Surgical Nursing _____

Nursing of Children _____

Signature _____

Title _____

Board of Nursing _____

Date _____

(BOARD SEAL)

PLEASE RETURN TO ADDRESS AT TOP OF PAGE

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
Division of Occupational Licensing
Board of Nursing
Pouch D
Juneau, Alaska 99811

REFERENCE LETTER

Applicant: Complete the top portion only and mail to your last two employers in the field of nursing and two registered nurses who can attest to your professional ability and character.

I am applying for a license to practice as a professional nurse _____/
practical nurse _____ and hereby authorize you to release information as
required on this form. Please return to the above address at your earliest
convenience.

Social Security Number _____ Signature _____

Address _____
Employment dates _____

- 1. Employee's position: _____
2. Dates of Employment: _____
3. Clinical Service (Pediatrics, Medical, etc.) _____

4. Your rating of employee's ability in nursing _____

5. Would re-employment be favorable considered? _____
6. Would you recommend for licensure? _____
If not, reason: _____
7. Other comments: _____

Signature: _____ Title _____
Agency _____ Date _____
City and State: _____

RAJ

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
Division of Occupational Licensing
Board of Nursing
Pouch D
Juneau, Alaska 99811

APPLICATION INFORMATION

AS 08.68.160 states in part that it is unlawful to practice or offer to practice professional or practical nursing without a valid, current license or temporary permit.

ALASKA does not license by waivers nor accepts licensees from other states licensed by waivers. Licensing laws in Alaska are MANDATORY.

LICENSE RENEWAL occurs every two years on or before June 30 of the even numbered years. Licenses issued earlier in that even-numbered year must still pay the renewal fee.

REQUIREMENTS

PROFESSIONAL NURSES: Section 08.68.170. Alaska Statutes

1. Graduation from (or the equivalent) a high school.
2. Successful completion of a nursing program:
 - a) in the USA, the program must be approved by the State Board of Nursing
 - b) outside the USA, your transcript will be reviewed to ascertain that your program does meet this board's requirements.
3. EXAMINATION
 - a) graduates from schools within the USA who graduated:
 - (1) prior to 1953 - pass the examination in your state with grades of 75% or better in all areas;
 - (2) since 1953 - you MUST have taken the State Board Test Pool Examination (SBTPE) and passed all five sections with score of 350 or better.
 - b) Foreign Graduates
 - (1) Canadians - some Provinces have used the SBTPE prior to 1970. You must have taken all five areas and passed with a score of 350 or better in each area;
 - (2) The Canadian CNATS examination is acceptable if all five sections were taken and passed with scores of 350 or better.
 - (3) All other graduates of schools outside the United States MUST take the SBTPE RN Examination and pass all five sections with scores of 350 or better.
4. Are you licensed elsewhere in the U.S.A.? Have you met all of the above requirements? Then you may be licensed in Alaska by ENDORSEMENT.
--- the exception ---
5. Have you worked in nursing within the past five years? If your answer is NO, then the Board of Nursing may legally require that you complete successfully an approved "Refresher Course" and document this to the board before qualifying for your license.

PROCEDURES

1. Complete the yellow document on both sides, have it notarized, include a picture and your fee of \$40.00. Mail this to the Juneau address shown above.
 - a) Do you have a current license from another state? Do you wish a Temporary Permit? If yes, then submit with the application in #1, a notarized photocopy of the current license and a signed request asking for the permit. Allow at least 10 days for the permit to reach you.
 - b) THE FEE - one-half of your fee (\$20.00) is non-refundable. If you change your mind before the temporary permit is issued, you took the exam or the license issued, then you may request a refund of the remaining \$20.00.
 - c) Applications which are not completed within one year are considered to have been abandoned and will be so filed.
2. VERIFICATION OF LICENSE form - mailed by you to the State Board of Nursing where you took your licensing examination.
3. VERIFICATION OF PROGRAM form - is mailed by you to your school of nursing. If you are being licensed by endorsement, you do not need your transcript.
4. REFERENCES, a) a total of four are required for licensure by endorsement. These forms may be sent to an employer, supervisor, headnurse, peers, or others who know of your nursing ability. b) The NEW GRADUATE or anyone else sitting the examination will need not only the transcript but in lieu of the references you must have a letter of recommendation to sit the exam from the Dean of your School of Nursing.

EXAMINATIONS for RN's are given twice a year. The fee is \$40.00 and you must complete steps 1, 3, and the New Graduate part of 4. Applications should be completed at least four weeks prior to the exam date.

GENERAL INFORMATION

1. All documents, money, etc. must be sent to the Juneau address. All licenses, including temporary permits, are issued from Juneau.
2. Temporary permits require about 10 days from the time you mail to Juneau until you can expect to receive it. It is good for four months.
3. Permanent licenses may take as long as four months for all the paperwork to be received and processed.
4. PROBLEMS - QUESTIONS - CONCERNS - write, call or visit the Executive Officer for the Board of Nursing. The office is in Anchorage, the address may be found at the bottom of this page.
5. And finally, are you still having problems or are you interested in trends and issues facing nursing? You are invited to attend a Board of Nursing meeting. The schedule may be obtained by calling or writing the Anchorage office. Office hours are from 8 a.m. to 4:30 p.m.

Ruth Mc Mahan, R.N.

Executive Officer

Board of Nursing

142 East Third Avenue

Anchorage, Alaska 99501

(907) 276-7969

Board of Nursing

Meets at least four times

per year. Call 276-7969 for information.

Licensing Examiner

Division of Occupational Licensing

Juneau (907) 465-2544

CRITERIA FOR LICENSING

HIGH SCHOOL - GRADUATION NURSING PROGRAM - SCORES OF 350 ON SBTPE - REFERENCES

All of the above achieved prior to coming to Alaska equals LICENSE BY ENDORSEMENT.

Minus the SBTPE means you must sit the exam here - LICENSE BY EXAMINATION

NO LICENSE - NO WORK

STATE OF ALASKA
 DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
 DIVISION OF OCCUPATIONAL LICENSING
 BOARD OF NURSING
 POUCH D, JUNEAU, ALASKA 99811

APPLICATION FOR PROFESSIONAL NURSE LICENSE

PHOTOGRAPH
 RECENT PASS-PORT TYPE
 HEAD AND SHOULDERS ONLY

YOU MAY NOT PRACTICE OR OFFER TO PRACTICE PROFESSIONAL NURSING
 IN ALASKA AS DEFINED IN THE NURSING STATUTES, CHAPTER 68, TITLE 8,
 WITHOUT A CURRENT ALASKA LICENSE.

I HEREBY MAKE APPLICATION FOR PROFESSIONAL NURSE LICENSURE IN ALASKA BY
 EXAMINATION [] ENDORSEMENT [] AND SUBMIT THE FOLLOWING EVIDENCE OF MY
 QUALIFICATIONS FOR SUCH LICENSE.

PLEASE PRINT OR TYPE

NAME _____
 LAST FIRST MIDDLE MAIDEN SPOUSE'S NAME
 SOCIAL SECURITY # _____ MALE [] FEMALE [] SINGLE [] MARRIED [] DIVORCED [] WIDOWED []
 PERMANENT ADDRESS _____
 STREET CITY STATE ZIP CODE
 CURRENT ADDRESS _____
 STREET CITY STATE ZIP CODE
 DATE OF BIRTH _____ PLACE OF BIRTH _____

EDUCATION

HIGH SCHOOL _____
 NAME AND LOCATION HIGHEST GRADE COMPLETED
 FOUR (4) YEARS OF HIGH SCHOOL OR EQUIVALENCY TEST REQUIRED FOR PROFESSIONAL NURSES. IF NOT A TOTAL OF FOUR (4)
 YEARS, SUBMIT NOTARIZED COPY OF G.E.D. TEST RESULTS, OR EXPLAIN ON SEPARATE SHEET.

SCHOOL OF NURSING _____
 NAME AND LOCATION
 DATE ENTERED _____ DATE COMPLETED _____ LENGTH OF COURSE _____
 TYPE OF PROGRAM: DIPLOMA _____ ASSOCIATE DEGREE _____ BACCALAUREATE _____

ADDITIONAL EDUCATION: NURSING COURSES TAKEN AFTER BASIC NURSING PROGRAM.

NAME OF PROGRAM _____ LENGTH OF PROGRAM _____
 DATES TAKEN _____ NAME OF INSTITUTION _____
 STATE OF ORIGINAL LICENSURE _____ YEAR _____ LICENSE # _____ BY: EXAM [] WAIVER []

OTHER STATES IN WHICH CURRENTLY LICENSED _____

IS YOUR APPLICATION FOR LICENSURE PENDING IN ANY OTHER STATE? YES [] NO []
 IF SO, WHERE? _____
 HAVE YOU EVER BEEN LICENSED IN ALASKA? YES [] NO []
 IF YES, GIVE LICENSE NO. _____
 HAVE YOU PREVIOUSLY MADE APPLICATION FOR LICENSURE IN ALASKA? YES [] NO []
 IF SO, WHEN AND UNDER WHAT NAME? _____
 HAVE YOU ACCEPTED A NURSING POSITION IN ALASKA? YES [] NO []
 IF SO, WHERE? _____
 HAS YOUR LICENSE EVER BEEN REVOKED OR SUSPENDED? YES [] NO []
 HAVE YOU EVER BEEN REFUSED LICENSURE BY ANY STATE? YES [] NO []
 HAVE YOU HAD ANY MAJOR PHYSICAL OR MENTAL ILLNESS WITHIN THE PAST FIVE (5) YEARS? YES [] NO []
 HAVE YOU EVER BEEN TREATED FOR DRUG ADDICTION OR INEBRIETY? YES [] NO []
 IF THE ANSWER TO ANY OF THE ABOVE QUESTIONS IS YES, PLEASE EXPLAIN FULLY, USING A SEPARATE SHEET.

