



# LAWS OF ALASKA

1982

**Source**

SB 238 am H

**Chapter No.**

14

**AN ACT**

Relating to the practice of nursing; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: March 22, 1982  
Actual Effective Date: July 1, 1982

AN ACT

Relating to the practice of nursing; and providing for  
an effective date.

\* Section 1. AS 08.68.010 is amended to read:

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 [IN COMMUNITY OR PUBLIC HEALTH NURSING AND TWO MEMBERS IN BASIC OR CONTINUING NURSING EDUCATION, ONE NURSE] at large, and two members shall be persons who have no direct financial interest in the health care industry.

\* Sec. 2. AS 08.68.050 is amended to read:

Sec. 08.68.050. REMOVAL OF BOARD MEMBERS [FROM OFFICE]. 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 [THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR NEGLIGENCE OF DUTY REQUIRED BY LAW, OR FOR UNPROFESSIONAL OR DISHONORABLE CONDUCT AFTER A FAIR AND IMPARTIAL HEARING].

\* Sec. 3. AS 08.68.060 is amended to read:

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 [PROFESSIONAL NURSES] in the state, and shall

Chapter 14

1 have been actively engaged in nursing for not less than four years  
2 before appointment, three [TWO] years of which were within the five  
3 years immediately preceding appointment.

4 \* Sec. 4. AS 08.68.070 is amended to read:

5 Sec. 08.68.070. ELECTION OF OFFICERS. The board shall annually  
6 elect a chairman and secretary [SECRETARY-TREASURER] from among its  
7 members.

8 \* Sec. 5. AS 08.68.080 is amended to read:

9 Sec. 08.68.080. MEETINGS. The board shall meet at least four  
10 times [ONCE] a year.

11 \* Sec. 6. AS 08.68.100 is repealed and reenacted to read:

12 Sec. 08.68.100. DUTIES AND POWERS OF BOARD. (a) The board shall

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

16 (2) approve curricula and adopt standards for basic educa-  
17 tion programs that prepare persons for licensing under AS 08.68.190;

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

20 (4) accredit education programs that meet the requirements  
21 of this chapter and of the board, and deny, revoke, or suspend accredi-  
22 tation of education programs for failure to meet the requirements;

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

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

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

29 (8) define by regulation the qualifications and duties of

1 the executive secretary and delegate authority to the executive secre-  
2 tary that is necessary to conduct board business.

3 (b) The board may

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

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

8 (3) prescribe requirements for competence to continue prac-  
9 tice.

10 \* Sec. 7. AS 08.68.111(a) and (b) are amended to read:

11 Sec. 08.68.111. EXECUTIVE SECRETARY [OFFICER] OF BOARD. (a) The  
12 Department of Commerce and Economic Development, in consultation with  
13 the Board of Nursing, shall employ a licensed, registered nurse, who is  
14 not a member of the board, to serve as executive secretary [OFFICER] of  
15 the board.

16 (b) The executive secretary [OFFICER] shall perform duties as  
17 prescribed by the board. [BE A NURSE HAVING A BACHELOR'S DEGREE OR  
18 HIGHER, CURRENTLY LICENSED IN THE STATE AND WITH NOT LESS THAN FIVE  
19 YEARS OF ACTIVE NURSING EXPERIENCE, OF WHICH NOT LESS THAN TWO YEARS  
20 WITHIN THE PRECEDING FIVE YEARS HAS BEEN IN AN ADMINISTRATIVE OR A  
21 TEACHING CAPACITY IN AN ACCREDITED INSTITUTION ACCEPTABLE TO THE BOARD.  
22 IF A LICENSED PROFESSIONAL NURSE HOLDING A BACHELOR'S DEGREE IS NOT  
23 AVAILABLE TO FILL THE POSITION OF EXECUTIVE OFFICER, THE BOARD MAY WAIVE  
24 THE REQUIREMENT FOR A BACHELOR'S DEGREE AND APPOINT A LICENSED  
25 PROFESSIONAL NURSE POSSESSING OTHER QUALIFICATIONS IN EDUCATION AND  
26 ADMINISTRATIVE EXPERIENCE WHICH THE BOARD CONSIDERS ACCEPTABLE. HOW-  
27 EVER, THE APPOINTEE SHALL COMPLETE THE REQUIREMENTS FOR THE AWARD OF A  
28 BACHELOR'S DEGREE IN FOUR YEARS AFTER APPOINTMENT TO THE POSITION OF  
29 EXECUTIVE OFFICER. ANNUALLY, THE APPOINTEE SHALL OFFER THE BOARD

