

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**

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: July 9, 2018

RE: Filed Permanent Regulations: Board of Nursing

Board of Nursing: Nursing Education Programs: Licensing; Regulation re: 12 AAC
44.040, .380, .430, .445, .470, .620 (12 AAC 44.040, .380, .430, .445, .470, .620)

Attorney General File:	2018200494
Regulation Filed:	7/9/2018
Effective Date:	8/8/2018
Print:	227, October 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 nine pages of regulations, relating to nursing education programs, retired nurse license status, advanced practice registered nurse role and population foci, scope of practice, education requirements, renewal requirements, and continuing competency requirements, are hereby certified to be a correct copy of the regulation changes that the Board of Nursing adopted at its June 25, 2018 teleconference meeting, under the authority of AS 08.01.100, AS 08.68.100, AS 08.68.276, AS 08.68.290, AS 08.68.330, AS 08.68.850, and AS 17.30.200 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: 6/26/18
Anchorage, Alaska



Gail Bernth, Executive Administrator
Board of Nursing

✓ Scott Meriwether for FILING CERTIFICATION
I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that
on July 9, 2018 at 3:30 p.m., I filed the attached
regulations according to the provisions of AS 44.62.040 – 44.62.120.


for _____
Byron Mallott, Lieutenant Governor

Effective: August 8, 2018

Register: 227, October 2018

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Scott Meriwether, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 2nd, 2014.



A blue ink signature of Byron Mallott, written in a cursive style, positioned above a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

Chapter 44. Board of Nursing.

12 AAC 44.040(e) is amended to read:

(e) Not later than 90 days after the board grants provisional approval, the nursing education program must apply for national accreditation from either the Accreditation Commission for Education in Nursing (ACEN), National League for Nursing Accrediting Commission (NLNAC), or the Commission on Collegiate Nursing Education (CCNE).

12 AAC 44.040(j) is amended to read:

(j) A nursing education program with provisional approval shall provide to the board a copy of each interim report that the program receives from the Accreditation Commission for Education in Nursing, National League for Nursing Accrediting Commission, or the Commission on Collegiate Nursing Education accrediting agency.

12 AAC 44.040(l)(1) is amended to read:

(l) To receive full approval from the board, a nursing education program must
(1) be fully accredited by the Accreditation Commission for Education in Nursing, National League for Nursing Accrediting Commission, or the Commission on Collegiate Nursing Education; and

... ((Publisher: 12 AAC 44.040(l)(2) is unchanged.)))

(Eff. 10/14/72, Register 43; am 4/2/86, Register 97; am 12/27/2012, Register 204; am

8 / 8 / 2018, Register 227)

Authority: AS 08.68.100 AS 08.68.290

12 AAC 44.311(a) is amended to read:

(a) An individual holding an active unencumbered nursing license **that is not under investigation** with the board may apply for the conversion of a nursing license to a retired nurse license status. An individual holding a retired nurse license status may use the title "advanced practice registered nurse-retired (APRN, Retired)", "registered nurse-retired (RN, Retired)", or "licensed practical nurse-retired (LPN, Retired)", as appropriate, but may not practice, or indicate that the individual is practicing or soliciting to practice as an advanced practice registered nurse, registered nurse, or licensed practical nurse in the state. A retired nurse license status is valid for the life of the holder and does not require renewal.

(Eff. 8/10/2016, Register 219; am 8 / 8 / 2018, Register 227)

Authority: AS 08.01.100 AS 08.68.100

The introductory language of 12 AAC 44.380(c) is amended to read:

(c) An advanced practice registered nurse currently licensed **or certified** in the following population foci ^{(b)(1)} as of **January 1, 2024** [MAY 16, 2018] 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.~~

((Publisher: 12 AAC 44.380(c)(1)-(7)
are unchanged.)))

am 3/19/2014, Register 209; am 5/16/2018, Register 226; am 8/8/2018, Register 227)

Authority: AS 08.68.100 AS 08.68.850

12 AAC 44.430 is amended to read:

12 AAC 44.430. Scope of practice. The board recognizes advanced and specialized acts of nursing practice as those described in the scope of practice statements published by national professional nursing association ^② recognized by the board for advanced practice registered nurses [FOR NURSE PRACTITIONERS] certified by the national certification bodies recognized by the board. (Eff. 1/13/80, Register 73; am 8/8/2018, Register 227)