DO NOT WRITE HERE

LICENSE NO. _____
 DATE GRANTED _____

Division of Occupational Licensing
Board of Nursing
Pouch D, Juneau, Alaska 99811

VERIFICATION OF LICENSURE

APPLICANT: Complete Section I. Mail to the State Board of Nursing or official of the country where you obtained your original license for completion of Section II. (A fee may be required for completion of this form.)

SECTION I

NAME _____ LICENSE NO. _____

ADDRESS _____ PROFESSIONAL _____

_____ PRACTICAL _____

SECTION II: To be completed by Board of Nursing.

Date of Birth _____ Social Security No. _____

The applicant completed an approved program in Professional _____ / Practical _____ nursing.

Name of School _____

City _____ State _____ Year of Graduation _____
Original License issued by examination _____ waiver _____ endorsement _____

Date issued _____ License number _____

License is Current _____ Expiration Date _____ Inactive _____ Lapsed _____

License has been Suspended _____ Revoked _____ Surrendered _____ Reinstated _____
(If answer is yes, please explain on reverse side.)

The applicant wrote a State Constructed Licensing Examination _____

The applicant wrote the State Board Test Pool Exam: Series # _____ Form # _____

If other than above, give name _____

Professional: Scores Attained/Required _____ Practical Nurse Score Attained _____

Medical Nursing _____ Required _____

Psychiatric Nursing _____

Obstetric Nursing _____

Surgical Nursing _____

Nursing of Children _____

Signature

Title

Board of Nursing

Date

(BOARD SEAL)

PLEASE RETURN TO ADDRESS AT TOP OF PAGE

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
Division of Occupational Licensing
Board of Nursing
Pouch D
Juneau, Alaska 99811

NURSING PROGRAM VERIFICATION

APPLICANT: Check the statement appropriate to the method by which you are applying for license and mail to your school of nursing.

_____ I am applying for a nursing license in Alaska by examination.

- * Please have an official nursing school transcript sent to the above address. Notify me if a fee is required.
- * Complete Section II and return this form to the above address at your earliest convenience.

_____ I am applying for a nursing license in Alaska by endorsement.

- * Please complete Section II and return this form to the above address at your earliest convenience.

Applicant's signature _____

address _____

My diploma/degree/certificate was granted in 19____ under the name of:

* * * * *

SECTION II. For completion and return by School of Nursing.

The above person completed _____ did not complete _____ the required course of study in the professional _____ practical _____ nursing education program at _____

Name of Program

Location _____

Accredited at the time of graduation by:

State Board of Nursing _____

National League for Nursing _____

Other accrediting body _____

Signature _____

Title _____

Date _____

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
Division of Occupational Licensing
Board of Nursing
Pouch D
Juneau, Alaska 99811

REFERENCE LETTER

Applicant: Complete the top portion only and mail to your last two employers in the field of nursing and two registered nurses who can attest to your professional ability and character.

I am applying for a license to practice as a professional nurse _____/
practical nurse _____ and hereby authorize you to release information as
required on this form. Please return to the above address at your earliest
convenience.

Social Security Number _____ Signature _____

Address _____
Employment dates _____

-
1. Employee's position: _____
 2. Dates of Employment: _____
 3. Clinical Service (Pediatrics, Medical, etc.) _____
 4. Your rating of employee's ability in nursing _____
 5. Would re-employment be favorably considered? _____
 6. Would you recommend for licensure? _____
If not, reason: _____
 7. Other comments: _____
-

Signature: _____ Title _____
Agency _____ Date _____
City and State: _____

HB

447

A PERFORMANCE REVIEW
OF THE
BOARD OF NURSING HOME ADMINISTRATORS

October 20, 1978

A PERFORMANCE REVIEW
OF THE
BOARD OF NURSING HOME ADMINISTRATORS

October 20, 1978

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 Home Administrators

Chairperson

Sarah Jane Hanna, R.N.

Member

Roberley R. Potter, LNHA

Member-since June 19, 1978

Donna M. Stephens, LNHA

Member-since October 16, 1978

Dove M. Kull

Member-since October 16, 1978

Leona Bowles

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

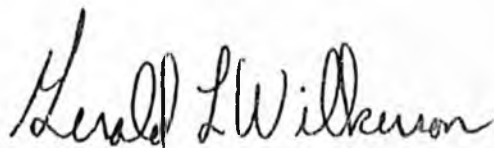
October 20, 1978

Members of the
Legislative Budget and Audit Committee:

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

A PERFORMANCE REVIEW
OF THE
BOARD OF NURSING HOME ADMINISTRATORS

October 20, 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 Home Administrators was conducted to review Board activities and accomplishments to determine if the Board has operated 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 Home Administrators should be reestablished. 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) Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (4) Interviews with OL employees;
- (5) Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, the Human Rights Commission, and the Equal Employment Opportunity Office;
- (6) Questionnaires sent to the nursing home administrators currently licensed by the Board;
- (7) Other states' licensing requirements;
- (8) Interviews with professional associations and personnel from the U. S. Department of Health, Education and Welfare.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported 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 its administrative responsibilities.

ORGANIZATION AND FUNCTION

Federal regulations (United States Code, Title 42, Subchapter XIX, § 1396 a(29)) require a state to license nursing home administrators in order for that state to receive medical assistance from the federal government (Medicaid assistance). Thus, to receive Medicaid funding, a nursing home must be administered by a licensed nursing home administrator.

In response to the federal regulations, the Board of Nursing Home Administrators was created by the Alaska Legislature in 1975. The Board is comprised of five members - two nursing home administrators, one registered nurse and two public members. The purpose of the Board is to establish standards to ensure that nursing home administrators have the knowledge and experience necessary to be competent administrators; to issue licenses to applicants who meet these standards; and to ensure that licensed administrators continue to uphold the standards.

The major duties of the Board are issuing initial licenses to qualified applicants and monitoring continuing education for renewal of licenses. The Board is assisted in these duties by staff support from the Division of Occupational Licensing (OL). OL processes applications, maintains licensing files, answers correspondence dealing with the Board and provides other administrative support as needed by the Board. In addition, OL's Investigations Unit investigates any complaints involving nursing home administrators.

Qualifications for licensure as a nursing home administrator include educational requirements and a passing score on an examination. The exam is given on a nationwide basis and is prepared and graded by a national organization.

If an administrator has taken the exam in another state and has been licensed by that other state as a nursing home administrator, she/he may be licensed in Alaska by endorsement without retaking the exam. The licensing requirements in that other state must be substantially equal to Alaska's requirements.

Before a license can be renewed, the licensee must show that she/he attended a course, seminar or workshop which qualifies for continuing education credit. License renewal is required yearly.

There are currently twelve nursing homes in the state which are required to have licensed administrators.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluations 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 Conclusion

In our opinion, the Board of Nursing Home Administrators has minimal public value. However, the Board needs to be re-established only because nursing home administrators (NHA's) must be licensed in order to comply with federal regulations. These regulations require nursing homes to be administered by licensed NHA's if the nursing homes are to be eligible to receive Medicaid financial assistance. We are recommending appropriate legislative action to obtain the U. S. Department of Health, Education and Welfare's (HEW) approval to turn the licensing of NHA's over to the Division of Occupational Licensing (OL) (see Recommendation No. 1).

In the event it is determined that the Board of Nursing Home Administrators must be continued, the following recommendations need Board attention. If the Board is not reinstated, OL should implement the procedures where applicable to solve the problems addressed.

We found that certain requirements for licensing are either being ignored or are being applied inconsistently to applicants (see Recommendation No. 2). Provisional licenses are not being used as intended by law (see Recommendation No. 5).

Continuing education requirements for NHAs should be made more reasonable and should be applied consistently to all licensees (see Recommendation No. 3).

Licenses are currently required to be renewed annually. This creates an unnecessary burden on the Board, the Division of Occupational Licensing and the licensees (see Recommendation No. 4).

The Nursing Home Administrator statutes as they now stand do not allow the Board to revoke a NHA's license if the NHA commits an unethical or illegal act (see Recommendation No. 6).

FINDINGS AND RECOMMENDATIONS

Findings and Recommendations No. 1 through No. 6 are addressed to the Board of Nursing Home Administrators. Findings and Recommendations No. 7 and 8 are 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

We recommend that appropriate action be initiated to obtain U. S. Department of HEW approval to terminate the Board of Nursing Home Administrators and allow the Division of Occupational Licensing (OL) to assume the licensing function without jeopardizing Medicaid funds.

We found no evidence the continuation of the Board of Nursing Home Administrators will benefit the public's safety or welfare. However, federal law U. S. Code, Title 42, Subchapter XIX § 1396 a(29) requires the state to have either a Board of Nursing Home Administrators or an agency of the state responsible for licensing under the Healing Arts Act of the state. Since Alaska does not have a Healing Arts Act, the State is mandated to have a licensing board.

We were informed by the Office of General Counsel, U. S. Department of HEW, Region 10, that the Division of Occupational Licensing (OL) is not eligible to assume the functions of licensing for nursing home administrators (NHA's). If Alaska does not reestablish the Board of Nursing Home Administrators, the Department of HEW could deny Medicaid funds.

The purpose of a licensing board is to protect the public through regulation of licensure. Licensure is necessary when:

1. The unlicensed practice of an occupation poses a serious risk to consumers' lives, health and safety, or economic well-being.