Chapter 14

1 EVIDENCE OF SATISFACTORY PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE.  
2 IF AFTER THE ANNUAL REVIEW THE BOARD BELIEVES THAT THE APPOINTEE HAS NOT  
3 MADE SATISFACTORY PROGRESS TOWARD AWARD OF A BACHELOR'S DEGREE, THE  
4 DEPARTMENT MAY DISMISS THE APPOINTEE, NOTWITHSTANDING THE PROVISIONS OF  
5 AS 39.25.170.]

6 \* Sec. 8. AS 08.68.170 is amended to read:

7 Sec. 08.68.170. QUALIFICATIONS OF REGISTERED OR PRACTICAL [PROFES-  
8 SIONAL] NURSE APPLICANTS. An applicant for a license to practice regis-  
9 tered or practical [PROFESSIONAL] nursing shall submit to the board on  
10 forms and in the manner prescribed by the board, written evidence, veri-  
11 fied by oath, that the applicant has [COMPLETED AN APPROVED FOUR YEAR  
12 HIGH SCHOOL COURSE OF STUDY OR THE EQUIVALENT AS DETERMINED BY THE AP-  
13 PROPRIATE EDUCATIONAL AGENCY, AND HAS] successfully completed (1) a re-  
14 gistered or practical [PROFESSIONAL] nursing education program accredi-  
15 ted by the board; or (2) a registered or practical [PROFESSIONAL] nurs-  
16 ing education program outside the state which, in the opinion of the  
17 board, meets the minimum requirements of the board for an accredited  
18 program of study in this state at the time the applicant graduated; or  
19 (3) a registered or practical [PROFESSIONAL] nursing education program  
20 accredited by the National League for Nursing at the time the applicant  
21 graduated.

22 \* Sec. 9. AS 08.68.190 is amended to read:

23 Sec. 08.68.190. LICENSE BY EXAMINATION. The applicant shall pass  
24 a written examination as prescribed by [IN THE SUBJECTS WHICH] the board  
25 [PRESCRIBES]. The board shall issue a license to an applicant who pas-  
26 ses the examination to practice registered [PROFESSIONAL NURSING] or  
27 practical nursing provided the other qualifications outlined in AS 08.-  
28 68.170 and 08.68.180 are also met. The board shall conduct examinations  
29 annually and as often as it considers necessary in each region of the

1 state.

2 \* Sec. 10. AS 08.68.200 is amended to read:

3 Sec. 08.68.200. LICENSE BY ENDORSEMENT. The board may issue a  
4 license by endorsement to practice as a registered or practical nurse  
5 [PROFESSIONAL NURSING OR TO PRACTICE PRACTICAL NURSING], whichever is  
6 appropriate, to an applicant who

7 (1) is licensed as either a registered or [PROFESSIONAL NURSE  
8 OR A] practical nurse under the laws of another state or territory, if  
9 in the opinion of the board the applicant meets the qualifications  
0 required for licensing in the state, and meets the requirements of  
1 AS 08.68.170; or

2 (2) meets the requirements of AS 08.68.170 and has success-  
3 fully completed the Canadian Nurses' Association Testing Service exami-  
4 nation if the board determines it is comparable to the examination ad-  
5 ministered by this state [EITHER AS 08.68.170 OR 08.68.180, WHICH-  
6 EVER IS APPLICABLE].