Authority: AS 08.68.100 [AS 08.68.100(a)]

12 AAC 44.445 is amended to read: ^{add new subsections to read} ((Publisher: 12 AAC 44.445 (a)-(h) are unchanged.)))

~~12 AAC 44.445. Controlled substance prescriptive and dispensing authority.~~ (a) In addition to legend drug prescriptive and dispensing authority under 12 AAC 44.440, the board may authorize an advanced practice registered nurse (APRN) to prescribe and dispense schedule II – V controlled substances in accordance with applicable state and federal laws if an applicant

(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 number as an APRN;

(C) date of birth;

(D) repealed 12/27/2012; and

(E) notarized signature certifying that the information in the application is

correct to the best of the applicant's knowledge;

((/ Publisher: 12 AAC 44.445 (a) (h)
are unchanged.)))

(2) repealed 12/27/2012; and

(3) pays the application fee established by 12 AAC 02.280.

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

(c) Written, verbal, or electronic controlled substance prescriptions and orders 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 substances may only delegate to a registered nurse or licensed practical nurse 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

(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 effects 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 check the controlled substance prescription database, established

CCI Publisher: 12 AAC 44.445 (a)-(h) are unchanged

~~under AS 17.30.200, 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 continues for more than 90 days. This subsection does not apply if~~

~~(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 is 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 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 controlled substance prescription database is not operational due to a 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 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.~~

~~(i) An who if the applicant holds a valid federal Drug Enforcement Administration~~

registration number, shall provide verification that the applicant has

(A) has completed no less than two hours of education in pain management and opioid use and addiction within the two-year period immediately before the date of application; and

(B) is registered with the prescription drug monitoring program (PDMP) controlled substance prescription database under AS 17.30.200;

(C) if the applicant does not currently hold a valid federal Drug Enforcement Administration registration number, the verification may be waived until the applicant obtains a valid registration number. (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 200; am 12/27/2012, Register 205; am 5/16/2018, Register 226; am 8 / 8 / 2018, Register 227)

Authority: AS 08.68.100 AS 08.68.850

12 AAC 44.470 is amended to read:

12 AAC 44.470. Renewal of advanced practice registered nurse license. An applicant

for renewal of an advanced practice registered nurse license shall submit to the board

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

(2) documentation that the applicant

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

(B) if the applicant is seeking to renew prescriptive authority under

12 AAC 44.440, holds a current national certification that indicates completion of the

(11 Publisher: No change to 12 AAC 44.470 (1)-(4) except to change period after (4) to a semi-ann.)
continuing education mandated by that body, and a completed prescriptive authority renewal application and fee;
(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;

(5) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has

(A) has completed no less than two hours of continuing education in pain management and opioid use and addiction during the licensing cycle; and

(B) is registered with the Prescription Drug Monitoring Program (PDMP) controlled substance prescription database under AS 17.30.200. (Eff.

and 12 AAC 52.955

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; am 8 / 8 / 2018, Register 227)

Authority: AS 08.68.100 AS 08.68.276 AS 17.30.200

12 AAC 44.620 is amended to read:

12 AAC 44.620. Professional activities requirement. (a) The board will accept professional activities toward fulfillment of the continuing competency requirements set out in 12 AAC 44.600 if the applicant documents

(1) for practical nurse license, on or before September 30, 2018, completion of at least 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;

(2) for registered nurse license, on or before November 30, 2018, completion of at least 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;

(3) for practical nurse license, on or after October 1, 2018, completion of at least 60 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]

(4) for registered nurse license, on or after December 1, 2018, completion of at least 60 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

(5) [(2)] that the hours of participation in professional activities were earned in at least one of the following ways:

- (A) work with a professional nursing or health-related organization;
- (B) authoring or contributing to an article, book, or publication related to health care;
- (C) development and oral presentation of a paper before a professional or lay group on a subject that explores new or current areas of nursing theory, technique, or philosophy;
- (D) the design and conduct of a research study relating to nursing and health care;

(E) other professional activities approved by the board and included on a list that the board maintains; the board will approve only those activities that meet the definition of "professional activities" in (b) of this section.