Nursing home administrators do not, by themselves, pose a serious risk to a patient's health and safety or economic well-being. Economic harm caused by NHAs is possible; however, other persons, such as owners of nursing homes, who are involved in making the decisions regarding financial matters, are not required to be licensed.

2. Potential users of the occupational service can not be expected to possess the knowledge needed to properly evaluate the qualifications of those offering services.

This is not applicable in the case of nursing home administrators. The qualifications of NHA's do not have a direct relationship on potential users of a nursing home. NHA's are employed by the owners of the nursing homes.

3. Benefits to the public clearly outweigh any potential harmful effects such as a decrease in availability of practitioners, higher costs of goods and services.

We found no evidence to demonstrate that the licensure of NHA's protects the public.

Furthermore, we believe that as a result of the federal requirements, state laws and regulations governing NHA's have proliferated to the point of unnecessarily restricting entry into the profession.

One example of this is the educational qualifications required by Alaska Administrative Code 12.46.010(b). After December 31, 1979, to be licensed as a nursing home administrator, a person will be required to possess a baccalaureate degree in either health care administration or business administration. If the applicants have a business administration degree, they will be required to have one year of experience in a health care facility.

We believe that requirements like this should be set by the employer, not by state regulation. The State does not attempt to require hotel managers or even hospital administrators to possess certain qualifications - to require a NHA to have a degree appears to restrict entry into the profession, not protect the public's welfare.

The following quote comes from the May 16, 1975 House Journal - it is a Statement of Intent from the House Judiciary Committee relating to SB 132, which created the Board of NHA's:

"In view of the relatively small number of potential licensees, the committee was reluctant to create another Title 8 licensing board and would have preferred to include the licensing of the nursing home administrators in an already existing medical board. However, federal statutes seem to require a Uniform Healing Arts statute or the creation of a separate board. Since Alaska has no such statute, the new board is necessary to comply with federal law. With the numerous medically related licensing boards already in existence, the committee suggests that a

Uniform Healing Arts licensing statute, which might be placed under the Department of Health and Social Services instead of the Department of Commerce, be drawn up for legislative consideration."

In addition, both the Board members and the Department of Commerce and Economic Development concurred that the Board should not be reinstated. In view of the position of the legal counsel for HEW, we recommend that appropriate action be initiated to obtain HEW's approval to terminate this Board and allow OL to carry on the licensing function without jeopardizing Medicaid funding.

In the event it is determined that the Board of Nursing Home Administrators must be continued, the following recommendations need Board attention. If the Board is not reinstated, OL should implement the procedures where applicable to solve the problems addressed.

Recommendation No. 2

The statutes and regulations which govern the licensing requirements for nursing home administrators should be complied with and should be applied to all applicants on a consistent basis.

In testing individual NHA licensing files in OL we found that certain requirements for licensing are either totally disregarded or are not being applied consistently to all applicants.

The following problems were noted which need special Board attention:

- a) The regulations (AAC 12.46.070(1)) require a sworn statement of continued good moral character by an administrator for renewal of a NHA license.

The renewal forms used for the 1978 renewals did not contain this statement.

- b) Educational requirements have not been consistently applied. An associate degree in administration is required for licensure, as of January 1, 1978. Since that date, five persons have been licensed who do not meet this qualification.
- c) The Board has not consistently enforced continuing education requirements. Two administrators were denied renewal of their licenses because they did not meet the Board standards. However, other

administrators, in similar situations, were given credit for their continuing education (see Recommendation No. 3).

- d) The regulations (AAC 12.46.020(3)) require applicants for licensure to submit official college transcripts. There is a difference of opinion between the licensing examiner at OL and the Board as to what constitutes an "official transcript" - whether the transcript should come to OL directly from the applicant's college or whether a notarized copy from the applicant is sufficient.
- e) The Board has violated the Administrative Procedures Act (Alaska Statutes 44.62. 330 - 630) by not notifying the two administrators, whose license renewals were denied, of their right of due process in the reinstatement of their licenses.

A possible explanation for these exceptions is that the regulations are either too vague and leave much room for interpretation, or they are unreasonable. For example, before 1978, a licensee was required to have one year of administrative experience. However, "administrative experience" is not defined in the regulations. The regulation now in effect which requires an associate degree in administration is unduly restrictive. Other degrees, such as nursing, may make the person equally qualified.

We recommend that applicable laws and statutes be strictly and consistently applied to all applicants for licensure. If a statute or regulation cannot be complied with or applied consistently because it is ambiguous or unreasonable, the Board should take the initiative to have the statute or regulation amended.

Recommendation No. 3

Continuing education requirements should be reasonably applied on a consistent basis.

As noted in Recommendation No. 2, continuing education (CE) requirements have not been applied consistently to NHA licensees. The two licensees referred to in the Recommendation were denied renewal for the following reasons: they did not obtain 60-day prior approval of the courses submitted for continuing education credit as required by the Board; they did not provide the Board with proof of attendance at the continuing education course; and/or they did not complete the continuing education requirement in 1977. As pointed out, other administrators in similar situations were given credit for their continuing education.

In addition, one person was granted renewal of his 1978 license even though he had not attended a continuing education course.

Ten of the fourteen responses received to the questionnaires we sent to NHA's indicated that the Board's handling of the continuing education requirement is not satisfactory. Common complaints about the continuing education requirements were as follows: the Board is slow in responding to inquiries about continuing education; requests for approval of continuing education courses were not acknowledged in adequate time to allow the NHA to attend the course; there are no written criteria for acceptable continuing education courses.

We recommend that the Board apply CE requirements consistently to all licensees. In addition, the following recommendations should make the continuing education requirement more equitable:

1. The requirement that non-academic continuing education courses be approved 60 days in advance is unreasonable. Failure to submit an advance request for the approval of a course should not be grounds in itself for denial of the renewal of a license. The Board should establish a system to respond to requests for approval of courses in a timely manner.
2. Responses to the questionnaires indicated that many licensees did not know what the continuing education requirements were. We recommend the Board inform each administrator about the continuing education requirements and the procedures to be followed in fulfilling each requirement.
3. The Board should set down written criteria to outline the types of academic and non-academic courses, workshops and/or seminars which are acceptable to the Board for continuing education credit. These criteria should be added to the regulations.
4. A section should be added to the regulations to allow the Board some latitude in dealing with licensees who absolutely cannot meet the continuing education requirement. Criteria should be set down in the regulations to describe cases where leniency may be required.

Recommendation No. 4

Renewal of nursing home administrator licenses should be required biennially, rather than annually, as currently required by law.

Currently, nursing home administrators are required to renew their licenses annually. This places an undue burden on NHA's and the Board, and is an unnecessary cost to OL.

The yearly renewal increases the paperwork duties of the Board and OL. Since the licensing of NHA's is not a critical matter, this extra paperwork is unnecessary. The other ten health-related boards require only biennial renewal.

Recommendation No. 5

The Board of Nursing Home Administrators should issue provisional licenses in accordance with the statutes.

AS 08.70.130 allows the Board to issue a provisional license to an applicant without examination, if the applicant meets the other requirements for licensure and is needed to fill a vacancy in an administrative position. A provisional license is valid for six months and is nonrenewable. Administrative Code 12 AAC 46.020(d) further states that an applicant for a provisional license shall submit a written statement from his prospective employer of the circumstances of his need to fill the position. Because Alaska Statute 08.70.080 states that only a licensed NHA may be the administrator of a nursing home, an administrator should possess either a provisional or permanent license before he assumes the role of administrator.

We found cases where persons were acting as administrators, but had received neither a provisional nor a permanent license. Three persons were working as administrators and had applied for provisional licenses, but the Board had denied the granting of the provisional licenses.

According to the Board, the granting of provisional licenses has been downplayed by the Board. For Medicaid funding purposes an administrator need only show that he has made an attempt to obtain licensure - the home is not penalized if the administrator has not actually received a license.

In addition to the above problems, we found that where administrators have been granted provisional licenses, the Board has not obtained a letter from the prospective employer as required.

We recommend the Board comply with the statutes and regulations by issuing provisional licenses to nursing home administrators who are working as administrators but are awaiting permanent licensure. Also, the letters from employers should be required.

Recommendation No. 6

An amendment to the regulations is needed to allow license revocation for persons who do not uphold the standards established by the Board.

Presently neither the statutes nor regulations that make actions by nursing home administrators, which are contrary to standards of conduct, grounds for suspension or revocation of a license.

Alaska Administrative Code 12.46.900(5) gives the Board's definition of "good moral character" and is one of the requirements for initial licensure and for license renewal. However, there is nothing expressed in the regulations which makes an act which is contrary to this definition of good moral character a licensing violation.

The Board should comply with Alaska Statute 08.70.050(a)(3) which states:

The Board shall establish procedures to ensure that licensees continue to uphold the Board's standards; revoke, suspend or refuse to renew licenses of persons who fail to uphold those standards.

In our opinion, certain unethical or illegal acts by nursing home administrators should result in the revocation or suspension of that administrator's license. Examples of such acts are: conviction of a felony relative to work as a nursing home administrator; misconduct in the operation of a nursing home; receiving or paying consideration for solicitation of nursing home patronage.

We recommend an amendment to the regulations making acts of this type grounds for revocation or suspension of a license. The addition should ensure that any proceedings to revoke, suspend, or deny renewal of a license will be carried out according to the Administrative Procedures Act (Alaska Statutes, Title 44.62.330-630).

Recommendation No. 7

The Board of Nursing Home Administrators should establish formal goals, objectives and quantifiable measures which should be included in the OL's budget document.

