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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: April 17, 2018

RE: Filed Permanent Regulations: Board of Nursing

Board of Nursing regulations re: licensing and practice of nursing (12 AAC 44.090(b); 12 AAC 44.135(b); 12 AAC 44.290; 12 AAC 44.305; 12 AAC 44.317 - 12 AAC 44.321; 12 AAC 44.380 - 12 AAC 44.660; 12 AAC 44.770 - 12 AAC 44.820; 12 AAC 44.870(b); 12 AAC 44.895(b); 12 AAC 44.945(e)(3)(A); 12 AAC 44.966; 12 AAC 44.980; 12 AAC 44.990)

Attorney General File:	JU2017200464 (Part 1)
Regulation Filed:	4/16/2018
Effective Date:	5/16/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF NURSING

The attached forty-seven pages of regulations, relating to licensing and practice of nursing, including advanced practice registered nurse, education, criteria for evaluation of nurse practitioner programs, licensure requirements, license renewal, lapsed license, reinstatement, continuing competency requirements, criminal justice information, temporary permits, review of applications, advanced practice registered nurse role and population foci, certified registered nurse anesthetists, prescriptive authority, controlled substance prescriptive and dispensing authority and standards, preceptorships, identification, unprofessional conduct, certified nurse aide certification requirements, certification renewal, lapsed certification, and definitions, are hereby certified to be a correct copy of the regulation changes that the Board of Nursing adopted at its November 1-3, 2017 meeting, under the authority of AS 08.01.062, AS 08.01.075, AS 08.01.100, and AS 08.68 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.


DATE: 11-29-17
Anchorage, Alaska



Gail Bernth, Executive Administrator
Board of Nursing

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on April 16, 2018 at 505p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: May 16, 2018.

Register: 226, July 2018.

Chapter 44. Board of Nursing.

12 AAC 44.090(b) is amended to read:

- (b) Unless waived by the board, the maximum number of students per faculty member is eight ~~8~~ [10] in clinical areas involving direct care of patients or clients.

(Eff. 10/14/72, Register 43; am 4/2/86, Register 97; am 11/19/2008, Register 188; am 5/7/2010, Register 194; am 5 / 16 / 2018, Register 226)

Authority: AS 08.68.100 AS 08.68.290 AS 08.68.800

12 AAC 44.135(b) is amended to read:

- (b) The criteria contained in the document titled *Criteria for Evaluation of Nurse*

Practitioner Programs 2016 5th Edition [2012], issued by the National Task Force on Quality Nurse Practitioner Education, are adopted by reference as the criteria for approval of a graduate program for nurse practitioners under (a) of this section. (Eff. 7/17/2003, Register 167; am 10/16/2011, Register 200; am 8/10/2016, Register 219; am 5 / 16 / 2018, Register 226)

Authority: AS 08.68.100 AS 08.68.280 AS 08.68.290

Editor's note: Copies of the *Criteria for Evaluation of Nurse Practitioner Programs*, prepared by the National Task Force on Quality Nurse Practitioner Education, adopted by reference in 12 AAC 44.135(b) are available from the Division of Corporations, Business and Professional Licensing, Board of Nursing, 550 W. 7th Avenue, Suite 1500, Anchorage, AK 99501-3567, telephone: (907) 269-8161 or the National Organization of Nurse Practitioner Faculties, 1615 M Street, NW, Suite 270 [900 19TH STREET, NW, SUITE 200B], Washington, DC 20036 [20006], telephone: (202) 289-8044, email: nonpf@nonpf.org; Internet

address:

<http://c.ymcdn.com/sites/www.nonpf.org/resource/resmgr/Docs/EvalCriteria2016Final.pdf>

[[HTTP://WWW.AACN.NCHE.EDU/EDUCATION-RESOURCES/EVALCRITERIA2012.PDF](http://WWW.AACN.NCHE.EDU/EDUCATION-RESOURCES/EVALCRITERIA2012.PDF)].

12 AAC 44.290(a)(1)(A) is amended to read:

(A) for identification purposes, [AN ORIGINAL, PASSPORT PHOTOGRAPH OF THE APPLICANT, ON PHOTOGRAPHY PAPER, TAKEN WITHIN THE SIX MONTHS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, SIGNED AND DATED BY THE APPLICANT, AND] the personal identification information requested on the application form;

~~12 AAC 44.290(a)(1)(F) is amended to read:~~

12 Publisher: Existing 12 AAC 44.290(a)(1)(F) remains unchanged

~~(F) the applicant's [NOTARIZED] signature certifying that the information~~

~~in the application is correct to the best of the applicant's knowledge;~~

*Amendment withdrawn
12/27 4/16/2018*

The introductory language of 12 AAC 44.290(a)(3)(D) is amended to read:

(D) graduated from a pre-licensure nursing program that was not taught with English as the primary language, English textbooks and English testing modules, the graduate must submit [REGISTERED NURSE OR PRACTICAL NURSE PROGRAM OFFERED BY A SCHOOL OF NURSING OUTSIDE OF THE UNITED STATES OR CANADA, EXCEPT QUEBEC, CANADA,] verification of passing one of the following English proficiency examinations, with at least the following

minimum scores:

...

(Eff. 10/14/72, Register 43; am 4/27/83, Register 86; am 8/2/86, Register 99; am 7/28/95, Register 135; am 4/27/97, Register 142; am 9/25/98, Register 147; am 6/16/2002, Register 162; am 10/9/2002, Register 164; am 11/23/2003, Register 168; am 10/15/2004, Register 172; am 5/18/2006, Register 178; am 3/4/2007, Register 181; am 5/7/2010, Register 194; am 10/3/2011, Register 200; am 8/10/2016, Register 219; am 5 / 16 / 2018, Register 226)

Authority: AS 08.68.100 AS 08.68.190 AS 08.68.270

AS 08.68.170

12 AAC 44.305(a)(1)(F) is amended to read:

(F) [AN ORIGINAL, PASSPORT PHOTOGRAPH OF THE APPLICANT, ON PHOTOGRAPHY PAPER, TAKEN WITHIN THE SIX MONTHS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, AND] ^(to leave lowercase) THE APPLICANT'S NOTARIZED ^(to leave lowercase) signature certifying that the information in the application is correct to the best of the applicant's knowledge;

Proposed deletion of "the applicant's notarized" withdrawn. ACH 4/16/2013

The introductory language of 12 AAC 44.305(a)(1)(H) is amended to read:

(H) if the English language is not the applicant's first language or the applicant graduated from a pre-licensure nursing program that was not taught with English as the primary language, English textbooks and English testing modules, the graduate must submit [REGISTERED NURSE OR PRACTICAL NURSE]

Withdrawn. ACH 4/16/2013

PROGRAM OFFERED BY A SCHOOL OF NURSING OUTSIDE OF THE UNITED STATES INCLUDING TERRITORIES OR CANADA, EXCEPT QUEBEC, CANADA, WHERE ENGLISH IS NOT THE PRIMARY LANGUAGE OF THE COUNTRY OR A SCHOOL IN THE UNITED STATES AND TERRITORIES WHERE ENGLISH IS NOT THE PRIMARY LANGUAGE,] verification of passing one of the following English proficiency examinations, with at least the following minimum scores:

...

12 AAC 44.305(a)(4) is amended to read:

(4) a reference letter [, ON A FORM PROVIDED BY THE DEPARTMENT,] from the applicant's past employer verifying that the applicant has been employed in a nursing capacity for at least 320 hours within the last two years before application; if the applicant has not worked within the preceding two years, the applicant must submit proof of meeting the continuing competency requirements of the board or complete a course of study approved by the board; if the applicant has not worked within the preceding five years, the applicant must submit proof of completion of a course of study approved by the board.

(Eff. 4/27/83, Register 86; am 8/2/86, Register 99; am 4/29/91, Register 118; am 4/27/97, Register 142; am 9/25/98, Register 147; am 11/2/2001, Register 160; am 6/16/2002, Register 162; am 3/4/2007, Register 181; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am 8/10/2016, Register 219; am 5 / 16 / 2018, Register 226)

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.270
AS 08.68.170

12 AAC 44.315(a) is amended to read:

(a) A practical nurse license must be renewed biennially on or before September 30 of even-numbered years. A registered nurse license and [,] advanced **practice registered** nurse **license** [PRACTITIONER AUTHORIZATION, AND CERTIFIED REGISTERED NURSE ANESTHETIST AUTHORIZATION] must be renewed biennially on or before November 30 of even-numbered years. A renewal reminder document will be mailed to each currently licensed nurse at least 60 days before the renewal date.

(Eff. 4/27/97, Register 142; am 11/2/2001, Register 160; am 5/7/2010, Register 194; am 3/19/2014, Register 209; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.251 AS 08.68.276

*Proposed deletion
of "notarized"
withdrawn.
ACR 4/16/2018*

12 AAC 44.317(a)(1)(F) is amended to read:

(F) [AN ORIGINAL, PASSPORT TYPE PHOTOGRAPH OF THE APPLICANT, APPROXIMATELY TWO INCHES BY TWO INCHES OF THE FACE AND SHOULDERS, TAKEN WITHIN THE SIX MONTHS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, AND] the applicant's ^{*to have lowercase m*} [NOTARIZED] signature certifying that the information in the application is correct to the best of the applicant's knowledge;

12 AAC 44.317(a)(3) is amended to read:

(3) pays the penalty fee established in 12 AAC 02.280, if the license has lapsed ^{*the applicant seeking*} ^{*holds*} more than 60 days, unless it is a reinstatement of a retired status license;

The introductory language of 12 AAC 44.317(b) is amended to read:

(b) The board **or executive administrator** will reinstate a license to practice as a registered or practical nurse **or retired nurse** that has been lapsed ^{or on a retired status} at least one year, but less than five years, if the applicant

...

Proposed deletion of the word "notarized" withdrawn.

XOX 4/16/2018

12 AAC 44.317(b)(1)(E) is amended to read:

(E) [AN ORIGINAL, PASSPORT TYPE PHOTOGRAPH OF THE APPLICANT, APPROXIMATELY TWO INCHES BY TWO INCHES OF THE FACE AND SHOULDERS, TAKEN WITHIN THE SIX MONTHS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, AND] the applicant's ^{*"have lowercase"*} **[NOTARIZED]** signature certifying that the information in the application is correct to the best of the applicant's knowledge; and

12 AAC 44.317(c) is amended to read:

(c) The board **or executive administrator** will reinstate a license to practice as a registered or practical nurse ^(a) **or on retired status**, that has been lapsed five years or more, if the applicant meets the requirements of AS 08.68.251 and (b) of this section.

(Eff. 11/2/2001, Register 160; am 10/15/2004, Register 172; am 3/4/2007, Register 181; am 3/28/2008, Register 185; am 11/19/2008, Register 188; am 12/23/2009, Register 192; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.01.100 AS 08.68.251 AS 08.68.276
AS 08.68.100

(((Publisher: Existing introductory language of 12 AAC 44.318(b) remains unchanged.)))

