

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4764 HJUD SB 304 - SB 315

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1 authority, may be filed and recorded as of the original date of the
2 missing plat and after filing and recording [RECORDATION] has the same
3 legal effect and notice as the original missing plat.

4 * Sec. 36. AS 40.15.070 is amended to read:

5 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be
6 subdivided or dedicated is situated within a first or second class
7 borough, the proposed subdivision or dedication shall be submitted to
8 the borough planning commission for approval. If the land is situated
9 within a city in the unorganized borough or the third class borough,
10 the proposed subdivision or dedication shall be submitted to the city
11 planning commission for approval. The borough planning commission is
12 the platting authority for the first or second class borough, the city
13 planning commission is the platting authority for the city, and the
14 Department of Natural Resources [DIVISION OF LANDS] is the platting
15 authority in the remaining areas of the state and third class borough
16 for the change or vacation of existing plats or a portion of such
17 plats, as provided in AS 40.15.075. If the borough or the city does
18 not have a planning commission, the borough assembly or the city
19 governing body, respectively, is the platting authority and the pro-
20 posed subdivision or dedication shall be submitted to it. A [NO]
21 subdivision may not be filed and recorded [FOR RECORD] until it is
22 approved by the platting authority.

23 * Sec. 37. AS 40.15.075 is amended to read:

24 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
25 CLASS BOROUGHES. The Department of Natural Resources [DIVISION OF
26 LANDS] is the platting authority in the area outside organized bor-
27 oughs and outside cities in the unorganized borough and in the third
28 class borough for only the purposes of hearing and acting on petitions
29 for the change or vacation of plats and shall execute this function

1 substantially in conformity with the provisions of AS 29.40.130 -
 2 29.40.160. Costs of publication and mailing authorized in AS 29.40.-
 3 130 shall be paid to the Department of Natural Resources [DIVISION] by
 4 the petitioner. The Department of Natural Resources shall adopt
 5 reasonable regulations governing the exercise of the authority confer-
 6 red by this section [UPON THE DIVISION OF LANDS].

7 * Sec. 38. AS 40 is amended by adding a new chapter to read:

8 CHAPTER 19. RECORDING FEDERAL LIENS.

9 Sec. 40.19.010. APPLICABILITY. The provisions of this chapter
 10 apply to federal tax liens and to other federal liens notice of which
 11 under an Act of Congress or a regulation adopted under the authority
 12 of an Act of Congress is required or permitted to be filed or recorded
 13 in the same manner as a notice of federal tax lien.

14 Sec. 40.19.020. PLACE OF RECORDING. (a) Notices of lien,
 15 certificates, and other notices affecting a federal tax lien or other
 16 federal lien shall be recorded under this chapter.

17 (b) Notices of lien upon real property for obligations payable
 18 to the United States and certificates and notices affecting the lien
 19 shall be recorded in the records of the recording district in which
 20 the real property subject to the lien is situated.

21 (c) Notices of federal lien upon personal property, whether tan-
 22 gible or intangible, for obligations payable to the United States and
 23 certificates and notices affecting the lien shall be recorded in the
 24 records of the recording district where the person against whose
 25 interest the lien applies resides at the time of recording of the
 26 notice of lien.

27 (d) For purposes of (c) of this section the residence of a
 28 corporation or partnership is the place in which the principal execu-
 29 tive office of the business is located.

1 Sec. 40.19.030. EXECUTION OF NOTICES AND CERTIFICATES. Certi-
2 fication of notices of lien, certificates, or other notices affecting
3 federal liens by the United States Secretary of the Treasury or by the
4 designee of the United States Secretary of the Treasury, or by an
5 official or entity of the United States responsible for filing, re-
6 cording, or certifying, of notice of any other lien, entitles the
7 notices or certificates to be recorded and further attestation, certi-
8 fication, or acknowledgement is not necessary.

9 Sec. 40.19.040. DUTIES OF RECORDER. (a) If a notice of federal
10 lien, a rerecording of notice of federal lien, or a notice of revoca-
11 tion of a certificate described in (b) of this section is presented to
12 the recorder under AS 40.17, the recorder shall endorse on the notice
13 an identification and the date and time of recording and enter it
14 first in the daily log of documents and then in an alphabetical index
15 showing the name of the person named in the notice, the date and time
16 of recording, the title of the official or entity certifying the lien,
17 and the total amount appearing on the notice of lien.

18 (b) If a rerecorded notice of federal lien referred to in (a) of
19 this section or a certificate of release, nonattachment, discharge, or
20 subordination of lien or a revocation of any of these certificates is
21 presented to the recorder for recording, the recorder shall record it
22 in the way a document listed in (a) of this section would be recorded
23 and shall enter the rerecorded notice or the certificate or revocation
24 with the date of recording in the alphabetical index together with a
25 reference to the recording information for the original notice or
26 certificate to which it relates.

27 (c) A lien on file with records of a recording district on the
28 effective date of this section is considered to have been recorded at
29 the date and time it was filed

1 (d) In this section "rerecording" includes recording of a lien
2 previously filed.

3 Sec. 40.19.050. UNIFORMITY OF APPLICATION AND CONSTRUCTION. To
4 the extent the provisions of this chapter follow the Uniform Federal
5 Lien Registration Act (1978) they shall be applied and construed to
6 effectuate their general purpose to make uniform the law with respect
7 to the subject of this chapter among the states enacting it.

8 * Sec. 39. AS 43.10.042 is repealed and reenacted to read:

9 Sec. 43.10.042. RECORDING LIEN AND CERTIFICATE OF DISCHARGE.

10 (a) A lien imposed under this title is not valid against a mort-
11 gagee or other lien holder, pledgee, purchaser, or judgment creditor
12 until notice of it is recorded in the records of the recording dis-
13 trict where the property subject to the lien is situated. However,
14 regardless of the date the liens are recorded, a lien arising out of a
15 tax due under AS 43.56 and AS 43.75, including the penalties and
16 interest on the tax, is a lien prior, paramount, and superior to all
17 other liens, mortgages, hypothecations, conveyances, and assignments,
18 upon all the real and personal property of the person liable for the
19 tax, and upon all the real and personal property used with the permis-
20 sion of the owner to carry on the business that is subject to the tax.

21 (b) AS 40.19.040 applies to a notice of state tax lien and
22 documents relating to a state tax lien as well as to a notice of
23 federal lien and documents relating to a federal lien.

24 * Sec. 40. AS 44.37.025 is amended to read:

25 Sec. 44.37.025. RECORDING. (a) The Department of Natural Re-
26 sources shall adopt regulations [,] establishing, modifying, or dis-
27 continuing recording districts or precincts and prescribing the
28 records to be maintained and the instruments to be recorded, consis-
29 tent with AS 40.17.

1 (b) The department shall [ENGAGE AND COMPENSATE RECORDERS AND
2 DEPUTY RECORDERS,] prescribe and account for recording fees [,] and do
3 all other things necessary to maintain the recording systems [SYSTEM]
4 established under the laws of this state. The commissioner of
5 administration shall separately account for fees collected under this
6 section that the Department of Natural Resources deposits in the
7 general fund. The annual estimated balance in the account may be used
8 by the legislature to make appropriations to the department to carry
9 out the purposes of this section.

10 (c) The department, with the concurrence of the administrative
11 director of courts, may appoint judicial employees to perform services
12 in connection with recording, providing access to, and copying [RE-
13 CORD] documents in locations where the department has no employees
14 available to perform those functions [SERVE AS RECORDERS].

15 (d) The department shall file with the commissioner of commerce
16 and economic development a copy of each conveyance recorded that
17 contains a statement that property is conveyed to a nonresident alien
18 or for the benefit of a nonresident alien.

19 * Sec. 41. AS 44.37.025 is amended by adding a new subsection to read:

20 (e) In addition to the recording system established under AS
21 40.17, the commissioner of natural resources may by regulation establish a
22 system for recording and filing documents to enable members of the public
23 to safeguard documents. Recording or filing a document in the system
24 established under this subsection does not provide constructive notice for
25 any purpose.

26 * Sec. 42. In the following statutes the revisor of statutes is di-
27 rected to delete the requirement or permission that a document be filed or
28 filed for record and to substitute a corresponding requirement or permis-
29 sion that the document be recorded: AS 09.40.050; AS 09.55.370; AS 10.15.-

1 230, 10.15.235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.047;
2 AS 23.20.200, 23.20.250(a); AS 23.30.165; AS 27.10.020, 27.10.050, 27.10.-
3 060, 27.10.070, 27.10.160, 27.10.170, 27.10.190, 27.10.210(b), 27.10.230;
4 AS 32.10.010, 32.10.240; AS 34.07.070; AS 34.20.090; AS 34.35.065, 34.35.-
5 160, 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405,
6 34.35.440; AS 38.05.195, 38.05.200, 38.05.205, 38.05.210, 38.05.220,
7 38.05.230, 38.05.245, 38.05.250, 38.05.265, 38.05.275; AS 38.20.100;
8 AS 45.09.402(f); and AS 46.15.160.

9 * Sec. 43. AS 34.15.260, 34.15.270, 34.15.280, 34.15.290, 34.15.300,
10 34.15.310, 34.15.320, 34.15.330, 34.15.340, 34.15.345, 34.15.350; AS 34.-
11 20.020; AS 43.10.090, 43.10.100, 43.10.110, 43.10.120, 43.10.130, 43.10.-
12 140, and 43.10.150 are repealed.

13 * Sec. 44. This Act takes effect January 1, 1989.
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Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 304 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

5 For an Act entitled: "An Act relating to filing and recording, recordable
6 documents, conveyances, plats, and platting author-
7 ities; and providing for an effective date."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 40 is amended by adding a new chapter to read:

11 CHAPTER 17. RECORDING IN PUBLIC RECORDS.

12 Sec. 40.17.010. PLACE OF RECORDING AND ACCESS TO RECORDS. (a)

13 The Department of Natural Resources shall provide at each public
14 office designated by the department

15 (1) the documents and indices or alternative document re-
16 trieval system of the recording district or districts served by that
17 public office;

18 (2) a machine, device or system with which to retrieve
19 stored documents;

20 (3) a means for making copies of recorded documents and a
21 person authorized by the recorder to certify the copies;

22 (4) to the extent money is appropriated for the purpose, a
23 machine, device, or system capable of rapidly transmitting a document
24 eligible for recording to a recorder at one place of recording in the
25 state, and a person to operate the machine, device, or system; if the
26 department determines that it is not feasible to provide a machine,
27 device, or system in an office serving a recording district, it shall
28 provide for transmitting documents from the office by other expedi-
29 tious means;

*Clarifies & updates recording statute
Now done by Regulation
Provides for computer recording
Saves money by allowing for FAX, etc.
DNR will put out a manual on how to record
All presumptions same as existing law
DNR supports*

1 (5) instructions that explain to the public the formal
2 requirements that a document must satisfy to be recorded.

3 (b) The department shall provide the staff and equipment to re-
4 ceive and record documents and to store them permanently.

5 (c) When rapid recording and retrieval and secure storage of
6 documents can be provided for all recording districts with a single
7 place of recording in the state, the recorder shall record the docu-
8 ments at a single place in the state designated by the department.

9 (d) The recorder shall provide reasonable public access during
10 business hours to recorded documents, indices, and facilities provided
11 for in this section.

12 Sec. 40.17.020. RECORDING CONVEYANCES. (a) A conveyance that
13 is eligible for recording under AS 40.17.030 and 40.17.110 may be
14 recorded only in the records of the recording district in which land
15 affected by the conveyance is located. If land affected by the con-
16 veyance is located in more than one recording district, an original
17 conveyance may be recorded in the records of any district in which
18 part of the land is located and an original or a certified copy may be
19 recorded in the records of each other district in which part of the
20 land is located. A certified copy so recorded has the same effect
21 from the time it is recorded as though it were the original convey-
22 ance.

23 (b) A certified copy of a conveyance that is eligible for re-
24 cording under AS 40.17.030 and 40.17.110 and that has been recorded or
25 filed in a public recorder's office in another state or in the United
26 States Bureau of Land Management may be recorded only in the records
27 of a recording district where land affected by the conveyance is
28 located. When so recorded, it has the same effect from the time it is
29 recorded as though it were the original conveyance.

1 Sec. 40.17.030. FORMAL REQUISITES FOR RECORDING. (a) To be
2 eligible for recording, a document must be
3 (1) legible or capable of being converted into legible form
4 by a machine or device used in the recording office;
5 (2) capable of being copied by the method used in the
6 recording office;
7 (3) accompanied by the proper fee for recording and include
8 or be accompanied by information, stamps, certificates, taxes, or fees
9 that under other laws are necessary to qualify the document for re-
10 cording;
11 (4) accompanied by or include the information needed to
12 index the document under regulations of the department;
13 (5) accompanied by or include the name and address of the
14 person to whom the document is to be returned after recording; and
15 (6) accompanied by or include the mailing addresses of all
16 persons named in the document who grant or acquire an interest under
17 the document if it is a conveyance; this paragraph does not apply to a
18 release of a security interest.
19 (b) A signature, acknowledgment, seal, or witness is required
20 for a document to be eligible for recording only when required for the
21 specific document by this chapter or by other law.
22 (c) A name, address, or other information required by this
23 section shall be contained in the document that is to be recorded, or
24 shall be recorded with the document.
25 (d) The recorder shall prescribe the style, size, form, and
26 quality that a plat, plan, or survey map must satisfy for filing and
27 recording under this chapter.
28 Sec. 40.17.040. INDEXING. (a) The recorder shall maintain an
29 index system for recorded documents in the manner prescribed by

1 regulations adopted by the department. The system shall be designed
2 so the public may find documents by names of grantors and grantees,
3 and the system may include other means for locating the documents.

4 (b) The declaration for a common interest community under
5 AS 34.08 shall be indexed in the grantee's index in the name of the
6 common interest community and the association and in the grantor's
7 index in the name of each person executing the declaration.

8 Sec. 40.17.050. INCORPORATION OF MASTER FORM. A recorded master
9 form, or a numbered paragraph of it, may be incorporated by reference
10 in a recorded document referring to the form by its recording
11 information and the number of the paragraph to be incorporated. The
12 reference has the same effect as if the master form or the numbered
13 paragraph were reproduced in full in the record at the place where the
14 reference to the form or paragraph is made.

15 Sec. 40.17.060. DOCUMENTS EXECUTED UNDER FORMER LAW. If a docu-
16 ment included under AS 40.17.110(b) or (c) was executed in accordance
17 with the law in effect at the time the document was executed, the
18 document remains recordable regardless of later amendments to the law
19 changing the manner in which that document is to be executed.

20 Sec. 40.17.070. DUTIES OF RECORDER. (a) The recorder shall
21 promptly record all documents presented that are recordable under
22 AS 40.17.020, 40.17.030, and 40.17.110.

23 (b) The recorder shall maintain in the central recording office
24 a daily log and index for recorded documents.

25 (c) As a document is recorded, the recorder shall indicate on or
26 attach to each document the date, hour, and minute of recording, enter
27 that information and a consecutive serial number in a daily log of
28 documents without delay in the order in which the documents are re-
29 ceived, and note the serial number on the document.

1 (d) If a document presented for recording is reviewed and re-
2 jected for recording, the recorder shall indicate on or attach to the
3 document the date, hour, and minute of rejection and a citation of the
4 statute requiring rejection. If the document is later determined to
5 be recordable in the form in which it was earlier presented to the
6 recorder, later recording does not relate back to the time and date of
7 rejection. Recording is effective when the document is accepted for
8 recording, regardless of the cause of the rejection.

9 (e) The recorder shall promptly copy recorded documents and
10 place them in permanent records and shall note the recording informa-
11 tion at the entry of each document in the daily log.