(b) ~~In this section, "professional activities" means activities, performed without compensation, that use nursing knowledge and contribute to the health of individuals or the community.~~

(c) Providing nursing care to the nurse's immediate family members does not qualify to meet professional activities requirements. In this subsection, immediate family member means a parent, sibling, spouse, child, parent-in-law, sibling in-law, stepchild, or same-sex or opposite-sex domestic partner. (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; am 8 / 8 / 2018, Register 227)

Authority: AS 08.68.100 AS 08.68.276 AS 08.68.330

The editor's note that follows 12 AAC 44.800 is amended to read:

Editor's note: A list of nursing schools that have been approved by a state or territory of the United States may be obtained by contacting the Commission on Collegiate Nursing Education (CCNE), 655 K Street, NW, Suite 750, Washington, DC 20001; telephone (202) 887-6791; website at www.aacnnursing.org/CCNE, Accreditation Commission for Education in Nursing (ACEN), 3343 Peachtree Road NE, Suite 850, Atlanta, GA 30326; telephone (404) 975-5000; website at www.acenursing.org, or the National League of Nursing, 61 Broadway, 33rd Floor, New York, NY 10006.

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: July 9, 2018

File No.: 2018200494

Tel. No.: 465-3600

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

Re: Board of Nursing: Nursing Education
Programs; Licensing; Regulation re:
12 AAC 44.040, .380, .430, .445,
.470, .620

We have reviewed the attached Board of Nursing changes to these regulations. The regulations concern establishment of nursing education program accreditations, retired nurse license status, the scope of practice for advanced practice registered nurses, and professional activities requirements. 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 board requests that these regulations be filed as soon as possible for the upcoming license renewal period.

The board's executive administrator agreed with the withdrawal of proposed 12 AAC 44.445(i)(C). This sub-paragraph attempted to address the verification requirements of an advanced practice registered nurse who does *not* currently hold a valid federal drug enforcement administration registration number; the proposed regulation stated that verification of required education "may be waived." As written, this may cause confusion or inconsistent application through use of the discretionary "may." Under AS 08.68.276, an applicant must demonstrate minimum education in pain management and opioid use and addiction unless the applicant can demonstrate to the satisfaction of the board that the applicant does not currently hold a valid federal Drug Enforcement Administration registration number. The regulation, 12 AAC 44.445 (i)(A) requires verification of minimum education requirements for applicants who hold a valid federal drug enforcement administration registration number; this is consistent with the statutory authority. Should the board wish to address more clearly requirements to demonstrate lack of a valid federal drug enforcement administration registration number, it could do so in a later project.

The regulations were adopted by the Board of Nursing after the close of the public comment period. The May 16, 2018 public notice and the June 26, 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 some technical corrections to conform the regulations in accordance with AS 44.62.125; further the withdrawal of 12 AAC 44.445(i)(C) is noted. The corrections are shown on the attached copy of the regulations. The board of nursing executive administrator has reviewed and approved the edits.

SRP

cc: (*via email*)

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

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

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

Megyn Weigand, Assistant Attorney General
Commercial and Fair Business Section
Department of Law

**NOTICE OF PROPOSED CHANGES RELATING TO NURSING EDUCATION
PROGRAMS, RETIRED NURSE LICENSE STATUS REQUIREMENTS,
SCOPE OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSE, EDUCATION
REQUIREMENTS, AND CONTINUING COMPETENCY REQUIREMENTS IN THE
REGULATIONS OF THE BOARD OF NURSING**

BRIEF DESCRIPTION: The Board of Nursing proposes to update various regulations regarding nursing education programs, retired nurse license application requirements, advanced practice registered nurse (APRN) education requirements, renewal requirements, and professional activities hours required for maintaining the continuing competency requirements for renewal of a nursing license.

The Board of Nursing (Board) proposes to adopt regulation changes in Title 12, Chapter 44 of the Alaska Administrative Code including the following:

1. **12 AAC 44.040. Establishment of nursing education program**, is proposed to be changed to amend the provisions related to accreditation of nursing education programs.
2. **12 AAC 44.311. Retired nurse license status**, is proposed to be changed to amend the retired nurse license status application requirements.
3. **12 AAC 44.380. Advanced practice registered nurse role and population foci**, is proposed to be changed to amend the application deadline for qualifications to apply for an APRN license.
4. **12 AAC 44.430. Scope of practice**, is proposed to be changed to amend the scope of practice for APRN.
5. **12 AAC 44.445. Controlled substance prescriptive and dispensing authority**, is proposed to be changed to amend the requirements for controlled substance prescriptive and dispensing authority for APRN.
6. **12 AAC 44.470. Renewal of advanced practice registered nurse license**, is proposed to be changed to amend the continuing education requirements for renewal of an APRN license.
7. **12 AAC 44.620. Professional activities requirements**, is proposed to be changed to amend the provisions related to professional activities hours required for maintaining the continuing competency requirements for renewal of a registered nurse license or a practical nurse license.

