

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> 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:** Amy Demboski  
Department of Commerce Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, the author of the memorandum.

**DATE:** February 4, 2020

**RE:** Filed Permanent Regulations: Board of Nursing

Board of Nursing regulations re: application review procedures, reporting to the prescription drug monitoring program (PDMP), unprofessional conduct, and administration of herbal supplements (12 AAC 44.319(a); 12 AAC 44.321; 12 AAC 44.446; 12 AAC 44.770; 12 AAC 44.945; 12 AAC 44.990)

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|                        |                 |
|------------------------|-----------------|
| Attorney General File: | 2019200596      |
| Regulation Filed:      | 2/4/2020        |
| Effective Date:        | 3/5/2020        |
| Print:                 | 233, April 2020 |

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE BOARD OF NURSING

The attached four pages of regulations, dealing with checklists used for review of applications, loss of prescriptive authority, unprofessional conduct, and administration of herbal or non-herbal nutritional supplement, are hereby certified to be a correct copy of the regulation changes that the Board of Nursing adopted at its November 13-15, 2019 meeting, under the authority of AS 08.68.100, 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: 12/23/2019  
Anchorage, Alaska

  
Marianne Murray, Executive Administrator  
Board of Nursing

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 4<sup>th</sup>, 2020 at 1:39 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Kevin Meyer, Lieutenant Governor

Effective: March 5, 2020

Register: 233, April 2020

12 AAC 44.319(a) is amended to read:

(a) If submission of fingerprint information is required by 12 AAC Chapter 44. Board of Nursing.

44.290 - 12 AAC 44.320 [12 AAC 44.290 - 12 AAC 44.321], an applicant shall submit the applicant's fingerprints and other information required by the Department of Public Safety to obtain state and national criminal justice information under AS 12.62 and AS 12.64.

12 AAC 44.321 is repealed:

(Eff. 6/16/2002, Register 162; am 7/30/2002, Register 163; am

**12 AAC 44.321. Review of applications.** Repealed. (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; am 10/20/2018, Register 228;

repealed 3 / 5 / 2020, Register 233)

*Publisher: Please delete editor's notes that follow 12 AAC 44.321. )))*

12 AAC 44 is amended by adding a new section to Article 4 to read:

The chief investigator for the division

**12 AAC 44.446. Loss of prescriptive authority.** Investigations shall notify the federal

Drug Enforcement Administration (DEA) and the prescription drug monitoring program (PDMP)

of any final decision revoking or suspending prescriptive authority for a person licensed under

The chief investigator shall AS 08.68. Investigations will notify the board's executive administrator when notification to the

DEA and PDMP has been completed. (Eff. 3 / 5 / 2020, Register 233)

**Authority:** AS 08.68.100

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

(40) failure to provide copies of complete patient records in the licensee's custody

and control within 30 days after receipt of a written request from the patient or the patient's

guardian;

(41) failure to notify the board of the location of patient records within 30 days

after a licensee has retired or closed a practice;

maintain patient documentation in compliance with  
(42) failure to give records to the patient, transfer the patient's records to a new  
45 C.F.R. 164.530(j) (Health Insurance Privacy and Accountability Act (HIPAA)).  
medical provider, securely store in compliance with HIPAA the patient records for seven years  
from the closing of the practitioner's office; or, after seven years of storing the records, failure to  
properly destroy all of the patient records in compliance with HIPAA. (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; am 3 / 5 / 2020, Register 233 )

**Authority:** AS 08.68.100

12 AAC 44.945 is amended to read:

**12 AAC 44.945. Administration of herbal or [A] non-herbal nutritional supplement.**

(a) A nurse licensed under AS 08.68 may administer <sup>an</sup> herbal or <sup>[A]</sup> non-herbal nutritional supplement to a patient if

(1) the patient's health care provider has ordered that <sup>an</sup> a herbal or [THE] non-herbal nutritional supplement to be administered to the patient;

(2) the patient or the patient's representative has requested that the nurse administer <sup>an</sup> a herbal or [THE] non-herbal nutritional supplement to the patient;

(3) the nurse administering the herbal or non-herbal nutritional supplement knows the actions, possible side effects, and possible interactions of the [NON-HERBAL NUTRITIONAL] supplement with food, medications, or other substances;

(4) the use of the herbal or non-herbal nutritional supplement and <sup>indications are</sup> rationale [is] included as part of the nursing care plan for the patient;

