

read as follows:

Sec. 3 (a) (3). Such agreement shall be effective with respect to services in employment covered by the agreement performed

from the date specified therein or, as to services to which the Agreement is extended by a modification thereto, from the date specified in such modification;

Approved March 27, 1957

CHAPTER 90

AN ACT

To provide for the regulation of the practice of nursing; to provide for a Board of Nursing and to define the powers and duties of the Board including licensure of practitioners of nursing and accreditation of programs preparing for nursing practice; and to prescribe penalties for violations of the provisions of this Act; repealing Ch. 88, SLA 1953.

(S. B. 53)

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

Article I

Purpose and Definitions

Section 1. **Purpose.** In order to safeguard life and health, any person practicing or offering to practice professional or practical nursing in Alaska for compensation, shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. With the exception of practical nurses licensed by waiver under the provisions of Section 12 of Article III herein, it shall be unlawful after July 1, 1957, for any person not licensed under the provisions of this Act:

(1) To practice or offer to practice professional or practical nursing; or

(2) To use any sign, card or device to indicate that such person is a professional registered (li-

censed) nurse or a licensed practical nurse in Alaska.

Section 2. Definitions.

(1) "Board" means the Alaska Board of Nursing.

(2) "Licensed Professional Nurse", as used throughout the Act, refers also to the common usage title, "Registered" nurse.

(3) "Licensed Practical Nurse", as used throughout the Act, refers also to the less common title, "Licensed Vocational Nurse".

(4) "Practical Nursing", as used throughout the Act, refers also to "Vocational" nursing.

(5) "Practice of Professional Nursing" means the performance for compensation of any act in the observation, care and counsel of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel; or the administration of

medications and treatments as prescribed by a licensed physician or dentist; all requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical, and social science. The foregoing shall not be deemed to include acts of medical diagnosis, or the prescription of medical therapeutic or corrective measures.

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

(7) An accredited nursing education program is a program, the curricula and standards of which meet the requirements established by the Board.

Article II

Board of Nursing

Section 3. Appointment, Term of Office, Removal from Office. There is hereby created a Board of Nursing, to be composed of five members appointed by the Governor. There shall be one member from Northwestern Alaska, one from Central Alaska, one from South Central, one from Southeastern Alaska, and one at large. Present members of the Board holding office under the provisions of Ch. 88, SLA 1953, shall serve as members of said Board until the expiration of their respective terms or until their successors are appointed. Members shall be appointed for overlapping terms of five years and until their successors are appointed.

Board members shall serve not more than two consecutive terms. Time served by hold-over Board members, and time served in filling unexpired vacancies of two years or less, shall not be applied to the maximum of two consecutive terms.

Appointments shall be made from a list of qualified nurses prepared by the Alaska Nurses' Association and submitted at least thirty days prior to the expiration of any term and not more than sixty days after a vacancy occurs in an unexpired term. Said list shall contain not less than two recommended candidates for each membership to be filled. The Governor shall make appointments within thirty days after receiving such list or lists.

The Governor may remove any Board member for neglect of any duty required by law, or for unprofessional or dishonorable conduct after a fair and impartial hearing.

Section 4. Qualifications of Board Members. Each member of the Board shall be a citizen of the United States and shall reside in Alaska, and be licensed to practice professional nursing in Alaska under the provisions of this Act. Members shall have been actively engaged in nursing for not less than four years at time of first appointment, two of which were within the last five years.

Section 5. Officers; Meetings; Quorum. The Board shall annually elect from its members a chairman and secretary-treasurer. The Board shall meet at least once a year. A majority of the Board shall constitute a quorum.

Section 6. Duties and Powers.

(1) The Board shall adopt rules and regulations not inconsistent with the law, as may be necessary

from time to time to enable it to carry into effect the provisions of this Act. When necessary, additions to or changes in rules and regulations of the Board may be made by a quorum vote by mail; such additions or changes and the vote thereon shall be entered in the minutes of the Board at its next meeting.

The Board shall make available, upon request, copies of this Act and of regulations adopted for administering the Act.

(2) The Board shall approve curricula and shall adopt standards for educational programs preparing persons for licensure under this Act, and provide for surveys of such programs in Alaska at such times as it may deem necessary. It shall accredit such programs in Alaska as meet the requirements of this Act and of the Board, and deny or withdraw accreditation from educational programs in Alaska for failure to meet approved curricula or other standards.