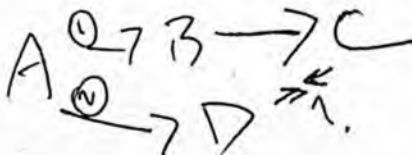
12 (f) Promptly after recording a document, the recorder shall make
13 the index entries required in this chapter and in the regulations of
14 the department.

15 (g) After recording, the recorder shall return the document to
16 the person who presented it or a person designated by the person who
17 presented it.

18 (h) The recorder shall certify copies and provide a certified
19 copy of a recorded document to a person who tenders the proper fee.

20 (i) The recorder is not required to record part of a document if
21 the part is identified and preceded by the words "From Previously
22 Recorded Master Form--Do Not Record" and the recorded part contains a
23 reference to the master form's recording information.

24 Sec. 40.17.080. EFFECT OF RECORDING ON TITLE AND RIGHTS; CON-
25 STRUCTIVE NOTICE. (a) Subject to (c) and (d) of this section, from
26 the time a document is recorded in the records of the recording dis-
27 trict in which land affected by it is located, the recorded document
28 is constructive notice of the contents of the document to subsequent
29 purchasers and holders of a security interest in the same property or



1 a part of the property.

2 (b) A conveyance of real property in the state, other than a
3 lease for a term of less than one year, is void as against a subse-
4 quent innocent purchaser in good faith for valuable consideration of
5 the property or a part of the property whose conveyance is first
6 recorded. An unrecorded conveyance is valid as between the parties to
7 it and as against one who has actual notice of it. In this subsec-
8 tion, "purchaser" includes a holder of a consensual interest in real
9 property that secures payment or performance of an obligation.

10 (c) The recording of an assignment of a security interest is not
11 in itself notice to the debtor. The debtor may pay the assignor
12 unless the debtor has actual notice of the assignment.

13 (d) (A recorded option or agreement to enter into a contract in
14 the future ceases to be constructive notice for any purpose

15 (1) when six months have elapsed after the date of record-
16 ing of the option or agreement, if the recorded option or agreement
17 contains no expiration date;

18 (2) when 30 days have elapsed after the expiration date of
19 the option or agreement, if the recorded option or agreement contains
20 an expiration date.

21 Sec. 40.17.090. CONVEYANCES AND RECORDED DOCUMENTS AS EVIDENCE.

22 (a) A conveyance that is acknowledged, proven, or certified under
23 AS 34.15.150 - 34.15.250 is admissible as evidence of the conveyance
24 without further proof.

25 (b) An acknowledged and recorded signed document relating to
26 title to real property creates presumptions with respect to title that

27 (1) the document is genuine and was executed as the volun-
28 tary act of the person purporting to execute it;

29 (2) the person executing the document and the person on

Good
Fair to
debtor

Real
Property
Code

Presumptions :

1 whose behalf it is executed are the persons they are purported to be
2 and the person executing it was neither incompetent nor a minor at any
3 relevant time;

4 (3) delivery of the document occurred notwithstanding a
5 lapse of time between dates on the document and the date of recording;

6 (4) any necessary consideration was given;

7 (5) the grantee, transferee, or beneficiary of an interest
8 created or claimed by the document acted in good faith at all relevant
9 times up to and including the time of the recording;

10 (6) a person purporting to act as an agent, attorney in
11 fact under a recorded power of attorney or authority, officer of an
12 organization, or in a fiduciary or official capacity, held the posi-
13 tion the person purported to hold, acted within the scope of the
14 person's authority, and in the case of an organization, the authoriza-
15 tion satisfied all requirements of law; and in the case of an agent,
16 acted for a principal who was neither incompetent nor a minor at any
17 relevant time and who had not revoked the agency;

18 (7) if the document purports to be executed in accordance
19 with or to be a final determination in a judicial or administrative
20 proceeding, or to be executed under a power of eminent domain, the
21 court, official body, or condemnor acted within its jurisdiction and
22 all steps required for the execution of the title document were taken;

23 (8) the recitals and other statements of fact in a convey-
24 ance are true if the matter stated is relevant to the purpose of the
25 document;

26 (9) the persons named in, signing, or acknowledging the
27 document and persons named in, signing, or acknowledging another
28 related document in a chain of title are identical, if the persons
29 appear in those documents under identical names, or under variants of

Clarifies

1 the names, including inclusion, exclusion, or use of

2 (A) commonly recognized abbreviations, contractions,

3 initials, or colloquial or other equivalents;

4 (B) first or middle names or initials;

5 (C) simple transpositions that produce substantially

6 similar pronunciations;

7 (D) articles or prepositions in names or titles;

8 (E) descriptions of entities as corporations, com-

9 panies, or abbreviations or contractions of either; or

10 (F) name suffixes, such as "Senior" or "Junior",

11 unless other information appears of record indicating that they

12 are different persons; and

13 (10) all other requirements for the execution, delivery and

14 validity of the document have been satisfied.

15 (c) The presumptions stated in (b) of this section arise even if

16 the document purports only to release a claim or convey an interest of

17 the person executing it or of the person on whose behalf it is exe-

18 cuted.

19 (d) Facts stated in a recorded certificate of a public official

20 in affidavit form or under the seal of the official's office and

21 derived from information or documents obtained or kept by the official

22 as part of official duties are presumed to be true.

23 (e) If presumptions created by this section are inconsistent,

24 the presumption applies that is founded upon weightier consideration

25 of policy and logic. If these considerations are of equal weight,

26 neither presumption applies.

27 Sec. 40.17.100. RECORDING A RECONVEYANCE. When the parties to a

28 recorded conveyance absolute in its terms intend it to serve only as

29 security for repayment of a debt, the conveyance is absolute as to all

*SUPPLY
CLASS*

1 persons who rely upon it in good faith and for value before a recon-
2 veyance is recorded.

3 Sec. 40.17.110. CLASSES OF DOCUMENTS ELIGIBLE FOR RECORDING.

4 (a) A signed document listed in (b) of this section or included under
5 (c) of this section that meets the requisites for recording under
6 AS 40.17.030 may be recorded.

7 (b) The recorder may record

8 (1) a conveyance acknowledged or proven under AS 34.15.-
9 150 - 34.15.250 or a certified copy of the conveyance if recording the
10 copy is permitted by AS 40.17.020;

11 (2) an acknowledged or proven power of attorney or other
12 instrument granting or revoking a power to act as agent or attorney
13 for another person;

14 (3) a contract for the sale or purchase of real property,
15 when acknowledged or proven by all parties to the contract;

16 (4) an option for the purchase of real property when it is
17 acknowledged by the person granting the option;

18 (5) a certificate of a public official or an affidavit of a
19 person that may affect the title to or any interest in real property
20 in the state that is described in the certificate or affidavit, stat-
21 ing facts relating to age, sex, birth, death, capacity, relationship,
22 family history, heirship, names, identity of parties, marital status,
23 possession or adverse possession, adverse use, residence, service in
24 the armed forces, conflicts and ambiguities in description of land in
25 recorded instruments, and the happening of a condition or event that
26 may terminate an estate or interest; a certificate or affidavit re-
27 corded under this section must contain the recording information of a
28 recorded document referred to in it;

29 (6) an instrument by which a real property security

- 1 agreement is subordinated or waived as to priority;
- 2 (7) a document creating a condition, covenant, restriction,
3 or reservation relating to rights in real property;
- 4 (8) an assignment of all or part of a security interest in
5 real property;
- 6 (9) a release of lien or security interest in real prop-
7 erty;
- 8 (10) an exact or fully conformed copy of a document that is
9 otherwise recordable under this section, when the person offering the
10 document attaches to it an affidavit that
- 11 (A) the exact or fully conformed copy was received by
12 the person in the course of the transaction;
- 13 (B) the original is not in the person's possession;
14 and
- 15 (C) the instrument offered for recordation is an exact
16 or fully conformed copy;
- 17 (11) a conveyance from the United States of an interest in
18 real property in the state;
- 19 (12) a certified copy of a petition in bankruptcy;
- 20 (13) a notice of an action previously filed and pending in a
21 court of the state or the United States affecting title to real prop-
22 erty in the state, if the notice contains the case number assigned by
23 the court and a description of the property affected in the recording
24 district;
- 25 (14) notice of an action for divorce, separate maintenance,
26 annulment, or dissolution of marriage previously filed and pending in
27 a court of any state or the United States affecting title to real
28 property in this state, if the notice contains the case number as-
29 signed by the court;

- 1 (15) notice of a pending judicial proceeding to compel
2 recording or indexing, if the notice contains the case number assigned
3 by the court;
- 4 (16) a certified copy of a judgment decree or order of a
5 court of a state in an action for divorce, separate maintenance,
6 annulment, or dissolution of marriage requiring the execution of a
7 conveyance of real property in this state;
- 8 (17) a list of real property granted by a governmental
9 entity to the state, a municipality, or a corporation;
- 10 (18) a conveyance executed by an officer of the state by
11 authority of law in the state;
- 12 (19) a notice limiting future advances under a recorded
13 security agreement;
- 14 (20) a certified copy of a judgment or decree of a court of
15 the state or of a court of record of the United States or a certified
16 copy of a satisfaction of judgment or decree;
- 17 (21) a certificate of attachment or an order or proceeding
18 of record discharging attachment;
- 19 (22) a condemnation order;
- 20 (23) a declaration of taking;
- 21 (24) a copy of the record of the meeting of a cemetery
22 association;
- 23 (25) a cooperative contract;
- 24 (26) a list of persons whose cooperative contracts have been
25 terminated;
- 26 (27) a letter of conservatorship;
- 27 (28) an employee's lien for failure to make payments to a
28 benefit fund;
- 29 (29) an employment security contributions lien;

- 1 (30) a verified workers' compensation lien;
2 (31) a mining claim, location, or lease;
3 (32) a grubstake contract;
4 (33) a mining assessment work affidavit;
5 (34) a notice to contribute or forfeit an interest in a
6 mining claim;
7 (35) a subdivision plat;
8 (36) a signed and sworn-to certificate of limited partner-
9 ship and a signed and sworn-to amendment to a certificate of limited
10 partnership;
11 (37) a declaration or amendments to a declaration under
12 AS 34.07 or AS 34.08, an instrument by which property may be removed
13 from the provisions of AS 34.07 or AS 34.08, and an instrument affect-
14 ing property controlled by AS 34.07 or AS 34.08; a declaration under
15 AS 34.08 may not be recorded unless it satisfies the requirements of
16 AS 34.08.090(b);
17 (38) a survey map and floor plan for a building under
18 AS 34.07, or a plat or plan for a common interest community under
19 AS 34.08;
20 (39) a substitution of trustee under a deed of trust, or
21 other person having a power of sale under a real property security
22 agreement, when executed and acknowledged by all the beneficiaries;
23 (40) notice and affidavits required in default and sale
24 under a deed of trust;
25 (41) a notice of right to mechanics' or materialmen's lien;
26 (42) an attested or notarized copy of a notice of nonrespon-
27 sibility for construction, alteration, or repair;
28 (43) an acknowledgment of right to mechanics' or material-
29 men's lien;

- 1 (44) a verified claim of lien under AS 34.35;
- 2 (45) a verified notice of completion of a building or im-
- 3 provement;
- 4 (46) a bond guaranteeing payment of the sum recovered on a
- 5 mechanics' or materialmen's lien;
- 6 (47) a notice extending a mechanics' or materialmen's lien;
- 7 (48) a state tax lien;
- 8 (49) a federal tax lien;
- 9 (50) an instrument transferring a water appropriation or a
- 10 certified copy of it;
- 11 (51) a financing statement covering goods that are or are to
- 12 become fixtures to real property described in the financing statement;
- 13 if the debtor does not have an interest of record in the real prop-
- 14 erty, the financing statement must show the name of the record owner
- 15 of the real property;
- 16 (52) an assignment of rent;
- 17 (53) a memorandum of lease as described in AS 40.17.120(b);
- 18 (54) a state highway right-of-way map;
- 19 (55) an armed forces report of separation;
- 20 (56) a document amending or correcting a recorded document
- 21 listed in this section if the amending or correcting document is exe-
- 22 cuted by the same parties who executed the original document; and
- 23 (57) a master form that can be incorporated by reference in
- 24 documents later recorded.

*Letter from
ASB
(58) + (59)*

(c) A document specifically permitted or required to be recorded by another law of the state or made recordable by regulation of the department may be recorded.

Sec. 40.17.120. RECORDING MEMORANDUM OF LEASE. (a) Recording a memorandum of lease substantially complying with (b) of this section

Example: "Master lease"

1 has the same effect as recording the lease.

2 (b) A memorandum of lease is a document signed by the lessor and
3 lessee and containing a reference to an unrecorded lease, sublease, or
4 agreement to lease or sublease, and supplying at least the following
5 information:

6 (1) the names of the parties;

7 (2) addresses of the parties set out in the lease;

8 (3) the date of the lease;

9 (4) a description of the real property leased or subleased;

10 (5) the commencement and termination dates of the lease if
11 fixed and, if not fixed, the method by which the dates are to be
12 fixed; and

13 (6) a statement of the conditions upon which a party may
14 exercise a right to extend or renew the lease or to exercise a right
15 to purchase or refuse to purchase the real property or part of it.

16 Sec. 40.17.130. ACTIONS AGAINST RECORDER AND STATE. (a) If the
17 recorder fails to record and index a document properly, the recorder
18 may be compelled to record and index the document properly by an
19 action filed in the superior court.

20 (b) The state is liable to a person injured by the failure of
21 the recorder to perform duties under this chapter. Neither the re-
22 corder nor a state employee performing duties of the recorder is
23 individually liable for a good faith error or omission made in the
24 course of employment.

25 Sec. 40.17.900. DEFINITIONS. In this chapter

26 (1) "acceptance" means the determination by the recorder
27 that a document is recordable under this chapter accompanied by mark-
28 ing an identifying code on the document and entering the document in a
29 daily log;

1 (2) "certified copy" means a copy of a document certified
2 as correct by the custodian or other person authorized to make the
3 certification;

4 (3) "conveyance" means a transfer of an interest in real
5 property other than by will or operation of law;

6 (4) "department" means the Department of Natural Resources;

7 (5) "document" means a writing, plat, plan, or map, and
8 includes information in a form, such as electronic, mechanical, or
9 magnetic storage; microfilm; or electronic data transmission signals,
10 that can be converted into legible writing, plat, plan, or map form by
11 a machine or device;

12 (6) "place of recording" means a place designated by the
13 department where documents recordable under this chapter are recorded;

14 (7) "record" means the acceptance of a document by the re-
15 corder that the recorder has determined is recordable under this
16 chapter and that is presented for recording in the place of recording
17 designated for the recording district where affected property is
18 located whether or not the place of recording is in that district, and
19 whether or not under applicable law the recorder is directed to record
20 the document;

21 (8) "recorder" means the commissioner of the department or
22 the commissioner's designee;

23 (9) "recording district" means a part of the state des-
24 ignated a recording district under AS 44.37.025; and

25 (10) "recording information" means information needed to
26 find a document in the public records such as book and page, document
27 number, electronic retrieval code, or other specific information.

28 * Sec. 2. AS 19.10.260 is amended to read:

29 Sec. 19.10.260. REPLACEMENT OF PERMANENT MARKERS AND FILING OF

1 RIGHT-OF-WAY MAP AFTER CONSTRUCTION. The department shall:

2 (1) replace all permanent markers on private or municipal
3 property that were destroyed or lost during highway construction to
4 permit persons to determine accurately new boundary lines resulting
5 from the construction;

6 (2) file and record in the local recording district, after
7 completion of highway construction, an accurate right-of-way map that
8 will contain sufficient engineering and survey information designating
9 where the resulting boundary lines are located on private or municipal
10 property along the highway.

11 * Sec. 3. AS 29.40.090(b) is amended to read:

12 (b) The platting authority shall waive the preparation, sub-
13 mission for approval, filing, and recording of a plat on satisfactory
14 evidence that the subdivision meets the requirements of (a) of this
15 section and each lot created by the subdivision is five acres or
16 larger.