~~The introductory language of 12 AAC 44.318(b) is amended to read:~~

~~(b) An applicant for a courtesy license under this section must submit to the department a completed, NOTARIZED application on a form provided by the department. A complete application includes.~~

*Amendment withdrawn.
J.C.K. 4/16/2018.*

(((Publisher: To reflect the repeal of 12 AAC 44.318(b)(8), please relocate the "and" connector from the end of 12 AAC 44.318(b)(7) to the end of 12 AAC 44.318(b)(6).)))

12 AAC 44.318(b)(8) is repealed:

(8) repealed 5/16/2018.

(Eff. 11/19/2008, Register 188; am 5/16/2018, Register 226)

Authority: AS 08.01.062 AS 08.68.170 AS 08.68.275
AS 08.68.100 AS 08.68.270

12 AAC 44.319(c) is repealed:

(c) Repealed 5/16/2018.

(Eff. 6/16/2002, Register 162; am 7/30/2002, Register 163; am 10/15/2004, Register 172; am 3/4/2007, Register 181; am 12/23/2009, Register 192; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.270

unpublished; Existing 12 AAC 44.320(b)(1) is unchanged.
~~12 AAC 44.320(b)(1) is amended to read:~~

(1) a completed application as required in 12 AAC 44.305(a)(1)(A) – (E), (G),

(H), and (a)(4) [12 AAC 44.305(a)(1) AND (4)];

(Eff. 10/14/72, Register 43; am 6/27/76, Register 58; am 4/27/83, Register 86; am 8/2/86,

Register 99; am 7/28/95, Register 135; am 4/27/97, Register 142; am 9/25/98, Register 147; am

6/16/2002, Register 162; am 11/23/2003, Register 168; am 3/4/2007, Register 181; am

10/3/2011, Register 200; am 12/27/2012, Register 204; am ___/___/___, Register ___)

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.210

~~AS 08.68.170~~

*Amendment
with drawn
8/10/9/14
ACR 4/16/2018*

12 AAC 44.321(a) is amended to read:

(a) An applicant who meets the requirements on the appropriate checklist established in this section has demonstrated the necessary qualifications for the license, permit, registration, or authorization applied for. An applicant who does not meet the requirements on the appropriate checklist in this section will not be issued a license, permit, registration, or authorization unless the board or the board's executive **administrator** [SECRETARY] further reviews the application and determines that the applicant meets the qualifications in AS 08.68 and this chapter for the license, permit, registration, or authorization applied for. An application that contains affirmative responses to questions about the applicant's disciplinary history, professional conduct, or personal history **may** [MUST] be referred to the division's investigative staff for review and investigation or approved by the executive administrator under 12 AAC 44.980 before final action is taken on the application.

(Eff. 10/8/95, Register 136; am 4/27/97, Register 142; am 6/16/2002, Register 162; am

7/30/2002, Register 163; am 5/2/2004, Register 170; am 2/9/2007, Register 181; am 3/4/2007, Register 181; am 3/28/2008, Register 185; am 12/27/2012, Register 204; am 5 / 16 / 2018, Register 226)

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.251
AS 08.68.170 AS 08.68.210 AS 08.68.850
AS 08.68.190

changed

The article heading of 12 AAC 44, Article 4 is amended to read:

Article 4. Advanced Practice Registered Nurse [PRACTITIONER].

12 AAC 44.380 is repealed and readopted to read:

12 AAC 44.380. Advanced practice registered nurse role and population foci. (a) An advanced practice registered nurse is a licensed independent practitioner who is licensed to practice as a nurse midwife, a clinical nurse specialist, a nurse practitioner, or a certified registered nurse anesthetist, or in more than one role. The individual must be licensed to practice in the role for which the individual has received specialized education.

(b) An advanced practice registered nurse must be licensed to practice in one or more of the following population foci:

- (1) family/individual across the lifespan;
- (2) adult/gerontology;
- (3) neonatal;
- (4) pediatric;
- (5) women's health/gender related;

(6) psychiatric/mental health.

(c) An advanced practice registered nurse currently licensed in the following population foci as of May 16, 2018 ~~(fill in effective date of regulation)~~ may continue to practice as long as that certification is maintained:

(1) acute care/emergency;

(2) adult health;

(3) adult psychiatric/mental health;

(4) family health;

(5) family psychiatric/mental health;

(6) geriatric nursing;

(7) women's health. (Eff. 3/28/2008, Register 185; am 4/16/2010, Register 194;

am 3/19/2014, Register 209; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.850

12 AAC 44.400 is amended to read:

12 AAC 44.400. Requirements for initial licensure [AUTHORIZATION]. (a) Except as provided in (e) and (f) of this section, an applicant for initial licensure [AUTHORIZATION] to practice as an advanced practice registered nurse (APRN) [PRACTITIONER] as defined in

AS 08.68.850

[AS 08.68.850(1)]

(1) must have satisfactorily completed

(A) a formal accredited graduate educational course of study preparing in

one of the APRN roles [NURSING] that

(i) is a minimum of one academic year in length;

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

(iii) includes a combination of classroom instruction and a minimum of 500 separate, non-duplicated hours of supervised clinical practice;

(iv) if completed on or after January 1, 1998, has distinct course offerings of three graduate credits or more in advanced pathophysiology, advanced pharmacotherapeutics, and advanced physical assessment; ^{and}

^{IS} (v) as evidenced by an official transcript or other official

documentation received directly from a graduate program accredited by a
nursing accrediting body that is recognized by the ^{United States} U.S. Secretary of
Education or CHEA, or its successor organization as acceptable by the
board?

that is recognized
by the Council for
Higher Education
Accreditation

and as evidenced by
official documentation
received directly from
the certifying body

(B) repealed 4/27/97;

(2) must hold a current license to practice as a registered nurse in ^{this state} [Alaska];

(3) must hold a current certification of advanced practice registered nurse

[PRACTITIONER] in the population focus of nursing for which the applicant was educated as provided in (a) of this section, granted by a national certification body recognized by the board;

Primary source verification is required;

(4) shall, in the absence of a continuing education requirement of the certifying body, submit documented evidence of having obtained 60 [30] contact hours of continuing education in the population focus of the advanced practice registered nurse [PRACTITIONER] every two years;

(5) if intending to deliver health care services to the public, must submit with the

application for initial **licensure** [AUTHORIZATION] a consultation and referral plan; the plan must

(A) describe the applicant's clinical practice;

(B) identify the expected client population focus area, which is within the scope of practice of the applicant;

(C) list the applicant's method of routine consultations and referrals, the method of documenting routine consultations and referrals in the patient record, and the names and titles of health care providers that the applicant will use for routine consultations and referrals;

(D) list the applicant's method for emergency referrals; and

(E) repealed 10/3/2011;

(F) describe the process for quality assurance the applicant will use to evaluate the applicant's practice, including

(i) the use of standards that apply to the area of practice;

(ii) present or past review of the practice;

(iii) use of **pre-established** [PREESTABLISHED] criteria; and

(iv) a written evaluation of the quality assurance review with a plan for corrective action, if indicated, and follow-up;

(6) shall submit a completed application on a form provided by the department;

the completed application must include

(A) the names and addresses of three persons who may be contacted as professional references;

(B) one fully completed reference form, that is signed by one of the

persons named under (A) of this paragraph who is qualified to verify the applicant's competency to practice as an advanced **practice registered** nurse [PRACTITIONER], and that indicates that the applicant has demonstrated competency to practice as an advanced **practice registered** nurse [PRACTITIONER] within the two years immediately before the date of application;

Proposed deletion of the word "notarized" withdrawn.

(C) the applicant's ^{*«leave lowercase»*} ~~NOTARIZED~~ signature certifying that the

AC 4/15/2018

information in the application is correct to the best of the applicant's knowledge;

(D) a certified transcript sent directly to the department from **the graduate**

APRN program of study [A SCHOOL OF NURSING] showing the applicant has satisfactorily completed an educational course of study that meets the requirements of (1) of this subsection; and

*Withdrawn.
AC 4/15/2018*

(E) if the ~~English language is not the applicant's first language or the~~

applicant **graduated from an** [IS A GRADUATE OF A FOREIGN] advanced **practice registered** nurse [PRACTITIONER] program **that was not taught with** [OUTSIDE OF THE UNITED STATES INCLUDING TERRITORIES OR CANADA, EXCEPT QUEBEC, CANADA, WHERE] English **as** [IS NOT] the primary language, [OF THE COUNTRY OR A PROGRAM IN THE UNITED STATES AND TERRITORIES WHERE] English **textbooks and English testing modules, the graduate must submit** [IS NOT THE PRIMARY LANGUAGE,] verification of passing one of the following English proficiency examinations, with at least the following minimum scores:

(i) International English Language Testing System (IELTS)

academic examination - overall score of 6.5 with a minimum of 6.0 on all modules;

(ii) Test of English as a Foreign Language, paper-based test

(TOEFL - PBT) - overall score of 560 with a score on the Test of Spoken English (TSE) of 50;

(iii) Test of English as a Foreign Language, computer-based test

(TOEFL - CBT) - overall score of 220 with a score on the Test of Spoken English (TSE) of 50;

(iv) Test of English as a Foreign Language, Internet-based test

(TOEFL - iBT) - overall score of 84 with a speaking score of 26; and

(7) shall submit the initial biennial licensure [AUTHORIZATION] fee

← established by 12 AAC 02.280.

(b) Repealed 12/1/84.

(c) Repealed 4/27/97.

(d) To meet the requirements of (a)(3) of this section, an applicant for a licensure [AN AUTHORIZATION] to practice as an adult or family psychiatric mental health nurse practitioner must submit

(1) certification issued by the American Nurses Credentialing Center before January 1, 2003 certifying that the applicant has passed the examination administered by the American Nurses Credentialing Center for

(A) psychiatric mental health clinical nurse specialist; or

(B) adult or family psychiatric mental health nurse practitioner; or


(2) certification issued by the American Nurses Credentialing Center on or after January 1, 2003 certifying that the applicant has passed the examination administered by the American Nurses Credentialing Center for adult or family psychiatric mental health nurse

practitioner or clinical nurse specialist.

(e) Notwithstanding the requirements of this section, an applicant for initial authorization to practice as an advanced practice registered nurse [PRACTITIONER] who is a graduate of a foreign advanced practice registered nurse [PRACTITIONER] program may satisfy the requirements of (a) of this section by graduation from a foreign graduate level advanced practice registered nurse [PRACTITIONER] program that is equivalent to an accredited advanced practice registered nurse [PRACTITIONER] education program in the United States. The applicant must submit an official transcript, mailed directly to the department from the foreign advanced practice registered nurse [PRACTITIONER] program, and accompanied by certified English translations if the original documents are not in English. The applicant must also submit a credentials evaluation from the Commission on Graduates of Foreign Nursing Schools verifying that the foreign advanced practice registered nurse [PRACTITIONER] education program from which the applicant graduated is equivalent to an accredited advanced practice registered nurse [PRACTITIONER] education program in the United States.