(5) the herbal or non-herbal nutritional supplement was commercially manufactured and the container of the [NON-HERBAL] nutritional supplement provided for administration to the patient was provided unopened with the manufacturer's seal intact and administered <sup>before</sup> prior to the expiration date; <sup>and</sup> <sup>retain</sup>

<sup>retain "a" ))</sup> (6) an in-house <sup>a</sup> [A] pharmacist or consulting pharmacist has reviewed all medications taken by the patient including any herbal or [AND THE] non-herbal nutritional supplements [SUPPLEMENT] ordered by the patient's health care provider or requested by the patient or patient's representative for possible adverse effects or interactions with food, medications, or other substances; and <sup>retain the period ))</sup>

<sup>retain</sup> (7) the product manufacturer meets or exceed the good manufacturing practices (GMP) guidelines, with documentation available in the facility, or the product was purchased or supplied from a licensed pharmacy. <sup>Withdrawn 1/27/2020. JCH</sup>

(b) Repealed 8/10/2016.

(c) A nurse licensed under AS 08.68 may not administer to a patient <sup>an</sup> a herbal or non-herbal <sup>[A]</sup> nutritional supplement that

(1) [CONTAINS ONE OR MORE HERBS; OR

(2)] was compounded for the patient rather than commercially manufactured; or

(2) is a controlled substance <sup>(under state or federal law.)</sup> ~~as defined by the U.S. Drug Enforcement~~

Administration.

(d) This section does not apply to United States Food and Drug Administration (FDA) regulated vitamins and minerals. A nurse licensed under AS 08.68 may administer FDA-regulated vitamins and minerals to a patient in the manufacturer's recommended dosage or as ordered by the patient's health care provider.

(e) As used in this section,

(1) "administer" means to provide a nutritional supplement to a patient for ingestion by the patient;

(2) "compounded" means the preparation, mixing, assembling, packaging, or labeling of a nutritional supplement;

(3) "health care provider" includes a licensed

(A) advanced practice registered nurse;

(B) doctor of medicine;

(C) doctor of osteopathy;

(D) physician assistant; and

(E) dentist;

(4) "herb" means a plant grown for its health or medicinal properties; "herb" includes plant parts and extracts;

(5) "non-herbal nutritional supplement" has the meaning given for a "dietary supplement" in 21 U.S.C. 321(ff) (sec. 3(a) of the Dietary Supplement Health and Education Act

of 1994) <sup>12</sup> [as] revised as of March 1, 2007, adopted by reference <sup>11</sup> EXCEPT THAT IT DOES NOT <sup>11</sup> INCLUDE A DIETARY SUPPLEMENT THAT CONTAINS ONE OR MORE HERBS; <sup>11</sup> retains, keep lowercase <sup>11</sup> retains, keep lowercase <sup>11</sup>

(6) "nutritional supplement" has the meaning given for a "dietary supplement" in 21 U.S.C. 321(ff), (sec. 3(a) of the Dietary Supplement Health and Education Act of 1994), revised as of March 1, 2007, adopted by reference. (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; am 3 / 5 / 2020, Register 233 )

**Authority:** AS 08.68.100

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** January 27, 2020

**File No.:** 2019200596

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

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Board of Nursing regulations re:  
application review procedures,  
reporting to the prescription drug  
monitoring program (PDMP),  
unprofessional conduct, and  
administration of herbal supplements  
(12 AAC 44.319(a); 12 AAC 44.321;  
12 AAC 44.446; 12 AAC 44.770;  
12 AAC 44.945; 12 AAC 44.990)

The Department of Law has reviewed the attached regulations of the Board of Nursing against the statutory standards of the Administrative Procedure Act. Except as noted for proposed 12 AAC 44.945(a)(7), and 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 were adopted by the Board of Nursing after the close of the public comment period. The regulations update application review procedures, establish a reporting duty regarding the prescription drug monitoring program (PDMP), add three new circumstances of unprofessional conduct, and provide for administration of herbal nutritional supplements.

At the client's request, we have deferred to a future regulations project our review of proposed 12 AAC 44.945(a)(7), pending additional work by the board on that provision.

The July 14, 2019 public notice and the December 23, 2019 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 conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Emily Henry, LPN, Chair  
Board of Nursing  
(via e-mail through Jun Maiquis)

Amy Demboski, Assistant Commissioner and Regulations Contact  
Department of Commerce, Community, and Economic Development

Marianne Murray, DNP, MSN, RN, CHSE, Executive Administrator  
Board of Nursing  
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

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

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

**BRIEF DESCRIPTION:** The Board of Nursing proposes to adopt changes to the regulations regarding review of applications, loss of prescriptive authority, unprofessional conduct, advanced practice registered nurse (APRN) standards of practice for telehealth, administration of herbal or non-herbal nutritional supplement, and definitions.