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 goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

OL established its own budget goals and objectives. The budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured, neither the Governor's Office nor the Legislature can evaluate the Board's performance.

In addition, the Board is required by statute AS 08.70.050(5) to submit annual activity reports to the Governor and the Legislature. Since the inception of the Board in 1975, the Board has not prepared an annual report. We recommend the Board submit these annual reports as required.

Recommendation No. 8

The Division of Occupational Licensing should collect, record and maintain for five years files and statistics of license and testing applicants and related workload of the licensing examiner.

The Division needs relevant facts and statistics for evaluating the performance of its personnel and Board activity. Many past records have not been collected and maintained, such as:

1. Number of nursing home administrators licensed each year and total number of licensed nursing home administrators;
2. Records of those applicants failing the examination;
3. Number of applicants denied the chance to take the examination due to lack of qualifications;
4. Number of complaints and criticisms about the performance of the Board and its staff;
5. Correspondence workload of license examiners;
6. Number of persons requesting applications.

It is to the advantage of the Division to keep these records in order to support its budget request, evaluate its personnel and keep the Board informed as to its progress. Also, feedback from the Board and the public should be encouraged to determine whether staff performance is adequate.

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.

In the event it is determined that the Board of Nursing Home Administrators must be continued, the following recommendations need Board attention. If the Board is not reinstated, OL should implement the procedures where applicable to solve the problems addressed.

- I. The extent to which the board, commission or program has operated in the public interest.
 1. We have determined that no public need for the Board has been demonstrated. The Board was created to comply with federal regulations (see Recommendation No. 1).

- 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. Until June of 1978, the Board was operating with only three members. The Board feels it was greatly hindered by not having a full Board. The lack of appointments is due to the Governor's Office not making timely appointments (see the OL Performance Audit Report).
 2. Because of high turnover within the Division of Occupational Licensing, the Board of Nursing Home Administrators has had a number of different licensing examiners. This has caused a lack of continuity in licensing requirements.
 3. The statutes require yearly renewal of NHA licenses. The Board agrees that this yearly renewal requirement places an undue burden on the licensing examiner, the Board and the licensees (see Recommendation No. 4).

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 make-up of the Board by statute originally included one NHA, one medical doctor, one nurse and two public members. Because a doctor could not be found to serve on the Board, the Board initiated legislation to change the number of nursing home administrators to two and to delete the requirement of a medical doctor all together.

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 public is invited to attend Board meetings and to give their input about the workings of the Board. Notices of meetings are advertised generally one time only in each of four newspapers throughout the State. We found that often the time between the publishing of the notice and the meeting is not sufficient to allow persons wishing to attend a meeting time to prepare for it. The publishing of the advertisements is handled by the Division of Occupational Licensing (see the OL Performance Audit Report).

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. As stated under criteria IV, the public is invited, by published notices in newspapers, to attend Board meetings to give their input about Board regulations.
2. A public hearing was held on February 21, 1977, for the purpose of allowing the public to testify on proposed regulations. One person gave testimony at the hearing. The hearing was held in Juneau.
3. Written testimony was solicited on more proposed regulations in September of 1978. A notice about the proposed regulations was published once in each of four newspapers. The Division received no responses to the solicitation of written testimony.

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. Only one complaint involving nursing home administrators has been filed with the Investigations Unit within the Division of Occupational Licensing. The complaint was filed in 1976 and to date, the complaint has not been dealt with (see the OL Performance Audit Report).
2. Two complaints involving individual nursing homes have been filed with the Human Rights Commission. The complaints have been resolved by the Commission.

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. The Board has regulated the licensure of nursing home administrators to the point of unnecessarily restricting entry into the profession (see Recommendation No. 1).
2. The Board has not consistently applied these regulations; five persons licensed in 1978 do not meet the educational criteria set down by the Board (see Recommendation No. 2).
3. The Board is not issuing provisional licenses in compliance with the statutes; thus administrators are operating nursing homes before receiving either a provisional or permanent license (see Recommendation No. 5).
4. Alaska Statute 08.70.080 specifically exempts the administrators of the Alaska Pioneers Homes from having to be licensed as NHA's. The State nursing homes do not have to maintain the standards that are expected of private nursing homes.

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. We found evidence in the Board's correspondence that the Board considered affirmative action requirements in drawing up the application for

licensure as a NHA. However, the application does contain questions which could lead to discrimination against the applicant (see the OL Performance Audit Report).

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.

1. The Division of Occupational Licensing in conjunction with the Board should prepare a procedures manual to be used by the licensing examiner in conducting the Board's business.
2. The Board of Nursing Home Administrators should be added to the lists of boards, commissions and/or agencies which come under the Administrative Procedures Act and the Central Licensing Act. This is a technicality since the Board is covered by both acts.
3. Please refer also to the Findings and Recommendations section of this report and the OL Performance Audit Report.

APPENDIXES

APPENDIX A

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

Revenues (see Schedule 1)	\$ 1,900
Expenditures (see Note 1)	<u>10,000</u>
Excess of Expenditures Over Revenues	<u>\$(8,100)</u>

Schedule 1
 Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Nursing Home Administrator</u>		
Examination Fee	\$25	With taking examination
Investigation Fee	25	With application for licensure
Annual License Fee	50	Annually

Note 1

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 that other departments, such as the Department of Law, may have incurred in assisting the Board and OL.

APPENDIX B

ADMINISTRATIVE STATISTICS

<u>Licensed Nursing Home Administrators</u>	As of <u>October 20, 1978</u>	
Nursing Home Administrators licensed and working in the State	24	
Out-of-state Nursing Home Administrators licensed in State	<u>5</u>	
Total Licensed Nursing Home Administrators	<u>29</u>	
<u>Board meetings</u>	9	
Average number of meetings per calendar year (excluding telephone conferences) (see Note 1)	3 meetings	
<u>Number of examinations given (see Note 1)</u>	6 exams	
<u>Calendar Year</u>	<u>Passes</u>	<u>Fails</u>
1976	8	5
1977	4	2
1978	4	1

Note 1

A Board meeting and examination is scheduled for late November, 1978. The November meeting and examination are included in the figures above (except for the number of passes/fails - which is not yet known).

APPENDIX C

QUESTIONNAIRE SENT TO BOARD MEMBERS
(see Note 1)

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

Description

To adopt standards for licensing nursing home administrators.

To examine, license and renew licenses of qualified persons.

To establish procedures to ensure that licensees continue to uphold the Board's standards.

To adopt criteria for educational programs for preparing for the licensing examination and for continuing education for licensees.

To keep a record of its proceedings and submit annual reports to the Governor and the Legislature.

2. Do you believe that the Board is achieving its goals as you perceive them in question number 1? Please show how the goals and objectives are or are not being achieved.

Description

The goals are being met, however, they could be more effectively met with a complete Board.

The objectives are being met by regulations.

Objectives are met by examining applicants twice yearly and licensing and renewing licenses yearly.

Criteria for continuing education programs have been established.

One year, an annual report was written by a Board member while in other years, the Board submitted to the examiner a list of activities and achievements.

3. Is the staff from the Department of Commerce and/or other departments adequate to perform all the administrative and enforcement duties necessary for the operation of the Board? What staff support services are provided adequately/inadequately?

Description

The current examiner and staff are performing all the duties required by the Board.

In the past, many problems were caused by continual staff turnover.

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.

Description

AS. 08.70.140 (a): yearly renewal is too frequent and the paperwork creates a burden on both the licensee and the Division.

AS. 08.70.150(3): License Fees should be changed to \$100 every two years.

AS. 08.70.020: The Board has never had five members because the Office of the Governor has not appointed that number at any one time.

5. Do you think any changes should be made to the current continuing education requirements? If so, please state what changes could be made and why.

Description

Both responses were no. One member did indicate that the 60-day requirement was needed by the Board for prior approval but due to unexpected circumstances on the part of the licensee, it was not always possible.

6. What changes could be made to the Board which would improve its service to the public?

Description

The appointment of a full five-member board is necessary and important to provide sufficient input and representation from all portions of the State.

7. Any other comments?

Description

Criteria is needed for the removal of a Board member for cause - namely, inactivity or nonperformance.

Also, assurance that a timely replacement will be effected is essential due to the small size of the Board. Presently, all members of the Board are necessary for a quorum.

At some future time, the Department may be able to perform the duties now performed by this Board, but until such a time that the regulations are completed and proven through usage, this Board should remain intact.

The Board is more capable of setting standards and monitoring and would have continuing validity for its existence.

Note 1

At the time this questionnaire was mailed from the Division of Legislative Audit there were only three members on the Board of Nursing Home Administrators. Each of the three board members was sent a questionnaire and Legislative Audit received two responses which are summarized above.

APPENDIX D

QUESTIONNAIRE SENT TO
NURSING HOME ADMINISTRATORS

	(see Note 1) % Responses		
	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
1. Do you believe Alaska's requirements for permanent licensure as a nursing home administrator are adequate and effective in ensuring that the public is protected?	86%	14%	0%
If no, please explain:			
2. Do you feel that the absence of the Board would be detrimental to the public's best interests?	93%	0%	7%
3. Do you believe that the Board of Nursing Home Administrators is operating in the public's best interests?	71%	29%	0%
If no, please explain:			
4. Do you feel that the issuance of provisional licenses is in the best interests of the public?	71%	29%	0%
Please comment:			
5. Do you feel that the examination required for licensure as a nursing home administrator is a fair and reasonable test of an administrator's professional knowledge and ability?	86%	14%	0%
6. Do you feel that the continuing education requirements for renewal of a permanent license are reasonable?	57%	43%	0%
If no, please explain:			
7. Do you feel that the current reciprocity policies of the Board of Nursing Home Administrators are fairly and consistently applied to all licensees seeking licensure in Alaska by reciprocity?	57%	0%	43%
If no, please comment:			
8. Are you aware of any discriminatory practices involving licensing of minority groups?	0%	93%	7%

(see Note 1)

% Responses
Yes No Opinion

9. Do you think the Board of Nursing Home Administrators should be made up of:
- A. a majority of nursing home administrators? 21%
 - B. An equal number of nursing home administrators and public members? 79%
 - C. a majority of public members? 0%

Please circle one.