(f) Notwithstanding the requirements of this section, the graduate degree requirements of (a) of this section are satisfied by a

(1) certificate-prepared women's health care nurse practitioner, neonatal nurse practitioner, or nurse midwife who completed the individual's advanced nurse practitioner program before January 1, 2006;

(2) certificate-prepared nurse practitioner in a population focus recognized by the board, other than a population focus listed in (1) of this subsection, who completed the individual's advanced practice registered nurse [PRACTITIONER] program before January 1, 2003; 

(3) certificate-prepared certified registered nurse anesthetist who completed an accredited program before January 1, 2001.

(g) In this section,

(1) "accredited" means approved by the Commission on Collegiate Nursing Education (CCNE), the Accrediting Commission for Education in Nursing (ACEN), ^{the} ~~National~~ ^{the} ~~League of Nursing Accrediting Commission (NLNAC), Council on Accreditation of Nurse Anesthesia Program (COA) or Accreditation Commission for Midwifery Education,~~ ^{the} or another national nursing accrediting organization at the time the applicant attended the program;

(2) "certificate-prepared" means an advanced **practice registered** nurse [PRACTITIONER] who graduated from an advanced **practice registered** nurse [PRACTITIONER] program that awarded a certificate. (Eff. 1/13/80, Register 73; am 5/16/81, Register 78; am 12/1/84, Register 91; am 11/7/87, Register 104; am 4/27/97, Register 142; am 11/2/2001, Register 160; am 11/16/2002, Register 164; am 3/28/2008, Register 185; am 11/19/2008, Register 188; am 4/16/2010, Register 194; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.850

~~2~~ **Editor's note:** Information on the Psychiatric Mental Health Clinical Nurse Specialist examination and the Adult or Family Psychiatric Mental Health Nurse Practitioner examination referred to in 12 AAC 44.400 may be obtained from the American Nurses Credentialing Center, 8515 Georgia Avenue, Suite 400, Silver Spring, MD 20910-3492; telephone: (800) 284-2378.
All Publisher: Existing editor's note that follows 12 AAC 44.400 is unchanged. //

The introductory language of 12 AAC 44.420(a) is amended to read:

(a) The board ^{may} will, in its discretion, recognize national certification bodies ^{that} which certify advanced **practice registered** nurse [PRACTITIONERS] by exercising responsibility for

...

12 AAC 44.420(d) is amended to read:

(d) An applicant applying for an advanced **practice registered** nurse **license** [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 authority of the certifying body. (Eff. 1/13/80, Register 73; am 12/1/84, Register 94; am 10/3/2011, Register 200; am 5 / 16 / 2018, Register 226)

Authority: AS 08.68.100

12 AAC 44.440 is repealed and readopted to read:

12 AAC 44.440. Prescriptive authority. (a) The board ^{may} will, in its discretion, authorize an advanced practice registered nurse or ^(APRN) "APRN" to prescribe and dispense legend drugs in accordance with applicable state and federal laws.

(b) An advanced practice registered nurse who applies for authorization to prescribe and dispense drugs

- ^{this state} (1) must be currently designated as an APRN in Alaska at the time of application;
- (2) shall provide evidence of completion of 15 contact hours of education in advanced pharmacology and clinical management of drug therapy within the two-year period

immediately before the date of application; and

(3) shall submit a completed application as required in 12 AAC 44.400(a)(6) accompanied by the application fee established in 12 AAC 02.280.

(c) Authorized prescriptions by an APRN must

(1) comply with all applicable state and federal laws; ^{and}

(2) contain the signature of the prescriber followed by the initials "APRN" and the prescriber's identification number assigned by the board.

^{The board may limit, restrict, deny, suspend, or revoke}
(d) ^{in licensure} Prescriptive authorization or APRN licensure ~~will, in the board's discretion, be~~ ^{limited, restricted, denied, suspended, or revoked} if the APRN has

(1) not maintained current licensure as an APRN;

(2) not maintained current national certification from the national certifying body within their scope of practice;

(3) prescribed, dispensed, administered, or distributed drugs in an unsafe manner or without adequate instruction to patients according to acceptable and prevailing standards;

(4) sold, purchased, traded, ^{or} offered to sell, purchase, ^{or} trade drug samples;

(5) prescribed, dispensed, administered, or distributed drugs for other than therapeutic or prophylactic purposes;

(6) prescribed or dispensed drugs to individuals who are not patients of the APRN or who are not within the nurse's role and population foci; or

(7) violated any provision of state or federal statutes and regulations pertaining to nursing practice.

(e) An APRN's prescriptive authority must be renewed biennially with the APRN licensure.

(f) ^(An)APRN may receive, sign for, record, and distribute medication samples to patients.

The distribution of drug samples ^{must} be in accordance with state laws and ^{United States Drug Enforcement Administration} DEA laws and regulations, and guidelines.

^(h) (g) In this section, "prescriptive authority" includes authority to dispense prescriptions.

^(g) (h) Contact hours used for initial licensure as an APRN may not be used again for renewal of the licensure unless the initial licensure is within 180 days of the renewal deadline.

• (Eff. 1/13/80, Register 73; am 12/1/84, Register 91; am 11/7/87, Register 104; am 8/9/92, Register 123; am 4/9/94, Register 130; am 4/27/97, Register 142; am 7/17/2003, Register 167; am 5/29/2005, Register 174; am 3/28/2008, Register 185; am 12/23/2009, Register 192; am 4/16/2010, Register 194; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.850

The introductory language of 12 AAC 44.445(a) is amended to read:

(a) In addition to legend drug prescriptive and dispensing authority under 12 AAC 44.440, the board ^{may} will, in its discretion, authorize an advanced practice registered nurse ^(APRN?) [PRACTITIONER] ^{OR} "APRN" ["ANP"] to prescribe and dispense ^{II#-#V} schedule 2-5 controlled substances in accordance with applicable state and federal laws if an applicant

...

12 AAC 44.445(a)(1) is amended to read:

(1) submits a completed application on a form provided by the department; the

completed application must include the applicant's

- (A) name, address, and phone number;
- (B) license [AUTHORIZATION] number as an APRN [ANP];
- (C) date of birth;
- (D) repealed 12/27/2012; and
- (E) NOTARIZED signature certifying that the information in the

Proposed deletion of the word "notarized" withdrawn.

ACDR 4/16/2018

application is correct to the best of the applicant's knowledge;

12 AAC 44.445(b) is amended to read:

(b) All the provisions of 12 AAC 44.440 apply to an APRN [ANP] with controlled substance prescriptive authority under this section.

12 AAC 44.445 is amended by adding new subsections to read:

(c) Written, verbal, or electronic controlled substance prescriptions and orders ~~shall~~ ^{must} comply with all applicable state and federal laws.

(d) An advanced practice registered nurse with controlled substance prescriptive and dispensing authority must register with the controlled substance prescription database under ^{AS}

17.30.200(o).

(e) An advanced practice registered nurse with authority to prescribe controlled substance ^{a registered nurse or licensed practical nurse} may only delegate to ~~an RN, LPN, or CNA~~ to access the database on the practitioner's behalf.

(f) When prescribing a drug that is a controlled substance, as defined in AS 11.71.900, the APRN shall create and maintain a complete, clear, and legible written record of care that includes

"Proposed Text", or CNA" is withdrawn.

ACDR 4/16/2018

(1) a patient history and evaluation sufficient to support a diagnosis;
(2) a diagnosis and treatment plan for the diagnosis;
(3) a plan for monitoring the patient for side effect^{CS} of the drug and results of the drug;

(4) a record of each drug prescribed, administered, or dispensed, including the type of drug, dose, and any authorized refills.

(g) The APRN ^{shall} will check the controlled substance prescription database established under AS 17.30.200² before a controlled substance designated schedule II or III under federal law is initially dispensed, prescribed, or administered to a patient at least once every 30 days for up to 90 days, and at least once every three months if a course of treatment continue^{CS} for more than 90 days. This ^{subsection does} requirement ~~shall~~ not apply if²

(1) the patient is currently receiving treatment in a licensed health care facility and that prescription is non-refillable;

(2) the patient is currently receiving treatment in the emergency room in a licensed health care facility and that prescription is non-refillable;

(3) the controlled substance^{CS} dispensed or prescribed to a patient immediately before, during, or within the first 48 hours of undergoing a medical or surgical procedure in a licensed health care facility, and that prescription is non-refillable;

(4) the controlled substance is dispensed or prescribed to a patient currently receiving care in hospice;

(5) the quantity of the controlled substance prescribed does not exceed an amount ^{that} which is adequate for a single three-day treatment period, the prescription does not allow a refill, and no subsequent prescriptions are written for or dispensed for the next 15 days;^{or}

(6) the prescription controlled substance database is not operational due to temporary technological or electrical failure or natural disaster.

(h) A licensee treating a patient with a prescription for a controlled substance that was initially written at least 90 days before May 16, 2018 (fill in effective date of regulation) shall check the controlled substance prescription database established under AS 17.30.200 at least once every three months for the duration of the prescription. (Eff. 11/17/87, Register 104; am 4/9/94, Register 130; am 4/27/97, Register 142; am 5/29/2005, Register 174; am 10/3/2011, Register 205; Register 200; am 12/27/2012; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.850

12 AAC 44.447(a) is amended to read:

12 AAC 44.447. Advanced practice registered nurse [PRACTITIONER] dispensing standards. (a) An advanced practice registered nurse [PRACTITIONER] or "APRN" ["ANP"] with prescriptive and dispensing authority may dispense a prescription within the APRN's [ANP's] scope of practice only.

12 AAC 44.447(b) is amended to read:

(b) An APRN [ANP] with prescriptive and dispensing authority may dispense a medication prepackaged by a pharmacy or pharmaceutical manufacturer. A prepackaged medication must be dispensed in its original package.

12 AAC 44.447(c) is amended to read:

(c) If an APRN [ANP] dispenses less than the prepackaged quantity of a medication, the

APRN [ANP] shall adjust the label on the container to show the quantity dispensed. The **APRN** [ANP] shall also dispose of the excess medication in accordance with established professional standards.

The introductory language of 12 AAC 44.447(d) is amended to read:

(d) When dispensing a prescription, an **APRN** [ANP] with prescriptive and dispensing authority is responsible for

• • •

12 AAC 44.447(e) is amended to read:

(e) An **APRN** [ANP] with prescriptive and dispensing authority shall keep a readily retrievable written record of prepackaged medication prescriptions dispensed, including lot number.

12 AAC 44.447(f) is amended to read:

(f) An **APRN** [ANP] may delegate the delivery of a prescription to another individual if the

(1) **APRN** [ANP] has developed a protocol on drug delivery and reviewed the protocol with the individual delivering the prescription;

(2) **APRN** [ANP] has provided orientation and training on drug delivery to the individual delivering the prescription;

(3) **APRN** [ANP] supervises the individual delivering the prescription; the

supervision may be in person or by telephone; and

(4) individual to whom the APRN [ANP] has delegated the delivery of a prescription

(A) is 18 years of age or older; and

(B) can read and write the language of the APRN [ANP].