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 44.321. Review of applications**, is proposed to be repealed.
2. **12 AAC 44.446. Loss of prescriptive authority**, is a proposed new section that establishes notification to appropriate entity of APRN's that lose prescriptive authority.
3. **12 AAC 44.770. Unprofessional conduct**, is proposed to be amended to add provisions related to unprofessional conduct.
4. **12 AAC 44.925. Advanced practice registered nurse standards of practice for telehealth**, is a proposed new section that establishes telehealth standards of practice for APRN.
5. **12 AAC 44.945. Administration of herbal or non-herbal nutritional supplement**, is proposed to be amended to clarify the provisions related to administration of herbal or non-herbal nutritional supplement to a patient.
6. **12 AAC 44.990. Definitions**, is proposed to add a definition for "telehealth".

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](mailto: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/194842>, and using the comment link. **The comments must be received not later than 4:30 p.m. on August 15, 2019.** 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](mailto: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](mailto:RegulationsAndPublicComment@alaska.gov) not later than August 8, 2019 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](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/NUR-0719.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 08.68.100; AS 08.68.275; AS 08.68.805

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.68.100; AS 08.68.275; AS 08.68.805

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

DATE:


7/12/19



\_\_\_\_\_  
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:** Review of applications, loss of prescriptive authority, unprofessional conduct, advanced practice registered nurse standards of practice for telehealth, administration of herbal or non-herbal nutritional supplement, and definitions.
3. **Citation of regulation:** 12 AAC 44.321, 12 AAC 44.446, 12 AAC 44.770, 12 AAC 44.925, 12 AAC 44.945, and 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; 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: 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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Lisa Maroney, Licensing Supervisor  
Alaska Board of Nursing  
Division of Corporations, Business and Professional Licensing  
Telephone: (907) 269-8892  
E-mail: lisa.maroney@alaska.gov
10. **The origin of the proposed action:** Board of Nursing.
11. **Date:** 7/12/19      **Prepared by:**   
Jun Maiquis  
Regulations Specialist  
(907) 465-2537

**STATE OF ALASKA** )  
**FIRST JUDICIAL DISTRICT** ) ss.

## **AFFIDAVIT OF NOTICE OF PROPOSED REGULATION 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 44.321 through 12 AAC 44.990, dealing with checklists used for review of applications, loss of prescriptive authority, unprofessional conduct, standards of practice for telehealth, and administration of herbal or non-herbal nutritional supplement, has been given by being

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 12/19/19  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 19 day of December, 2019.



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

**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 on dealing with checklists used for review of applications, loss of prescriptive authority, unprofessional conduct, standards of practice for telehealth, and administration of herbal or non-herbal nutritional supplement.

DATE: 12/18/19  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 19 day of December, 2019.



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

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268972

Order #: W0010721

Cost: \$503.02

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin being first duly sworn on oath deposes and says that 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 new

07/14/2019 - 07/14/2019

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 17th day of July 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jade L. Nowling

### Notice of proposed changes relating to the 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 including the following:

1. **12 AAC 44.321. Review of applications**, is proposed to be repealed.
2. **12 AAC 44.446. Loss of prescriptive authority**, is a proposed new section that establishes notification to appropriate entity of APRN's that lose prescriptive authority.
3. **12 AAC 44.770. Unprofessional conduct**, is proposed to be amended to add provisions related to unprofessional conduct.
4. **12 AAC 44.925. Advanced practice registered nurse standards of practice for telehealth**, is a proposed new section that establishes telehealth standards of practice for APRN.
5. **12 AAC 44.945. Administration of herbal or non-herbal nutritional supplement**, is proposed to be amended to clarify the provisions related to administration of herbal or non-herbal nutritional supplement to a patient.
6. **12 AAC 44.990. Definitions**, is proposed to add a definition for "telehealth".

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/194842>, and using the comment link. **The comments must be received not later than 4:30 p.m. on August 15, 2019.** 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.