7 \* Sec. 11. AS 08.68.210(a)(2) is amended to read:

8 (2) meets the requirements of [EITHER] AS 08.68.170 [OR 08.-  
9 68.180, WHICHEVER IS APPLICABLE], and

10 \* Sec. 12. AS 08.68.210(b) is amended to read:

11 (b) The board may issue a nonrenewable permit to an applicant for  
12 license by examination if (1) the applicant [HE] meets the qualifica-  
13 tions of AS 08.68.170; or (2) the applicant is a graduate of a foreign  
14 school of nursing and has successfully completed the examination ad-  
15 ministered by the Commission on Graduates of Foreign Nursing Schools  
16 [AS 08.68.180, WHICHEVER IS APPLICABLE, AND PAYS THE REQUIRED FEE].  
17 The permit will be valid for a period not extending beyond the time  
18 when the results are published of the first examination the applicant  
19 is eligible to take after the permit is issued.

Chapter 14

\* Sec. 13. AS 08.68.220 is amended to read:

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

(1) for registered nurses: [PROFESSIONAL OR REGISTERED NURSING]

(A) application fee . . . . . \$30 [\$20]

(B) license by examination fee . . . . . 20

(C) license by endorsement fee . . . . . 20

(D) biennial license renewal fee . . 20 [15]

(2) for practical or vocational nurses: [NURSING]

(A) application fee . . . . . \$20 [\$15]

(B) license by examination fee . . 10 [15]

(C) license by endorsement fee . . 10 [15]

(D) biennial license renewal fee . 20 [15]

\* Sec. 14. AS 08.68.230(a) is amended to read:

(a) A person licensed to practice registered [PROFESSIONAL] nursing in the state may use the title "licensed professional nurse," "registered nurse," and the abbreviation "R.N."

\* Sec. 15. AS 08.68.240 is amended to read:

Sec. 08.68.240. NURSES LICENSED OR HOLDING TEMPORARY PERMITS UNDER PREVIOUS LAW. A person holding a license to practice registered [PROFESSIONAL] or practical nursing in the state under prior law is considered licensed as a registered [PROFESSIONAL] or practical nurse.

\* Sec. 16. AS 08.68.251 is amended to read:

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 [THE] license is lapsed for more than five years,

Chapter 14

1           (1) [AND THE BOARD HAS REASON TO BELIEVE THAT THE PERSON  
2 APPLYING FOR REINSTATEMENT OF HIS LICENSE NO LONGER HAS SUFFICIENT  
3 KNOWLEDGE TO CARRY OUT THE DUTIES OF A LICENSED NURSE,] the board shall  
4 [MAY] require the applicant to [TAKE AND PASS THE EXAMINATION GIVEN  
5 UNDER AS 08.68.190 OR] complete a course of study [REFRESHER COURSE]  
6 approved by the board or to pass an examination prescribed by the board,  
7 and to pay the fees prescribed by this chapter; or

8           (2) if the board determines that the person applying for re-  
9 instatement was actively employed in nursing in another state during the  
10 time that the license has lapsed in this state, the license that has  
11 lapsed may be reinstated by payment of fees as required by AS 08.01.-  
12 100(b).

13 \* Sec. 17. AS 08.68 is amended by adding a new section to read:

14           Sec. 08.68.265. SCOPE OF PRACTICE OF PRACTICAL NURSES. A prac-  
15 tical nurse shall work under the supervision of a licensed registered  
16 nurse, a licensed physician, or a licensed dentist.

17 \* Sec. 18. AS 08.68.270 is amended to read:

18           Sec. 08.68.270. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION.  
19 The board [, AFTER COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURE ACT  
20 (AS 44.62),] may deny, suspend or revoke the license of a person who

21           (1) has obtained or attempted to obtain a license to practice  
22 nursing by fraud or deceit;

23           (2) has been convicted of a felony or other crime if the  
24 felony or other crime is substantially related to the qualifications,  
25 functions or duties of the licensee;

26           [(3) HAS BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE;]