12 AAC 44.447(g) is amended to read:

(g) An APRN [ANP] who delegates delivery of a prescription and does not meet the requirements of (f) of this section is subject to disciplinary action by the board.

The introductory language of 12 AAC 44.447(h) is amended to read:

(h) An APRN [ANP] with prescriptive and dispensing authority may dispense a prescription packaged from a bulk supply of medication if the prescription was packaged according to the following standards:

• • •

The introductory language of 12 AAC 44.447(i) is amended to read:

(i) An APRN [ANP] who dispenses a prescription packaged from a bulk supply of medication shall keep a readily retrievable record of packaging procedures for that prescription, including the

• • •

The introductory language of 12 AAC 44.447(j) is amended to read:

(j) The label for a prescription that is to be dispensed by an APRN [ANP] and that

...

12 AAC 44.447(j)(1)(A) is amended to read:

(A) the dispensing APRN's [ANP's] name and address;

(Eff. 4/9/94, Register 130; am 4/30/94, Register 130; am 6/22/96, Register 138; am

5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.850

12 AAC 44.450(a) is amended to read:

12 AAC 44.450. Temporary and nonrenewable advanced practice registered nurse

[PRACTITIONER] permits. (a) The board ^{may} will, in its discretion, grant a temporary permit to

practice as an advanced practice registered nurse [PRACTITIONER] to an applicant who is

currently certified as an advanced practice registered nurse [PRACTITIONER] in another state

or jurisdiction with requirements at least equivalent to those of this state.

12 AAC 44.450(a)(1), (2), and (4) - (7)

The introductory language of 12 AAC 44.450(b) is amended to read:

(b) The board ^{may} will, in its discretion, grant a nonrenewable permit to practice as an advanced practice registered nurse [PRACTITIONER] to an applicant who meets the

requirements of [2 AAC 44.400(a)(1), (a)(2), and (a)(4) - (a)(7)]; and

...

12 AAC 44.450(f) is amended to read:

(f) **The holder of a** [AN APPLICANT WHO FAILS THE CERTIFYING EXAMINATION SHALL NOTIFY THE BOARD AND SURRENDER THE] nonrenewable permit **as an advanced practice registered nurse who fails to successfully pass the certification examination on the first attempt shall surrender the holder's nonrenewable permit to the board not later than 48 hours after receiving notification of failure** [ISSUED UNDER THIS SECTION]. (Eff. 1/13/80, Register 73; am 12/1/84, Register 91; am 11/23/2003, Register 168; am 10/3/2011, Register 200; am 3/19/2014, Register 209; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.210

12 AAC 44.460(a)(2) is amended to read:

(2) to fulfill the requirements for reinstatement of a lapsed advanced **practice registered** nurse **licensed** [PRACTITIONER AUTHORIZATION] under 12 AAC 44.475.

12 AAC 44.460(b)(5) is amended to read:

(5) documented evidence of current enrollment in an advanced **practice registered** nurse [PRACTITIONER] program as required in 12 AAC 44.400(a)(1)(A).

12 AAC 44.460 is amended by adding a new subsection to read:

(f) A preceptor must ~~meet the following requirements:~~

(1) holds an active license or privilege to practice as an APRN or physician that is not encumbered and practices in a comparable practice focus; and

(2) functions as a supervisor and teacher and evaluates the individual's performance in the clinical setting. (Eff. 1/13/80, Register 73; am 11/12/93, Register 128; am 11/19/2008, Register 188; am 4/16/2010, Register 194; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.01.075 AS 08.68.270 AS 08.68.850
AS 08.68.100 AS 08.68.275

12 AAC 44.465 is amended to read:

12 AAC 44.465. Identification. An **APRN** [ANP] shall conspicuously display

the APRN's (1) on his or her uniform or clothing, a name plate including designation as an **APRN** [ANP];

the APRN's (2) in his or her customary place of employment, a current authorization to practice as an **APRN** [ANP]; and

(3) a sign at least five inches by eight inches in size informing the public of the definition of an advanced **practice registered** nurse [PRACTITIONER] in AS 08.68.850 [AS 08.68.850(1)]. (Eff. 12/1/84, Register 91; am 5/16/2018, Register 226)

Authority: AS 08.68.100

12 AAC 44.470 is amended to read:

12 AAC 44.470. Renewal of advanced practice registered nurse license [PRACTITIONER AUTHORIZATION]. An applicant for renewal of an advanced **practice registered** nurse license [PRACTITIONER AUTHORIZATION] shall submit to the board

(1) a completed renewal application on a form provided by the department;

(2) **documentation** [CERTIFICATION] that the applicant

(A) holds national certification for each of the roles and population focus areas in which the applicant is seeking renewal;

*11/ delete one
or 5" del. //* (B) if the applicant **is seeking to renew** [HOLDS] prescriptive authority under 12 AAC 44.440, **holds a current national certification which indicates completion of the continuing education mandated by that body, and a completed prescriptive authority renewal application and fee** [HAS COMPLETED THE CONTINUING EDUCATION REQUIRED UNDER 12 AAC 44.440(f)];

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Block indent //*

mat

(3) the biennial authorization renewal fee established by 12 AAC 02.280; and

(4) evidence of a current license in good standing to practice as a registered nurse in this state. (Eff. 1/13/80, Register 73; am 12/1/84, Register 91; am 11/7/87, Register 104; am 6/22/96, Register 138; am 11/2/2001, Register 160; am 12/23/2009, Register 192; am 4/16/2010, Register 194; am 10/3/2011, Register 200; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100

12 AAC 44.475 is amended to read:

12 AAC 44.475. Reinstatement of a lapsed advanced practice registered nurse license [AUTHORIZATION]. (a) The board will reinstate **a license** [AN AUTHORIZATION] to practice as an advanced **practice registered** nurse [PRACTITIONER] that has lapsed if the applicant submits

(1) a completed application for reinstatement, on a form provided by the department;

(2) evidence of national certification for each of the roles and population focus areas in which the applicant seeks reinstatement;

(3) if the applicant seeks reinstatement of prescriptive authority, evidence of compliance with **12 AAC 44.470** [12 AAC 44.470(a)(2)(B)];

(4) except as provided in (c), (d), or (e) of this section, evidence of 320 hours of clinical practice as an advanced **practice registered** nurse [PRACTITIONER] during the two years before application for reinstatement; and

(5) the biennial **licensure** [AUTHORIZATION] renewal fee established by 12 AAC 02.280.

(b) Hours of clinical practice at the advanced practice level may be counted for reinstatement of both the registered nurse license and the advanced **practice registered** nurse **license** [PRACTITIONER AUTHORIZATION].

(c) An applicant who has had no clinical practice as an advanced **practice registered** nurse [PRACTITIONER] for a period of two years or more before the date of the reinstatement application, but less than five years, must complete 200 hours of advanced nursing practice under the direct supervision of a preceptor who is a licensed advanced **practice registered** nurse [PRACTITIONER] or licensed physician, and who is practicing in the same population focus area as that of the applicant. At the completion of the supervised practice, the preceptor must submit a statement assessing the applicant's knowledge and advanced practice ability. The lapsed **license** [AUTHORIZATION] will not be reinstated unless the preceptor states that the applicant has demonstrated competence to practice as an advanced **practice registered** nurse [PRACTITIONER].

(d) An applicant who has had no clinical practice as an advanced **practice registered**

nurse [PRACTITIONER] for a period of five years or more before the date of the reinstatement application, but less than 10 years, must complete 300 hours of advanced nursing practice under the direct supervision of a preceptor who is a licensed advanced **practice registered** nurse [PRACTITIONER] or licensed physician, and who is practicing in the same population focus area as that of the applicant. At the completion of the supervised practice, the preceptor must submit a statement assessing the applicant's knowledge and advanced practice ability. The lapsed **license** [AUTHORIZATION] will not be reinstated unless the preceptor states that the applicant has demonstrated competence to practice as an advanced **practice registered** nurse [PRACTITIONER].

(e) An applicant who has had no clinical practice as an advanced **practice registered** nurse [PRACTITIONER] for a period of 10 years or more must complete 500 hours of advanced nursing practice under the direct supervision of preceptor who is a licensed advanced **practice registered** nurse [PRACTITIONER] or licensed physician, and who is practicing in the same population focus area as that of the applicant. At the completion of the supervised practice, the preceptor must submit a statement assessing the applicant's knowledge and advanced practice ability. The lapsed **license** [AUTHORIZATION] will not be reinstated unless the preceptor states that the applicant has demonstrated competence to practice as an advanced **practice registered** nurse [PRACTITIONER].

(f) In this section, "clinical practice"

(1) means independent clinical practice in the role and population focus areas for which the applicant is seeking reinstatement, providing health care or related activities that have a clinical focus and are at an advanced practice level;

(2) includes teaching, consulting, supervision, and research related to the role and

population focus areas for which the applicant is seeking reinstatement. (Eff. 4/16/2010, Register 194; am 5/16/2018, Register 226)

Authority: AS 08.68.100

12 AAC 44.490^(a) is amended to read:

12 AAC 44.330 - 12 AAC 44.490

(a) The provisions of [12 AAC 44.400 - 12 AAC 44.490 of this chapter] are applicable only to an advanced practice [A] registered [PROFESSIONAL] nurse whose licensure [AUTHORIZATION] to perform acts of medical diagnosis and prescription of medical, therapeutic, and corrective measures comes from the nurse's educational preparation, national certification, and licensure [AUTHORIZATION] to practice in compliance with regulations established by the board.

am 11/7/87, Register 104;

(Eff. 1/13/80, Register 73; am 5/16/2018, Register 226)

Authority: AS 08.68.100

AS 08.68.350

(b) Nothing in 12 AAC 44.380 - 12 AAC 44.490 [12 AAC 44.400 - 12 AAC 44.490] limits the usual and customary practice of a registered nurse or licensed practical nurse in this state [ALASKA].

12 AAC 44.500 is repealed:

12 AAC 44.500. Requirements for initial authorization. Repealed 5/16/2018. (Eff. 10/8/81, Register 80; am 8/2/86, Register 99; am 11/7/87, Register 104; am 4/27/97, Register 142; am 3/28/2008, Register 185; am 11/19/2008, Register 188; am 10/3/2011, Register 200; am 12/27/2012, Register 204; repealed 5/16/2018, Register 226)

cc Publisher: Please delete the editor's note that follows 12 AAC 44.500.)))

