

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

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

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: July 3, 2018

RE: Filed Permanent Regulations: Department of Commerce, Community, and Economic Development
Regulations re: Occupational Licensing Fees for Professions regulated by the Board of Nursing (12 AAC 02.280)

Attorney General File:	2018200490
Regulation Filed:	7/2/2018
Effective Date:	8/1/2018
Print:	227, October 2018

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

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF COMMERCE,
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached three pages of regulations, dealing with occupational licensing fees for professions regulated by the Board of Nursing, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community, and Economic Development adopts under the authority of AS 08.01.010, AS 08.01.065, AS 08.01.100, AS 08.68.220, and AS 08.68.336 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.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under 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:

June 25, 2018
Juneau, Alaska



Janey McCullough, Director
Division of Corporations, Business and
Professional Licensing

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 2, 2018 at 3:47 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: August 1, 2018.

Register: 227, October 2018



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

OFFICE OF THE COMMISSIONER

P.O. Box 110800
Juneau, AK 99811-0800
Main: 907.465.2500
Fax: 907.465.5442

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Division of Corporations, Business and Professional Licensing (CBPL), but for the Department of Commerce, Community, and Economic Development (DCCED), under the Alaska Administrative Procedure Act, is hereby delegated to:

Micaela Fowler
Legislative Liaison
Office of the Commissioner
DCCED
P.O. Box 110800
Juneau, AK 99811-0800
907-465-2503
micaela.fowler@alaska.gov

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Division of Corporations, Business and Professional Licensing, under the Alaska Administrative Procedure Act, is hereby delegated to:

Janey McCullough
Director
CBPL
DCCED
P.O. Box 110806
Juneau, AK 99811-0806
907-465-2538
janey.mccullough@alaska.gov

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 29th day of January, 2018

A handwritten signature in cursive script, appearing to read "Mike Navaire".

Mike Navaire
Commissioner
Department of Commerce, Community,
and Economic Development

\$100 [\$60];

(8) reexamination application fee, \$50;

(9) late renewal penalty fee, \$100;

(10) nonrefundable fingerprint processing fee, \$75 [\$60];

(11) courtesy license fee, \$50;

(12) retired nurse status license one-time fee, \$100 [\$165]. (Eff. 3/6/86, Register 97; am 12/13/87, Register 104; am 6/23/90, Register 114; am 5/20/92, Register 122; am 5/28/93, Register 126; am 2/13/94, Register 129; am 7/28/95, Register 135; am 7/25/96, Register 139; am 8/26/98, Register 147; am 8/10/2000, Register 155; am 6/21/2001, Register 158; am 6/13/2002, Register 162; am 6/16/2002, Register 162; am 11/19/2008, Register 188; am 7/7/2010, Register 195; am 2/20/2014, Register 209; am 8/10/2016, Register 219; am 8 / 1 / 2018, Register 227)

Authority: AS 08.01.010 AS 08.01.100 AS 08.68.220
AS 08.01.065

12 AAC 02.282 is amended to read:

12 AAC 02.282. Board of Nursing: fees for certified nurse aides. The following fees are established for certified nurse aides:

(1) nonrefundable application fee for initial certification, \$100 [\$50];

(2) examination fee, \$55 [\$50];

(3) certification fee for all or part of the initial biennial nurse aide certification period, \$100;

(4) biennial nurse aide certification renewal fee, \$100;

Chapter 02. General Occupational Licensing Functions.

12 AAC 02.280 is amended to read:

12 AAC 02.280. Board of Nursing: fees for nurses and [,] advanced practice registered nurses [NURSE PRACTITIONERS, AND CERTIFIED REGISTERED NURSE ANESTHETISTS]. The following fees are established for nurses and [,] advanced practice registered nurses [NURSE PRACTITIONERS, AND CERTIFIED REGISTERED NURSE ANESTHETISTS]:

(1) nonrefundable application fee for

(A) initial registered or practical nursing license, **\$100**; [OR]

(B) advanced practice registered nurse license, **\$100**;

(C) preceptorship registration one-time fee, **\$100** [\$50];

(2) license fee for all or part of the initial biennial registered or practical nursing license period, **\$200** [\$165];

(3) biennial registered or practical nursing license renewal fee, **\$200** [\$165];

(4) temporary permit fee, **\$100** [\$50];

(5) prescriptive authority or controlled substance authority application one-time fee, **\$100** [\$50];

(6) advanced practice registered nurse license [PRACTITIONER OR CERTIFIED REGISTERED NURSE ANESTHETIST AUTHORIZATION] fee for all or part of the initial biennial license [AUTHORIZATION] period, **\$100** [\$60];

(7) advanced practice registered nurse [PRACTITIONER OR CERTIFIED REGISTERED NURSE ANESTHETIST] biennial license [AUTHORIZATION] renewal fee,

(5) certified nurse aide training program approval fee, \$500;

(6) reexamination fee, \$50 [\$25];

(7) nonrefundable fingerprint processing fee, \$75 [\$60]. (Eff. 8/26/98, Register 147; am 5/5/99, Register 150; am 2/26/2000, Register 153; am 6/16/2002, Register 162; am 3/7/2008, Register 185; am 1/30/2010, Register 193; am 2/20/2014, Register 209; am 8/1/2018, Register 227)

Authority: AS 08.01.010 AS 08.01.065 AS 08.68.336

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: June 27, 2018

File No.: 2018200490

Tel. No.: 465-3600

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

Re: Regulations re: Occupational
Licensing Fees for Professions
regulated by the Board of Nursing
(12 AAC 02.280)

The Department of Law has reviewed the attached regulations by the Department of Commerce, Community, and Economic Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. 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. The regulations concern occupational licensing fees for registered, practical and advance practice registered nurses. The client agency requests that these regulations be filed in time to be effective by August 1, 2018, or sooner in time to be effective for the upcoming license renewal in September.