10. Do you feel it is advantageous to have a registered nurse on the Board? 79% 14% 7%
11. Have you had any contact with the Board of Nursing Home Administrators? 50% 50% 0%

Please specify:

12. Do you have any complaints concerning the service provided by the staff support of the Division of Occupational Licensing, Department of Commerce and Economic Development? 71% 29% 0%

Please discuss:

Continuing staff turnover creates problems;

Unreasonable delays regarding requests for continuing education information, renewal of licenses and the issuance of licenses;

The staff support has been inefficient;

Unreasonable delays in answering correspondence.

Note 1

Number of questionnaires sent to licensed nursing home administrators	<u>31</u>
Number of nursing home administrators who responded	<u>14</u>
Response rate	<u>45%</u>

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

RECEIVED

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.

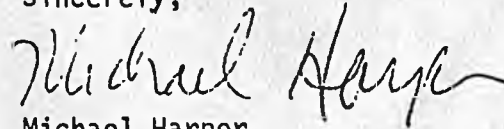
The Executive Branch of Alaska Government has made an extensive study of the above Boards and the Alaska Transportation Commission. We are continuing to study those entities, their origin, their present and future potential, and other related subjects in conjunction with Alaska statutes 24 and 44 (Sunset 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,

A handwritten signature in cursive script that reads "Michael Harper". The signature is written in dark ink and is positioned above the typed name.

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 Home Administrators, as submitted by the Division of Legislative Audit.

Recommendation No. 1. Agreed. We agree that if the board is not a federal requirement to qualify for medicade funds should be allowed to terminate, and the examining and licensing functions should be assumed by the division. We further concur that board policies and regulations are in need of review.

Recommendation No. 2. Agreed. Regulations that are in effect should be complied with. This recommendation will be discussed with the board at its next meeting and appropriate revisions promulgated.

Recommendation No. 3. Agreed. This will be discussed with the board at its next regular meeting.

Recommendation No. 4. Agreed. This would be consistent with renewal requirements for all other boards and will be discussed at the next meeting.

Recommendation No. 5. Agreed. Statutory and regulatory provisions should be utilized uniformly. The board and the division will discuss this and initiate appropriate enforcement procedures.

Recommendation No. 6. Agreed. Such provisions would be consistent with those of other boards and will be discussed.

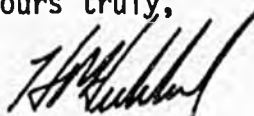
December 15, 1978

Recommendation No. 7. 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.

Recommendation No. 8. Agreed. Complete reorganization of files and procedures within the division are expected to be accomplished by the end of calendar year 1979. Some changes have recently been initiated by the division.

I appreciate the time and efforts expended by your staff.

Yours truly,



H. Phillip Hubbard
Commissioner

RECEIVED

JAN 11 AM.

LEGISLATIVE
AUDIT

RR 3 - Box 3738
Juneau, Alaska 99824
December 18, 1978

Mr. Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Audit Division
Pouch W - Alaska Office Bldg.
Juneau, Alaska 99801

Through: Mr. B. B. Allen, Commissioner
Department of Administration

Dear Mr. Wilkerson:

Ms. Dove M. Kull and I have reviewed the Preliminary Audit report on A Performance Review of the Board of Nursing Home Administrators, October 20, 1978, sent with your letter of November 20, 1978. Our responses to the report conclusions and recommendations in the report are as follows:

Kull: Report Conclusion.--I question this and request backup reasoning. I recommend licenses be issued for 2 years with the potential (if the nursing home is operating well) of 3 years or even 4 years. The review for the renewal need not be so detailed as the initial licensing.

Recommendation No. 1.--We recommend that appropriate action be initiated to obtain U. S. Department of HEW approval to terminate the Board of Nursing Home Administrators and allow the Division of Occupational Licensing (OL) to assume the licensing function without jeopardizing Medicaid funds.

Hanna: I concur with this recommendation providing the Division of Occupational Licensing is properly staffed to assume the responsibilities of the Board. As of now, they are not staffed to properly provide the support functions we request.

However, I strongly disagree with the reasons set forth in support of this recommendation. I believe the present system of licensing Nursing Home Administration is in the public interest and does provide a measure of protection to the potential users. I do not agree that the employer can be relied upon in all cases to set adequate standards.

Kull: I strongly disagree until I know the rationale for the recommendation.

Recommendation No. 2.--The statutes and regulations which govern the licensing requirements for nursing home administrators should be complied with and should be applied to all applicants on a consistent basis.

Hanna: I agree with this finding. However, this situation again is a reflection on the Division of Occupational Licensing rather than the Board.

Kull: Page 8, paragraph 3. There should be evidence presented to confirm the protection is being provided by the Board.

I do not agree that the employer should set the requirements.

Page 10, paragraph (d). The college transcript should come from the college.

Recommendation No. 3.--Continuing education requirements should be reasonably applied on a consistent basis.

Hanna: I agree with this finding.

1. The Board will address the 60-day advance approval requirement. It appears that after-the-fact approvals may be the appropriate stand.
2. I believe it is incumbent on the licensees to be knowledgeable of the CE requirements.
3. This has been done and is set forth under 12 AAC 46.040.
4. We believe a 2-year licensing period will alleviate this situation.

Kull: Page 11, paragraph 3. I agree the Board should set down written criteria. See comment 3 above.

Recommendation No. 4.--Renewal of nursing home administrator licenses should be required biennially, rather than annually, as currently required by law.

Hanna and Kull: We agree with this finding. Legislation is being drafted to accomplish this.

Recommendation No. 5.--The Board of Nursing Home Administrators should issue provisional licenses in accordance with the statutes.

Hanna: I don't agree with the recommendation as stated. The statutes for provisional licenses as written are too restrictive since examinations are offered only twice a year. I believe the manner in which the Board has dealt with this situation is satisfactory.

Recommendation No. 6.--An amendment to the regulations is needed to allow license revocation for persons who do not uphold the standards established by the Board.

Hanna: I will not quarrel with this recommendation. However, I believe there are adequate provisions to handle such a situation should it occur. To date, the Board has had no problem in this area.

Kull: I agree with this recommendation

Recommendation No. 7.--The Board of Nursing Home Administrators should establish formal goals, objectives, and quantifiable measures which should be included in the OL's budget document.

Hanna: The Board wishes to be on record that it has prepared and made available annual reports to the Division of Occupational Licensing, which have been returned.

Kull: I agree (see above comment).

Recommendation No. 8.--The Division of Occupational Licensing should collect, record, and maintain for 5 years files and statistics of license and testing applicants and related workload of the licensing examiner.

Hanna and Kull: We agree that such records should be kept by the Division of Occupational Licensing and the Board stands ready to cooperate.

Kull: Page 18, paragraph VI-1. This situation raises the question: Why hasn't the complaint been dealt with?

Page 19, 1st paragraph. What are these questions which could lead to discrimination against the applicant?

Page 19, IX - 1 & 2. I agree with these recommendations.

Mrs. Dove Kull has also reviewed the Preliminary Audit Report on a Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development. She offers the following comments, in which I also concur.

Recommendation No. 1.--The Division of Occupational Licensing's investigation unit should be transferred to the Department of Public Safety.

I question this recommendation and request the reasons for it.

Page 7, item 2. Regarding the investigations made: Who investigates nursing home complaints? Are these persons qualified? Are the staff members of the DHSS? If not, they should be. Pertinent data is needed as to the number of investigative staff and the number of hours spent in investigation. Also, why didn't the Division hire the number of investigators authorized? (20 of 43 man-months were vacant during FY78).

In this area, there is no apparent accountability, which should be required. Follow-up should be routine.

Recommendation No. 3.--The Office of the Governor should keep the appointments of members of the occupational licensing boards current.

I believe this is an excellent recommendation.

Page 10. A talent pool is an excellent suggestion. Why not more retired persons who have expertise in the fields needed?

Recommendation No. 4.--Legislation should be enacted limiting the length of service for all board members to two consecutive terms.

This is a good recommendation

Recommendation No. 5.--The Department of Commerce and Economic Development should improve the operation, security and internal control of the 3M-Linolex minicomputer system.

This is also an excellent recommendation. The suggestion of an Operating Procedures Manual under paragraph 7 is especially good.

Recommendation No. 6.--The Department of Commerce and Economic Development should review the license fee structure of all boards and seek appropriate revisions.

I concur in the need for a review of licensing fees.

Page 13. Recommendations No. 7 and No. 8 are very good. Let the Department, Governor's office, the Boards, and the public know the results of licensing, etc.

Recommendation No. 10.--The 11 health-related boards, in conjunction with the Division of Occupational Licensing, should review their applications for licensure and delete any questions which could lead to discrimination against applicants.

This is an excellent recommendation and is needed to remain legal.

Recommendation No. 11.--The Department of Commerce and Economic Development should improve formal board minutes.

I agree. Improvement in formal board minutes is urgently needed.