12 AAC 44.510 is repealed:

12 AAC 44.510. Scope of practice. Repealed 5/16/2018. (Eff. 10/8/81, Register 80; am 8/2/86, Register 99; am 11/7/87, Register 104; am 12/27/2012, Register 204; am 8/10/2016,

Register 219; repealed 5/16/2018, Register 226)

« Publisher: Please delete the editor's note that follows 12 AAC 44.510. »)

12 AAC 44.525 is repealed:

12 AAC 44.525. Certified registered nurse anesthetist prescriptive authority.

Repealed 5/16/2018. (Eff. 8/9/92, Register 123; am 4/27/97, Register 142; am 11/23/2003,

Register 168; am 10/3/2011, Register 200; am 12/27/2012, Register 204; repealed 5/16/2018,

Register 226)

« Publisher: Please delete the editor's note that follows 12 AAC 44.525. »)

12 AAC 44.530 is repealed:

12 AAC 44.530. Nonrenewable certified registered nurse anesthetist permits.

Repealed 5/16/2018. (Eff. 10/8/81, Register 80; am 8/2/86, Register 99; am 11/23/2003,

Register 168; am 10/3/2011, Register 200; am 12/27/2012, Register 204; repealed 5/16/2018,

Register 226)

12 AAC 44.540 is repealed:

12 AAC 44.540. Renewal of certified registered nurse anesthetist authorization.

Repealed 5/16/2018. (Eff. 10/8/81, Register 80; am 8/2/86, Register 99; am 11/7/87, Register

104; am 11/2/2001, Register 160; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am

8/10/2016, Register 219; repealed 5/16/2018, Register 226)

12 AAC 44.545 is repealed:

12 AAC 44.545. Reinstatement of lapsed certified registered nurse anesthetist

authorization. Repealed 5/16/2018. (Eff. 10/3/2011, Register 200; am 12/27/2012, Register

204; repealed 5 / 16 / 2018, Register 226)

12 AAC 44.560 is repealed:

12 AAC 44.560. Applicability. Repealed 5 / 16 / 2018. (Eff. 10/8/81, Register 80; am 8/2/86, Register 99; repealed 5 / 16 / 2018, Register 226)

The introductory language of 12 AAC 44.610(a)(1) is amended to read:

(1) completion of at least 30 contact hours of continuing education for renewal of a license **or current certification by a national nursing certification body**, during the two years before the licensing period for which the applicant seeks renewal; the applicant shall earn at least 20 of the contact hours in a continuing education program provided

...

12 AAC 44.610(a)(1)(B) is amended to read:

(B) by a sponsor for which an applicant **or the executive administrator** obtains board approval; the board will approve only those sponsors who offer ^[1]continuing education^[1] as defined in (c)(2) of this section;

The introductory language of 12 AAC 44.610(c)(1) is amended to read:

(1) "contact hour" means a minimum of 50 [60] minutes of actual organized instruction; academic credit will be converted to contact hours as follows:

...

12 AAC 44.610(d) is amended to read:

(d) The board will not accept continuing education contact hours or in-service hours for the completion of courses in cardiopulmonary resuscitation (CPR) or basic life support (BLS).

The board will accept continuing education for renewals of licenses of advanced cardiac life support (ACLS), pediatric advanced life support (PALS), and other advanced courses

for registered nurses. (Eff. 1/1/87, Register 97; am 7/28/95, Register 135; am 11/2/2001, Register 160; am 3/28/2008, Register 185; am 11/19/2008, Register 188; am 3/19/2014, Register 209; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.276 AS 08.68.330

12 AAC 44.620(a)(1) is amended to read:

(1) completion of at least 60 [30] hours of participation in uncompensated professional activities for renewal of a license, during the two years before the licensing period for which the applicant seeks renewal; and

12 AAC 44.620 is amended by adding a new subsection to read:

(c) Providing nursing care to ^{the nurse's} immediate family members does not qualify to meet professional activities requirements. ^{In this subsection,} Immediate family members ^{means a} defined as parents, siblings, spouse, children, ^{or} parent-in-laws, sibling in-laws, step-children, and either same-sex or opposite sex domestic partners. (Eff. 1/1/87, Register 97; am 7/28/95, Register 135; am 11/2/2001, Register 160; am 10/15/2004, Register 172; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.276 AS 08.68.330

12 AAC 44.660(b) is repealed:

(b) Repealed 5/16/2018. (Eff. 1/1/87, Register 97; am 12/23/2009, Register 192; am 4/16/2010, Register 194; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.276

12 AAC 44.770(6) is amended to read:

paragraph (6) violating the confidentiality of information or knowledge concerning a client;
this section does not apply to

(A) a case conference with other health care professionals or students;

(B) a case in which the client, in writing, authorized the nurse to
reveal a communication;

(C) a case where an immediate threat of serious harm to an
identifiable victim or client is communicated to the nurse by a client;

(D) ^(information, knowledge, or facts known to the nurse regarding.) proceedings conducted by the board or the department where the
(incompetent, unprofessional, or illegal practice of a health care provider, and that
disclosure of confidential communications is necessary to defend against charges
if not reported would constitute unprofessional conduct under (13) of this section;
that the nurse has violated provisions of this chapter;

12 AAC 44.770(9) is amended to read:

(9) violating state or federal laws regulating drugs, including [but not limited to]

forging prescriptions or unlawfully distributing drugs or narcotics, or prescribing controlled

the nurse's immediate in this paragraph, means a
substances for self or family members; immediate family members defined as parents,

siblings, spouse, children, parent-in-law, sibling-in-law, stepchildren, and either same-
sex or opposite sex domestic partner;

12 AAC 44.770(15) is amended to read:

(15) for any person not authorized to practice acts of medical diagnosis or medical therapeutics as an advanced **practice registered** nurse [PRACTITIONER], to use the title nurse practitioner or advanced **practice registered** nurse [PRACTITIONER], or the abbreviation NP or **APRN** [ANP] or any other words, letters, signs, or figures to indicate that the person is an advanced **practice registered** nurse [PRACTITIONER];

12 AAC 44.770(16) is amended to read:

(16) for an advanced **practice registered** nurse [PRACTITIONER] to perform duties other than those specified in 12 AAC 44.430;

12 AAC 44.770(18) is repealed:

(18) repealed 5/16/2018;

12 AAC 44.770(27) is amended to read:

(27) for an advanced **practice registered** nurse [PRACTITIONER] with prescriptive and dispensing authority, prescribing or dispensing a prescription outside of the advanced **practice registered nurse's** [NURSE PRACTITIONER'S] scope of practice;

12 AAC 44.770 is amended by adding new paragraphs to read:

~~(35) practicing a profession licensed or certified under AS 08.68 without a~~
~~Required license, permit, or certification or with a lapsed, expired, retired license, certification, or~~
~~permit;~~

Withdrawn by Board of Nursing at its meeting of 11/1/2017.

(35)

(36) offering, giving, soliciting, or receiving fees or other benefits, in whole or in part, to a person for bringing in or referring a patient;

(36)

(37) prescribing, dispensing, or furnishing a prescription medication to a person without first conducting a physical examination of that person, unless the licensee has a patient-APRN relationship with the person; this paragraph does not apply to prescriptions written or medications issued for expedited partner therapy for sexually transmitted diseases, or in response to an infectious disease investigation, public health emergency, infectious disease outbreak, or act of bioterrorism;

(37)

or to disseminate or

(38) use of electronics, social media, sharing posting, transmitting, or otherwise disseminating any information online about a patient or information gained in the nurse-patient relationship unless there is a legal obligation patient care need related to disclose the information or other legal obligation to do so?

(38)

(39) failure to register with the controlled substance prescription database established under AS 17.30.200, by a licensee who has a United States ~~Federal~~ Drug Enforcement Administration registration number;

(39)

(40) failure to check the controlled substance prescription database established under AS 17.30.200, by a licensee when prescribing or Blotting one (excess) space dispensing a controlled substance designated schedule II or III under federal law to a patient. (Eff. 4/27/83, Register 86; am 11/7/87, Register 104; am 4/9/94, Register 130; am 11/10/2002, Register 164; am 7/22/2004, Register 171; am 10/15/2004, Register 172; am 5/18/2006, Register 178; am 11/19/2008, Register 188; am 12/23/2009, Register 192; am 3/19/2014, Register 209; am 5/16/2018, Register 226)

Authority: AS 08.68.100

12 AAC 44.780 is amended to read:

12 AAC 44.780. Reinstatement of a suspended license [OR AUTHORIZATION]. A suspended license [OR AUTHORIZATION] may be reinstated only if the requirements in the suspension order have been met. (Eff. 1/13/80, Register 73; am 4/29/91, Register 118; am 5/16/2018, Register 226)

Authority: AS 08.68.100

12 AAC 44.785(a) is amended to read:

12 AAC 44.785. Reinstatement of a revoked license [OR AUTHORIZATION]. (a) One year after revocation of a license [OR AUTHORIZATION], the nurse [, CERTIFIED REGISTERED NURSE ANESTHETIST,] or advanced **practice registered** nurse [PRACTITIONER] may apply to the board in writing for reinstatement.

12 AAC 44.785(c) is amended to read:

(c) The board may impose restrictions upon the nurse [, CERTIFIED REGISTERED NURSE ANESTHETIST,] or advanced **practice registered** nurse [PRACTITIONER] when reinstating a license [OR AUTHORIZATION].

12 AAC 44.785(d) is amended to read:

the applicant's (d) The applicant is responsible for providing a written evaluation from the employer regarding his or her performance and will be evaluated by the board to determine whether or not the license [OR AUTHORIZATION] will be reinstated. (Eff. 1/13/80, Register 73; am 4/29/91, Register 118; am 3/19/2014, Register 209; am 5/16/2018, Register 226)

Authority: AS 08.68.100

The introductory language of 12 AAC 44.800(a)(2) is amended to read:

*Withdrawn.
XCR 4/16/2018*

(2) submits verification of passing one of the following English proficiency examinations, with at least the following minimum scores, if the applicant applies under (1)(A), (B), (C), or (E) of this subsection, and if English is not applicant's first language or the applicant graduated from an advanced practice registered nurse program that was not taught with English as the primary language, English textbooks and English testing modules, the graduate must submit verification of passing one of the following English proficiency examination with the following minimum scores or higher [THE SCHOOL OR PROGRAM WAS OUTSIDE OF THE UNITED STATES INCLUDING TERRITORIES OR CANADA, EXCEPT QUEBEC, CANADA, WHERE ENGLISH IS NOT THE PRIMARY LANGUAGE OF THE COUNTRY OR A SCHOOL OR PROGRAM IN THE UNITED STATES AND TERRITORIES WHERE ENGLISH IS NOT THE PRIMARY LANGUAGE]:

...

(Eff. 2/14/99, Register 149; am 5/29/99, Register 150; am 5/29/2005, Register 174; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.331 AS 08.68.334

*Withdrawn.
XCR 4/16/2018*

The introductory language of 12 AAC 44.805(4) is amended to read:

(4) if the English language is not the applicant's first language or the applicant graduated from a CNA certification program that was not taught ^{with} English as

the primary language, English textbooks and English testing modules, ^{submission of} the graduate must.

submit [NURSE AIDE PROGRAM WAS TAKEN OUTSIDE OF THE UNITED STATES INCLUDING TERRITORIES OR CANADA, EXCEPT QUEBEC, CANADA, WHERE ENGLISH IS NOT THE PRIMARY LANGUAGE OF THE COUNTRY OR AT A SCHOOL IN THE UNITED STATES AND TERRITORIES WHERE ENGLISH IS NOT THE PRIMARY LANGUAGE,] verification of passing one of the following English proficiency examinations, with at least the following minimum scores:

...

