

approved by the duly authorized agent of said U. S. Fish and Wildlife Service in charge in the Territory. Such money shall be set apart in a special fund to be designated, "Predatory Animal Fund".

Predatory Animal
Fund created.

Section 3. Proceeds received from the sale of furs, skins and specimens taken by hunters whose compensation is paid out of funds appropriated under this Act shall be covered into said fund and be expended for the purposes herein set forth.

Deposits to fund.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repeal.

Approved March 27, 1953.

CHAPTER 88

AN ACT

[C. S. H. B. 66]

Relating to the practice of nursing; creating a Nurses' Examining Board; defining its powers and duties; providing for the licensing and registration of nurses; fixing penalties for violations of the Act; repealing Sections 35-3-111 to 35-3-122, inclusive, ACLA 1949 and Chapter 28, Session Laws of Alaska 1949; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Definitions. As used in this Act, the following terms shall have the definitions shown unless the context clearly indicates otherwise:

a. "Board" means the Nurses' Examining Board for the Territory of Alaska. Board.

b. "Registered Nurse" (R. N.) means a professional, trained, or graduate nurse, who performs any professional service requiring the application of principles of nursing based on biological, physical, and social sciences; the professional service shall include, but is not limited to, responsible supervision of a patient requiring skill in the Registered nurse.

observation of symptoms and reactions and the accurate recording of facts, the carrying out of treatments and medications prescribed by a licensed physician, and the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others.

Practical nurse. c. "Practical Nurse" means any person who, under the direction and supervision of a registered nurse or a licensed physician, gives simple nursing care and performs simple nursing procedures and housekeeping tasks; the term does not include nurses' aides, nurses' assistants, orderlies or maids.

Nurse employer. d. "Nurse Employer" means any agency, hospital, or person who employs a registered nurse or a practical nurse.

Section 2. Restrictions on the practice of nursing. a. No person shall represent himself or herself in any manner whatsoever to be a registered nurse, or shall practice professional nursing, without first registering and obtaining a license as herein provided.

Licenses required. b. No person shall act as a practical nurse for hire without first obtaining a license as herein provided.

c. No nurse employer shall employ any person as a registered nurse or practical nurse unless the person has complied with the licensing requirements of this Act.

Limitations on practical nurses. d. No practical nurse shall administer medicines, either orally or hypodermically, except under the immediate supervision of a registered nurse or a licensed physician and only then at such times as may be deemed necessary due to the unavailability of registered nurses; a practical nurse shall in no instance administer intravenous injections. A practical nurse shall not accept verbal or telephonic orders from physicians for the administration of medicines, treatments, or nourishment to patients. This Act shall not be construed to prohibit the treatment

of disease, pain, injury, deformity or physical condition in such isolated areas where no other medical facilities, registered nurses, or physicians are available.

Nothing in this Act shall be construed to apply to persons serving as nurses in the Armed Forces of the United States or as employees of the United States Public Health Service or of the Bureau of Indian Affairs while such persons are acting in the performance of their official duties.

Nurses exempt.

Section 3. Nurses' Examining Board. a. There shall be a Nurses' Examining Board composed of five registered nurses licensed under the laws of Alaska. The Governor shall appoint the members of the Board, subject to confirmation by a majority of the members of the Legislature in joint session assembled, from recommendations made by the Alaska Nurses' Association. Not more than two members shall reside in the same judicial division; not more than one shall be employed by the same governmental agency; and one shall be connected with an accredited Alaskan school of practical nursing. To qualify for appointment a registered nurse must have had at least three years of experience in the profession after graduation from a nursing school.

Board created.

Membership;
appointment and
confirmation.

Qualifications.

b. The term of office of a member of the Board shall be four years, commencing April first in the year of appointment. The term of at least one member of the Board shall expire each year: Provided, that the first members appointed hereunder shall draw lots to determine whose terms shall be for one, two, three, or four years, as may be necessary; and Provided further, that the members of the Nurses' Examining Board existing at the time this Act shall become law shall serve as members of the Board until April first in the year of the expiration of the terms under which they were appointed. Vacancies on the Board, whether occurring from the expiration of a term, resignation, or otherwise, shall be

Terms of office.

Vacancies.

filled by appointment by the Governor from recommendations made by the Alaska Nurses' Association, and the appointees shall serve pending confirmation by the next Legislature. No member of the Board shall enter upon the discharge of duties until an oath has been taken to perform the same faithfully and impartially. The Governor may remove any member of the Board for neglect of duty or for unprofessional or incompetent conduct, if deemed guilty after a fair and impartial hearing.

Oath.