Recommendation No. 12.--The Department of Commerce and Economic Development and all licensing boards should ensure that public notices of examinations are sufficiently and timely advertised.

This is a good recommendation.

Sincerely yours,

Sarah Jane Hanna
Sarah Jane Hanna (Mrs. G. A.)

September 14, 1979/cw

Job 0

*Section 1. AS 08.70.080 is amended to read:

Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home administrator may manage, supervise or be generally in charge of a nursing home unless excepted by this chapter. Only a nursing home which is supervised by a licensed nursing home administrator may operate in Alaska [UNLESS SPECIALLY EXCEPTED BY THE BOARD. THIS SECTION DOES NOT APPLY TO THE ALASKA PIONEERS' HOMES].

*Section 2. AS 08.70.140 is amended to read:

Sec. 08.70.140. EXPIRATION AND RENEWAL. (a) A nursing home administrator's license expires biennially on December 31 of odd numbered years commencing with Decmeber 31, 1981 [THE YEAR ISSUED].

(b) An administrator may apply for renewal of his license by submitting an application for renewal to the board; application forms for renewal are provided by the department.

(c) A person whose license has expired for a period of 24 [12] months or more must apply for a license and be examined in the same manner as an applicant who has not been licensed before.

*Section 3. AS 08.70.150(3) is amended to read:

(3) biennial [ANNUAL] license fee..... \$100 [\$50]

S T A T E O F A L A S K A



State Nursing Home Administrator's Board

Centralized Licensing Statute, AS 08.01

Miscellaneous Provision, AS 08.02

Nursing Home Administrator's Act AS.08.70

Nursing Home Administrator's Regulations 12 AAC 46

Department of Commerce & Economic Development

Division of Occupational Licensing

Pouch D

Juneau, Alaska 99811

Printed - January 1978

Title 8. Business and Professions.

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 § 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. (§ 1 ch 59 SLA 1966; am § 2 ch 136 SLA 1967; am § 2 ch 101 SLA 1968; am § 2 ch 143 SLA 1968; am § 2 ch 151 SLA 1968; am § 1 ch 106 SLA 1970; am § 6 ch 32 SLA 1971; am § 4 ch 179 SLA 1972; am § 2 ch 45 SLA 1973; am § 1 ch 65 SLA 1973; am § 1 ch 43 SLA 1975)
- Effect of amendment.** — The 1975 amendment, effective May 6, 1975, added paragraph (20).
- Editor's note.**—Section 2, ch. 59, SLA 1966, provides: "The Department of Commerce shall provide for the orderly transfer of the service functions which are to be performed by the department under this chapter."

§ 08.01.020

§ 08.01.050

Section 4, ch. 59, SLA 1966, provides: "A provision in existing law which conflicts with this Act is superseded by this Act."

707), see 1968 House Journal, p. 836. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

Legislative committee reports.—
For report on ch. 143, SLA 1968 (HB

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. (§ 1 ch 59 SLA 1966)

Sec. 08.01.025. Public members. No public member of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member 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. (§ 1 ch 258 SLA 1976)

Sec. 08.01.030. Quorum. A majority of the membership of a board constitutes a quorum unless otherwise provided. (§ 1 ch 59 SLA 1966)

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. (§ 1 ch 59 SLA 1966)

Sec. 08.01.050. Administrative duties of 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 by the licensee of loss of the original and payment by the licensee 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 § 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. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976)

Effect of amendments. — The first 1976 amendment added paragraph (19) of present subsection (a).

The second 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in the introductory paragraph of present subsection (a).

The third 1976 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted "department" for "Department of Commerce" and "when appropriate" for "for the boards" in the introductory

language and inserted "by the licensee" in two places in paragraph (10). The amendment also added subsection (b).

While none of the amendments gave effect to the others, this section is set out as it appears in ch. 258, SLA 1976, with the inclusion of paragraph (19) of subsection (a) added by ch. 102, SLA 1976.

Effective date. — Section 50, ch. 102, SLA 1976, makes the amendment to this section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

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. (§ 1 ch 59 SLA 1966)

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. (§ 1 ch 59 SLA 1966)

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. (§ 1 ch 59 SLA 1966)

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 § 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 § 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 § 10 of this chapter;

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

§ 08.01.100

§ 08.01.110

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents. (§ 3 ch. 258 SLA 1976)

Sec. 08.01.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b). (§ 1 ch 59 SLA 1966; am § 4 ch 258 SLA 1976)

Effect of amendment. — The 1976 amendment added "except those under AS 08.01.087(b)" to the end of the section.

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. (§ 1 ch 59 SLA 1966; am § 2 ch 94 SLA 1968)

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. (§ 3 ch 258 SLA 1976)

Sec. 08.01.110. Definitions. In this chapter

(1) "board" includes the boards and commissions listed in § 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 § 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 § 10 of this chapter. (§ 1 ch 59 SLA 1966; am § 40 ch 218 SLA 1976; am § 5 ch 258 SLA 1976)

Effect of amendments. — The first 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in paragraph (2).

The second 1976 amendment added paragraphs (3) through (6).

Chapter 02. Miscellaneous Provisions.

Section

10. Professional designation requirements

Section

20. Limitation of liability for members of licensing boards

Sec. 08.02.010. Professional designation requirements. (a) A person licensed in the state as a chiropractor as defined in AS 08-20.220, a dentist as defined in AS 08.36.360, a medical practitioner or osteopath as defined in AS 08.64.380, a professional nurse as defined in AS 08.68.410, an optometrist as defined in AS 08.72.300(3), a registered pharmacist under AS 08.80, a registered physical therapist under AS 08.84, or a psychologist under AS 08.86, shall professionally identify himself by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 1 ch 6 SLA 1973)

Sec. 08.02.020. Limitation of liability for members of licensing boards. No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976)

Effective date. — Section 50, ch 102, SLA 1976, makes this section effective 30 days after the effective date of this act.

Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

CHAPTER 70. NURSING HOME ADMINISTRATORS

Section

10. Creation of Board of Nursing Home Administrators
20. Membership board; source of appointments; term of office
30. Election of officers
40. Board meetings; quorum
50. Duties and powers of the board
60. Expenses
70. Applicability of Administrative Procedure Act
80. License required
90. Application
110. Licensing
120. Examination
130. Provisional licenses
140. Expiration and renewal
150. Fees
160. Unlawful acts
170. Penalties
180. Definitions
190. Facilities operated by religious organizations

Sec. 08.70.010. CREATION OF BOARD OF NURSING HOME ADMINISTRATORS. There is established the Board of Nursing Home Administrators. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.020. MEMBERSHIP BOARD; SOURCE OF APPOINTMENTS; TERM OF OFFICE. (a) The board consists of five members: one nursing home administrator licensed under this chapter and practicing in the state, a registered nurse licensed in the state, a physician licensed in the state, and two persons from the general public.

(b) Board members are appointed by the governor.

(c) Board members serve staggered terms of three years or until their successor is appointed, except that a member appointed to a vacated term serves the duration of that term. On the first board two members serve one-year terms, two members serve two-year terms, and one member serves a three-year term. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.030. ELECTION OF OFFICERS. The board shall annually elect a chairperson and a vice-chairperson from its members. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.040. BOARD MEETINGS; QUORUM. The board shall meet at least semiannually. A majority of the board constitutes a quorum. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.050. DUTIES AND POWERS OF THE BOARD. (a) The board shall

(1) adopt standards for licensing nursing home administrators to insure that licensees have knowledge and experience in health care and institutional administration necessary for competent administration, and update the standards when necessary;

(2) examine, license, and renew the licenses of qualified persons;

(3) establish procedures to insure that licensees continue to uphold the board's standards; revoke, suspend, or refuse to renew licenses of persons who fail to uphold the standards;

(4) adopt criteria for educational programs for persons preparing for the licensing examination and for the continuing education of licensees; review the educational programs available in the state and accredit the programs meeting the criteria;

(5) keep a record of its proceedings and submit annual reports to the governor and the legislature.

(b) The board may adopt regulations necessary for the performance of its duties and to meet the requirements of Title 19 of the Social Security Act, the federal rules promulgated under it, and other federal requirements. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.060. EXPENSES. Board members serve voluntarily, except that members are entitled to the travel expenses and per diem allowed by law. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT. The board shall comply with the Administrative Procedure Act (AS 44.62). (Sec 1 ch 123 SLA 1975)

Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home administrator may manage, supervise or be generally in charge of a nursing home unless excepted by this chapter. Only a nursing home which is supervised by a licensed nursing home administrator may operate in Alaska unless specially excepted by the board. This section does not apply to the Alaska Pioneers' Homes. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.090. APPLICATION. Applicants shall file applications with the Department of Commerce on forms provided by the department. Information requested on the forms shall be given under oath. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.110. LICENSING. (a) The board shall license

(1) applicants who pass the written examination administered by the board and meet the standards established by the board under sec. 50 of this chapter;

(2) persons licensed under emergency regulations 7 AAC 12.045 promulgated in Register 51, July 8, 1974, who have practiced as administrators since licensing.

(b) The board may issue a license without examination to a person holding a current license as a nursing home administrator from another jurisdiction, if the board finds that the standards for licensing in the other jurisdiction are substantially equivalent to those in this state, and the person is otherwise qualified. (Sec 1 ch 123 SLA 1975)

Sec. 08.60.120. EXAMINATION. The purpose of the examination is to test the applicant's knowledge of the health and safety standards of the state and his experience in the practice of health care. The board determines the content, scope, format, and grading procedure. Examinations shall be given at least annually, at the time and place chosen by the board. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.130. PROVISIONAL LICENSES. (a) A provisional license may be granted without examination to a person who meets the standards adopted by the board under sec. 50 of this chapter and who is needed to fill a vacancy in an administrative position.