(Eff. 2/14/99, Register 149; am 3/28/2008, Register 185; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.331

12 AAC 44.810(a) is amended to read:

(a) An applicant for certification as a nurse aide must submit

(1) a completed application, on a form provided by the department, verifying that the applicant meets the requirements of 12 AAC 44.800(a) or 12 AAC 44.805; the completed application must include, for identification purposes,

(A) [A PASSPORT PHOTOGRAPH OF THE APPLICANT;

(B)] a signature of the applicant; and

(B) [(C)] personal identification information;

(2) the applicable fees established in 12 AAC 02.282; [AND]

(3) the applicant's fingerprint information required by 12 AAC 44.812; **and**

(4) if the submitted application has remained dormant for over one year from the original date of application, an additional application fee and fingerprint processing fee shall be required.

(Eff. 2/14/99, Register 149; am 6/16/2002, Register 162; am 10/9/2002, Register 164; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.331

12 AAC 44.815(c) is amended to read:

(c) A nurse aide certification will be renewed if the applicant was employed in a state or territory of the United States, or in a province or territory of Canada performing CNA duties [AS A CERTIFIED NURSE AIDE] for monetary compensation for 160 hours or more during the concluding certification period.

(Eff. 2/14/99, Register 149; am 12/14/99, Register 153; am 4/9/2000, Register 154; am 11/2/2001, Register 160; am 7/22/2004, Register 171; am 5/29/2005, Register 174; am 12/23/2009, Register 192; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 5/16/2018, Register 226)

Authority: AS 08.01.100 AS 08.68.331 AS 08.68.336
AS 08.68.100

12 AAC 44.820(a)(4) is amended to read:

(4) verification that the applicant was employed in another state or territory of the United States, or in a province or territory of Canada, performing CNA duties [AS A CERTIFIED NURSE AIDE] for monetary compensation as required under 12 AAC 44.815(c)

for the total number of hours that would have been required to maintain a current certification for the entire period the certification was lapsed; and

12 AAC 44.820(c)(4) is amended to read:

(4) verification that the applicant was employed in another state or territory of the United States, or in a province or territory of Canada, **performing CNA duties** [AS A CERTIFIED NURSE AIDE] for monetary compensation as required under 12 AAC 44.815(c) for the total number of hours that would have been required to maintain a current certification for the entire period the certification was lapsed, with at least 160 hours having been completed during the two years immediately preceding the date of application; (Eff. 2/14/99, Register 149; am 12/14/99, Register 153; am 4/9/2000, Register 154; am 11/2/2001, Register 160; am 10/15/2004, Register 172; am 12/23/2009, Register 192; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.01.100 AS 08.68.100 AS 08.68.331

12 AAC 44.870(b) is amended by adding a new paragraph to read:

(30) use of electronics, ^{or} ^{to disseminate} social media, ^{or} sharing, posting, transmitting, or otherwise disseminating any information online about a patient or information gained in the nurse-patient relationship unless there is a ^{legal obligation} ~~patient care need related~~ to disclose the information ~~or other legal obligation to do so~~. (Eff. 2/14/99, Register 149; am 5/29/2005, Register 174; am 5/7/2010, Register 194; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.01.075 AS 08.68.331 AS 08.68.334

AS 08.68.100

The introductory language of 12 AAC 44.895(3) is amended to read:

(3) "contact hour" means a minimum of 50 [60] minutes of actual organized instruction; academic credit converts to contact hours as follows:

...

(Eff. 2/14/99, Register 149; am 11/10/2002, Register 164; am 7/22/2004, Register 171; am 11/19/2008, Register 188; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.331 AS 08.68.332

12 AAC 44.945(e)(3)(A) is amended to read:

(A) advanced **practice registered** nurse [PRACTITIONER];

(Eff. 8/30/2007, Register 183; am 11/19/2008, Register 188; am 5/7/2010, Register 194; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100

b

12 AAC 44.966(a) is amended to read:

(b) The administration of injectable medication may be delegated only by an advanced **practice registered** nurse [PRACTITIONER] to a certified medical assistant. The certified medical assistant may only perform the delegated duty in a private or public ambulatory care setting, and the advanced **practice registered** nurse [PRACTITIONER] must be immediately

available on site when the certified medical assistant is administering injectable medication.

12 AAC 44.966(c) is repealed:

(c) Repealed 5/16/2018.

12 AAC 44.966(e) is amended to read:

(e) The delegating advanced **practice registered** nurse [PRACTITIONER] is responsible for ensuring that the certified medical assistant maintains a national certification and for reviewing a current criminal background check upon hire, to be reviewed at five-year intervals. If the certified medical assistant has been convicted of a crime that, under AS 08.68.270 and 12 AAC 44.705, is substantially related to the qualifications, functions, or duties of a certified nurse aide, registered nurse, or practical nurse, the advanced **practice registered** nurse [PRACTITIONER] may not delegate the administration of injectable medications to that certified medical assistant.

12 AAC 44.966(g) is amended to read:

(g) The delegating advanced **practice registered** nurse [PRACTITIONER] is responsible for ensuring that the certified medical assistant monitors the patient's response to the injection for a minimum of 15 minutes and reports and responds to any adverse reactions.

⁹ The introductory language of 12 AAC 44.966(h)(3) is ^{repealed;} amended to read:

repealed 5/16/2018,
(3) ~~allowed injectable medication~~ **includes but are not limited to** [MEANS]



12 AAC 44.966 is amended by adding a new subsection to read:

(i) ~~No controlled substances may be delegated by~~ an advanced practice registered nurse to ~~be injected by~~ a certified medical assistant or unlicensed assistive personnel. (Eff. 5/7/2010, Register 194; am 3/19/2014, Register 209; am 5 / 16 / 2018, Register 226)

Handwritten notes:
- "may not delegate" in a box above "No controlled substances may be delegated by".
- "the injection of a controlled substance" in a box above "be injected by".
- "under state or federal law." in a box to the right of the sentence.

Authority: AS 08.68.100 AS 08.68.805 AS 08.68.850

12 AAC 44.980(a)(4) is repealed:

(4) repealed 5 / 16 / 2018;

12 AAC 44.980(a)(5) is repealed:

(5) repealed 5 / 16 / 2018;

12 AAC 44.980 is amended by adding new subsections to read:

(c) The executive administrator may

(1) consult with the division investigators and may issue a license, permit, registration, or authorization sought in an application that contains an affirmative answer to questions about the applicant's disciplinary history, professional conduct, or personal history;

(2) review and approve continuing education competency audits; audits that are not in compliance are to be reviewed by a board member;

(3) review and assist ^{the} division's investigative staff with matters for jurisdiction, ^{present to the board} and recommendations to deny a license, permit, registration, or authorization, assess evidence of an alleged violation and ^{those} make disciplinary recommendations on behalf of the board. ^{under} These disciplinary recommendations ^{must seek consistency} should remain consistent with board historical precedent as required by AS 08.01.075(f) ^{and} in that any significant departure from precedent must

be thoroughly explained. The board ^{will make each} retains the authority for any final decisions ^{on a disciplinary recommendation or a recommendation to deny a license, permit, registration, or authorization.} and sanctions.

~~(d) The executive administrator is to support the board to the extent the law allows.~~ (Eff. 2/9/2007, Register 181; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.111

*Withdrawn.
XCT 4/16/2018*

~~12 AAC 44 is amended by adding a new section to read:~~

~~12 AAC 44.981. Board meeting. (a) The board's official record is only through the written documentation as voted and approved by the board.~~

~~(b) The board meetings required by statutes must convene in person. (Eff. ___/___/___, Register ___)~~

~~Authority: AS 08.68.100~~

Withdrawn. XCT 4/16/2018

12 AAC 44.990(3) is amended to read:

(3) "APRN" ["ANP"] means advanced practice registered nurse [PRACTITIONER] as defined in AS 08.68.850 (1);

12 AAC 44.990(7) is repealed:

(7) repealed 5/16/2018;

12 AAC 44.990(10) is amended to read:

(10) "contact hour" means a 50-minute [60-MINUTE] classroom instructional session or three laboratory or clinical practice hours;

12 AAC 44.990(20) is amended to read:

(20) "preceptorship" is that portion of the APRN [ANP] course of study consisting of clinical experiences under the auspices of a qualified preceptor for the purpose of correlating theory to practical application of the expanding role of the nurse; the setting must provide an environment ^{that} which permits observation and active participation in the delivery of health care;

12 AAC 44.990(22) is amended to read:

(22) "qualified preceptor" ^{means} [is] an advanced practice registered nurse [PRACTITIONER] currently authorized to practice as an APRN [ANP] in the state or a currently licensed, practicing physician or a physician specifically exempted by AS 08.64.370(1) and approved by the board; the functions of the preceptor include supervision, teaching, and evaluation of a student's performance in the clinical setting;

(Eff. 1/13/80, Register 73; am 10/8/81, Register 80; am 12/1/84, Register 91; am 4/2/86, Register 97; am 4/29/91, Register 118; am 7/28/95, Register 135; am 11/2/2001, Register 160; am 6/16/2002, Register 162; am 11/10/2002, Register 164; am 10/14/2004, Register 172; am 2/9/2007, Register 181; am 11/19/2008, Register 188; am 12/27/2012, Register 204; am 8/10/2016, Register 219; am 5/16/2018, Register 226)

Authority: AS 08.68.100 AS 08.68.275 AS 08.68.805

12 AAC 44.990 is amended by adding a new paragraph to read:
(32) "CNA" means certified nurse aide.

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: April 16, 2018

File No.: JU2017200464 (Part 1)

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Board of Nursing regulations re:
licensing and practice of nursing
(12 AAC 44.090(b); 12 AAC
44.135(b); 12 AAC 44.290; 12 AAC
44.305; 12 AAC 44.317 - 12 AAC
44.321; 12 AAC 44.380 - 12 AAC
44.660; 12 AAC 44.770 - 12 AAC
44.820; 12 AAC 44.870(b); 12 AAC
44.895(b); 12 AAC 44.945(e)(3)(A);
12 AAC 44.966; 12 AAC 44.980;
12 AAC 44.990)

We have reviewed the attached regulations from the Board of Nursing against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation of authority dated April 13, 2018 from the Regulations Attorney. The regulations are a general update, including updates to application, licensure, and practice requirements for registered nurses, licensed practical nurses, advanced practice registered nurses, and certified nurse aides. The regulations also replace the outdated term "advanced nurse practitioner" with the current term "advanced practice registered nurse" and repeal provisions that treated certified registered nurse anesthetists as separate from other advanced practice nurse practitioners.