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/190060>, and using the comment link. **The comments must be received not later than 5:00 p.m. on June 19, 2018.** 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 RegulationsAndPublicComment@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 RegulationsAndPublicComment@alaska.gov not later than June 12, 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-0518.pdf>.

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 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 08.01.100; AS 08.68.100; AS 08.68.276; AS 08.68.290; AS 08.68.330; AS 08.68.850; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.100; AS 08.68.100; AS 08.68.276; AS 08.68.290; AS 08.68.330; AS 08.68.850; AS 17.30.200

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


DATE: 5/16/18



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:** Board of Nursing – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Nursing education program, retired nurse license, advanced practice registered nurse role and population foci requirements, scope of practice, education requirements, renewal requirements, and continuing competency requirements.
3. **Citation of regulation:** 12 AAC 44.040, 12 AAC 44.311, 12 AAC 44.380, 12 AAC 44.430, 12 AAC 44.445, 12 AAC 44.470, and 12 AAC 44.620.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with new state statute (ch. 2 SSSLA 2017 – HB 159); update and clarification of current regulations.
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
Telephone: (907) 269-8161
E-mail: gail.bernth@alaska.gov
10. **The origin of the proposed action:** Board of Nursing.
11. **Date:** 5/16/18 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

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 44.040, 12 AAC 44.311, 12 AAC 44.380, 12 AAC 44.430, 12 AAC 44.445, 12 AAC 44.470, and 12 AAC 44.620, dealing with nursing education programs, retired nurse license status, advanced practice registered nurse role and population foci, scope of practice, education requirements, renewal requirements, and continuing competency requirements, 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: 6/27/18
Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of JUNE, 2018.



Notary Public in and for the
State of Alaska /

My commission expires: at office

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

$$\left. \begin{array}{l}) \\) \\) \end{array} \right\} \text{SS.}$$

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

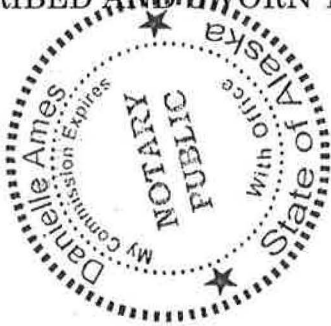
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the 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 on dealing with nursing education programs, retired nurse license status, advanced practice registered nurse role and population foci, scope of practice, education requirements, renewal requirements, and continuing competency requirements.

DATE: 6/27/18
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of June, 2018.



Notary Public in and for the
State of Alaska
My commission expires: 4/01/16

ANCHORAGE DAILY NEWS

RECEIVED
Juneau

MAY 21 2018

AFFIDAVIT OF PUBLICATION

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ANC-Anchorage Daily News

Placement

0300

Position

0301

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

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

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

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 28, 2020

NOTICE OF PROPOSED CHANGES RELATING TO NURSING EDUCATION PROGRAMS, RETIRED NURSE LICENSE STATUS REQUIREMENTS, SCOPE OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSE, EDUCATION REQUIREMENTS, AND CONTINUING COMPETENCY REQUIREMENTS 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 including the following:

1. **12 AAC 44.040. Establishment of nursing education program**, is proposed to be changed to amend the provisions related to accreditation of nursing education programs.
2. **12 AAC 44.311. Retired nurse license status**, is proposed to be changed to amend the retired nurse license status application requirements.
3. **12 AAC 44.380. Advanced practice registered nurse role and population foci**, is proposed to be changed to amend the application deadline for qualifications to apply for an APRN license.
4. **12 AAC 44.430. Scope of practice**, is proposed to be changed to amend the scope of practice for APRN.
5. **12 AAC 44.445. Controlled substance prescriptive and dispensing authority**, is proposed to be changed to amend the requirements for controlled substance prescriptive and dispensing authority for APRN.
6. **12 AAC 44.470. Renewal of advanced practice registered nurse license**, is proposed to be changed to amend the continuing education requirements for renewal of an APRN license.
7. **12 AAC 44.620. Professional activities requirements**, is proposed to be changed to amend the provisions related to professional activities hours required for maintaining the continuing competency requirements for renewal of a registered nurse license or a practical nurse license.