17 * Sec. 4. AS 29.40.110(b) is amended to read:

18 (b) The platting authority shall state in writing its reasons
19 for disapproval of a plat. If the platting authority approves a plat,
20 the plat shall be acknowledged, [AND] filed, and recorded in accor-
21 dance with AS 40.15.010 - 40.15.020.

22 * Sec. 5. AS 29.40.150 is amended to read:

23 Sec. 29.40.150. RECORDING. If the alteration or replat is
24 approved, the revised plat shall be acknowledged, [AND] filed, and
25 recorded in accordance with AS 40.15.010 - 40.15.020.

26 * Sec. 6. AS 29.40.180 is amended to read:

27 Sec. 29.40.180. VIOLATIONS. The [IT IS UNLAWFUL FOR THE] owner
28 of land located in a subdivision may not [TO] transfer, sell, offer to
29 sell, or enter into a contract to sell land in a subdivision before a

1 plat of the subdivision has been prepared, approved, [AND] filed, and
2 recorded in accordance with this chapter. A [IT IS UNLAWFUL FOR A]
3 person may not [TO] file or record a plat or other document depicting
4 subdivided land in a public recorder's office unless the plat or
5 document has been approved by the platting authority. For the viola-
6 tion of a provision of this chapter, a subdivision regulation adopted
7 under this chapter, or a term, condition, or limitation imposed by a
8 platting authority in the exercise of its powers under this chapter, a
9 municipality may by ordinance prescribe a penalty not to exceed a fine
10 of \$1,000 and imprisonment for 90 days.

11 * Sec. 7. AS 30.13.080 is amended to read:

12 Sec. 30.13.080. VALIDITY OF PLEDGE. It is the intension of the
13 legislature that a pledge made in respect of bonds is [SHALL BE]
14 perfected and [SHALL BE] valid and binding from the time the pledge is
15 made; that the money or property so pledged and thereafter received by
16 an authority is [SHALL] immediately [BE] subject to the lien of the
17 pledge without physical delivery or further act; and that the lien of
18 the pledge is [SHALL BE] valid and binding against all parties having
19 claims of any kind in tort, contract, or otherwise against the author-
20 ity [IRRESPECTIVE OF] whether or not the parties have notice. Neither
21 the resolution, trust agreement, or any other instrument by which a
22 pledge is created need be recorded or filed under the provisions of
23 the Uniform Commercial Code to be perfected or to be valid, binding,
24 or effective against the parties. This section does not affect title
25 to or conveyances of real property, and does not limit the applicabil-
26 ity of AS 40.17.080 [AS 34.15.290].

27 * Sec. 8. AS 34.07.020(14) is amended to read:

28 (14) a reference to the file number and recording informa-
29 tion for [OF] the floor plans of the building affected that [WHICH]

1 are required to be filed and recorded simultaneously with the declara-
2 tion under AS 34.07.030.

3 * Sec. 9. AS 34.07.030 is amended to read:

4 Sec. 34.07.030. FILING AND RECORDING OF SURVEY MAP AND FLOOR
5 PLANS WITH VERIFIED STATEMENT. There shall be filed and recorded
6 simultaneously with the recording of the declaration in the recording
7 district in which the property is located

8 (1) a survey map of the surface of the land submitted under
9 [TO] the provisions of this chapter showing the location of the build-
10 ing on it;

11 (2) a set of the floor plans of the building showing the
12 layout, apartment numbers and dimensions of the apartments in suffi-
13 cient detail to identify and locate each apartment with certainty,
14 stating the name of the building or that it has no name, and bearing
15 the verified statement of a registered architect or registered profes-
16 sional engineer certifying that it is an accurate copy of portions of
17 the plans of the building as filed with and approved by the govern-
18 mental entity having jurisdiction over the approval or issuance of
19 permits for the construction of the building, or a statement that no
20 approval or permit is required.

21 * Sec. 10. AS 34.07.040(a) is amended to read:

22 (a) If the floor plans do not include a verified statement by a
23 registered architect or registered professional engineer that the
24 plans fully and accurately depict the layout, apartment numbers, and
25 dimensions of the apartments as built, there shall be recorded before
26 the first conveyance of an apartment an amendment to the declaration
27 to which shall be attached a verified statement of a registered archi-
28 tect certifying that the plans previously filed and recorded or being
29 filed and recorded simultaneously with the amendment: fully and

1 accurately depict the layout, apartment number and dimensions of the
2 apartments as built.

3 * Sec. 11. AS 34.07.050 is amended to read:

4 Sec. 34.07.050. FORM OF FLOOR PLANS. The recording office shall
5 prescribe the style, size, form, and quality of floor plans filed and
6 recorded under AS 34.07.030.

7 * Sec. 12. AS 34.08.090 is amended to read:

8 Sec. 34.08.090. CREATION OF COMMON INTEREST COMMUNITIES. (a) A
9 common interest community may be created under this chapter only by
10 recording a declaration executed in the same manner as a deed and, in
11 a cooperative, by conveying the real estate subject to the declaration
12 to the association. The declaration must be recorded, and a plat or
13 plan that is part of the declaration filed and recorded, in each
14 recording district in which a portion of the common interest community
15 is located and must be indexed in the grantee's index in the name of
16 the common interest community and the association and in the grantor's
17 index in the name of each person executing the declaration.

18 (b) In a condominium, a declaration or an amendment to a decla-
19 ration that adds a unit may not be recorded, and a plat or plan that
20 is part of the declaration may not be filed or recorded, unless the
21 structural components and mechanical systems of each building contain-
22 ing or comprising a unit of the condominium are completed substantial-
23 ly in accordance with the plans, as evidenced by a certificate of
24 completion recorded with the declaration or amendment to the declara-
25 tion and executed by

26 (1) an independent registered engineer, architect, or land
27 surveyor;

28 (2) an appraiser with the designation of Senior Residen-
29 tial Appraiser, Senior Real Property Appraiser, or Senior Real Estate

1 Analyst of the Society of Real Estate Appraisers;

2 (3) a Residential Member, or Member of the [,] Appraisal
3 Institute, of the American Institute of Real Estate Appraisers; or

4 (4) an individual with a designation established by regu-
5 lation of the Alaska Housing Finance Corporation for fee appraisers
6 who certify the completion of construction.

7 * Sec. 13. AS 34.08.140(b) is amended to read:

8 (b) After the declaration for a leasehold condominium or lease-
9 hold planned community is recorded, and a plat or plan that is part of
10 the declaration is filed and recorded, neither the lessor nor the
11 successor in interest of the lessor may terminate the leasehold inter-
12 est of a unit owner who makes timely payment of a unit owner's share
13 of the rent and otherwise complies with the covenants that, if violat-
14 ed, would entitle the lessor to terminate the lease. The leasehold
15 interest of a unit owner in a condominium or planned community is not
16 affected by the failure of any other person to pay rent or fulfill a
17 covenant.

18 * Sec. 14. AS 34.08.140(d) is amended to read:

19 (d) If the expiration or termination of a lease decreases the
20 number of units in a common interest community, the allocated inter-
21 ests must be reallocated under AS 34.08.740(a) as if the units had
22 been taken by eminent domain. The reallocation must be confirmed by
23 an amendment to the declaration prepared, executed, and recorded by
24 the association of unit owners; a plat or plan that accompanies the
25 amendment must be filed and recorded with the amendment.

26 * Sec. 15. AS 34.08.160(b) is amended to read:

27 (b) Except as the declaration otherwise provides, a limited
28 common element may be reallocated by an amendment to the declaration
29 executed by the unit owners between or among whose units the

1 reallocation is made. The persons executing the amendment shall
2 provide a copy of the amendment to the association, which shall record
3 the amendment and file and record a plat or plan that accompanies the
4 amendment [IT]. The amendment must be recorded, and an accompanying
5 plat or plan filed and recorded, in the names of the parties and the
6 common interest community.

7 * Sec. 16. AS 34.08.170(b) is amended to read:

8 (b) Each plat must show:

9 (1) the name and a survey or general schematic map of the
10 entire common interest community;

11 (2) the location and dimensions of the real estate not
12 subject to development rights or subject only to the development right
13 to withdraw, and the location and dimensions of each existing improve-
14 ment within the real estate;

15 (3) a legally sufficient description of the real estate
16 subject to development rights, labeled to identify the rights applic-
17 able to each parcel;

18 (4) the extent of each encroachment by or upon a portion
19 of the common interest community;

20 (5) to the extent feasible, a legally sufficient descrip-
21 tion of each easement serving or burdening a portion of the common
22 interest community;

23 (6) the location and dimensions of any vertical unit
24 boundaries not shown or projected on plans filed and recorded under
25 (d) of this section and the identifying number of the unit;

26 (7) the location with reference to an established datum of
27 any horizontal unit boundaries not shown or projected on plans filed
28 and recorded under (d) of this section and the identifying number of
29 the unit;

1 (8) a legally sufficient description of any real estate in
2 which the unit owners will own only an estate for years, labeled as
3 "leasehold real estate";

4 (9) the distance between noncontiguous parcels of real
5 estate comprising the common interest community;

6 (10) the location and dimensions of limited common ele-
7 ments, including porches, decks, balconies and patios, other than
8 parking spaces and the other limited common elements described in
9 AS 34.08.100(2) and (4);

10 (11) in the case of real estate not subject to development
11 rights, all other matters customarily shown on land surveys.

12 * Sec. 17. AS 34.08.170(f) is amended to read:

13 (f) Upon the exercise of a [ANY] development right, the declar-
14 ant shall either file and record new plats and plans necessary to
15 conform to the requirements of (a), (b), and (d) of this section, or
16 file and record new certifications of plats and plans previously filed
17 and recorded if the plats and plans otherwise conform to the require-
18 ments of (a), (b), and (d) of this section.

19 * Sec. 18. AS 34.08.170(h) is amended to read:

20 (h) The state recorder shall prescribe the style, size, form,
21 and quality of plats and plans filed and recorded under this chapter.

22 * Sec. 19. AS 34.08.180(a) is amended to read:

23 (a) To exercise a development right reserved under AS 34.08.-
24 130(a)(8), a declarant shall prepare, execute, and record an amendment
25 to the declaration, file and record a plat or plan that accompanies
26 the amendment, and, in a condominium or planned community, comply with
27 AS 34.08.170. The declarant is the unit owner of the units created
28 under the amendment. The amendment to the declaration must assign an
29 identifying number to each new unit created, and, except in the case

1 of subdivision or conversion of units described in (b) of this sec-
2 tion, reallocate the allocated interests among all units. The amend-
3 ment must describe any common elements and any limited common elements
4 created under the amendment and, in the case of limited common ele-
5 ments, designate the unit to which each is allocated to the extent
6 required by AS 34.08.160.

7 * Sec. 20. AS 34.08.200(b) is amended to read:

8 (b) The association

9 (1) in a condominium or planned community shall prepare,
10 file, and record plats or plans necessary to show the altered bound-
11 aries between adjoining units, and their dimensions and identifying
12 numbers; and

13 (2) in a cooperative shall prepare and record amendments
14 to the declaration, and file and record a plat or plan [INCLUDING ANY
15 PLANS,] necessary to show or describe the altered boundaries between
16 adjoining units [,] and their dimensions and identifying numbers.

17 * Sec. 21. AS 34.08.210(a) is amended to read:

18 (a) If the declaration expressly permits it, a unit may be
19 subdivided into two or more units. Upon application of a unit owner
20 to subdivide a unit, the association shall, subject to the provisions
21 of the declaration and other provisions of law, prepare, execute, and
22 record an amendment to the declaration subdividing the unit, including
23 in a condominium or planned community filing and recording a plat or
24 plan that accompanies the amendment [THE PLATS AND PLANS, SUBDIVIDING
25 THE UNIT].

26 * Sec. 22. AS 34.08.250(c) is amended to read:

27 (c) Each amendment to the declaration must be recorded, and a
28 plat or plan that accompanies the amendment filed and recorded, in
29 each recording district in which a portion of the common interest

1 community is located and the amendment is effective only upon record-
2 ing. An amendment, except an amendment under AS 34.08.200(a), must be
3 indexed in the name of the common interest community and the associa-
4 tion and in the name of the parties executing the amendment.

5 * Sec. 23. AS 34.08.320(a) is amended to read:

6 (a) Except as provided in (b) of this section and subject to the
7 provisions of the declaration, the association may:

8 (1) adopt and amend bylaws and rules and regulations;

9 (2) adopt and amend budgets for revenues, expenditures,
10 and reserves and collect assessments for common expenses from unit
11 owners;

12 (3) hire and discharge managing agents and other employ-
13 ees, agents, and independent contractors;

14 (4) institute, defend, or intervene in litigation or
15 administrative proceedings or seek injunctive relief for violations of
16 its declaration, bylaws or rules in its own name on behalf of itself
17 or two or more unit owners on matters affecting the common interest
18 community;

19 (5) make contracts and incur liabilities;

20 (6) regulate the use, maintenance, repair, replacement,
21 and modification of common elements;

22 (7) cause additional improvements to be made as a part of
23 the common elements;

24 (8) acquire, hold, encumber, and convey in its own name
25 any right, title, or interest to real estate or personal property,
26 except that

27 (A) common elements in a condominium or planned
28 community may be conveyed or subjected to a security interest
29 only under AS 34.08.430; and

- 1 (B) part of a cooperative may be conveyed or all or
2 part of a cooperative may be subjected to a security interest
3 only under AS 34.08.430;
- 4 (9) grant easements, leases, licenses, and concessions
5 through or over the common elements;
- 6 (10) impose and receive a payment, fee, or charge for the
7 use, rental, or operation of the common elements, other than limited
8 common elements described in AS 34.08.100(2) and (4), and for services
9 provided to unit owners;
- 10 (11) impose a reasonable charge for late payment of assess-
11 ments and, after notice and an opportunity to be heard, levy a reason-
12 able fine for a violation of the declaration, bylaws, rules, and
13 regulations of the association;
- 14 (12) impose a reasonable charge for the preparation and
15 recording of an amendment to the declaration, the filing and recording
16 of a plat or plan that accompanies an amem.ment, resale certificate
17 required by AS 34.08.590, or a statement of unpaid assessments;
- 18 (13) provide for the indemnification of its officers and
19 executive board and maintain directors' and officers' liability insur-
20 ance;
- 21 (14) assign its right to future income, including the right
22 to receive common expense assessments, but only to the extent the
23 declaration expressly permits the assignment;
- 24 (15) exercise any other powers conferred by the declaration
25 or bylaws;
- 26 (16) exercise any other power that may be exercised in the
27 state by a legal entity of the same type as the association; and
- 28 (17) exercise any other power necessary and proper for the
29 governance and operation of the association.

1 * Sec. 24. AS 34.08.440(h) is amended to read:

2 (h) A portion of the common interest community for which insur-
3 ance is required under this section that is damaged or destroyed must
4 be repaired or replaced promptly by the association unless (1) the
5 common interest community is terminated and AS 34.08.260 applies, (2)
6 repairs or replacement would be illegal under a state statute or
7 municipal ordinance governing health or safety, or (3) 80 percent of
8 the unit owners, including each owner of a unit or assigned limited
9 common element that will not be rebuilt, vote not to rebuild. The
10 cost of repair or replacement in excess of insurance proceeds and
11 reserves is a common expense. If the entire common interest community
12 is not repaired or replaced, (1) the insurance proceeds attributable
13 to the damaged common elements must be used to restore the damaged
14 area to a condition compatible with the remainder of the common inter-
15 est community, and (2) except to the extent that other persons will be
16 distributees, (A) the insurance proceeds attributable to a unit and
17 limited common elements that is not rebuilt must be distributed to the
18 owner of the unit and the owner of the unit to which the limited
19 common elements were allocated, or to lien holders, as their interests
20 may appear, and (B) the remainder of the proceeds must be distributed
21 to each unit owner or lien holder, as their interests may appear, as
22 follows: (i) in a condominium, in proportion to the common element
23 interest of all the units and (ii) in a cooperative or planned commun-
24 ity, in proportion to the common expense liabilities of all the units.
25 If the unit owners vote not to rebuild a unit, the allocated interests
26 of the unit are reallocated upon the vote as if the unit had been
27 condemned under AS 34.08.740(a), and the association promptly shall
28 prepare, execute [EXECUTED], and record an amendment to the declara-
29 tion reflecting the reallocations, and file and record a plat or plan

1 that accompanies the amendment.