(3) The Board shall examine, license, and renew the licenses of duly qualified applicants, and shall conduct hearings upon charges and administer oaths to persons giving testimony at hearings. The Board shall keep a record of all its proceedings, and shall submit biennial reports to the Governor and the Alaska Territorial Legislature.

(4) The Board may appoint and employ a qualified person who shall not be a member of the Board to serve as executive officer to the Board. The Board shall define the duties and fix the compensation for the executive officer, and may employ such other persons as may be necessary from time to time to carry on the work of the Board.

Qualifications of the executive

officer shall be not less than those for members of the Board.

Section 7. Expenses. Members of the Board shall receive such per diem and travel expenses as are provided by law.

Article III

Examination and Licensing — Professional Nurse and Practical Nurse

Section 8. Qualifications of Professional Nurse Applicants. An applicant for a license to practice professional nursing shall submit to the Board on forms and in a manner prescribed by the Board, written evidence, verified by oath, that said applicant is of good moral character, and has completed an approved four year high school course of study or the equivalent thereof as determined by the appropriate educational agency, and has successfully completed and holds a diploma from:

(1) A professional nursing education program accredited by the Alaska Board of Nursing (or)

(2) A professional nursing education program outside Alaska which, in the opinion of the Board, is equivalent to the minimum requirements of the Board for an accredited program of study in Alaska, at the time the applicant graduated; or successfully completed a professional nursing education program accredited by the National League for Nursing, at the time the applicant graduated.

Section 9. Qualifications of Practical Nurse Applicants. 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 said applicant is of good

moral character, and has completed the tenth grade or its equivalent as determined by the appropriate educational agency, and is not less than eighteen years of age, and has successfully completed and holds a diploma from:

(1) A practical nursing education program accredited by the Alaska Board of Nursing (or)

(2) A practical nursing education program outside Alaska which, in the opinion of the Board, is equivalent to the minimum requirements of the Board for an accredited program of study in Alaska at the time the applicant graduated.

Qualified students of the Mt. Edgecumbe School of Practical Nursing graduating prior to January 1, 1959, and having only eighth grade pre-training shall be eligible for licensure under the provisions of this Act.

Section 10. License by Examination. The applicant shall be required to pass a written examination in such subjects as the Board may determine. Upon the applicant successfully passing such examination, the Board shall issue a license to the applicant to practice professional nursing or practical nursing provided the other qualifications outlined under Sections 8 and 9 herein are also met. The Board shall conduct examinations annually and as often as it deems necessary.

Section 11. License by Endorsement; Temporary Permit. The Board may issue a license to practice professional nursing or practical nursing by endorsement to an applicant who is duly licensed as a professional nurse or practical nurse under the laws of another state, territory, or foreign country,

if in the opinion of the Board the applicant meets the qualifications required for such licensing in Alaska at the time of graduation, and provided the other qualifications outlined under Sections 8 and 9 are also met.

The Board may, at its discretion, issue a "temporary permit" to an applicant for licensure as a professional or practical nurse, provided:

(1) The applicant submits proof satisfactory to the Board that she is duly licensed in another state, territory, or foreign country, and

(2) The required fee for license has been paid.

A temporary permit may be issued for a period not to exceed four months as may be reasonably necessary to permit final action on an application for license.

Section 12. License of Practical Nurse by Waiver. Application for licensure under this Section must be made by November 1, 1957, and the Board shall, by August 1, 1957, publicize in Alaska the license by waiver provisions of this Section. The Board may issue a license to practice practical nursing to any person who:

(1) Shall submit proof satisfactory to the Board, verified by oath, that said applicant is of good moral character, and is employed as a practical nurse in a federal hospital in Alaska or has lived in Alaska for not less than twelve months out of the last three years prior to effective date of this Act, and was actively engaged in practical nursing as defined in this Act for not less than twelve months during the same three-year period; and

(2) Whose work record in Alaska during the period applicant was engaged in practical nursing, as defined in this Act, has been determined by the Board to have been satisfactory; and has passed a written examination in such subjects as the Board may determine.

To permit the processing of applications for license by waiver, the practice of practical nursing by a person not holding a license under the provisions of this Act shall not be considered unlawful before March 1, 1958.

Section 13. Fees. The applicant applying for a license to practice professional nursing or practical nursing in Alaska, shall pay a fee of fifteen dollars (\$15.00) at the time the completed application form is sent to the Board. The fees for each re-examination shall be fifteen dollars (\$15.00).