We have received confirmation from agency staff to defer our review of a number of regulations to a Part 2 of this project or to a separate regulations project, pending additional board work on those provisions. The language for which we have deferred review, and that is marked as "withdrawn" on the attached regulations, is as follows:

1. the proposed deletion of the word "notarized" in 12 AAC 44.290(a)(1)(F) [page 2];
2. the proposed deletion of the text "the applicant's notarized" in 12 AAC 44.305(a)(1)(F) [page 3];
3. the phrase "English language is not the applicant's first language or the" in 12 AAC 44.305(a)(1)(H) [page 3];

4. the proposed deletion of the word "notarized" in 12 AAC 44.317(a)(1)(F) [page 5];
5. the proposed deletion of the word "notarized" in 12 AAC 44.317(b)(1)(E) [page 5];
6. the proposed deletion of the word "notarized" in 12 AAC 44.318(b) [page 7];
7. the proposed amendment to 12 AAC 44.320(b)(1) [page 8];
8. the proposed deletion of the word "notarized" in 12 AAC 44.400(a)(6)(C) [page 13];
9. the phrase "English language is not the applicant's first language or the" in 12 AAC 44.400(a)(6)(E) [page 13];
10. the proposed deletion of the word "notarized" in 12 AAC 44.445(a)(1)(E) [page 20];
11. the proposed text ", or CNA" in 12 AAC 44.445(e) [page 20];
12. the phrase "English language is not the applicant's first language or" in 12 AAC 44.800(a)(2) [page 39];
13. the phrase "English language is not the applicant's first language or the" in 12 AAC 44.805(4) [page 39];
14. proposed 12 AAC 44.980(d) [page 46];
15. proposed 12 AAC 44.981 [page 46].

We also note that the Board of Nursing, at its meeting of November 1, 2017, withdrew what had originally been proposed as 12 AAC 44.770(35). We have displayed the Board's withdrawal of the proposed paragraph and renumbered the following paragraphs accordingly.

We find no legal problems with Part 1 of the regulations. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

Please note that 12 AAC 44.380(c) [page 10] and 12 AAC 44.445(h) [page 22] contain placeholders for dates that are timed to the effective date of the regulations. Once the regulations are filed and the effective date thus established under AS 44.62.180, we request that your office make handwritten edits to substitute the correct date for the placeholder text. Though the placeholders are structured "___/___/___", please fill in the date using the name of the month, the day followed by a comma, and the year; for example, if the regulations are filed April 19, 2018, please set out the effective date as "May 19, 2018" rather than "5/19/2018".

The addition of a definition to 12 AAC 44.990 for the abbreviation "CNA" [page 47] is technical: it simply spells out the abbreviation, to reflect the Board of Nursing's use of the abbreviation for the first time elsewhere in the attached regulations.

The July 18, 2017 public notice and the November 29, 2017 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Gail Bernth, Executive Administrator
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey McCullough, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sara Chambers, Operations Manager
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Megyn A. Greider, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

Harriet Dinegar Milks, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: April 13, 2018

FILE NO.: JU2017200464 (Part 1)

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Board of Nursing regulations re:
licensing and practice of nursing
(12 AAC 44.090(b); 12 AAC
44.135(b); 12 AAC 44.290;
12 AAC 44.305; 12 AAC
44.317 - 12 AAC 44.321;
12 AAC 44.380 - 12 AAC
44.660; 12 AAC 44.770 -
12 AAC 44.820; 12 AAC
44.870(b); 12 AAC 44.895(b);
12 AAC 44.945(e)(3)(A);
12 AAC 44.966; 12 AAC 44.980;
12 AAC 44.990)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES RELATING TO THE LICENSING AND PRACTICE OF NURSING IN THE REGULATIONS OF THE BOARD OF NURSING

BRIEF DESCRIPTION: The Board of Nursing proposes to update regulations relating to licensing and practice of nursing.

The Board of Nursing (Board) proposes to adopt regulation changes in Title 12, Chapter 44, of the Alaska Administrative Code, dealing with all aspects of the licensing and practice of nursing under the authority of the Board of Nursing AS 08.68 and 12 AAC 44. The proposed regulations deal with a wide range of subjects, including changing the title from “ANP” to “APRN” or “advanced nurse practitioner” to “advanced practice registered nurse” throughout Chapter 44, as well as education, criteria for evaluation of nurse practitioner programs, licensure requirements, license renewal, lapsed license, reinstatement, continuing education requirements, criminal justice information, temporary permits, review of applications, advanced practice registered nurse role and population focus, scope of practice, prescriptive authority, controlled substance prescriptive and dispensing authority and standards, preceptorships, identification, unprofessional conduct, CNA certification requirements, certification renewal, lapsed certification, and definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/186493>, and using the comment link. **The comments must be received not later than 5:00 p.m. on August 31, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board’s website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than August 24, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/NUR-0717.pdf>.

A copy of the material proposed for adoption by reference is available on the Board’s website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx>.


After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.062; AS 08.01.075; AS 08.01.100; AS 08.68

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.01.075; AS 08.01.100; AS 08.68


Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 7/17/17


Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Nursing – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Nursing education, examinations and licensure, advanced practice registered nurse, continuing competency, disciplinary guidelines, certified nurse aide, and general provisions.
3. **Citation of regulation:** 12 AAC 44.090 through 12 AAC 44.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, and compliance with new state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulation:**
Gail Bernth, Executive Administrator
Alaska Board of Nursing
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 269-8161
E-mail: gail.bernth@alaska.gov
10. **The origin of the proposed action:** Board of Nursing.
11. **Date:** 7/17/17 **Prepared by:** 
Jun Maiquis, Regulations Specialist

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS AND FURNISHING OF ADDITIONAL INFORMATION

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 44, relating to licensing and practice of nursing, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 12/7/17
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 7 day of December, 2017.

Notary Public in and for the
State of Alaska
My commission expires: w/office



FIRST JUDICIAL DISTRICT

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Nursing has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Nursing regulations relating to licensing and practice of nursing.

DATE: 12/7/17
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 7 day of December, 2017.

Dill Arnes
 Notary Public in and for the
 State of Alaska
 My commission expires: *11/01/10*



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RECEIVED
Juneau

JUL 24 2017

CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

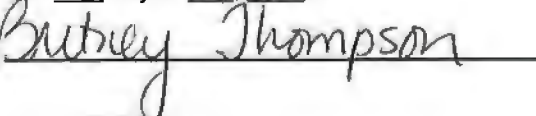
July 18, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 18th day of July, 2017



Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES RELATING TO THE LICENSING AND PRACTICE OF NURSING IN THE REGULATIONS OF THE BOARD OF NURSING

The Board of Nursing (Board) proposes to adopt regulation changes in Title 12, Chapter 44, of the Alaska Administrative Code, dealing with all aspects of the licensing and practice of nursing under the authority of the Board of Nursing AS 08.68 and 12 AAC 44. The proposed regulations deal with a wide range of subjects, including changing the title from "ANP" to "APRN" or "advanced nurse practitioner" to "advanced practice registered nurse" throughout Chapter 44, as well as education, criteria for evaluation of nurse practitioner programs, licensure requirements, license renewal, lapsed license, reinstatement, continuing education requirements, criminal justice information, temporary permits, review of applications, advanced practice registered nurse role and population focus, scope of practice, prescriptive authority, controlled substance prescriptive and dispensing authority and standards, preceptorships, identification, unprofessional conduct, CNA certification requirements, certification renewal, lapsed certification, and definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/186493>, and using the comment link. **The comments must be received not later than 5:00 p.m. on August 31, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than August 24, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/NUR-0717.pdf>.

A copy of the material proposed for adoption by reference is available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing.aspx>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected. Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.062; AS 08.01.075; AS 08.01.100; AS 08.68

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.01.075; AS 08.01.100; AS 08.68

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 7/17/17

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)
)
) **SS.**

AFFIDAVIT OF BOARD ACTION

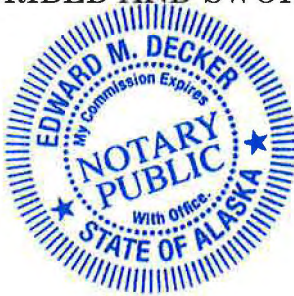
I, Gail Bernth, Executive Administrator for the Board of Nursing, being duly sworn, state the following:

The attached motion relating to licensing and practice of nursing, including advanced practice registered nurse, education, criteria for evaluation of nurse practitioner programs, licensure requirements, license renewal, lapsed license, reinstatement, continuing competency requirements, criminal justice information, temporary permits, review of applications, advanced practice registered nurse role and population focus, scope of practice, certified registered nurse anesthetists, prescriptive authority, controlled substance prescriptive and dispensing authority and standards, preceptorships, identification, unprofessional conduct, certified nurse aide certification requirements, certification renewal, lapsed certification, and definitions was passed by the Board of Nursing during its November 1-3, 2017 meeting.

Date: 11-8-17
Anchorage, Alaska


Gail Bernth, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 8th day of November, 2017.



Edward M Decha
Notary Public in and for the
State of Alaska
My commission expires: w/office

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING

THE ATWOOD BUILDING
550 WEST 7th AVENUE, Room 102
ANCHORAGE, AK
BOARD OF NURSING

Board of Nursing Minutes

November 1, 2, 3 2017

By authority of AS 08.01.070(2) and in compliance with the professions of AS 44.62, Article 6, a meeting of the Board of Nursing was held in the Atwood Building, Room 102, in Anchorage, Alaska

November 1, 2017

CALL TO ORDER

Called the meeting to order at 9:01 a.m.

ROLL CALL

Those present, constituting a quorum were:

- Chair: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Vice Chair: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Secretary: Jennifer Stukey, LPN, Wasilla
- Public Member: Julie Gillette, Fairbanks – delayed- arrived at 10:00 am
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- RN Member: Starla Fox, RN, Dillingham

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator
- Shirley Marquardt –Governor's Office, Boards and Commissions
- Sarah Chambers-Deputy Director

Members of the Public in attendance:

- Laura Sarcone - APRN Alliance
- Beth Farnstrom- Alaska Nurses Association
- Pat Reynaga-Providence Hospital

- Kim Culross-DOC
- Dennis Murray- ASHNA
- Wendy Monrad CRNA
- Steve Sivils, Anesthesiologist
- Chris Logan, CRNA
- Jenni Summers, Investigator
- Lisa Laup, ANTHC
- Paula Ayojiak, ANTHC
- Sue Metcalf, ANTHC

Let the record reflect that we are missing one individual to fill the public member seat on the Alaska Board of Nursing.

Motion made by Wendy Thon, APRN, and seconded by Joe Lefleur, RN, that the agenda be accepted.

Ethics Reporting:

Sharyl Toscano reported attending the NCSBN Annual Meeting in Chicago, IL.

Jennifer Stuckey reported attending the NCSBN Annual Meeting in Chicago, IL.

Joseph Lefleur reported attending the NCSBN NCLEX Meeting in Chicago, IL.

Agenda Item 1: Governance

Shirley Marquardt and Sarah Chambers presented the Division Report and discussed board trainings, rules of engagement and holding successful board meetings.