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/190060>, and using the comment link. **The comments must be received not later than 5:00 p.m. on June 19, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions, comments, or suggestions to the Board of Nursing at board@alaska.gov.

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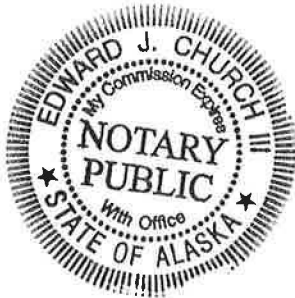
AFFIDAVIT OF BOARD ACTION

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

The attached motion relating to nursing education programs, retired nurse license status, advanced practice registered nurse role and population foci, scope of practice, education requirements, renewal requirements, and continuing competency requirements was passed by the Board of Nursing during its June 25, 2018 teleconference meeting.

Date: 6/26/18
Anchorage, Alaska

SUBSCRIBED AND SWORN TO before me this 26th day of June, 2018.



W. J. Welch III
Notary Public in and for the
State of Alaska
My commission expires: with office

The Alaska Board of Nursing after reviewing public comment pertaining to the regulations to update nursing education programs, retired nurse license application requirements, Advanced Practice Registered Nurse (APRN) education requirements, renewal requirements, and professional activities hours required for maintaining the continuing competency requirements for renewal of a nursing license proposes to adopt regulation changes in Title 12, Chapter 44 of the Alaska Administrative Code.

The Board of Nursing adopts the following proposed regulations as publicly noticed, after giving consideration to the cost to private citizens and with no modifications:

1. 12 AAC 44.040 Establishment of nursing education program:
2. 12 AAC 44.311: Retired nurse license status
3. 12 AAC 44.380: Advanced practice registered nurse role and population foci
4. Removed for separate motion
5. 12 AAC 44.445: Controlled substance prescriptive and dispensing authority
6. 12 AAC 44.470: Renewal of advanced practice registered nurse license
7. 12 AAC 44.620: Professional activities requirements

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments
Jennifer Stukekey				XX				
Wendy Thon		XX		XX				
Julie Gillette				XX				
Sharyl Toscano				XX				
Joe Lefleur				XX				
Starla Fox				XX				
Linda Hutchings	XX			XX				

Board of Nursing

Meeting Date: June 25, 2018

Agenda Item # 2

Topic: Regulation 12 AAC 44.430 Scope of Practice

Current Regulation: 12 AAC 44.430. Scope of practice

The board recognizes advanced and specialized acts of nursing practice as those described in the scope of practice statement for nurse practitioners certified by national certification bodies recognized by the board.

Proposed Regulation (as publicly noticed):

12 AAC 44.430. Scope of practice. An advanced practice registered nurse performs [THE BOARD RECOGNIZES] advanced and specialized acts of nursing practice and procedures set out [AS THOSE DESCRIBED IN THE SCOPE OF PRACTICE STATEMENTS FOR NURSE PRACTITIONERS CERTIFIED] by national professional APRN organizations and certification bodies recognized by the board. Professional APRN organizations define scopes of practice, promotes standards of practice, conducts and promotes research, provide avenues for education and promotes continued professional development of APRNs within the group.

Proposed Regulation after reviewing public comment (as adopted by the board):

12 AAC 44.430. Scope of practice. The board recognizes advanced and specialized acts of nursing practice as those described in the scope of practice statements published by national professional nursing association recognized by the board for advanced practice registered nurses [FOR NURSE PRACTITIONERS] certified by the national certification bodies recognized by the board.

The board does not view this as a significant change from the intent of the original proposed regulation. The wording is clearer after reviewing public comment.

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments
Jennifer Stukey				XX				
Wendy Thon	XX			XX				
Julie Gillette				XX				
Sharyl Toscano		XX		XX				
Joe Lefleur				XX				
Starla Fox				XX				
Linda Hutchings				XX				