Section 14. Use of Title and Abbreviation. Any person who holds a license to practice professional nursing in Alaska shall have the right to use the title "licensed professional nurse", "registered nurse", and the abbreviation "R.N." Any person who holds a license to practice practical nursing in Alaska shall have the right to use the title "licensed practical nurse" or "licensed vocational nurse", and the abbreviation "L.P.N." or "L.V.N.". No other person shall assume such title or use such abbreviation or any words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse, or a licensed practical nurse.

Section 15. Nurses Licensed or Holding Temporary Permits under Previous Law. Any person holding a valid license to practice professional or practical nursing in Alaska under previous Territorial law,

shall be deemed to be licensed as a professional or practical nurse, as the case may be, under the provisions of this Act.

Any person holding a valid temporary permit may continue to practice as a professional or practical nurse, as the case may be, until the expiration date of the permit and shall be eligible for licensure under the provisions of this Act.

Section 16. Renewal of License. The license of every practicing professional and practical nurse shall be renewed annually, and shall be applied for sixty days before the expiration date of the current license; provided, that if the renewal fee and the application are not received by the Board for a period of sixty days after they are due, said license may be renewed only after the payment of an additional reinstatement fee of two dollars (\$2.00) and a satisfactory explanation. Upon receipt of an application prescribed by the Board and the payment of a renewal fee of three dollars (\$3.00), the Board shall verify the accuracy of the application and shall issue to the applicant a certificate of renewal. Such renewal shall render the holder thereof a legal practitioner for the period stated on the renewal form.

Any person practicing nursing during the time her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this Act.

Any licensee who is not practicing need not obtain a renewal of her license until such time as she desires to engage in the practice of nursing, when she shall remit the renewal fee for the current year and the prescribed application form.

The Board, at its discretion may issue her a renewal certificate with or without examination.

Every licensee whose renewal fee for the calendar year 1957 was paid prior to the effective date of this Act shall pay a prorated fee for the period January 1, 1958 through June 30, 1958. The amount of such fee and the date it shall be due shall be fixed by the Board.

Article IV

Disposition of Funds

All fees received by the Board shall be deposited with the Treasurer of Alaska.

The officer of the Board receiving fees shall be bonded.

ARTICLE V

Accreditation of Nursing Education Programs

Section 17. **Application for Accreditation.** Any institution desiring to conduct a nursing education program in Alaska to prepare professional or practical nurses shall apply to the Board and submit evidence that:

(1) It is prepared to carry out the curriculum approved by the Board for professional nursing or for practical nursing, as the case may be, and that

(2) It is prepared to meet such other standards as shall be established by this law and by the Board.

Section 18. **Survey and Accreditation by the Board.** The nursing education program applying for accreditation shall be surveyed in its entirety with all affiliating institutions by the executive officer, Board member or consultant authorized by the Board to determine

if such standards and requirements as are provided by the statutes and the Board are met. The Board may from time to time as it deems necessary survey any nursing education program in Alaska. Written reports of all surveys shall be submitted to the Board and shall be retained in its files.

If in the opinion of the Board the nursing education program meets the requirements established by the Board, it shall be accredited as an approved nursing education program for professional or practical nurses and its graduates shall be eligible for licensure.

The Board may deny, revoke or suspend accreditation of any nursing education program if it determines after notice and hearing that required standards are not being maintained.

No person, institution or agency shall conduct a nursing education program for professional or practical nurses unless such program is accredited by the Board.

Section 19. **List of Accredited Programs.** The Board shall prepare, maintain, and from time to time publish a list of accredited nursing education programs in Alaska.

Article VI

Denial, Suspension and Revocation of License

Section 20. **Grounds for Denial, Suspension or Revocation.** The Board, after due notice and hearing, shall have power to deny, suspend or revoke any license to practice either professional or practical nursing issued by the Board or applied for in accordance with the provisions of this Act, of any persons who:

(1) Has obtained or attempted

to obtain a license to practice nursing by fraud or deceit;

(2) Has been convicted of a felony;

(3) Has been convicted of any crime involving moral turpitude;

(4) Is habitually intoxicated or is addicted to the use of narcotics;

(5) Has impersonated a professional or practical nurse;

(6) Is guilty, in the opinion of the Board, of negligence which has resulted in serious injury to a patient;

(7) Is mentally ill or mentally incompetent;

(8) Is guilty of unprofessional conduct;

(9) Has wilfully or repeatedly violated any of the provisions of this Act.