(b) The provisional license is valid for six months and is nonrenewable. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.140. EXPIRATION AND RENEWAL. (a) A nursing home administrator's license expires on December 31 of the year issued.

(b) An administrator may apply for renewal of his license by submitting an application for renewal to the board; application forms for renewal are provided by the department.

(c) A person whose license has expired for a period of 12 months or more must apply for a license and be examined in the same manner as an applicant who has not been licensed before. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.150. FEES. The following fees shall be imposed under this chapter when applicable:

(1) examination fee \$ 25

(2) investigation fee for person applying for a license under sec. 110(b) of this chapter . . \$ 25

(3) annual license fee \$ 50
(Sec 1 ch 123 SLA 1975)

Sec. 08.70.160. UNLAWFUL ACTS. No person may

(1) sell or fraudulently obtain or furnish a license or aid another in doing so;

(2) practice as a nursing home administrator under cover of a license illegally or fraudulently obtained;

(3) practice as a nursing home administrator or use in connection with his name a designation tending to imply that he is a nursing home administrator unless licensed under this chapter;

(4) practice as a nursing home administrator during the time his license issued under this chapter is suspended or revoked; or

(5) otherwise violate this chapter. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.170. PENALTIES. A person convicted of violating this chapter is punishable by a fine of not more than \$500, or by imprisonment for not more than one year, or by both. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.180. DEFINITIONS. In this chapter

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

(2) "department" means the Department of Commerce;

(3) "license" means the certificate awarded by the board to a qualified person which entitles him to be a nursing home administrator in this state;

(4) "licensee" means a person who has been granted a license to be a nursing home administrator in this state by the board;

(5) "nursing home" means a facility which is operated in connection with a hospital or in which nursing care, intermediate care, and medical services are prescribed by or performed under the general direction of persons for the accomodation of convalescents or other persons who are not acutely ill but who do require skilled or intermediate nursing care and related medical services; the term "nursing home" is restricted to those facilities the purpose of which is to provide skilled or intermediate nursing care and related medical services for a period of not less than 24 hours a day to individuals admitted because of illness, disease or physical or mental infirmity;

(6) "nursing home administrator" means a person who manages, supervises, or is in general charge of a nursing home, even though the duties are shared with another person; a member of a board of directors of a nursing home is an administrator only if he also serves in the administrative capacity defined in this paragraph. (Sec 1 ch 123 SLA 1975)

Sec. 08.70.190. FACILITIES OPERATED BY RELIGIOUS ORGANIZATIONS. Nothing in this chapter or in the regulation under this chapter is to be construed as requiring a person who applies for a license as administrator of a facility operated by a religious organization relying on spiritual means alone for healing to have skills in medical techniques or educational qualifications which are not in accord with the care and treatment provided in the facility. (Sec 1 ch 123 SLA 1975)

PROFESSIONAL AND VOCATIONAL REGULATIONS

CHAPTER 46. BOARD OF NURSING HOME ADMINISTRATORS

Section

- 010. Qualifications of applicant for initial license
- 020. Application for initial license
- 030. Examination of applicant
- 040. Continuing education required for license renewal
- 050. Accreditation of non-academic continuing education program
- 060. Activities not eligible for non-academic continuing education accreditation
- 070. Application for license renewal
- 900. Definitions

12 AAC 46.010. QUALIFICATIONS OF APPLICANT FOR INITIAL LICENSE. (a) To be eligible for an initial license as a nursing home administrator, a person must be

- (1) at least 19 years of age;
- (2) of sound physical and mental health;
- (3) a high school graduate or the equivalent; and
- (4) of good moral character.

(b) In addition to the requirements of (a) of this section, a person applying for a license

(1) before January 1, 1978, must have one year of administrative experience;

(2) after December 31, 1977, must possess an associate degree in administration from an accredited college; and

(3) after December 31, 1979, must possess a

(A) baccalaureate degree in health care administration from an accredited college; or

(B) baccalaureate degree in business administration from an accredited college and have one year of administrative experience in a health care facility.

(Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(a)(1) and (b)

12 AAC 46.020. APPLICATION FOR INITIAL LICENSE. (a) A person applying for an initial license as a nursing home administrator shall submit

- (1) a completed application form;

PROFESSIONAL AND VOCATIONAL REGULATIONS

(2) a written statement from a physician attesting to the fact that his or her physical and mental health is adequate to enable him or her to satisfactorily perform the duties involved in nursing home administration; and

(3) after December 31, 1977, an official transcript from his or her college of graduation.

(b) A person applying for an initial license by examination shall submit the documents in (a) of this section, accompanied by the examination fee required by AS 08.70.150(1), at least 30 days before the date of a scheduled examination, in order to be scheduled for that examination.

(c) In addition to the requirements of (a) of this section, a person applying for an initial license without examination shall submit

(1) evidence that he or she has passed the licensing examination for nursing home administrators of the Professional Examination Service or the National Association of Boards of Nursing Home Administrators, Inc. with a score of at least 75%;

(2) a copy of his or her current nursing home administrator license from another jurisdiction; and

(3) the investigation fee required by AS 08.70.150(2).

(d) In addition to the requirements of (a) of this section, a person applying for a provisional license shall submit a written statement from his or her prospective employer of the circumstances of his or her need to fill a vacancy in an administrative position. (Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(b)
AS 08.70.090
AS 08.70.110(b)
AS 08.70.130(a)

12 AAC 46.030. EXAMINATION OF APPLICANT. (a) The examination required by AS 08.70.110(a)(1) is the examination prepared and graded by the National Association of Boards of Nursing Home Administrators, Inc.

(b) A score of 75 percent is required to pass the examination.

(c) The examination is offered semiannually in May and November.

PROFESSIONAL AND VOCATIONAL REGULATIONS

(d) A person who fails to pass the examination within two years of submitting his or her application for licensure shall submit a new physician's statement required by sec. 20(a)(2) of this chapter, along with a new application form. (Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(b)
AS 08.70.120

12 AAC 46.040. CONTINUING EDUCATION REQUIRED FOR LICENSE RENEWAL. (a) Continuing education required to maintain licensure as a nursing home administrator is at least

(1) one semester hour academic credit from an accredited college in a subject relevant to health care administration; or

(2) two continuing education units from the sponsoring organization of a non-academic continuing education program approved by the board.

(b) Continuing education required by (a) of this section must be earned during the calendar year immediately preceding the year for which license renewal is being requested. (Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(a)(3) and (b)

12 AAC 46.050. BOARD ACCREDITATION OF NON-ACADEMIC CONTINUING EDUCATION PROGRAM. (a) In order for a non-academic continuing education program to be accredited by the board, the sponsoring organization must

(1) have an identifiable educational arm with designated professional staff empowered to administer and coordinate an organized schedule of continuing education programs;

(2) maintain, through its educational arm, administrative control of all program elements to assure that both the immediate educational objectives and the requirements of this subsection are met;

(3) provide or arrange, through its educational arm, for appropriate educational facilities, library and reference materials and all necessary instructional aides and equipment consistent with the educational content, format and objectives of each learning experience;

(4) maintain a permanent individual record of participation and make this record readily available to each participant upon request;

(5) plan the program or activity in response to the educational needs of nursing home administrators, including the opportunity for input by representatives of nursing home administrators, as well as by other knowledgeable individuals having content expertise and an appreciation of the educational objectives to be met;

PROFESSIONAL AND VOCATIONAL REGULATIONS

(6) prepare a clear statement of rationale, purposes and goals for each educational activity before the initiation of the program;

(7) directly involve qualified instructional personnel in conducting the educational activity;

(8) establish specific performance requirements for the award of continuing education units to participants before offering the program;

(9) include sufficient detail in participant registration to provide the necessary information for a permanent record of individual participation;

(10) use evaluation procedures determined during the planning process to measure the effectiveness of the program design and operation; and

(11) include in program administration a system for verification of satisfactory completion of the activity by each participant and for providing an approved list of those awarded continuing education units to the office responsible for preparing and maintaining permanent records for individual participants.

(b) An application for accreditation of a continuing education program must state the

(1) manner in which the sponsoring organization meets the requirements of (a) of this section; and

(2) starting date of the program.