2 * Sec. 25. AS 34.08.700 is amended to read:

3 Sec. 34.08.700. SUBSTANTIAL COMPLETION OF UNITS. In the sale of
4 a unit for which delivery of a public offering statement is required,
5 a contract of sale may be executed, but an interest in the unit may
6 not be conveyed until the declaration is recorded, a plat or plan that
7 accompanies the declaration is filed and recorded, and the unit is
8 substantially completed as evidenced by issuance of a certificate of
9 occupancy authorized by law or by a recorded certificate of substan-
10 tial completion executed by

11 (1) an independent registered engineer, architect, or land
12 surveyor;

13 (2) an appraiser with the designation of senior residen-
14 tial appraiser, senior real property appraiser, or senior real estate
15 analyst of the Society of Real Estate Appraisers;

16 (3) a residential member, or member of the [,] appraisal
17 institute, of the American Institute of Real Estate Appraisers; or

18 (4) an individual with a designation established by regu-
19 lation of the Alaska Housing Finance Corporation for fee appraisers
20 who certify the completion of construction.

21 * Sec. 26. AS 34.08.740(a) is amended to read:

22 (a) If a unit is acquired by eminent domain or part of a unit is
23 acquired by eminent domain leaving the unit owner with a remnant that
24 may not practically or lawfully be used for any purpose permitted by
25 the declaration, the award must include compensation to the unit owner
26 for that unit and its allocated interests, whether or not any common
27 elements are acquired. Upon acquisition, unless the decree otherwise
28 provides, the allocated interests of the unit are automatically real-
29 located to the remaining units in proportion to the respective

1 allocated interests of those units before the taking, and the associa-
2 tion shall promptly prepare, execute, and record an amendment to the
3 declaration reflecting the reallocations, and file and record a plat
4 or plan that accompanies the amendment. A remnant of a unit remaining
5 after part of a unit is taken under this subsection is a common ele-
6 ment from that time.

7 * Sec. 27. AS 34.08.990(30) is amended to read:

8 (30) "special declarant rights" means the right reserved
9 for the benefit of a declarant to

10 (A) complete improvements indicated on plats and
11 plans filed and recorded with the declaration or, in a coopera-
12 tive, to complete improvements described in the public offering
13 statement under [PURSUANT TO] AS 34.08.530(a)(2);

14 (B) exercise a development right;

15 (C) maintain sales offices, management offices, signs
16 advertising the common interest community, and models;

17 (D) use easements through the common elements for the
18 purpose of making improvements within the common interest commu-
19 nity or within real estate that may be added to the common inter-
20 est community;

21 (E) make the common interest community subject to a
22 master association;

23 (F) merge or consolidate a common interest community
24 with another common interest community of the same form of owner-
25 ship; or

26 (G) appoint or remove an officer of the association
27 or a master association or an executive board member during a
28 period of declarant control;

29 * Sec. 28. AS 34.15 is amended by adding a new section to read:

1 Sec. 34.15.015. USE OF RECORDED MASTER FORM. If reference is
2 made in a document to a recorded master form, a copy of the form, or
3 so much of it as is incorporated by reference, must be provided to
4 each party to the transaction by the party that furnished the docu-
5 ment.

6 * Sec. 29. AS 38.04.045(b) is amended to read:

7 (b) Before the conveyance of surface rights to state land, an
8 official cadastral survey shall be accomplished, unless a comparable,
9 acceptable survey exists that has been conducted by the federal Bureau
10 of Land Management. The rectangular survey section corner positions
11 shall be monumented and shown on a cadastral survey plat approved by
12 the state. However, for those areas where the state may wish to
13 convey surface estate outside of an official cadastral survey grid,
14 the director may waive monumentation of all individual section corner
15 positions and substitute an official control survey with control
16 points being monumented and shown on control survey plats approved by
17 the state. No portion of land to be conveyed may be located more than
18 two miles from such a survey control monument except that the commis-
19 sioner may waive this requirement on a determination that topographic
20 features, diffuse settlement, or the public interest do not justify
21 the requirement. The lots and tracts in state subdivisions shall be
22 monumented and the cadastral survey and plats for the subdivision
23 shall be approved by the state. Where land is located within a muni-
24 cipality with planning, platting, and zoning powers, plats for state
25 subdivisions shall comply with local ordinances and regulations in the
26 same manner and to the same extent as plats for subdivisions by other
27 landowners. State subdivisions shall be filed and recorded in the
28 district recorder's office. The requirements of this section do not
29 apply to land made available through a cabin permit system, material

1 sales, or short-term leases; however, for short-term leases the lessee
2 must comply with local subdivision ordinances unless waived by the
3 municipality under procedures specified by ordinance.

4 * Sec. 30. AS 40.15.010 is amended to read:

5 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS.
6 Before the lots or tracts of any subdivision or dedication may be sold
7 or offered for sale, the subdivision or dedication shall be submitted
8 for approval to the authority having jurisdiction, as prescribed in
9 this chapter. The regular approval of the authority shall be shown on
10 it or attached to it and the subdivision or dedication shall be filed
11 and recorded [FOR RECORD] in the office of the recorder. The recorder
12 may [SHALL] not accept a subdivision or dedication for filing and
13 recording unless it shows this approval. If no platting authority
14 exists as provided in AS 40.15.070 - 40.15.130, lands may be sold
15 without approval.

16 * Sec. 31. AS 40.15.020 is amended to read:

17 Sec. 40.15.020. PLATS TO BE ACKNOWLEDGED AND CONTAIN CERTIFICATE
18 THAT TAXES AND ASSESSMENTS ARE PAID. Every plat shall be acknowledged
19 before an officer authorized to take acknowledgment of deeds. A cer-
20 tificate of acknowledgment shall be endorsed on or annexed to the plat
21 and recorded with it. A person filing and recording a plat, map, sub-
22 division, or replat of property, or vacating the whole or any portion
23 of an existing plat, map, subdivision, or replat shall [, AT THE TIME
24 OF FILING IT FOR RECORD OR FILING THE PETITION TO VACATE,] file and
25 record with it a certificate from the tax-collecting official or
26 officials of the area in which the land is located that all taxes
27 levied against the property at that date are paid.

28 * Sec. 32. AS 40.15.030 is amended to read:

29 Sec. 40.15.030. DEDICATION OF STREETS, ALLEYS AND THOROUGHFARES.

1 When an area is subdivided and a plat of the subdivision is approved,
2 filed, and recorded, all streets, alleys, thoroughfares, parks and
3 other public areas shown on the plat are considered to be [DEEMED TO
4 HAVE BEEN] dedicated to public use.

5 * Sec. 33. AS 40.15.040 is amended to read:

6 Sec. 40.15.040. CERTIFIED COPY OF PLAT AS [IS] EVIDENCE. A copy
7 of a plat certified by the recorder of the recording district in which
8 it is filed or recorded as a true and complete copy of the original
9 filed or recorded in the recording office for the district [ON FILE IN
10 HIS OFFICE] is admissible in evidence in all courts in the state with
11 the same effect as the original.

12 * Sec. 34. AS 40.15.050 is amended to read:

13 Sec. 40.15.050. [RECORDED] PLATS LEGALIZED. All plats filed or
14 recorded with the recorder [RECORDED] before March 30, 1953, whether
15 executed and acknowledged in accordance with this chapter or not, are
16 validated and all streets, alleys or public thoroughfares shown on
17 these plats are considered to be [AS HAVING BEEN] dedicated to public
18 use. [THIS SECTION DOES NOT PROHIBIT THE ABANDONMENT OF A PLAT RE-
19 CORDED BEFORE MARCH 30, 1953, IF A SUBSEQUENT PLAT IS FILED INDICATING
20 ABANDONMENT.] The last plat of the area of record on March 30, 1953,
21 is the official plat of the area as of that date, and the streets,
22 alleys, or thoroughfares shown on it are considered [DEEMED] to be
23 [THE STREETS, ALLEYS OR THOROUGHFARES] dedicated to public use. The
24 streets, alleys or thoroughfares shown on an earlier plat of the same
25 area or any part of it which is in conflict with those shown on the
26 official plat are considered to be [IS DEEMED TO HAVE BEEN] abandoned
27 and vacated.

28 * Sec. 35. AS 40.15.060 is amended to read:

29 Sec. 40.15.060. MISSING PLATS. When [WHERE] a filed or recorded

1 plat is missing and no present record is available except by reference
2 to the missing plat, a counterpart copy, approved by the platting
3 authority, may be filed and recorded as of the original date of the
4 missing plat and after filing and recording [RECORDATION] has the same
5 legal effect and notice as the original missing plat.

6 * Sec. 36. AS 40.15.070 is amended to read:

7 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be
8 subdivided or dedicated is situated within a first or second class
9 borough, the proposed subdivision or dedication shall be submitted to
10 the borough planning commission for approval. If the land is situated
11 within a city in the unorganized borough or the third class borough,
12 the proposed subdivision or dedication shall be submitted to the city
13 planning commission for approval. The borough planning commission is
14 the platting authority for the first or second class borough, the city
15 planning commission is the platting authority for the city, and the
16 Department of Natural Resources [DIVISION OF LANDS] is the platting
17 authority in the remaining areas of the state and third class borough
18 for the change or vacation of existing plats or a portion of such
19 plats, as provided in AS 40.15.075. If the borough or the city does
20 not have a planning commission, the borough assembly or the city
21 governing body, respectively, is the platting authority and the pro-
22 posed subdivision or dedication shall be submitted to it. A [NO]
23 subdivision may not be filed and recorded [FOR RECORD] until it is
24 approved by the platting authority.

25 * Sec. 37. AS 40.15.075 is amended to read:

26 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
27 CLASS BOROUGHES. The Department of Natural Resources [DIVISION OF
28 LANDS] is the platting authority in the area outside organized bor-
29 oughs and outside cities in the unorganized borough and in the third

1 class borough for only the purposes of hearing and acting on petitions
2 for the change or vacation of plats and shall execute this function
3 substantially in conformity with the provisions of AS 29.40.130 -
4 29.40.160. Costs of publication and mailing authorized in AS 29.40.-
5 130 shall be paid to the Department of Natural Resources [DIVISION] by
6 the petitioner. The Department of Natural Resources shall adopt
7 reasonable regulations governing the exercise of the authority confer-
8 red by this section [UPON THE DIVISION OF LANDS].

9 * Sec. 38. AS 40 is amended by adding a new chapter to read:

10 CHAPTER 19. RECORDING FEDERAL LIENS.

11 Sec. 40.19.010. APPLICABILITY. The provisions of this chapter
12 apply to federal tax liens and to other federal liens notice of which
13 under an Act of Congress or a regulation adopted under the authority
14 of an Act of Congress is required or permitted to be filed or recorded
15 in the same manner as a notice of federal tax lien.

16 Sec. 40.19.020. PLACE OF RECORDING. (a) Notices of lien,
17 certificates, and other notices affecting a federal tax lien or other
18 federal lien shall be recorded under this chapter.

19 (b) Notices of lien upon real property for obligations payable
20 to the United States and certificates and notices affecting the lien
21 shall be recorded in the records of the recording district in which
22 the real property subject to the lien is situated.

23 (c) Notices of federal lien upon personal property, whether tan-
24 gible or intangible, for obligations payable to the United States and
25 certificates and notices affecting the lien shall be recorded in the
26 records of the recording district where the person against whose
27 interest the lien applies resides at the time of recording of the
28 notice of lien.

29 (d) For purposes of (c) of this section the residence of a

Fed Lien Act

1 corporation or partnership is the place in which the principal execu-
2 tive office of the business is located.

3 Sec. 40.19.030. EXECUTION OF NOTICES AND CERTIFICATES. Certi-
4 fication of notices of lien, certificates, or other notices affecting
5 federal liens by the United States Secretary of the Treasury or by the
6 designee of the United States Secretary of the Treasury, or by an
7 official or entity of the United States responsible for filing, re-
8 cording, or certifying, of notice of any other lien, entitles the
9 notices or certificates to be recorded and further attestation, certi-
10 fication, or acknowledgement is not necessary.

11 Sec. 40.19.040. DUTIES OF RECORDER. (a) If a notice of federal
12 lien, a rerecording of notice of federal lien, or a notice of revoca-
13 tion of a certificate described in (b) of this section is presented to
14 the recorder under AS 40.17, the recorder shall endorse on the notice
15 an identification and the date and time of recording and enter it
16 first in the daily log of documents and then in an alphabetical index
17 showing the name of the person named in the notice, the date and time
18 of recording, the title of the official or entity certifying the lien,
19 and the total amount appearing on the notice of lien.

20 (b) If a rerecorded notice of federal lien referred to in (a) of
21 this section or a certificate of release, nonattachment, discharge, or
22 subordination of lien or a revocation of any of these certificates is
23 presented to the recorder for recording, the recorder shall record it
24 in the way a document listed in (a) of this section would be recorded
25 and shall enter the rerecorded notice or the certificate or revocation
26 with the date of recording in the alphabetical index together with a
27 reference to the recording information for the original notice or
28 certificate to which it relates.

29 (c) A lien on file with records of a recording district on the

1 effective date of this section is considered to have been recorded at
2 the date and time it was filed.

3 (d) In this section "rerecording" includes recording of a lien
4 previously filed.

5 Sec. 40.19.050. UNIFORMITY OF APPLICATION AND CONSTRUCTION. To
6 the extent the provisions of this chapter follow the Uniform Federal
7 Lien Registration Act (1978) they shall be applied and construed to
8 effectuate their general purpose to make uniform the law with respect
9 to the subject of this chapter among the states enacting it.

10 * Sec. 39. AS 43.10.042 is repealed and reenacted to read:

11 Sec. 43.10.042. RECORDING LIEN AND CERTIFICATE OF DISCHARGE.

12 (a) A lien imposed under this title is not valid as against a mort-
13 gagee or other lien holder, pledgee, purchaser, or judgment creditor
14 until notice of it is recorded in the records of the recording dis-
15 trict where the property subject to the lien is situated. However,
16 regardless of the date the liens are recorded, a lien arising out of a
17 tax due under AS 43.56 and AS 43.75, including the penalties and
18 interest on the tax, is a lien prior, paramount, and superior to all
19 other liens, mortgages, hypothecations, conveyances, and assignments,
20 upon all the real and personal property of the person liable for the
21 tax, and upon all the real and personal property used with the permis-
22 sion of the owner to carry on the business that is subject to the tax.

23 (b) AS 40.19.040 applies to a notice of state tax lien and
24 documents relating to a state tax lien as well as to a notice of
25 federal lien and documents relating to a federal lien.

26 * Sec. 40. AS 44.37.025 is amended to read:

27 Sec. 44.37.025. RECORDING. (a) The Department of Natural Re-
28 sources shall adopt regulations [,] establishing, modifying, or dis-
29 continuing recording districts or precincts and prescribing the

1 records to be maintained and the instruments to be recorded, consis-
2 tent with AS 40.17.

3 (b) The department shall [ENGAGE AND COMPENSATE RECORDERS AND
4 DEPUTY RECORDERS,] prescribe and account for recording fees [,] and do
5 all other things necessary to maintain the recording systems [SYSTEM]
6 established under the laws of this state. The commissioner of
7 administration shall separately account for fees collected under this
8 section that the Department of Natural Resources deposits in the
9 general fund. The annual estimated balance in the account may be used
10 by the legislature to make appropriations to the department to carry
11 out the purposes of this section.