27           (4) [IS] habitually abuses alcoholic beverages, or illegal-  
28 ly uses hallucinogenic or stimulant drugs as defined by AS 17.12.150(3)  
29 or narcotic drugs as defined by AS 17.10.230(13). [INTOXICATED OR IS



Chapter 14

1 ADDICTED TO THE USE OF NARCOTICS];

2 (5) has impersonated a registered [PROFESSIONAL] or practical  
3 nurse;

4 (6) has intentionally or negligently engaged in conduct  
5 that has resulted in a significant risk to the health or safety of a  
6 client or in injury to a client [IS GUILTY, IN THE OPINION OF THE BOARD,  
7 OF NEGLIGENCE WHICH HAS RESULTED IN SERIOUS INJURY TO A PATIENT];

8 (7) practices or attempts to practice nursing while afflic-  
9 ted with physical or mental illness, deterioration, or disability  
10 which interferes with the individual's performance of nursing functions  
11 [IS MENTALLY ILL OR MENTALLY INCOMPETENT];

12 (8) is guilty of unprofessional conduct as defined by regu-  
13 lations adopted by the board;

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

16 (10) is [CONSIDERED BY THE BOARD TO BE] professionally in-  
17 competent; [.]

18 (11) denies care or treatment to a patient or person seeking  
19 assistance if the sole reason for the denial is the failure or refusal  
20 of the patient or person seeking assistance to agree to arbitrate  
21 [EXECUTE AN AGREEMENT TO ARBITRATE A DISPUTE, CONTROVERSY, OR ISSUE  
22 ARISING OUT OF THE CARE OR TREATMENT,] as provided in AS 09.55.535(a).

23 \* Sec. 19. AS 08.68.275 is amended by adding a new subsection to read:

24 (c) The board shall seek consistency in the application of dis-  
25 ciplinary sanctions. A significant departure from earlier disciplinary  
26 decisions of the board that involve similar situations shall be ex-  
27 plained in findings of fact or orders made by the board.

28 \* Sec. 20. AS 08.68 is amended by adding a new section to article 2 to  
29 read:

Chapter 14

1           Sec. 08.68.276. CONTINUING COMPETENCE REQUIRED. A license to  
2 practice nursing may not be renewed unless the nurse has complied with  
3 continuing competence requirements established by the board by regula-  
4 tion.

5 \* Sec. 21. AS 08.68.280 is amended to read:

6           Sec. 08.68.280. NURSING EDUCATION PROGRAM PROHIBITED UNLESS  
7 ACCREDITED. No person, institution or agency may conduct a nursing  
8 education program that prepares persons for examination, licensing,  
9 authorization for specialized practice, or a graduate degree [FOR PRO-  
0 FESSIOANAL OR PRACTICAL NURSES] unless the program is accredited by the  
1 board. A program may be accredited by the board only if it is estab-  
2 lished through an accredited postsecondary educational institution.

3 \* Sec. 22. AS 08.68.290 is amended to read:

4           Sec. 08.68.290. APPLICATION FOR ACCREDITATION. An institution  
5 desiring to conduct a nursing education program to prepare registered  
6 [PROFESSIONAL] or practical nurses shall apply to the board and submit  
7 evidence that (1) it is prepared to carry out the curriculum approved by  
8 the board for registered [PROFESSIONAL] nursing or for practical  
9 nursing, [AS THE CASE MAY BE,] and that (2) it is prepared to meet other  
10 standards established by law and by the board.

11 \* Sec. 23. AS 08.68.340 is repealed and reenacted to read:

12           Sec. 08.68.340. VIOLATIONS. (a) It is a class B misdemeanor for  
13 a person to

14           (1) practice nursing under a diploma, license, or record  
15 that is unlawfully obtained, signed, or issued;

16           (2) practice or offer to practice nursing without a license,  
17 unless the person gives necessary aid to the ill, injured, or infirm in  
18 an emergency;

19           (3) employ as a nurse a person who is not licensed to prac-

Chapter 14

1 tice nursing;

2 (4) use in connection with the person's name a designation  
3 that implies that the person is a licensed nurse unless the person is  
4 licensed;

5 (5) practice nursing during the time that the person's  
6 license is suspended or revoked;

7 (6) practice nursing with knowledge that the person's license  
8 has lapsed;

9 (7) conduct a nursing education program and represent or  
10 imply that it is accredited by the board, unless the program has been  
11 accredited by the board.