Removal.

c. The Board shall annually choose from among its members a President, Vice-President, and Executive Secretary; the Executive Secretary shall also perform the duties of a treasurer. The Board shall meet at least annually at the call of the President or at the request of any three members. Three members shall constitute a quorum at any meeting.

Board officers.

Section 4. Powers and duties of the Board. The Board shall have the following power and duties:

Powers and duties.

a. To register and issue licenses to practice as registered or practical nurses to persons who meet the requirements of this Act.

b. To adopt by-laws governing its own meetings.

c. To adopt and promulgate rules and regulations for the administration of this Act. The rules and regulations shall govern the examination of all applicants for registration and licensing, the issuance of licenses to applicants who have proven themselves possessed of the necessary qualifications, and renewal of licenses as provided for in this Act. Copies of this Act and of all rules and regulations issued under it shall be made available to any person upon request.

Registration record.

d. To maintain an official record of all registered and practical nurses licensed under the laws of Alaska. The record shall show the name, age, place of residence, nursing experience, and education of all such nurses

A certified copy of the official record, showing the names and addresses of all nurses currently licensed, shall be furnished April first of each year to the Commissioner of Health and to the Alaska Nurses' Association, and to others upon a reasonable request.

e. To submit a report to the Governor for consideration and transmittal to the Legislature not later than January first of each odd-numbered year, such report to cover the activities of the Board of the preceding biennium.

Report.

f. To exercise such other powers and to perform such other duties as may be necessary to carry out the provisions of this Act.

All records and other property of the Nurses' Examining Board existing at the time this Act shall become law shall be transferred immediately to the custody of the Board.

Section 5. Applications and qualifications. Any person desiring to obtain a license to qualify as a registered or as a practical nurse shall apply to the Board, through its Executive Secretary, in writing and upon forms prepared and furnished by the Board. Each application shall contain evidence of the qualifications and training possessed by the applicant and shall be accompanied by the required license fee. Each applicant shall submit evidence of graduation from a school for the training of professional or practical nurses, and the school must be one accredited by either the American Nurses Association, the National League for Nursing, the Joint Committee on Practical Nurses and Auxiliary Workers in Nursing Services, the National Federation of Licensed Practical Nurses, Inc., or an equivalent organization.

Application for registration.

Section 6. Licenses and temporary permits. Licenses to practice as a registered nurse shall be granted by the Board upon successful completion of examinations; by

Licenses.

reciprocity, where the applicant meets other requirements of this Act; or by renewal. Licenses to practice as a practical nurse shall be granted by the Board upon successful completion of examinations; by reciprocity; by renewal; and as otherwise provided in this Act. Licenses shall be valid only for the calendar year in which issued, except upon their proper renewal. A temporary permit may be granted to an applicant by any member of the Board at the discretion of the member after a satisfactory finding of competence by oral examination or investigation of professional qualifications and in accordance with the rules and regulations of the Board. The permit may authorize the applicant to take employment or to practice as a registered or as a practical nurse and for such period as may be reasonably necessary to permit final action on the person's application for a license, but in no case shall the permit be for a longer period than three months.

Temporary permits.

Duration of permit.

Section 7. Procedures to obtain a license. The following alternative procedures may be used to obtain a license under this Act:

a. By examination. Examinations shall be conducted at least quarterly and may be conducted by any member of the Board at the member's place of residence, under such rules and regulations as the Board may prescribe. Examinations shall conform to the standards fixed by national professional organizations such as those listed in Section 5 of this Act, or the Board may use the National State Board Test Pool Examinations.

Examination.

b. By reciprocity. The Board may, without examination, issue licenses to applicants who possess the qualifications described in Section 5 of this Act and who are registered or licensed in another state, territory, or foreign country, the laws of which, in the opinion of the Board, maintain a standard for registration or licensing substantially equivalent to those fixed for Alaska.

Reciprocity.

c. By renewal. During January of each year, each

nurse practicing in Alaska and desiring to renew the license shall apply therefor with the required fee, and a certificate of renewal shall be issued upon receipt of the application and payment. A penalty of one dollar shall be added to the fee in each case where the nurse fails to renew the license before the 30th day of January in each year. If any nurse fails to renew the license within ninety days of its expiration, the nurse's name shall be stricken from the official record of registered and practical nurses. A nurse whose license has expired and whose name has been stricken may have it restored immediately upon payment of all lapsed renewal fees and the restoration fee, if not more than five years have elapsed since the date of expiration. Any nurse whose license has expired for more than five years and who desires renewal must proceed as though a license had never been issued.

License renewal required.

Renewal of expired licenses.