12 (c) The department, with the concurrence of the administrative
13 director of courts, may appoint judicial employees to perform services
14 in connection with recording, providing access to, and copying [RE-
15 CORD] documents in locations where the department has no employees
16 available to perform those functions [SERVE AS RECORDERS].

17 (d) The department shall file with the commissioner of commerce
18 and economic development a copy of each conveyance recorded that
19 contains a statement that property is conveyed to a nonresident alien
20 or for the benefit of a nonresident alien.

21 * Sec. 41. AS 44.37.025 is amended by adding a new subsection to read:

22 (e) In addition to the recording system established under AS
23 40.17, the commissioner of natural resources may by regulation establish a
24 system for recording and filing documents to enable members of the public
25 to safeguard documents. Recording or filing a document in the system
26 established under this subsection does not provide constructive notice for
27 any purpose.

28 * Sec. 42. In the following statutes the revisor of statutes is di-
29 rected to delete the requirement or permission that a document be filed or

S. Resources

class B documents

1 filed for record and to substitute a corresponding requirement or permis-
2 sion that the document be recorded: AS 09.40.050; AS 09.55.370; AS 10.15.-
3 230, 10.15.235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.047;
4 AS 23.20.200, 23.20.250(a); AS 23.30.165; AS 27.10.020, 27.10.050, 27.10.-
5 060, 27.10.070, 27.10.160, 27.10.170, 27.10.190, 27.10.210(b), 27.10.230;
6 AS 32.10.010, 32.10.240; AS 34.07.070; AS 34.20.090; AS 34.35.065, 34.35.-
7 160, 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405,
8 34.35.440; AS 38.05.195, 38.05.200, 38.05.205, 38.05.210, 38.05.220,
9 38.05.230, 38.05.245, 38.05.250, 38.05.265, 38.05.275; AS 38.20.100;
10 AS 45.09.402(f); and AS 46.15.160.

11 * Sec. 43. AS 34.15.260, 34.15.270, 34.15.280, 34.15.290, 34.15.300,
12 34.15.310, 34.15.320, 34.15.330, 34.15.340, 34.15.345, 34.15.350; AS 34.-
13 20.020; AS 43.10.090, 43.10.100, 43.10.110, 43.10.120, 43.10.130, 43.10.-
14 140, and 43.10.150 are repealed.

15 * Sec. 44. This Act takes effect January 1, 1989.

ALASKA CODE REVISION COMMISSION
LEGISLATIVE AFFAIRS AGENCY
POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811

April 27, 1988

The Honorable John Sund
Chairman, House Judiciary Committee
Room C-122 State Capitol Building
Juneau, Alaska 99811

Re: CS for HB 266 and CS for SB 304; Acts relating to filing
and recording.

Dear Representative Sund:

This letter is in response to your recent request for information about CS for HB 266 and CS for SB 304, acts revising the recording act relating to the filing and recording of documents. The Alaska Code Revision has carefully reviewed both bills, has negotiated certain changes in both bills, and the bills are now compatible. In the event both bills pass this session, the Revisor of Statutes will have to make certain non substantive changes in order to coordinate the language in each bill. While CS for HB addresses only the procedures to be followed by the District Recorder in accepting documents, CS for SB 304 is a complete overhaul of the recording act. Since both of these bills are now compatible, the passage of both will not create any statutory inconsistencies or continuity problems.

The changes in both of the bills has been worked out with Judy Knight, legislative assistant to Representative Ulmer and I have been advised that all of the changes are satisfactory to Representative Ulmer and are acceptable to the Code Revision Commission.

In reviewing CS for SB 304 with Peter Froehlich, Assistant Attorney General and a Commissioner, it was felt that in order to avoid the possibility of a gubernatorial veto, it would be wise to delete one section from that bill. That section reads as follows:

Sec. 40.17.190. ACTIONS AGAINST RECORDER
AND STATE.

HON. JOHN SUND
CS for HB 266 and CS for SB 304
PAGE 1

(b) The state is liable to a person injured by the failure of the recorder to perform duties under this chapter. Neither the recorder nor a state employee performing duties of the recorder is individually liable for a good faith error or omission made in the course of employment.

The above section can be extracted from the bill without the necessity of any further changes to the bill. The language of the bill will remain internally consistent and no further changes need be made.

Also, in discussions with Judy Knight, it was felt to be desirable to add two new subsections to Sec. 40.17.110, classes of documents eligible for recording. These two new subsections would read as follows:

Pg 13
After line 24

- (58) a unitization agreement;
- (59) any other document which creates an interest in real property.

Add in AS

that

affects

With the addition of these two classes of documents, there should be no question but that the district recorder must accept unitization agreements and any other documents not specifically listed in subsections (1) through (57), so long as the document created an interest in real property.

I will be available to testify on CS for SB 304 when it is heard by House Judiciary on Thursday, April 28, 1988, and can further explain the above changes. Again, both bills have been amended so that they can stand alone without the necessity of passage of the other with any accommodations being made by the Revisor of Statutes.

Please call me if you have any questions concerning the above.

Very truly yours,

John W. Abbott
JOHN W. ABBOTT, Chairman

Creates or affects
"affects" may presume the existence of the interest

S B

315

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Judiciary:

1988 - April 27

HOUSE COMMITTEE REPORT

4/28

(7)

Date referred: 4/8/88

FURTHER REFERRALS:

Puley

DATE: April 27, 1988

The Judiciary Committee has considered SB 315

"An Act relating to third party reimbursement for advanced nurse practitioner services."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 1/11/88
- zero with analysis

SIGNING DO PASS:

[Signature]

J. Milner

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

 Chairman's signature

DAVID T. WALKER
ATTORNEY AT LAW
MENDENHALL BUILDING
326 FOURTH STREET, SUITE B
JUNEAU, ALASKA 99801
(907) 586-3537

APR 21 1988

April 21, 1988

HAND DELIVERED

Representative John Sund
Chairman, House Judiciary Committee
Capitol Building, Room 120
Juneau, AK 99811

Re: Senate Bill 315

Dear Representative Sund:

I am the registered lobbyist for the Alaska Nurses' Association. The Association supports passage of Senate Bill 315 "An Act relating to third party reimbursement for advanced nurse practitioner services."

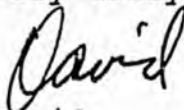
Reimbursement for advanced nurse practitioner services would benefit the public in at least two very important ways: (1) Health care costs will be reduced through increased competition to provide health care services; and (2) advanced nurse practitioners will be able to establish independent nursing practices and thereby improve the access to health care by consumers in under-served areas, especially in rural Alaska.

The Association is the largest nursing organization in Alaska. The Association has always appreciated the legislature's interest in providing quality health care and appreciates the opportunity to work with the legislature to improve health care, and contain health care costs.

We whole heartedly support Senate Bill 315 and request your consideration of this measure. If you have a question concerning the Association's position on this bill, or on

other matters relating to nursing or health care, please do not hesitate to call.

Very truly yours,

A handwritten signature in cursive script that reads "David".

David T. Walker

DTW:amw

cc: Finance Committee Members
Alaska Nurses' Association

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2937 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

M E M O R A N D U M

08 April 1988

TO: Representative John Sund
Chairman, House Judiciary Committee

FROM: Senator Arliss Sturgulewski

RE: Senate Bill 315 *AS*

As you know, Senate Bill 315 has been referred to your committee as its second committee of referral in the House. It was heard in the House Health, Education, and Social Services Committee on 07 April 1988. I would greatly appreciate your scheduling this bill for a hearing as soon as is practicable.

In 1982 the nurse practice act was substantially revised. That revision took regulation of the practice of nursing away from the state medical board and put it under a separate board of nursing. Two years later, in 1984, the regulation requiring a collaborative relationship between a nurse and a physician was repealed. That meant that nurses could practice (according to their certifications) independently of physicians.

The changes made in the 1982 revision of the nurse practice act and allowing nurses to practice independently reflect changes in health care policy occurring nationwide and in Alaska. Nurses are now considered professionals in their own right and are moving into more advanced types of health care. There is a feeling that by allowing nurses to practice independently the cost of health care can be kept down and that it is more efficient to refer up from nurses than down from doctors.

This legislation adds advanced nurse practitioners to the list of health care providers in AS 29.36.090 (d) which are to be paid directly by third party payers (insurance companies) for

services provided within the scope of the providers' occupational license.

I am enclosing charts showing the types and practice settings of Alaskan nurse practitioners, a position statement by the organization of Alaskan Nurse Practitioners, and a statement from the American Academy of Nurse Practitioners summarizing findings of studies of nurse practitioners performances. In addition, I am attaching copies of the statutes and regulations pertaining to the practice of nursing.

Senate Bill 315 was heard before the Senate HESS Committee on 25 January 1988 and before the Senate Labor & Commerce Committee on 03 February 1988. There was testimony in support of this legislation at both hearings; the Department of Commerce and Economic Development and the Department of Health and Social Services have both testified and written position papers in support of this legislation and both departments have submitted zero fiscal notes.

Representatives of the nurses' organization have testified for this bill. The lobbyist for the doctors and the lobbyist for Blue Cross have indicated their respective clients have no objection to Senate Bill 315.

If there are any questions, please contact me or Melissa Fouse of my staff at 465-3818.

Table 1

Type of Nurse Practitioner Licensed and Residing in Alaska,
July, 1987*

Type of Practitioner	Number
Family Nurse Practitioner (includes 3 with other NP designations)	48
Certified Nurse Midwife (includes 7 with other NP designations)	25
Women's Health Care Practitioner (includes 3 with other NP designations)	22
Pediatric Nurse Practitioner	13
Adult Nurse Practitioner	9
Neonatal Nurse Practitioner	5
School Nurse Practitioner	5
Geriatric Nurse Practitioner	1
Psychiatric Nurse Practitioner	1
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*Each NP was given a single designation, although some were certified in several areas. If an NP was a CNM, this was considered her primary designation. If an FNP was also an ANP, the practitioner was included in the FNP group (since the FNP designation covers a broader age-range in clients).

Table 2

Practice Settings of Alaskan Nurse Practitioners

Type of Setting	Number
Currently unemployed	2
Retired	1
Independent Practice (whole or partial)	11
Clinic Setting	
Private Sector (MD on site)	31
Governmental or Native Corporation funded (MD may or may not be on site)	40
Hospital Setting	18
Faculty/Primary Teaching	9
School Nursing	6
Public Health Nursing	3
Corrections	2
Health Care Administration/Consulting	4
Infectious Disease Control Programs	2
	129

Table 3

Highest Nursing Degree of Licensed Nurse Practitioners, 1987

Type of Degree	Number
Diploma or Associate Degree	43
Bachelor's	38
Master's	48

AMERICAN ACADEMY OF NURSE PRACTITIONERS

179 PRINCETON BLVD. LOWELL, MA 01851 617 937-7343

Summarizing the findings of the numerous studies of nurse practitioner's performance in a variety of settings, the Congressional Budget Office concluded: Nurse practitioners have performed as well as physicians with respect to patient outcomes, proper diagnosis, management of specified medical conditions, and frequency of patient satisfaction.¹

Studies have shown that nurse practitioners rate high in consumer satisfaction.²

In a program initiated by the Pittsburgh Veterans Administration, before hiring a Pulmonary Clinical Nurse Specialist, they had 150 patients at home on oxygen. After evaluation by the Clinical Nurse Specialist, 50% of those patients were able to come off the oxygen. Of the remaining 50%, more up-to-date equipment was issued allowing better patient mobility and breathing.³

Review of studies comparing nurse practitioners and physicians led the Congressional Office of Technology Assessment to conclude: "NPs appear to have better communication, counseling, and interviewing skills than physicians have."⁴

The OTA study also states: "Malpractice insurance premiums and the incidence of malpractice claims indicate that patients are satisfied with NP care. Although insurance premiums for nurse practitioners are increasing, successful malpractice suits against them remain extremely rare."⁵

In a review of 26 studies comparing nurse practitioner performance to that of physicians, Prescott and Driscoll reported that nurse practitioners received higher scores than physicians on several variables. These included such areas as amount/depth of discussion regarding child health care, preventative health, & wellness; amount of advice, therapeutic listening, and support offered to patients; completeness of history and followup on history findings; completeness of physical examination and interviewing skills, and patient knowledge about the management plan given to them by the provider.⁶

In a review of 15 studies, Record concluded that between 75% and 80% of adult primary care services and up to 90% of pediatric primary care services could be performed by nurse practitioners.⁷

Productivity studies show that if a nurse practitioner is utilized efficiently, s/he could increase the productivity of a solo practice physician by approximately 70%.⁸

A review of several studies shows that the quality of care provided by NPs is as high as the care rendered by physicians for that range of skills which the NPs are trained to use. The quality of care comparison was measured by diagnosis, treatment, and patient outcomes.⁹

Robyn and Hadley report, ". . . it appears that patients respond favorably to the quality of treatment itself, as well as the tendency of nurse practitioners . . . to spend more time with them, to create a more relaxed atmosphere in which they (the patient) feel more comfortable asking questions which they might regard as too trivial for a physician."¹⁰

The Burlington Randomized Trial Study found that nurse practitioners made appropriate referrals when medical intervention was necessary.¹¹

Estimates of increases in the productivity of physician practices that include nurse practitioners range from 20 to 90 percent. The greatest increase in productivity results when the nurse practitioner has primary responsibilities for a subset of patients and refers complicated cases "up" to the physician rather than having the physician delegate routine problems "down" to the nurse practitioner.¹²

In the Burlington Randomized Trial Study, it was found that nurse practitioners were able to provide primary care services as safely and effectively as physicians.¹³

In a federal physician extender reimbursement experiment, it was found that physician/nurse practitioner teams provided a higher quality of care than physicians alone.¹⁴

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- ³ Openbrier, Diana, **Cost Effectiveness and Quality Report with the use of a Pulmonary Clinical Nurse Practitioner In The Pittsburgh Veterans Administration.** Accepted for publication in the *Clinical Nurse Specialist* magazine. 1985.
- ⁴ Office of Technology Assessment, US Congress. **Nurse Practitioners, Physician Assistants, and Certified Nurse Midwives: A Policy Analysis.** Washington, D.C.: US Government Printing Office, December 1986, pp. 19.
- ⁵ *Ibid.* pp 20.
- ⁶ Prescott, P.A. and Driscoll, L.. "Evaluating Nurse Practitioner Performance". *Nurse Practitioner* 1980, Vol. 5, PP. 28-32.
- ⁷ Record, J. C. (ed.) **Provided Requirements, Cost Savings and The New Health Practitioner In Primary Care: National Estimate for 1990 Contract 231-77-0077.** Washington, D.C.: DEHEW, 1979
- ⁸ Robyn, Dorothy; Hadley, Jack, "National Health Insurance and the New Health Occupations: Nurse Practitioners and Physicians Assistants" *Journal of Health Politics, Policy and Law* Vol. 5, No. 3, Fall 1980. pp 451.
- ⁹ *Ibid.* pp 459.
- ¹⁰ *Ibid.* pp 450.
- ¹¹ Sackett, D.L. et al. "The Burlington Randomized Trial of the Nurse Practitioners: Health Outcomes of Patients. *Annals of Internal Medicine.* 80:137, 1974.
- ¹² Smith, K.R., **Health Practitioners: Efficient Utilization and Cost of Health Care.**
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- ¹⁴ System Sciences, Inc. **Nurse Practitioners and the Physicians Assistant Training and Deployment Study: Final Report** Contract No. HRA 230-75-0198. Bethesda, MD: System Sciences, Inc., September, 1975.