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

15 (c) It is a violation for a person to practice nursing during the  
16 time that the person's license has lapsed if the person does not know  
17 that the license has lapsed.

18 \* Sec. 24. AS 08.68.400 is amended to read:

19 Sec. 08.68.400. EXCEPTIONS TO APPLICATION OF CHAPTER. (a) This  
20 chapter does not apply to

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

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

26 (3) the practice of nursing by a student enrolled in a nur-  
27 sing education program accredited by the board when the practice is in  
28 connection with the student's course of study; [OR]

29 (4) the practice of nursing by an individual [A NURSE] en-

1 rolled in an approved program or course of study approved by the board  
2 to satisfy the requirements of AS 08.68.251; or [REFRESHER COURSE]

3 (5) the practice of nursing by a nurse licensed in another  
4 state who engages in nursing education or nursing consultation activi-  
5 ties, if these activities and contact with clients do not exceed 20  
6 working days within a licensing period.

7 (b) For purposes of this section the word "nurses" includes  
8 registered [PROFESSIONAL] and practical nurses, and "nursing" means  
9 registered [PROFESSIONAL] and practical nursing.

10 \* Sec. 25. AS 08.68.410 is repealed and reenacted to read:

11 Sec. 08.68.410. DEFINITIONS. In this chapter,

12 (1) "advanced nurse practitioner" means a registered nurse  
13 authorized to practice in the state who, because of specialized edu-  
14 cation and experience, is certified to perform acts of medical diagnosis  
15 and the prescription of medical, therapeutic, or corrective measures  
16 under regulations adopted by the board;

17 (2) "board" means the Board of Nursing;

18 (3) "incompetent" means that a nurse does not possess the  
19 skills, knowledge, and awareness of his limitations and abilities to  
20 safely practice nursing;

21 (4) "licensed practical nurse" is equivalent to the title  
22 "licensed vocational nurse" and to the name suffix abbreviations L.P.N.  
23 and L.V.N.;

24 (5) "licensed registered nurse" is equivalent to the common  
25 title "registered nurse" and the name suffix abbreviation R.N.;

26 (6) "nurse anesthetist" means a registered nurse authorized  
27 to practice in the state who, because of specialized education and  
28 experience, is certified to select and administer anesthetic and give  
29 anesthesia care under regulations adopted by the board;

Chapter 14

(7) "practice of practical nursing" means the performance for compensation or personal profit of nursing functions that do not require the substantial specialized skill, judgment, and knowledge of a registered nurse;

(8) "practice of registered nursing" means the performance for compensation or personal profit of acts of professional service that requires substantial specialized knowledge, judgment, and skill based on the principles of biological, physiological, behavioral, and sociological sciences in assessing and responding to the health needs of individuals, families, or communities through services that include

- (A) assessment of problems, counseling, and teaching
  - (i) clients to maintain health or prevent illness;

and

- (ii) in the care of the ill, injured, or infirm;

- (B) administration, supervision, delegation, and evaluation of nursing practice;

- (C) teaching others the skills of nursing;

- (D) execution of a medical regimen as prescribed by a person authorized by the state to practice medicine;

- (E) performance of other acts that require education and training that are recognized by the nursing profession as properly performed by registered nurses;

- (F) performance of acts of medical diagnosis and the prescription of medical therapeutic or corrective measures under regulations adopted by the board.

\* Sec. 26. 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

Chapter 14

AS 08.68.010 as enacted in sec. 1 of this Act.

\* Sec. 27. 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. 28. 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. 29. AS 08.68.111(c), 08.68.180(a), 08.68.260, 08.68.275(b), 08.68.300 - 08.68.320 and 08.68.350 are repealed.

\* Sec. 30. This Act takes effect July 1, 1982.