(c) A sponsoring organization must apply to the board for accreditation of a continuing education program at least 60 days before the starting date of the program. (Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(a)(4) and (b)

12 AAC 46.060. ACTIVITIES NOT ELIGIBLE FOR NON-ACADEMIC CONTINUING EDUCATION ACCREDITATION. The board will not accredit, for non-academic continuing education,

(1) a program leading to a high school equivalency certificate or diploma;

(2) a program dealing with such internal topics as indoctrination in rights, benefits and responsibilities; organizational structure; on-the-job methods, processes or procedures;

(3) committee activities;

PROFESSIONAL AND VOCATIONAL REGULATIONS

(4) conferences, delegate assemblies or similar meetings for policy-making purposes;

(5) meetings and conventions of societies and associations unless educational activities programmed independently and held concurrently with these meetings meet the requirements of sec. 50(a) of this chapter;

(6) participation in programs delivered through the media such as television, radio and newspapers unless these presentations are an integral part of an educational program which meets the requirements of sec. 50(a) of this chapter;

(7) attendance at lecture series, cultural performances, entertainment or recreational meetings or activities and participation in travel groups unless these activities are an integral part of a larger educational program which meets the requirements of sec. 50(a) of this chapter;

(8) on-the-job training, apprenticeships and other work experience unless structured as part of a planned educational experience which meets the requirements of sec. 50(a) of this chapter;

(9) independent writing of articles or research reports or the presentation of papers outside a planned educational program which meets the requirements of sec. 50(a) of this chapter;

(10) individual, self-directed studies or other forms of independent learning experiences which are not subject to later verification by testing for the acquisition of cognitive or affective skills;

(11) non-educational activities of associations and professional societies, which may otherwise be used to qualify for professional and occupational group membership or certification; or

(12) a program involving less than 10 contact hours of instruction. (Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(a)(4) and (b)

12 AAC 46.070. APPLICATION FOR LICENSE RENEWAL. A person applying for renewal of his or her license as a nursing home administrator shall submit to the department

(1) a completed license renewal application form including a sworn statement that he or she has not violated the provisions of sec. 900(5) of this chapter;

(2) proof of meeting the continuing education requirement of sec. 40 of this chapter in the form of an official college transcript or a letter from the sponsor of a continuing education program, whichever is appropriate; and

PROFESSIONAL AND VOCATIONAL REGULATIONS

(3) the annual license fee required by AS 08.70.150(3).
(Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(a)(2) and (3) and (b)

12 AAC 46.900. DEFINITIONS. In this chapter

(1) "accredited college" means an institution that meets the accreditation standards set forth by the Northwest Association of Schools and Colleges or its equivalent;

(2) "board" means the Board of Nursing Home Administrators,

(3) "continuing education unit" means 10 contact hours in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction;

(4) "department" means the Department of Commerce and Economic Development;

(5) "good moral character" means that a person

(A) has not paid, given, caused to be paid or given or offered to pay or to give a commission or other valuable consideration for solicitation or procurement, either directly or indirectly, of nursing home patronage or has accepted such a payment;

(B) has not committed acts of misconduct in the operation of a nursing home including but not limited to fraud, deceit, or misrepresentation in his capacity as a nursing home administrator;

(C) is not addicted to or dependent upon the use of alcohol, morphine, cocaine or other drugs recognized as producing an abnormal effect;

(D) has not been convicted of a felony relative to work as a nursing home administrator; or

(E) has not engaged in conduct that demonstrates unfitness to practice as a nursing home administrator;

(6) "health care facility" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of two or more nonrelated individuals suffering from illness, disease, injury or deformity, or a place devoted primarily to providing obstetrical or other medical or nursing care for two or more nonrelated individuals and includes a convalescent home, nursing home, a public health center, and community mental health center and a facility for the mentally retarded. (Eff. 5/13/77, Register 62)

Authority: AS 08.70.050(b)

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
POUCH D
JUNEAU, ALASKA 99811
PHONE (907) 465-2541

PROCEDURE FOR OBTAINING A LICENSE AS A NURSING HOME ADMINISTRATOR

BASIC QUALIFICATIONS

1. Minimum age of 19
2. High school graduation or equivalent
3. An Associate Degree in administration from an accredited college.

LICENSE BY EXAMINATION

The board offers the NAB examination twice annually. Examinations will be offered at dates and locations mutually convenient to the applicants and the Board. The following must be on file before you will be scheduled for the examination:

1. Completed and notarized application form
2. Completed physician's statement
3. Certified copies of any academic degrees held in the field of health care administration or certified copies of transcripts
4. \$25 examination fee

The \$50 annual license fee may be submitted before the examination and must be submitted before a license will be issued.

LICENSE WITHOUT EXAMINATION

The Board may issue a license without examination to a qualified person holding a current license as a nursing home administrator from another jurisdiction. The applicant must have passed either the NAB or the PES examination for nursing home administrators with a minimum score of 75%. The following must be on file before your application will be reviewed by the Board:

1. Completed and notarized application form
2. Completed physician's statement
3. Certified copies of any academic degrees held in the field of health care administration
4. Certified copy of current license in another jurisdiction
5. \$25 investigation fee

The \$50 annual license fee may be submitted before the application is reviewed by the Board and must be submitted before a license will be issued.

OVER

PROVISIONAL LICENSE

A provisional license may be granted without examination to a qualified person who is needed to fill a vacancy in an administrative position. The following must be on file before you will be issued a provisional license.

1. Completed and notarized application form
2. Completed physician's statement
3. Certified copies of any academic degrees held in the field of health care administration
4. A written statement from the prospective employer of the circumstances of the need to fill a vacancy

The provisional license is valid for six months and is renewable.

GENERAL INFORMATION

All copies of documents must be certified by a Notary Public to be true copies of the original documents.

All fees are to be paid by check or money order made payable to the Board of Nursing Home Administrators.

Applications for licensure, other than those for provisional licensure, will be reviewed by the Board at its next regularly scheduled meeting.

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
BOARD OF NURSING HOME ADMINISTRATORS
PGUCH D
JUNEAU, ALASKA 99811

I HEREBY MAKE APPLICATION FOR A LICENSE AS A NURSING HOME ADMINISTRATOR

1. Name _____
(Last) (First) (Middle) (Maiden)

2. Mailing Address (Home) _____
(Street) (City) (State) (Zip Code)

(Business) _____
(Street) (City) (State) (Zip Code)

3. Telephone Home: Area Code _____ No. _____ Business: Area Code _____ No. _____

4. Date of Birth _____ Place of Birth _____
(City) (State)

5. Social Security No. _____

6. Education

(a) Place X in the box indicating the highest grade completed: (All applicants must have completed high school)

6 10 11 12 13 14 15 16 17 18 19

(b) Degree _____

(c) Other educational training: Name _____

Address: _____
(Street) (City) (State) (Zip Code)

Dates attended (From) _____ (To) _____

Subjects _____

Name _____

Address _____
(Street) (City) (State) (Zip Code)

Dates attended (From) _____ (To) _____

Subjects _____

(Attach certified copies of any certificates held)

IMPORTANT All addresses must be complete, including zip code or your application will be returned.

7. EMPLOYMENT HISTORY FOR PAST 3 EMPLOYERS (Give most recent experience first)

FROM Mo. Yr.	TO Mo. Yr.	EMPLOYERS Name, address, type of business	TITLE AND DESCRIPTION of duties performed

8. Have you been convicted, or is trial pending, for committing a crime, felony or misdemeanor: Yes ____ No ____ . If yes, explain _____

9. How many years experience do you have in health care administration? _____

10. Are you currently registered as a Nursing Home Administrator in any other state?

Yes ____ No ____ . Name of state(s) _____

Name of State of original license _____

Date of original license _____ License No. _____
(Day) (Month) (Year)

By examination _____ Other _____
(Type of exam)

11. Attach a RECENT (within 90 days) photograph, at least 2" by 3". Type or print your name on the back of the photograph.

AFFIDAVIT OF APPLICATION

I, _____, under oath, do promise and swear that if this application is accepted and I should be granted a license to practice as a Nursing Home Administrator in the State of Alaska, I will obey the laws of the State, the Regulations of the Board of Nursing Home Administrators, and maintain the honor and dignity of the profession.

It is understood and agreed that if I should fail to keep the above agreement, or if I have made any false statements in this application that my license may be suspended or revoked by the Board at any time.

I further state that all statements made by me in this application are true and correct.

(Signature of Applicant)

Sworn to and subscribed before me this _____

day of _____, 19 _____.

Notary Public

State of _____

My Commission Expires _____

S

E

A

L

12. CERTIFICATE OF MORAL CHARACTER

THIS CERTIFIES that I have been personally acquainted with _____
_____ for _____ years and that I know him to be of
good moral character, not addicted to the use of habit-forming-drugs or
intemperance, and I recommend him to the Board of Medical Examiners, State of
Alaska, as being entirely worthy to be licensed to practice medicine in Alaska
pursuant to law.

Name _____

Address _____

SUBSCRIBED AND SWORN before me, a Notary Public, in and for the State of
_____, this _____ day of _____, 19 _____

Notary Public

NOTARY SEAL

My Commission expires

STATEMENT OF EXAMINING PHYSICIAN

Physicians completing this form must return it directly to:

Department of Commerce & Economic Development
Board of Nursing Home Administrators
Pouch D
Juneau, Alaska 99811

I have examined _____

(PRINT NAME OF APPLICANT)

within the last three months and found him to be in good health and free from contagious disease. To the best of my knowledge he has no physical or mental impairments which would make him unsuitable or unfit to be licensed and to practice as a Nursing Home Administrator.

ADDITIONAL COMMENTS:

DATE: _____ SIGNED: _____

Please print the following information:

Name of Examining Physician: _____

Address: _____

06-7040

BOARD of Pharmacy

A PERFORMANCE REVIEW
OF THE
BOARD OF PHARMACY

October 30, 1978

A PERFORMANCE REVIEW
OF THE
BOARD OF PHARMACY

October 30, 1978

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 Pharmacy

Chairman
Secretary
Member
Member
Member
Member
Member

Eldon Ulmer
Charles R. Rush
Lester E. Elkins
James L. Murphy
James H. McCorcle
Fred Savok
Robert K. Snider

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

October 30, 1978

Members of the
Legislative Budget and Audit Committee:

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

A PERFORMANCE REVIEW
OF THE
BOARD OF PHARMACY

October 30, 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 Pharmacy was conducted to review Board activities and accomplishments 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 Pharmacy should be reestablished. 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) Interviews 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, Consumer Affairs Agency, and the Equal Employment Opportunity Office; and
- (7) Questionnaires sent to state licensed pharmacists.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported 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) The Division of Occupational Licensing has not adequately collected, recorded and maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out their administrative responsibilities.