NURSE PRACTITIONERS

PROVIDERS OF QUALITY PRIMARY HEALTH CARE

DOCUMENTATION ON QUALITY OF SERVICE

POSITION STATEMENT ON
THIRD PARTY REIMBURSEMENT FOR NURSE PRACTITIONERS
Prepared by P.E.E.R., the Organization
of Alaskan Nurse Practitioners
August, 1987

P.E.E.R.'s Position

P.E.E.R. strongly supports the policy of issuing direct third party payment as reimbursement for professional services rendered by all licensed Nurse Practitioners (NPs) in Alaska. The services offered by NPs are legally recognized by the State of Alaska in specific Nurse Practice Acts, and are equivalent, and in some cases, more holistic in approach, than services provided by physicians in primary care. Reimbursement for NP services would benefit the public by:

1. enabling NPs to establish independent practices and clinics by providing a mechanism to finance their businesses. Currently, most NPs are employed by physicians or other entities, in part because they CANNOT receive direct third party payment.
2. offering more freedom of choice to the public in their selection of competent health care providers.
3. potential reduction in health care costs through competition for provision of services.
4. potential expansion of health care services of NPs in the private sector in under-served areas.

The Significant Contribution of Nurse Practitioners in Alaska

Licensed NPs in Alaska are in sufficient numbers to deserve recognition as an important group of health care providers: as of July, 1987, 129 NPs were licensed and claimed residence in the state. Another 40 NPs are estimated to work in federal governmental agencies (such as Elmendorf Hospital or the Indian Health Service); they are not required to apply for state licences in order to practice. This section describes only the licensed NPs.

Family nurse practitioners outnumber the other eight types of nurse practitioners in Alaska (Table 1). Nurse practitioners impact health care services in Alaska in a variety of work settings (Table 2). Only eleven are in independent practice; of those, six practice in rural settings. Independent practice became an option in December, 1984, with the passing of the new regulations that included placement of NPs under the sole jurisdiction of the Alaska Board of Nursing. Five of the independent practitioners are nurse midwives, who may collect fees from third party payers as stipulated in Alaska Statutes, Sec. 47.07.030--others may not, or do so with difficulty.

The majority of Alaskan NPs hold a Bachelor's or Master's

degree in nursing (86) in addition to their specialized nurse practitioner training, and certification through national certifying bodies (Table 3). In contrast to R.N. degree status for entry into NP training programs in the 1960s, the current national trend is for that training to take place in conjunction with Master's degree preparation, illustrated by the Family Nurse Practitioner program at the University of Alaska's College of Nursing and Health Sciences.

No studies have been conducted in Alaska to assess the quality of care provided by nurse practitioners, nor how their care might differ from that of a physician. Numerous studies in the lower 48, however, have shown that . . . "within their areas of competence, nurse practitioners provide care whose quality is equivalent to that of care provided by physicians", and that patients are generally satisfied with their care (US Congress, Office of Technology Assessment, 1986, pages 5-6). The American Academy of Nurse Practitioners provides a summary of the recent studies documenting the quality of services provided by NPs (addendum 1; also cites the OTA study mentioned above).

Alaskan NPs have demonstrated their willingness to work in under-served rural areas in Alaska: 51 of the currently employed 126 state-licensed NPs work in settings other than in Anchorage, Fairbanks, or Juneau. Their jobs entail multiple responsibilities and require high levels of expertise (see addendum 2 for an example of the rural practice of one NP).

The National Trends

Congress continues to consider a variety of proposals to mandate third party reimbursement for NPs. So far, federally mandated payments are limited to a few State Medicaid programs, Champus, and some programs in the Federal Employees Health Benefit Program (refer to Appendix B, US Congress, Office of Technology Assessment, 1986). At least 13 states currently permit direct payment for NP services, including Washington and Oregon, states also supporting the independent practice of NPs.

Conclusion and Our Recommendations

We contend that without direct reimbursement to NPs in the State of Alaska, the practice settings of NPs are limited, which in turn, effectively limits competition among providers, patient choices of providers, and ultimately, adversely impacts upon health care costs. We therefore recommend that:

1. third party insurers voluntarily offer to provide direct reimbursement for NP services, and/or that
2. the state legislature amend the statutes to mandate such reimbursement to all licensed NPs, not just to nurse midwives as is now the case.

Thanks is extended to Gail McGuill, Executive Director, Alaska Board of Nursing, for her assistance in obtaining the NP data.

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Chapter 68. Nursing.

Article

2. Examination and Licensing (§§ 08.68.220, 08.68.270)

Article 2. Examination and Licensing.

Section
220. Fees

Section
270. Grounds for denial, suspension, or
revocation

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

- (1) registered nursing:
 - (A) application;
 - (B) license by examination;
 - (C) license by endorsement;
 - (D) license renewal;
 - (E) temporary permit;
- (2) practical or vocational nursing:
 - (A) application;
 - (B) license by examination;
 - (C) license by endorsement;
 - (D) license renewal;
 - (E) temporary permit.

(§ 13 ch 90 SLA 1957; am § 1 ch 80 SLA 1960; am § 5 ch 94 SLA 1968; am § 2 ch 81 SLA 1969; am §§ 3, 4 ch 37 SLA 1970; am § 13 ch 14 SLA 1982; am § 40 ch 37 SLA 1985)

Effect of amendments. — The 1985 amendment rewrote this section, which included a fee schedule. ment took effect on May 26, 1986 under the amendment of ch. 37, SLA 1985, as amended by ch. 37, SLA 1986.

Effective dates. — The 1985 amend-

Sec. 08.68.270. Grounds for denial, suspension, or revocation.

The board may deny, suspend or revoke the license of a person who

- (1) has obtained or attempted to obtain a license to practice nursing by fraud or deceit;
- (2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions or duties of the licensee;
- (3) *[Repealed, § 18 ch 14 SLA 1982.]*
- (4) habitually abuses alcoholic beverages, or illegally uses controlled substances as defined by AS 11.71.900(4);
- (5) has impersonated a registered or practical nurse;

(6) has intentionally or negligently engaged in conduct that has resulted in a significant risk to the health or safety of a client or in injury to a client;

(7) practices or attempts to practice nursing while afflicted with physical or mental illness, deterioration, or disability which interferes with the individual's performance of nursing functions;

(8) is guilty of unprofessional conduct as defined by regulations adopted by the board;

(9) has wilfully or repeatedly violated any of the provisions of this chapter or regulations adopted under it;

(10) is professionally incompetent;

(11) denies care or treatment to a patient or person seeking assistance if the sole reason for the denial is the failure or refusal of the patient or person seeking assistance to agree to arbitrate as provided in AS 09.55.535(a). (§ 20 ch 90 SLA 1957; am § 8 ch 129 SLA 1974; am § 30 ch 177 SLA 1978; am § 18 ch 14 SLA 1982; am § 29 ch 6 SLA 1984)

Effect of amendments. — The 1984 amendment substituted "controlled substances as defined by AS 11.71.900(4)" for "hallucinogenic or stimulant drugs as de-

finied by AS 17.12.150(3) or narcotic drugs as defined by AS 17.10.230(13)" in paragraph (4).

Chapter 70. Nursing Home Administrators.

Section

20. Membership board; source of appointments; term of office

Section

40. Board meetings: Quorum
150. Fees

Sec. 08.70.020. Membership board; source of appointments; term of office. (a) The board consists of three members: one nursing home administrator licensed under this chapter and practicing in the state, a registered nurse licensed in the state and having no direct financial interest in any nursing home, and one person from the general public.

(b) Board members are appointed by the governor.

(c) Board members serve staggered terms of four years or until their successor is appointed, except that a member appointed to a vacated term serves the duration of that term. A person who has served two successive complete terms may not be reappointed until four years from the expiration of the second term. (§ 1 ch 123 SLA 1975; am § 1 ch 77 SLA 1977; am §§ 3, 4 ch 141 SLA 1980; am § 2 ch 99 SLA 1986)

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Cross references. — For transitional provisions related to the 1986 amendments to (a) of this section, see § 4, ch. 99, SLA 1986, in the Temporary and Special Acts.

Effect of amendments. — The 1986

amendment, effective June 7, 1986, in subsection (a) substituted "three" for "five," "one" for "two," "administrator" for "administrators" and "one person" for "two persons."

Sec. 08.70.040. Board meetings: Quorum. The board shall meet at least annually. A majority of the board constitutes a quorum. (§ 1 ch 123 SLA 1975; am § 3 ch 99 SLA 1986)

Effect of amendments. — The 1986 amendment, effective June 7, 1986, substituted "annually" for "semiannually" at the end of the first sentence.

Sec. 08.70.150. Fees [See effective date note]. The department shall set fees under AS 08.01.065 for examination and investigation of persons applying for a license, initial license, and license renewal. (§ 1 ch 123 SLA 1975; am § 11 ch 141 SLA 1980; am § 41 ch 37 SLA 1985)

Effect of amendments. — The 1985 amendment rewrote this section, which included a fee schedule.

Effective dates. — The 1985 amendment to this section is effective upon the adoption of regulations under AS 08.01.065. For the law until that date, see the main pamphlet.

Chapter 71. Dispensing Opticians.

Article

2. Licensing (§§ 08.71.110 — 08.71.130)

5. General Provisions (§ 08.71.220)

Article 2. Licensing.

Section

110. Qualifications of applicants for examination

Section

120. Fees

130. Renewal of license

Sec. 08.71.110. Qualifications of applicants for examination.

(a) A person is entitled to take the examination who

(1) has had education equivalent to four years attendance at a high school;

(2) has either

(A) completed at least 6,000 hours of training as an apprentice, or

(B) been engaged for at least 6,000 hours as a practicing optician in good standing in a state, territory, district or possession of the United States; and

(3) has paid the required examination fee.

(b) Graduation from an associate degree program in a recognized school or college of opticianry may be substituted for 4,000 of the 6,000 hours of experience required by (a)(2) of this section. (§ 1 ch 45 SLA 1973; am § 4 ch 56 SLA 1980; am § 2 ch 145 SLA 1986)

NOTES TO DECISIONS

Cited in Allison v. State, Sup. Ct. Op. No. 1703 (File No. 3716), 583 P.2d 813 (1978).

Collateral references. — 61 Am. Jur. 70 C.J.S. Physicians and Surgeons. 2d, Physicians, Surgeons and Other §§ 6-11. 13. Healers. §§ 2, 40, 41.

Article 1. Board of Nursing.

Section	Section
10. Creation and membership of Board of Nursing	80. Meetings
20. Term of office	90. Quorum
30. Limitation on term of service	100. Duties and powers of board
40. [Repealed]	110. [Repealed]
50. Removal of board members	111. Executive secretary of board
60. Qualifications of registered nurse and licensed practical nurse board members	120 — 130. [Repealed]
70. Election of officers	140. Applicability of Administrative Procedure Act
	150. Expenses

Sec. 08.68.010. Creation and membership of Board of Nursing. There is created a Board of Nursing, consisting of seven members appointed by the governor. One member shall be a licensed practical nurse currently involved in institutional nursing service, one member shall be a registered nurse engaged in baccalaureate nursing education; three members shall be registered nurses at large, and two members shall be persons who have no direct financial interest in the health care industry. (§ 3 ch 90 SLA 1957; am § 1 ch 67 SLA 1973; am § 15 ch 102 SLA 1976; am § 1 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment, in the second sentence, inserted "a licensed practical nurse" and "members shall be" and substituted "shall be a registered nurse engaged in baccalaureate nursing education, three members shall be registered nurses" for "in community or public health nursing and two members in basic or continuing nursing education, one nurse."

Editor's notes. — Section 26 of ch. 14, SLA 1982 provides: "A member of the Board of Nursing appointed before July 1, 1982 may continue until his appointment under AS 08.68.010 — 08.68.030 expires, notwithstanding AS 08.68.010 as amended in sec. 1 of this Act. Appointments to the Board of Nursing made after July 1, 1982 shall be in accordance with AS 08.68.010 as enacted in sec. 1 of this Act."

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

Cross references. — As to notes to AS 09.55.536 and Alas. Const., constitutionality of ch. 102, SLA 1976, see art. II, § 14.

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

Sec. 08.68.040. Source of appointments.

Repealed by § 46 ch 102 SLA 1976.

Editor's notes. — The repealed section derived from § 3, ch. 90, SLA 1957.

Sec. 08.68.050. Removal of board members. A member of the board may be removed from office by the governor for cause. The board may by regulation provide that unexcused absences from meetings is cause for removal. (§ 3 ch 90 SLA 1957; am § 2 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote the section, which formerly read: "The governor may remove any board member for neglect of duty required by law, or for unprofessional or dishonorable conduct after a fair and impartial hearing."

Sec. 08.68.060. Qualifications of registered nurse and licensed practical nurse board members. The five members of the board who are nurses shall be licensed in the state, and shall have been actively engaged in nursing for not less than four years before appointment, three years of which were within the five years immediately preceding appointment. (§ 4 ch 90 SLA 1957; am § 17 ch 102 SLA 1976; am § 3 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment deleted "professional nurses" following "shall be licensed," substituted "three years" for "two years," and inserted "immediately."

Sec. 08.68.070. Election of officers. The board shall annually elect a chairman and secretary from among its members. (§ 5 ch 90 SLA 1957; am § 4 ch 14 SLA 1982)

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Effect of amendments. — The 1982 amendment substituted "secretary" for "secretary-treasurer."

Sec. 08.68.080. Meetings. The board shall meet at least four times a year. (§ 5 ch 90 SLA 1957; am § 5 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "four times" for "once."

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

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

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

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

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

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

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

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

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

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

(b) The board may

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

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

(3) prescribe requirements for competence to continue practice. (§ 6(1)(2)(3) ch 90 SLA 1957; am § 6 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote this section. Formerly the provisions now appearing in paragraphs (2) and (3) of subsection (a) both appeared in paragraph (3) and the provisions now appearing in paragraph (1) of subsection (b) appeared in paragraph (5). The provisions of paragraph (8) of subsection (a) and of paragraphs (2) and (3) of subsection (b) were added by the amendment.

Editor's notes. — Section 28, ch. 14, SLA 1982, provides: "Administrative regulations adopted jointly by the Board of Nursing and the State Medical Board under AS 08.68 which are in effect on July 1, 1982 remain in effect until amended or repealed by the Board of Nursing as provided by law."

Sec. 08.68.110. Appointment of executive officer.
Repealed by § 3 ch 59 SLA 1966.

Editor's notes. — The repealed section derived from § 614, ch. 90, SLA 1957.

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

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

(c) Repealed by § 29 ch 14 SLA 1982.

(d) Repealed by § 1 ch 129 SLA 1974. (§ 1 ch 47 SLA 1967; am § 1 ch 81 SLA 1969; am § 2 ch 67 SLA 1973; am § 1 ch 129 SLA 1974; am § 49 ch 218 SLA 1976; am §§ 7, 29 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "executive secretary" for "executive officer" near the end of subsection (a); rewrote subsection (b), which concerned the qualifications of the executive officer; and repealed subsection (c), which specified the duties of the executive officer.

Secs. 08.68.120 — 08.68.130. Bond; disposition of fees.
Repealed by § 3 ch 59 SLA 1966.

Editor's notes. — The repealed sections derived from art. IV, ch. 90, SLA 1957.

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

Sec. 08.68.150. Expenses. Members of the board are entitled to the per diem and travel expenses allowed by law. (§ 7 ch 90 SLA 1957)

Article 2. Examination and Licensing.

Section	Section
160. License required	240. Nurses licensed or holding temporary permits under previous law
165. [Repealed]	250. [Repealed]
170. Qualifications of registered or practical nurse applicants	251. Lapsed licenses
180. Qualifications of practical nurse applicants	260. [Repealed]
190. License by examination	265. Scope of practice of practical nurses
200. License by endorsement	270. Grounds for denial, suspension, or revocation
210. Temporary permits	275. Limits or conditions on license: discipline
220. Fees	276. Continuing competence required
230. Use of title and abbreviation	

Collateral references. — 61 Am. Jur. 70 C.J.S. Physicians and Surgeons, 2d, Physicians, Surgeons and Other §§ 8, 10, 12. Healers. §§ 86, 94.