Section 8. Fees. The fees to be paid to the Board in connection with the obtaining of licenses or a renewal shall be as follows:

Application fee.

a. Original applicants for license as a registered or practical nurse, with or without examination, shall pay a fee of ten dollars; an additional fee of ten dollars may be charged in cases where the evaluation of closed school reports is necessary.

b. Applicants for renewal of a license under this Act shall pay a fee of two dollars.

Renewal fee.

c. Applicants for a re-examination shall pay a fee of two dollars.

Re-examination fee.

No portion of any fee shall be returned to an applicant.

Section 9. Revocation or suspension of licenses. The Board may remove any nurse's name from the official record or revoke any nurse's license if the nurse, after hearing before the Board, shall be determined by the Board to be guilty of any of the following acts:

Grounds for revocation or suspension.

- a. Unprofessional conduct or breach of professional ethics.
- b. Conviction for committing a felony.
- c. The obtaining of a license by fraud.
- d. Conviction for a crime involving moral turpitude.
- e. Chronic alcoholism or habitual use of narcotics.
- f. Impersonation of a registered nurse by a practical nurse.
- g. Violation of any of the provisions of this Act.
- h. The commission or omission of any act which, in the reasonably prudent exercise of his or her duties, the nurse should have done or refrained from doing and as a result of which serious injuries have accrued, or are likely to accrue, to any patient or to the professional standing of licensed nurses in Alaska.

Written complaint
required before
hearing.

No hearing shall be held under this section until the person charged shall have been served with a complaint in person or by registered mail to the person's last known address; the complaint shall set forth the charges made against the nurse and shall include a summons to appear before the Board at a time and place designated for hearing at least thirty days after the service. Any person so charged shall have the power to examine and cross-examine witnesses and to be present at all times during the hearing. The Board shall have the power to issue subpoenas to compel attendance of witnesses or the production of books or documents. The accused nurse shall have an opportunity to defend against all charges, have the right to be represented by counsel, and have the right to have the Board subpoena witnesses on his or her behalf. Testimony at the hearing shall be taken under oath and may be by deposition under rules such as the Board may prescribe. After a hearing the Board shall make findings of fact and draw its conclusions upon the evidence and

Examination
of witnesses and
records.

Findings.

shall file the same in the office of the Board. A copy of the findings and conclusions shall be made available to the accused. A revocation or suspension of a license ordered hereunder shall be in writing and signed by each member of the Board and shall state the grounds upon which the order is based.

Order.

Section 10. Finances and appropriations. The Executive Secretary of the Board shall keep proper books of account showing a record of all financial transactions of the Board. All monies received by the Board from license fees or otherwise shall be turned over to the Treasurer for deposit in the general fund. All disbursements by the Board shall be upon vouchers certified by the Executive Secretary and approved by the Auditor of Alaska. The members of the Board shall receive no compensation for the exercise of their duties but shall receive actual travel expenses and per diem while attending Board meetings or are otherwise carrying out the duties of their office.

Deposit of fees.

Disbursements.

Per diem and expenses.

Section 11. Penalties for violations. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than two hundred dollars.

Penalty.

Section 12. Limitations on construction. Nothing in this Act shall be construed to prevent any person from nursing any other person gratuitously nor as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice nursing within the meaning of this Act. Nothing in the Act shall be construed to prevent any person from making domestic administration of family remedies or furnishing nursing assistance in case of an emergency. Nothing in the Act shall be construed as prohibiting such practices of nursing by students enrolled in accredited schools as may be incidental to their course of study, or the care of the sick when done

Limitations on construction.

in connection with the practice of the religious beliefs of any person in caring for another person of the same religious beliefs, so long as the persons do not engage in the practice of nursing as defined by this Act.

Severability.

Section 13. If any section of this Act, or any portion thereof, shall for any reason be held invalid, such decision shall not affect the validity of the remaining portions of the Act.

Repeals.

Section 14. Sections 35-3-111 to 35-3-122, inclusive, ACLA 1949, and Chapter 28, Session Laws of Alaska 1949, are repealed.

Emergency clause.

Section 15. An emergency is declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 27, 1953.

CHAPTER 89

AN ACT

[S. B. 104]

Relating to missing persons; creating presumption of death; and providing for presumptive death certificates.

Be it enacted by the Legislature of the Territory of Alaska:

Procedure upon disappearance.

Section 1. Whenever a petition is presented by any interested person to the United States Commissioner of any precinct alleging that a certain designated person has disappeared and after due and diligent search cannot be found, and when it appears to the satisfaction of the Commissioner that the circumstances surrounding such disappearance afford reasonable grounds for the belief that such person has suffered death from accidental or other violent means, the Commissioner shall summon and impanel a jury of six qualified persons, residents of the community in which such missing person resided immediately prior to his disappearance, or of the community

Jury.