



# LAWS OF ALASKA

1975

**Source**

HCSSB 132 (Judiciary) am H

**Chapter No.**

123

## AN ACT

Relating to the licensing of nursing home administrators; and providing for an effective date.

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

\* Section 1. AS 08 is amended by adding a new chapter to read:

#### CHAPTER 70. NURSING HOME ADMINISTRATORS.

Sec. 08.70.010. CREATION OF BOARD OF NURSING HOME ADMINISTRATORS. There is established the Board of Nursing Home Administrators.

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

(b) Board members are appointed by the governor.

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

Sec. 08.70.030. ELECTION OF OFFICERS. The board shall annually elect a chairperson and a vice-chairperson from its members.

Sec. 08.70.040. BOARD MEETINGS; QUORUM. The board shall meet at least semiannually. A majority of the board

constitutes a quorum.

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

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

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

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

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

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

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

Sec. 08.70.060. EXPENSES. Board members serve voluntarily, except that members are entitled to the travel expenses and per diem allowed by law.

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

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

Sec. 08.70.090. APPLICATION. Applicants shall file applications with the Department of Commerce on forms provided by the department. Information requested on the forms shall be given under oath.

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

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

(2) persons licensed under emergency regulations

7AAC 12.045 promulgated in Register 51, July 8, 1974, who have practiced as administrators since licensing.

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

Sec. 08.70.120. EXAMINATION. The purpose of the examination is to test the applicant's knowledge of the health and safety standards of the state and his experience in the practice of health care. The board determines the content, scope, format, and grading procedure. Examinations shall be given at least annually, at the time and place chosen by the board.

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

(b) The provisional license is valid for six months and is nonrenewable.

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

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

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

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

- (1) examination fee . . . . . \$25
- (2) investigation fee for persons applying for a license under sec. 110(b) of this chapter . . . . . \$25
- (3) annual license fee . . . . . \$50.

Sec. 08.70.160. UNLAWFUL ACTS. No person may

- (1) sell or fraudulently obtain or furnish a license or aid another in doing so;
- (2) practice as a nursing home administrator under cover of a license illegally or fraudulently obtained;
- (3) practice as a nursing home administrator or use in connection with his name a designation tending to

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imply that he is a nursing home administrator unless licensed under this chapter;

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

(5) otherwise violate this chapter.

Sec. 08.70.170. PENALTIES. A person convicted of violating a provision of this chapter is punishable by a fine of not more than \$500, or by imprisonment for not more than one year, or by both.

Sec. 08.70.180. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

\* Sec. 2. This Act takes effect July 1, 1975.