The May 17, 2018 public notice and the June 25, 2018 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 a minor technical correction as shown on the attached copy of the regulations.

SRP:srp

cc: 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

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

Megyn A. Weigand, Assistant Attorney General
Commercial and Fair Business Section

**NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR
PROFESSIONS REGULATED BY THE BOARD OF NURSING IN THE REGULATIONS OF
THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change occupational license fees charged to registered or practical nurses, advanced practice registered nurses, and certified nurse aides.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code including the following:

1. **12 AAC 02.280. Board of Nursing: fees for nurses and advanced practice registered nurses**, is proposed to be changed to amend the application, license, renewal, temporary permit, prescriptive authority or controlled substance authority, retired nurse license, and fingerprint processing fees for registered or practical nurses (RN/PN) and advanced practice registered nurses (APRN).
2. **12 AAC 02.282. Board of Nursing: fees for certified nurse aides**, is proposed to be changed to amend the application, examination, reexamination, and fingerprint processing fees for certified nurse aides (CNA).

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing program for the Board of Nursing and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

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 Department 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/190040>, and using the comment link. **The comments must be received not later than 5:00 p.m. on June 18, 2018.** Comments received after this deadline will not be considered by the Department.

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 RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Department 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 Department 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 RegulationsAndPublicComment@alaska.gov not later than June 11, 2018 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 RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/NUR-CNA-Fees-0518.pdf>.

After the public comment period ends, the Department 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 regulation may be different from that of the proposed regulation. **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 08.01.010; AS 08.01.065; AS 08.01.100; AS 08.68.220; AS 08.68.336

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.010; AS 08.01.065; AS 08.01.100; AS 08.68.220; AS 08.68.336

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


DATE: 5/15/18



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:** Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Occupational licensing fees.
3. **Citation of regulation:** 12 AAC 02.280 and 12 AAC 02.282.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with 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: \$50 increase for initial RN/PN application fee; \$50 increase for initial APRN application fee; \$50 increase for preceptorship registration one-time fee; \$35 increase for RN/PN initial biennial license fee; \$35 increase for RN/PN biennial license renewal fee; \$50 increase for temporary permit fee; \$50 increase for APRN prescriptive authority or controlled substance authority one-time fee; \$40 increase for APRN initial biennial license fee; \$40 increase for APRN biennial license renewal fee; \$65 decrease for retired nurse status license fee; \$50 increase for initial CNA application fee; \$5 increase for CNA examination fee; \$25 increase for CNA reexamination fee; \$15 increase for fingerprint processing fee.
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:**
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2537
E-mail: jun.maiquis@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.
11. **Date:** 5/15/18 **Prepared by:** 
Jun Maiquis
Regulations Specialist

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

**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 02.280 and 12 AAC 02.282, dealing with occupational licensing fees for professions regulated by the Board 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: 6/25/18
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 25TH day of JUNE, 2018.





Notary Public in and for the
State of Alaska
My commission expires: WITH OFFICE

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

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 Department of Commerce, Community, and Economic Development 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 Department of Commerce, Community, and Economic Development regulations on dealing with occupational licensing fees for professions regulated by the Board of Nursing.

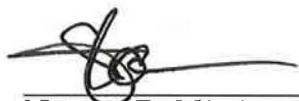
DATE: 6/25/18
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 25TH day of JUNE, 2018.





Notary Public in and for the
State of Alaska
My commission expires: WITH OFFICE

ANCHORAGE DAILY NEWS

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AFFIDAVIT OF PUBLICATION

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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 Anchorage Daily 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

May 17, 2018

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 Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 17th day of May, 2018

Britney Thompson
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/19
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR PROFESSIONS REGULATED BY THE BOARD OF NURSING IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

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Jun Maiquis at (907) 465-2537 or

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STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

**AFFIDAVIT OF DEPARTMENT CONSIDERATION OF
BOARD RECOMMENDATIONS**

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:

As required by AS 08.01.065(c), the Department of Commerce, Community, and Economic Development has considered the recommendations of the Board of Nursing before adopting changes to the fees in 12 AAC 02.280 and 12 AAC 02.282.

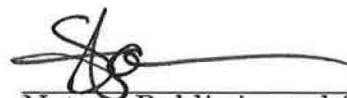
DATE: 6/25/18
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 25th day of JUNE, 2018.





Notary Public in and for the
State of Alaska
My commission expires: WITH OFFICE