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

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 08.68.165. Malpractice insurance.

Repealed by § 40 ch 177 SLA 1978.

Editor's notes. — The repealed section derived from § 18, ch 102, SLA 1976. As to purpose of repealing act, see § 1, ch. 177, SLA 1978 as amended by § 7, ch. 46, SLA 1982, in the 1982 Temporary and Special Acts and Resolves.

Sec. 08.68.170. Qualifications of registered or practical nurse applicants. An applicant for a license to practice registered or practical nursing shall submit to the board on forms and in the manner prescribed by the board, written evidence, verified by oath, that the applicant has successfully completed (1) a registered or practical nursing education program accredited by the board; or (2) a registered or practical nursing education program outside the state which, in the opinion of the board, meets the minimum requirements of the board for an accredited program of study in this state at the time the applicant graduated; or (3) a registered or practical nursing education program accredited by the National League for Nursing at the time the applicant graduated. (§ 8 ch 90 SLA 1957; am § 2 ch 129 SLA 1974; am § 1 ch 105 SLA 1976; am § 8 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "registered or practical" for "professional" in four places, and deleted "completed an approved four year high school course of study or equivalent as determined by the appropriate educational agency, and has" preceding "successfully completed" near the middle of the section.

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

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

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ch 129 SLA 1974; am § 2 ch 105 SLA 1976; am § 29 ch 14 SLA 1982

Effect of amendments. — The 1982 amendment repealed subsection a), which read: "An applicant for a license to practice practical nursing shall submit to the board on forms prescribed by the board written evidence, verified by oath, that the applicant has completed the tenth grade or its equivalent as determined by the appropri-

ate educational agency, is not less than 18 years of age, and has successfully completed (1) a practical nursing education program outside the state which, in the opinion of the board, meets the minimum requirements of the board for an accredited program of study in this state"

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Sec. 08.68.190. License by examination. The applicant shall pass a written examination as prescribed by the board. The board shall issue a license to an applicant who passes the examination to practice registered or practical nursing provided the other qualifications outlined in AS 08.68.170 and 08.68.180 are also met. The board shall conduct examinations annually and as often as it considers necessary in each region of the state. (§ 10 ch 90 SLA 1957; am § 9 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "as prescribed by the board" for "in the subjects which the board prescribes" in the first sentence, substituted "registered or practical

nursing" for "professional nursing or practical nursing" in the second sentence, and added "in each region of the state" to the end of the third sentence.

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

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

(2) meets the requirements of AS 08.68.170 and has successfully completed the Canadian Nurses' Association Testing Service examination if the board determines it is comparable to the examination administered by this state. (§ 11 ch 90 SLA 1957; am § 1 ch 37 SLA 1970; am § 4 ch 129 SLA 1974; am § 10 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "as a registered or practical nurse" for "professional nursing or to practice practical nursing" in the introductory language, added the paragraph (1) designation, substituted "regis-

tered or practical nurse" for "professional nurse or a practical nurse" in paragraph (1), substituted "AS 08.68.170; or" for "either AS 08.68.170 or 08.68.180, whichever is applicable" at the end of paragraph (1), and added paragraph (2).

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

- (1) submits proof satisfactory to the board that the applicant is currently licensed in another state or territory.
- (2) meets the requirements of AS 08.68.170, and
- (3) pays the required fee.

(b) The board may issue a nonrenewable permit to an applicant for license by examination if (1) the applicant meets the qualifications of AS 08.68.170; or (2) the applicant is a graduate of a foreign school of nursing and has successfully completed the examination administered by the Commission on Graduates of Foreign Nursing Schools. The permit will be valid for a period not extending beyond the time when the results are published of the first examination the applicant is eligible to take after the permit is issued. (§ 11 ch 90 SLA 1957; am § 2 ch 37 SLA 1970; am § 5 ch 129 SLA 1974; am §§ 11, 12 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "requirements of AS 08.68.170" for "requirements of either AS 08.68.170 or 08.68.180, whichever is applicable" in paragraph (2) of subsection (a), and in the first sentence of subsection (b), substituted "(1) the applicant meets" for "he meets" and the language beginning

"(2) the applicant is a graduate" for "AS 08.68.180, whichever is applicable, and pays the required fee."

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

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

- (1) for registered nurses:
 - (A) application fee \$30
 - (B) license by examination fee 20
 - (C) license by endorsement fee 20
 - (D) biennial license renewal fee 20
- (2) for practical or vocational nurses:
 - (A) application fee \$20
 - (B) license by examination fee 10
 - (C) license by endorsement fee 10
 - (D) biennial license renewal fee 20

(§ 13 ch 90 SLA 1957; am § 1 ch 80 SLA 1960; am § 5 ch 94 SLA 1968; am § 2 ch 81 SLA 1969; am §§ 3, 4 ch 37 SLA 1970; am § 13 ch 14 SLA 1982)

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Effect of amendments. — The 1982 amendment substituted "registered nurses" for "professional or registered nursing" in the introductory language of paragraph (1); increased the fees in subparagraphs (1)(A) and (D) from \$20 and

\$15 to \$30 and \$20, respectively; substituted "nurses" for "nursing" in the introductory language of paragraph (2); and changed the fees in subparagraphs (2)(A) - (D) from \$15 to \$20, \$10, \$10, and \$20, respectively.

Sec. 08.68.230. Use of title and abbreviation. (a) A person licensed to practice registered nursing in the state may use the title

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(b) A person licensed to practice practical nursing in the state may use the title "licensed practical nurse," or "licensed vocational nurse," and the abbreviation "L.P.N." or "L.V.N." (§ 14 ch 90 SLA 1957; am § 14 ch 14 SLA 1982)

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Effect of amendments. — The 1982 amendment substituted "registered nursing" for "professional nursing" in subsection (a).

Sec. 08.68.240. Nurses licensed or holding temporary permits under previous law. A person holding a license to practice registered or practical nursing in the state under prior law is considered licensed as a registered or practical nurse. (§ 15 ch 90 SLA 1957; am § 15 ch 14 SLA 1982)

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Effect of amendments. — The 1982 amendment substituted "registered" for "professional" in two places.

Sec. 08.68.250. Renewal of license.
Repealed by § 3 ch 81 SLA 1969.

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Editor's notes. — The repealed section derived from § 16, ch. 90, SLA 1957; § 2, ch. 80, SLA 1960; § 7, ch. 94, SLA 1968.

Sec. 08.68.251. Lapsed licenses. (a) A lapsed license may be reinstated if it has not remained lapsed for more than five years by payment of the license fees for the period during which the license has lapsed.

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

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

(2) if the board determines that the person applying for reinstatement was actively employed in nursing in another state during the time that the license has lapsed in this state, the license that has lapsed may be reinstated by payment of fees as required by AS 08.01.100(b). (§ 3 ch 81 SLA 1969; AS 08.68.250; am § 6 ch 129 SLA 1974; am § 16 ch 14 SLA 1982)

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Effect of amendments. — The 1982 amendment rewrote this section.

Editor's notes. — Section 27 of ch. 14, SLA 1982, provides: "A nurse who holds an

inactive license issued before July 1, 1982 shall either make the license active by the next renewal date or allow the license to lapse."

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Sec. 08.68.260. Inactive nurses.
 Repealed by § 29 ch 14 SLA 1982.

Cross references. — For provisions as to lapsed licenses, see AS 08.68.251.

Editor's notes. — The repealed section derived from § 16, ch. 90, SLA 1957; § 2, ch. 80, SLA 1960; § 4, ch. 81, SLA 1969; § 7 ch. 129, SLA 1974.

Section 27 of ch. 14, SLA 1982, provides: "A nurse who holds an inactive license issued before July 1, 1982 shall either make the license active by the next renewal date or allow the license to lapse."

Sec. 08.68.265. Scope of practice of practical nurses. A practical nurse shall work under the supervision of a licensed registered nurse, a licensed physician, or a licensed dentist. (§ 17 ch 14 SLA 1982)

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

- (1) has obtained or attempted to obtain a license to practice nursing by fraud or deceit;
- (2) has been convicted of a felony or other crime if the felony or other crime is substantially related to the qualifications, functions or duties of the licensee;
- (3) Repealed by § 18 ch 14 SLA 1982.
- (4) habitually abuses alcoholic beverages, or illegally uses hallucinogenic or stimulant drugs as defined by AS 17.12.150(3) or narcotic drugs as defined by AS 17.10.230(13);
- (5) has impersonated a registered or practical nurse;
- (6) has intentionally or negligently engaged in conduct that has resulted in a significant risk to the health or safety of a client or in injury to a client;
- (7) practices or attempts to practice nursing while afflicted with physical or mental illness, deterioration, or disability which interferes with the individual's performance of nursing functions;
- (8) is guilty of unprofessional conduct as defined by regulations adopted by the board;
- (9) has wilfully or repeatedly violated any of the provisions of this chapter or regulations adopted under it;
- (10) is professionally incompetent;
- (11) denies care or treatment to a patient or person seeking assistance if the sole reason for the denial is the failure or refusal of the patient or person seeking assistance to agree to arbitrate as provided in AS 09.55.535(a). (§ 20 ch 90 SLA 1957; am § 8 ch 129 SLA 1974; am § 30 ch 177 SLA 1978; am § 18 ch 14 SLA 1982)

*See
 ch 14*

Effect of amendments. — The 1978 amendment added paragraph (11).

The 1982 amendment deleted "after compliance with the Administrative Procedure Act (AS 44.62.)" following "The board" in the introductory language;

added the language beginning "or other crime" to the end of paragraph (2); repealed former paragraph (3), which read "has been convicted of a crime involving moral turpitude"; rewrote paragraphs (4), (6), and (7), which read "is habitually

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intoxicated or is addicted to the use of narcotics," is guilty, in the opinion of the board, of negligence which has resulted in serious injury to a patient," and "is mentally ill or mentally incompetent," respectively; substituted "registered" for "professional" in paragraph (5); added "as defined by regulations adopted by the board" at the end of paragraph (8); added "or regulations adopted under it" to the end of paragraph (9); deleted "considered by the board to be" preceding "profes-

sionally" in paragraph (10); and substituted "agree to arbitrate" for "execute and agreement to arbitrate a dispute, controversy, or issue arising out of the care or treatment" in paragraph (11).

Editor's notes. — AS 17.12.150 and 17.10.230, referred to in paragraph (4), were repealed by § 26, ch. 45, SLA 1982. For present provisions concerning controlled substances, see AS 11.71.010 — 11.71.900.

NOTES TO DECISIONS

Cited in *Leege v. Martin*, Sup. Ct. Op. No. 131 (File No. 256), 379 P.2d 447 (1963).

Collateral references. — 61 Am. Jur. 2d Physicians, Surgeons and Other Healers, §§ 44, 48, 49, 62.

70 C.J.S., Physicians and Surgeons, §§ 16-18.

Cancellation or suspension irrespective of licensee's personal fault, validity of statute or rule making specified conduct or condition the ground for. 3 ALR2d 107.

Nolo contendere or non vult, statute authorizing revocation of license upon conviction as applicable to conviction based on plea of. 89 ALR 2d 606.

Revocation of nurse's license to practice profession. 55 ALR3d 1141.

Sec. 08.68.275. Limits or conditions on license; discipline. (a) In addition to action under AS 08.68.270, upon a finding that by reason of demonstrated problems of competence, experience, education, or health the authority to practice nursing should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) Repealed by § 19 ch 14 SLA 1982.

(c) The board shall seek consistency in the application of disciplinary sanctions. A significant departure from earlier disciplinary decisions of the board that involve similar situations shall be explained in findings of fact or orders made by the board. (§ 18 ch 102 SLA 1976; §§ 19, 29 ch 14 SLA 1982)

Effect of amendments. — The 1982 (AS 44.62) applies to any action taken by the board under this section." and added subsection (c).

Sec. 08.68.276. Continuing competence required. A license to practice nursing may not be renewed unless the nurse has complied with continuing competence requirements established by the board by regulation. (§ 20 ch 14 SLA 1982)

Article 3. Nursing Education Programs.

Section	Section
280. Nursing education program prohibited unless accredited	300 — 320 [Repealed]
290. Application for accreditation	330. List of accredited programs

Sec. 08.68.280. Nursing education program prohibited unless accredited. No person, institution or agency may conduct a nursing education program that prepares persons for examination, licensing, authorization for specialized practice, or a graduate degree unless the program is accredited by the board. A program may be accredited by the board only if it is established through an accredited postsecondary educational institution. (§ 18 ch 90 SLA 1957; am § 21 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "that prepares persons for examination, licensing, authorization for specialized practice, or a graduate degree" for "for professional or practical nurses" in the first sentence and added the second sentence.

Sec. 08.68.290. Application for accreditation. An institution desiring to conduct a nursing education program to prepare registered or practical nurses shall apply to the board and submit evidence that (1) it is prepared to carry out the curriculum approved by the board for registered nursing or for practical nursing, and that (2) it is prepared to meet other standards established by law and by the board. (§ 17 ch 90 SLA 1957; am § 22 ch 14 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "registered" for "professional" in two places and deleted "as the case may be" following "for practical nursing" in item (1).

Secs. 08.68.300 — 08.68.320. Accreditation by board.
 Repealed by § 29 ch 14 SLA 1982.

Editor's notes. — The repealed sections derived from § 18, ch. 90, SLA 1957.

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

Article 4. Unlawful Acts.

<p>Section 340. Violations 350. [Repealed] 360. Unlicensed practice a public nuisance</p>	<p>Section 370. Application for injunction 380. Issuance of injunction 390. Remedy not exclusive</p>
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Sec. 08.68.340. Violations. (a) It is a class B misdemeanor for a person to

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

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

(c) It is a violation for a person to practice nursing during the time that the person's license has lapsed if the person does not know that the license has lapsed. (§§ 1, 22 ch 90 SLA 1957; am § 9 ch 129 SLA 1974; am § 23 ch 14 SLA 1982)

Cross references. — For penalties for misdemeanors, see AS 12.55.135.
Effect of amendments. — The 1982 amendment rewrote this section.
Collateral references. — Practicing medicine, surgery, dentistry, optometry, podiatry, or other healing arts without license as a separate or continuing offense. 99 ALR2d 654.

Sec. 08.68.350. Punishment for misdemeanor.
 Repealed by § 29 ch 14 SLA 1982.

Cross references. — For penalties for misdemeanors, see AS 12.55.135.
Editor's notes. — The repealed section derived from § 22, ch. 90, SLA 1957.

Sec. 08.68.360. Unlicensed practice a public nuisance. The practice of professional or practical nursing for compensation by a person who is not licensed, or whose license is suspended, or revoked, or expired, is declared to be inimical to the public welfare and to constitute a public nuisance. (art VIII ch 90 SLA 1957)

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Sec. 08.68.370. Application for injunction. The board may apply for an injunction in a competent court to enjoin a person not licensed or whose license is suspended or revoked or expired from practicing professional or practical nursing. The court may issue a temporary injunction enjoining the defendant from practicing professional or practical nursing. (art VIII ch 90 SLA 1957)

Sec. 08.68.380. Issuance of injunction. If it is established that the defendant has been or is practicing professional or practical nursing without a license or has been or is practicing nursing after the defendant's license has been suspended or revoked, or has expired, the court may enjoin the defendant from further practice. (art VIII ch 90 SLA 1957)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

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

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Article 5. General Provisions.

