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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:** 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)

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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.

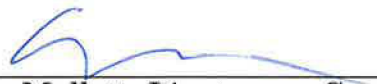
On the record, in considering public comments, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.

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 <sup>(b)(1)</sup> 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 <sup>②</sup> 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: <sup>add new subsections to read</sup> (( 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.

*(4) Published: 12 AAC 44.620 (b) and (c) are unchanged.)*  
~~(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](http://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](http://www.acenursing.org), or the National League of Nursing, 61 Broadway, 33rd Floor, New York, NY 10006.