Let the record reflect that the BON is in recess at 9:56 a.m.

Let the record reflect that the BON is in session at 10:15 a.m.

Agenda Item 2: Division Report

Sara Chambers, Deputy Director reviewed the end of year revenues and expenditures for the FY17.

Agenda Item 3: Proposed Regulations FY 2017

Review of proposed regulations project 2017

Let the record reflect the Board of Nursing reviewed all of the public comment for the proposed regulations project 2017. See sections below.

1. The board reviewed the Education related changes and has no changes.

2. The board reviewed the “Improve licensing processing time regulations” changes and has no changes.

A motion was made by Joe Lefleur, RN and seconded by Wendy Thon, APRN, to

Rescind the regulation proposal for passport ID photo and notarization requirements. The motion was DENIED with 4 opposed and 2 abstained.

3. The board reviewed the “English Speaking Requirements” changes and has agreed to strike pre-licensing nursing and insert CNA certification. 12AAC 44.805(4)

A motion made by Starla Fox RN and seconded by Wendy Thon APRN

Moved that the board of nursing strike pre-licensing nursing and insert CNA certification in proposed regulation 12 AAC 44.805(4). The motion was approved with 5 ayes.

4. The board of nursing has reviewed “APRN Titling Change Requirements” and no changes were made.
5. The board reviewed the “Adoption of APRN Consensus Model of Regulations” and made the changes as noted below.

Let the record reflect that the board of nursing reviewed 12 AAC 44.500 through 12 AAC 44.560 and CRNA’s would be placed under 12 AAC 44.380 through 12 AAC 44.490 to align with the APRN consensus model.

A motion made by Julie Gillette and seconded by Wendy Thon APRN

Moved that the board of nursing for the state of Alaska change “focus” to “foci” in 12 AAC 44.390 (b)(c). The motion was approved with 5 ayes.

A motion was made by Julie Gillette and seconded by Starla Fox RN

Moved that the board of nursing for the state of Alaska change “an” to “a” in preceding the word licensure in 12 AAC 44.400(d) The motion was passed with 5 ayes.

A motion was made by Julie Gillette and seconded Wendy Thon, APRN

Moved that the board of nursing state of Alaska rescinds the proposed changes for 12 AAC 44.430. It was DENIED by 4 nays and 1 aye. The motion fails.

A motion was made by Joe Lefleur and seconded by Julie Gillette it was

Resolved that the motion for 12 AAC 44.380 be tabled. The motion was passed with 5 ayes and 1 nay.

A motion was made by Wendy Thon, APRN and seconded by Julie Gillette it was

Resolved that the board of nursing state of Alaska proposed to change 12 AAC 44.445 (e) to read an APRN with authority to prescribe controlled substances may only delegate an RN, LPN, or CNA to access the database. The motion was passed with 5 ayes.

6. The board reviewed the “Criminal Justice Requirements” and has no changes.

7. The board of nursing reviewed the "Continuing Competency Requirements". There are no changes.
8. The board reviewed "Unprofessional Conduct Regulations". The changes are noted below.

A motion was made by Wendy Thon, APRN and seconded by Julie Gillette

Moved that the board of nursing state of Alaska rescind 12 AAC 770(35) as duplicative. The motion passed with 5 ayes and 1 nay.

9. The board reviewed the "Duties of the Executive Administrator". There are no changes.
10. The board reviewed "Miscellaneous Regulation Changes for Clarity" and "Regulations related to AS 17.30.200(o) PDMP". There are no changes noted.

Recess for Lunch at 12:30.

Let the record reflect that the board of nursing for the state of Alaska is back in session at 1:38.

Agenda Item 4: Discipline Matrix

Discipline Matrix reviewed by Wendy Thon APRN and Joe Lefleur, RN. Reviewed the care worksheet from Virginia.

On a motion made duly made by Wendy Thon, APRN and seconded by Starla Fox, RN and carried with 5 ayes it was

Resolved that the board of nursing for the state of Alaska moves to continue the sub-committee for reviewing the Virginia state standard of care worksheet to be incorporated within the guidelines of the Alaska board of nursing discipline matrix tool.

Agenda Item 5: Matters Related to Discipline

Discussed the use of marijuana for a licensed nurse. Sub-committee: Jennifer Stukey to form an Advisory Opinion on marijuana use for the licensed professional nurse.

Discussed the Letters of Advisement and when they should be issued. Senior Investigator Al Kennedy explained appropriate use of a letter of advisement.

Discussed the "self-report of substance abuse" and what is a true self report versus a non self reported. Possibly look at "alternative program".

Let the record reflect that board recess at 2:50

Let the record reflect that the board returned at 3:04 pm

Board discussed elections, gave a historical perspective on process.

November 2, 2017

CALL TO ORDER

Called the meeting to order at 9:01 a.m.

ROLL CALL

Those present, constituting a quorum were:

- Chair: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Vice Chair: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Secretary: Jennifer Stukey, LPN, Wasilla
- Public Member: Julie Gillette, Fairbanks
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- RN Member: Starla Fox, RN, Dillingham

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator
- Lisa Maroney, Licensing and Records Supervisor

The Alaska Board of Nursing is currently seeking a public member.

Motion to move into Executive session

On a motion duly made by Julie Gillette, seconded by Joe Lefleur RN, and carried with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing enter into executive session in accordance with AS 44.62.310(d)(1), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the Administrative Law Judge's proposed decision.

Let the record reflect that the Alaska Board of Nursing entered into Executive Session at 9:02 am.

The door was locked and only board of nursing members are present in the room.

Let the record reflect the board moved out of executive session at 9:18 am.

On a motion duly made by Starla Fox, RN and seconded by Julie Gillette and carried with 5 ayes, 0 nays, and 0 abstentions it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and proposed Decision and Order, in Case # 2013-001243, regarding Karen Decker-Brown Registered Nursing License #NURR10298 and

Angela Menish RN, Petersburg Medical Center was unable to attend the meeting as planned. On a motion duly made by Wendy Thon, APRN and seconded by Starla Fox, RN and carried with 5 ayes, 0 nays, and 0 abstentions it was

Moved that the Alaska Board of Nursing approve Angela Menish, RN and the CNA pilot program in Petersburg, and report back to the board in one year.

Continuation of Agenda Item 5 Civil Fines

Senior Investigator Al Kennedy presented to the BON regarding civil fines.

On a motion duly made by Jennifer Stukey, LPN and seconded by Wendy Thon, APRN and carried with 5 ayes, 0 nays, and 0 abstentions it was

Moved that the Alaska Board of Nursing adopt the Imposition of Civil Fines for technical violations of professional licensing statutes and regulations not related to the delivery of patient care effective December 1, 2017.

Continuation of Agenda Item 3 – Proposed Regulations FY 2017

On a motion duly made by Jennifer Stukey, LPN and seconded by Julie Gillette and carried with 5 ayes it was

Resolved that the Alaska Board of Nursing after reviewing public comment pertaining to the proposed regulations adopted the proposed regulation changes regarding including changing the title from ANP to APRN or advanced nurse practitioner to advanced practice registered nurse throughout chapter 44, as well as education criteria for evaluation of nurse practitioner programs, licensure requirements, license renewal, lapsed license, reinstatement, continuing education requirements, criminal justice information, temporary permits, reviews of applications, advanced practice nurse role and population focus, scope of practice, prescriptive authority, controlled substance prescriptive and dispensing authority and standards, preceptorships, identification, unprofessional conduct, CNA certification requirements, certification renewal, lapsed certification, and definitions as publicly noticed.

Adopted the proposed regulations as publicly noticed and reviewed with the following modifications:

Rescind 12 AAC 770(35) as duplicative.

Change “focus” to “foci” in 12 AAC 44.390 (b) and (c).

Change “an” to “a” in preceding the word licensure in 12 AAC 44.400(d)

Rescind the proposed change for 12 AAC 44.430.

Change 12 AAC 44.445 (e) to read an APRN with authority to prescribe controlled substances may only delegate an RN, LPN, or CNA to access the database.

Let the record reflect that the board of nursing is in recess until 10:30 am. Board of Nursing members Joe Lefleur, Wendy Thon, Starla Fox, and Executive Administrator Gail Bernth will be

reviewing NCLEX test items to determine if they meet entry level of practice and within scope of practice for the State of Alaska.

November 3, 2017

CALL TO ORDER

Called the meeting to order at 10:35 a.m.

ROLL CALL

Those present, constituting a quorum were:

- Chair: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Vice Chair: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Secretary: Jennifer Stukey, LPN, Wasilla
- Public Member: Julie Gillette, Fairbanks
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- RN Member: Starla Fox, RN, Dillingham

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator
- Shirley Marquardt –Governor's Office, Boards and Commissions
- Sara Chambers, Deputy Director

Members of the audience:

- Beth Farnstrom RN
- Laura Sarcone APRN
- Pat Reynaga RN

On a motion made by Wendy Thon APRN and seconded by Joe Lefleur RN and carried with 5 ayes it was

Resolved to accept the board of nursing schedule as amended.

Public Testimony

Beth Farnstrom RN addressed the board regarding retired license fees and the improved website access is more user friendly. She expressed concerned with amount of volunteer hours needed for continued licensure under the proposed regulations and asked the board to look into volunteer hours and how they are achieved.

Emily Stevens, CNO, ASHNA expresses gratitude that the BON is looking into NLC and encourages further consideration.

Agenda Item 12 Template for Schools of Nursing Annual Report

Joe Lefleur, RN

Working with a private company to develop a spread sheet on nursing statistics.

Keeping BON regulations in template. Goal is to tailor the school reports to meet BON regulations.

Continuation of Agenda 5 Matters Related to Discipline

Reviewed the Template for Civil Fines- Wendy Thon, APRN and Joe Lefleur RN

Gail will take questions and concerns forward to determine if an imposition of civil fine only for missing CEUs is a possibility and Wendy and Joe will continue to work on template. Reviewed fine amounts. Add to next agenda.

Agenda Item 13 Proposed Regulations Project 2018

Gail Bernth MSN, APRN, Executive Administrator

PDMP Continuing Education Requirement

BON determined to approve the proposed regulation regarding PDMP continuing education requirement.

On a motion made by Wendy Thon, APRN and seconded by Joe Lefleur RN and carried with 5 ayes to

Approve the 12 AAC44.610 (e) as amended

Let the record reflect that the AK BON is in recess at 12:06pm

Let the record reflect that the AK BON is in session at 1:02 pm

Continuation of Agenda Item 3 Proposed Regulations FY 2017

On a motion made by Wendy Thon, APRN and seconded by Julie Gillette and carried with 5 ayes it was

Resolved that the Alaska Board of Nursing un-tables Regulation 44.430 and open for discussion.

On a motion made by Wendy Thon APRN and seconded by Starla Fox, RN and carried with 5 ayes it was

Resolved that the Alaska Board of Nursing rescind 12 AAC44.430 proposed regulation change to maintain the current wording.

Agenda Item 14 NLC

Gail Bernth, Exec. Admin.