Section

400. Exceptions to application of chapter

410. Definitions

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

(1) a qualified nurse licensed in another state employed by the United States Government or a bureau, or agency, or division of the United States Government while in the discharge of official duties;

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

(3) the practice of nursing by a student enrolled in a nursing education program accredited by the board when the practice is in connection with the student's course of study;

(4) the practice of nursing by an individual enrolled in an approved program or course of study approved by the board to satisfy the requirements of AS 08.68.251; or

(5) the practice of nursing by a nurse licensed in another state who engages in nursing education or nursing consultation activities, if

which delineate those advanced life-support techniques which may be carried out by the mobile intensive care paramedic and under what circumstances:

(C) assuring that the mobile intensive care paramedics have 24-hour access to voice contact with a physician;

(D) responsibility for provisions for periodic physician critiques of patient care provided by the mobile intensive care paramedic for selected cases;

(E) approval of a program of continuing medical education for each mobile intensive care paramedic under his supervision; the program must meet the requirements of 12 AAC 40.350(a)(1):

(14) "location other than the one in which the collaborating physician practices" means a location 30 or more miles by road from the collaborating physician's primary office;

(15) "periodic method of assessment" means evaluation of medical care and clinic management, accomplished through at least two days each quarter of direct and personal contact at either the physician's or physician assistant's site of work and through at least monthly telephone or radio review of patient care and review of health care records;

(16) "temporary permit" means authorization under 12 AAC 40.405 to practice as a physician assistant while awaiting a permanent permit;

(17) "temporary practice permit" means authorization under 12 AAC 40.405 to practice temporarily as a physician assistant for the purpose of substituting for another licensed health care provider, or to practice in a location of special or seasonal need. (Eff. 8/29/73, Reg. 47; am 1/13/80, Reg. 73; am 9/30/81, Reg. 79; am 7/4/84, Reg. 90)

Authority: AS 08.64.100
AS 08.64.107

CHAPTER 44. BOARD OF NURSING

Article

1. Nursing Education of Professional Nurses (12 AAC 44.010-12 AAC 44.140)
2. Nursing Education of Practical Nurses (12 AAC 44.150-12 AAC 44.280)
3. Examination and Licensure (12 AAC 44.290-12 AAC 44.320)
4. Advanced Nurse Practitioner (12 AAC 44.322-12 AAC 44.490)
5. Registered Nurse Anesthetists (12 AAC 44.500-12 AAC 44.560)
6. General Provisions (12 AAC 44.900-12 AAC 44.940)

ARTICLE 1. NURSING EDUCATION OF PROFESSIONAL NURSES

Section

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

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

(1) to assure the safe practice of nursing by setting minimum requirements for the conduct of schools of professional nursing that prepares the nurse practitioner;

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

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

Authority: AS 08.68.100
AS 08.68.290

12 AAC 44.020. TYPES OF ACCREDITATION. (a) Full accreditation is granted a school of professional nursing that has met the requirements as set forth in 12 AAC 44.010 - 12 AAC 44.140.

(b) Provisional accreditation is granted a school of professional nursing that has not been in operation long enough to fulfill the standards of accreditation of 12 AAC 44.010 - 12 AAC 44.140.

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

Authority: AS 08.68.100(a)(1), (2) and (4)
AS 08.68.290

12 AAC 44.030. SURVEY. (a) The completed application for provisional accreditation shall be submitted to the board when the school of professional nursing is ready for a survey visit.

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

(c) Each school of professional nursing shall permit periodic surveys by the board or their designated representative for the purpose of

determining compliance with accreditation standards.

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

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

Authority: AS 08.68.100(a)(1), (2) and (4)

12 AAC 44.040. ESTABLISHMENT OF SCHOOL OF PROFESSIONAL NURSING. (a) Any university or college wishing to establish a school of professional nursing shall inform the board in writing during the initial planning period.

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

Authority: AS 08.68.100(a)(1), (2) and (4)

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

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

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

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

Authority: AS 08.68.100(a)(1)

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

(b) The school of professional nursing shall be an integral part of an accredited institution of higher learning. There shall be a plan of organization and administration of the school of

fiscal year for faculty salaries, administrative positions, laboratory equipment, maintenance, capitol improvement, library.

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

(1) a director of the school of professional nursing;

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

Authority: AS 08.68.100(a)(1) and (2)

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

year of experience either in instruction or administration of nursing education.

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

(2) admission and graduation policies and procedures;

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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(1) to assure the safe practice of nursing by setting minimum requirements for the conduct of schools of professional nursing that prepares the nurse practitioner;

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

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

Authority: AS 08.68.100
AS 08.68.290

12 AAC 44.020. TYPES OF ACCREDITATION. (a) Full accreditation is granted a school of professional nursing that has met the requirements as set forth in 12 AAC 44.010 - 12 AAC 44.140.

(b) Provisional accreditation is granted a school of professional nursing that has not been in operation long enough to fulfill the standards of accreditation of 12 AAC 44.010 - 12 AAC 44.140.

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

Authority: AS 08.68.100(a)(1), (2) and (4)
AS 08.68.290

12 AAC 44.030. SURVEY. (a) The completed application for provisional accreditation shall be submitted to the board when the school of professional nursing is ready for a survey visit.

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

(c) Each school of professional nursing shall permit periodic surveys by the board or their designated representative for the purpose of

determining compliance with accreditation standards.

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

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

Authority: AS 08.68.100(a)(1), (2) and (4)

12 AAC 44.040. ESTABLISHMENT OF SCHOOL OF PROFESSIONAL NURSING. (a) Any university or college wishing to establish a school of professional nursing shall inform the board in writing during the initial planning period.

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

Authority: AS 08.68.100(a)(1), (2) and (4)

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

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

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

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

Authority: AS 08.68.100(a)(1)

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

(b) The school of professional nursing shall be an integral part of an accredited institution of higher learning. There shall be a plan of organization and administration of the school of

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

Authority: AS 08.68.100(a)(1) and (2)

12 AAC 44.070. BUDGET. (a) The financial statement of a school of professional nursing shall be submitted annually to the board and must include assets and liabilities, allowance for

fiscal year for faculty salaries, administrative positions, laboratory equipment, maintenance, capitol improvement, library.

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

(1) a director of the school of professional nursing;

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

Authority: AS 08.68.100(a)(1) and (2)

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

year of experience either in instruction or administration of nursing education.

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

(2) admission and graduation policies and procedures;

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

(1) biological and physical sciences

(A) academic faculty prepared in these areas shall provide this instruction:

(B) subject matter shall relate to structure and function of the human body:

(2) behavioral and social sciences

(A) academic faculty prepared in these areas shall provide this instruction:

(B) subject matter shall include principles of psychology, communications, growth and development, and interpersonal relationships:

(3) nursing science

(A) the school of professional nursing shall provide instruction and clinical experience in the major broad areas of current nursing practice:

(B) it shall provide instruction in allied subjects such as community health, pharmacology, nutrition and diet therapy, history and trends in nursing and professional responsibilities:

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

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

Authority: AS 08.68.100(a)(1) and (2)
AS 08.68.290

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

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

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

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

(4) a copy of the catalogue;

(5) course outlines for all nursing courses;

(6) budget information required in 12 AAC 44.070; and

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

Authority: AS 08.68.100(a)(3)

**ARTICLE 2. NURSING EDUCATION
OF PRACTICAL NURSES**

Section

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

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

(1) to assure safe practice of nursing by setting minimum requirements for the conduct of school of practical nursing that prepares the practical nurse;

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

(3) to encourage within school of practical nursing self-evaluation and study for growth,

development and improvement of its program.
(Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100
AS 08.68.290

12 AAC 44.160. TYPES OF ACCREDITATION. (a) Full accreditation is granted a school of practical nursing that has met the requirements as set forth in 12 AAC 44.150 - 12 AAC 44.280.

(b) Provisional accreditation is granted a school of practical nursing that has not been in operation long enough to fulfill the standards of accreditation of 12 AAC 44.150 - 12 AAC 44.280.

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

Authority: AS 08.68.100(a)(1), (2) and (4)
AS 08.68.290

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

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

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

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

(e) The information supplied by the school and the written report of the survey will be given to

the board. The report and recommendations of the board will be sent to the administrator of the controlling body and the delegated nurse administrator of the program. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(a)(1), (2), (3) and (4)

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

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

Authority: AS 08.68.100(a)(1), (2), (3) and (4)

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

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

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

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

Authority: AS 08.68.100(a)(1)

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

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

contractual, coordinating or cooperative in nature. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(a)(1) and (2)

12 AAC 44.210. BUDGET. (a) The financial statement of a school of practical nursing shall be submitted annually to the board and must include assets and liabilities, allowance for fiscal year for faculty salaries, administrative positions, laboratory equipment, maintenance, capital improvement library.

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

(b) Instructors who teach in a school of practical nursing shall be registered nurses with a bachelor's degree who have at least one year of clinical nursing experience in the area in which they are teaching. (Eff. 10/14/72, Reg. 43)

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

(2) admission and graduation policies and procedures;

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

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

Authority: AS 08.68.100(a)(1) and (2)

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

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

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

(2) changes in the administrative structure;

(3) update on faculty membership;

(4) student enrollment statistics;

(5) resources and facilities data update;

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

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

(8) results of studies of postgraduate activities relative to ongoing employment and accomplishments of graduates. (Eff. 10/14/72, Reg. 43; am 4/2/86, Reg. 97)

Authority: AS 08.68.100(a)

**ARTICLE 2.
NURSING EDUCATION OF
PRACTICAL NURSES**

Section

- 150. (Repealed)
- 160. (Repealed)
- 170. (Repealed)
- 180. (Repealed)
- 190. (Repealed)
- 200. (Repealed)
- 210. (Repealed)
- 220. (Repealed)
- 230. (Repealed)
- 240. (Repealed)
- 250. (Repealed)
- 260. (Repealed)
- 270. (Repealed)
- 280. (Repealed)

12 AAC 44.150. **PURPOSE OF ACCREDITATION.** Repealed 4/2/86.

12 AAC 44.160. **TYPES OF ACCREDITATION.** Repealed 4/2/86.

12 AAC 44.170. **SURVEY.** Repealed 4/2/86.

12 AAC 44.180. **ESTABLISHMENT OF SCHOOL OF PRACTICAL NURSING.** Repealed 4/2/86.

12 AAC 44.190. **DISCONTINUANCE OF PROGRAM.** Repealed 4/2/86.

12 AAC 44.200. **ORGANIZATION OF SCHOOLS.** Repealed 4/2/86.

12 AAC 44.210. **BUDGET.** Repealed 4/2/86.

12 AAC 44.220. **STUDENT CLINICAL EXPERIENCE.** Repealed 4/2/86.

12 AAC 44.230. **FACULTY.** Repealed 4/2/86.

12 AAC 44.240. **QUALIFICATIONS OF DIRECTOR AND PRACTICAL NURSING INSTRUCTORS.** Repealed 4/2/86.

12 AAC 44.250. **RECORDS.** Repealed 4/2/86.

12 AAC 44.260. **SCHOOL CATALOGUE.** Repealed 4/2/86.

12 AAC 44.270. **CURRICULUM REQUIREMENTS.** Repealed 4/2/86.

12 AAC 44.280. **REPORTS.** Repealed by 4/2/86.

ARTICLE 3. EXAMINATION AND LICENSURE

Section

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

12 AAC 44.290. APPLICATION FOR EXAMINATION. (a) All applicants for license by examination in Alaska must

(1) make written application, on a form provided by the department, for approval to take the licensing examination;

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

(3) provide the board with a complete certified transcript of his or her nursing education to be mailed directly to the department from the school of nursing; and

(4) repealed 4/27/83;

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

(b) The application and fees required under (a)(1) and (2) of this section must be post-marked no later than 60 days before the date of the examination except that applications post-marked after that date may be accepted on a showing of good cause. All supporting documents required under (a)(3) and (5) of this section, must be on file with the department no later than 21 days before the date of the examination. (Eff. 10/14/72, Reg. 43; am 4/27/83, Reg. 86; am 8/2/86, Reg. 99)

Authority: AS 08.68.100
AS 08.68.190

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

(b) Registered nurse candidates who receive a

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

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

(d) Registered nurse candidates or practical nurse candidates who fail the examination may repeat the examination. A candidate who fails to retake the examination within five years after a first or second exam fail, must pursue a remedial course approved by the board. After a third exam fail or failure to retake the examination within five years after receiving a failing grade on the examination, both a registered nurse and practical nurse candidate must submit to the board a proposal for a remedial course defined in relation to needs. The candidate must provide proof of having fulfilled the requirements of the remedial course before attempting to retake the examination. (Eff. 10/14/72, Reg. 43; am 4/27/83, Reg. 86)

Authority: AS 08.68.100
AS 08.68.190

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

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

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

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

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

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

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

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

(B) successful completion of an accredited nursing program;

(4) submit proof of employment in a nursing capacity within the five years preceding the date of application in the form of a reference letter from his or her past employer. (Eff. 4/27/83, Reg. 86; am 8/2/86, Reg. 99)

Authority: AS 08.68.100

AS 08.68.170

AS 08.68.200

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

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

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

(d) If an applicant was licensed in Canada either before August, 1980 as a result of passing the national Canadian examination with a score of at least 350 on each of the five parts of the examination, or after July, 1980 with a score of 400, an applicant may receive a license by endorsement in the manner provided by AS 08.68.200. (Eff. 10/14/72, Reg. 43; am 4/27/83, Reg. 86)

Authority: AS 08.68.100

AS 08.68.190

AS 08.68.200

AS 08.68.210(a)(b)

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

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

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

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

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

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

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

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

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

(d) A temporary permit issued under (b) of this section is valid for four months from the date of issuance or until a permanent license is issued or denied, whichever occurs first. (Eff. 10/14/72, Reg. 43; am 6/27/76, Reg. 58; am 4/27/83, Reg. 86; am 8/2/86, Reg. 99)

Authority: AS 08.68.100
AS 08.68.200
AS 08.68.210

**ARTICLE 4.
ADVANCED NURSE PRACTITIONER**

Section

- 322. (Repealed)
- 330. (Repealed)
- 340. (Repealed)
- 350. (Repealed)
- 360. (Repealed)
- 370. (Repealed)
- 400. Requirements for initial authorization
- 410. (Repealed)
- 420. Recognized certification bodies
- 430. Scope of practice
- 435. (Repealed)
- 440. Prescriptive authority
- 450. Temporary and nonrenewable advanced nurse practitioner permits
- 460. Preceptorship permits
- 470. Renewal of authorization
- 480. (Repealed)
- 490. Applicability

12 AAC 44.322. NURSE-MIDWIFE. Repealed 1/13/80.

12 AAC 44.330. LICENSE RENEWAL. Repealed 1/13/80.

12 AAC 44.340. REINSTATEMENT OF A SUSPENDED LICENSE. Repealed 1/13/80.

12 AAC 44.350. REINSTATEMENT OF A REVOKED LICENSE. Repealed 1/13/80.

12 AAC 44.360. CHANGE OF NAME. Repealed 1/13/80.

12 AAC 44.370. DEFINITIONS. Repealed 1/13/80.

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

(1) must have satisfactorily completed

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

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

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

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

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

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

(ii) authorized in Alaska as an advanced nurse practitioner on December 1, 1984; and

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

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

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

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

(A) conform to criteria established by the board:

(B) include a method for quality assurance; and

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

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

(7) shall submit a nonrefundable application fee of \$25.

(b) Repealed 12/1/84.

(c) An applicant for initial authorization to practice as an advanced nurse practitioner on the basis of education in (a)(1)(B) of this section must apply to the board no later than June 30, 1981. (Eff. 1/13/80, Reg. 73; am 5/16/81, Reg. 78; am 12/1/84, Reg. 91)

Authority: AS 08.68.100

12 AAC 44.410. COLLABORATIVE RELATIONSHIP. Repealed 12/1/84.

12 AAC 44.420. RECOGNIZED CERTIFICATION BODIES. (a) The board will, in its discretion, recognize national certification bodies which certify advanced nurse practitioners by exercising responsibility for

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

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

(3) addressing the issue of ongoing competency.

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

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

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