Section 21. **Proceedings.** Upon the filing of a sworn complaint with the Board, charging a person with any action specified as a ground for suspension or revocation of a license, and after two or more Board members have made a preliminary investigation and believe the complaint to have merit, the Board shall fix a time and place for a hearing on such charges. Notice shall be given to the person charged stating time and place fixed for the hearing and the nature of the charges made against such person. The notice may be served by a person authorized by the Board, by registered mail, or by publication, at least thirty days prior to the hearing.

Notice by publication may be given, if after diligent search a person cannot be found in Alaska, by publishing such notice once each

week for two consecutive weeks, in any newspaper in general circulation in the municipality or area in which the person charged last practiced. The date of hearing shall be not less than thirty days after the date of last published notice. The person charged shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on her own behalf, to cross-examine witnesses and to have subpoenas issued by the Board.

If the person charged is found to have violated the provisions of this Act, the Board may refuse to issue a license to the applicant, or may revoke, or suspend her license. A revoked or suspended license may be reissued in the discretion of the Board.

The hearing accorded nurse education institutions and other persons under this Act shall be conducted by the Board in substantial conformity with the above provisions.

Article VII

Violation of Act — Penalties

Section 22. It shall be a misdemeanor for any person, including any corporation, association or individual, to do any of the following acts:

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

(2) Practice nursing as defined by this Act under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation; or

(3) Practice nursing as defined by this Act unless duly licensed to do

so under the provisions of this Act; provided, however, that nothing contained in this Act shall prohibit any person not licensed from rendering aid to the ill, injured or infirm as may be necessary in an emergency; or

(4) Use in connection with her name any designation tending to imply that she is a licensed nurse in Alaska unless duly licensed to practice under the provisions of this Act; or

(5) Practice nursing during the time her license issued under the provisions of this Act shall be suspended or revoked; or

(6) Conduct a nursing education program unless the program has been accredited by the Board; or

(7) Otherwise violate any provisions of this Act.

Such misdemeanor shall be punishable by imprisonment for not less than ten days nor more than one year, or by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or by both such fine and imprisonment.

Article VIII

Injunctive Relief

For purposes of this Article the word "nursing" shall include both professional and practical nursing.

The practice of nursing for compensation by any person who has not been issued a license or a temporary permit under the provisions of this Act, or whose license has been suspended, or revoked, or has expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Board of Nursing may, in the name of the People of Alaska, through

the Attorney General apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license or whose license has been suspended or revoked, or expired, from practicing nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing nursing without having been issued a license, or after his license has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing nursing without having been issued a license or has been or is practicing nursing after his license has been suspended, or revoked, or has expired, the court, or any judge thereof, may enter a decree enjoining said defendant from further practicing. In case of violation of the terms of any injunction issued under the provisions of this Section, the violator may be punished for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Article IX

Exceptions

For purposes of this Article the word "nurses" shall include both professional and practical nurses, and "nursing" shall mean both professional and practical nursing.

Nothing in this Act shall apply to the following:

(1) Any qualified nurse licensed in another state who is employed by the United States Government or any bureau, or agency, or division thereof, while in the discharge of her official duties; or

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

(3) The practice of nursing by a student enrolled in a nursing education program accredited by the Board when such practice is in connection with the student's course of study.

Article X

Repeal

Ch. 88, SLA 1953, is hereby repealed.

Article XI

Severability

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

Approved March 27, 1957

CHAPTER 91

AN ACT

Relating to the Alaska Visitors Association; amending Section 2 of Ch. 107, SLA 1951, as amended by Ch. 127, SLA 1953 and Ch. 168, SLA 1955.

(S. B. 79)

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

Section 1. Section 2 of Ch. 107, SLA 1951, as amended by Ch. 127, SLA 1953 and Ch. 168, SLA 1955, is amended to read as follows:

Section 2. Territorial moneys in the amounts that shall be appropriated will be expended in Alaska, the United States and Canada for the purpose of promoting and publicizing Alaska's tourist attractions. Such advertising, publicity and promotional activities shall be produced, managed and distributed by or under the direction of the Alaska Visitors Association, a corporation organized under the laws

of the Territory of Alaska, for the purpose of promoting Alaska's tourist industry. Territorial moneys shall be issued to said Alaska Visitors Association by warrants of the Director of Finance for expenditure in accomplishing the purpose for which the corporation was organized; provided, however, such Territorial moneys shall be limited in any biennium to two times the amount contributed to and received by said association for such biennium from sources other than the Territory of Alaska. The Director of Finance shall audit the expenditure of such Territorial funds and the matching funds of the Alaska Visitors Association