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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-0719.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 08.68.100; AS 08.68.275; AS 08.68.805

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.68.100; AS 08.68.275; AS 08.68.805

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

**DATE:** 7/12/19  
/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 which you are interested.

Published: July 14, 2019


**STATE OF ALASKA** )  
**THIRD JUDICIAL DISTRICT** ) ss.

## AFFIDAVIT OF BOARD ACTION

I, Marianne Murray, Executive Administrator for the Board of Nursing, being duly sworn, state the following:


The attached motion dealing with checklists used for review of applications, loss of prescriptive authority, unprofessional conduct, and administration of herbal or non-herbal nutritional supplement was passed by the Board of Nursing during its November 13-15, 2019 meeting.

Date: 12/23/2019  
Anchorage, Alaska

  
Marianne Murray, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 23<sup>rd</sup> day of December, 2019.



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

### **Agenda Item 9: Review Current Regulations Project and Public Comments**

#### **12 AAC 44.321**

On a motion made by Wendy Monrad seconded by Shannon Connelly and carried with 5 ayes it was **Resolved** that the Alaska BON approve the regulation changes to repeal 12 AAC 44.321. Review of applications

#### **12 AAC 44.446**

On a motion made by Catherine Hample seconded by Wendy Monrad and carried with 5 ayes it was **RESOLVED** that the Alaska BON approve the regulation changes to 12 AAC 44.446. Loss of prescriptive authority, a new section that establishes notification to appropriate entity of APRN's that lose prescriptive authority.

#### **12 AAC 44.770**

On a motion made by Shannon Connelly seconded by Catherine Hample and carried with 5 ayes it was **RESOLVED** that the Alaska BON approve the regulation changes to 12 AAC 44.770. Unprofessional conduct, to be amended to add provisions related to unprofessional conduct with the following amendment: the use of the correct abbreviation of HIPAA instead of HIPAA.

**Break: 2:40**

**Return: 2:56**

12 AAC 44.925 Advanced practice registered nurse standards of practice for telehealth. On a motion made by Wendy Monrad seconded by Catherine Hample and carried with 5 ayes it was

**RESOLVED** that further discussion and research is needed will table until Friday 11/15/19

#### **12 AAC. 44.945**

On a motion made by Catherine Hample seconded by Wendy Monrad and carried with 5 ayes it was **RESOLVED** that the Alaska BON approve the regulation changes to 12 AAC 44.945 Administration of herbal or non-herbal nutritional supplement, is proposed to be amended to clarify the provisions related to administration of herbal or non-herbal nutritional supplement to a patient. with the following amendments: **under # 6 the patient healthcare provider or requested by patient or patient representative**

#### **12 AAC 44.990**

On a motion made by Wendy Monrad seconded by Shannon Connelly and carried with 5 ayes it was **RESOLVED** that the Alaska BON approve the regulation changes to 12 AAC 44.990. Definitions is proposed to add a definition for "telehealth".

**Agenda item: 18**

**Division Report-Regulation Cleanup Project-**

Director Sara Chambers discussed the fiscal reports and the Regulatory Reform via Zoom

Minimum requirement gatekeepers. It's the certifying boards to make sure they qualify.

Recess at: 11:24 a.m.

Returned at: 11:35 a.m.

**Agenda Item 9: Review Current Regulations Project and Public Comments-Continuation**

The Board discussed with Jun Maiquis, Regulation Specialist regarding regulation changes to 12 AAC 44.925

**12 AAC 44.925**

On a motion made by Emily Schubert and seconded by Catherine Hample carried with 5 ayes it was it was resolved that the Alaska BON approve the regulation changes to 12 AAC 44.925. Advanced practice registered nurse standards of practice for telehealth, is a proposed new section that establishes telehealth standards of practice for APRN with the following amendments as ready by Wendy Monrad and Emily Schubert

**RESOLVED** that the Alaska BON approve the regulation changes to 12 AAC 44.925. Advanced practice registered nurse standards of practice for telehealth, is a proposed new section that establishes telehealth standards of practice for APRN with the following amendment:

(1) Notwithstanding (a) of this section, an advanced practice registered nurse may issue a prescription for an opioid that exceeds a seven-day supply to an adult or minor patient if, in the professional judgment of the advanced practice registered nurse, more than a seven-day supply of an opioid is necessary for

(a) the patient's acute medical condition, chronic pain management, pain associated with cancer, or pain experienced while the patient is in palliative care; the advanced practice registered nurse may write a prescription for an opioid for the quantity needed to treat the patient's medical condition, chronic pain, pain associated with cancer, or pain experienced while the patient is in palliative care; the advanced practice registered nurse shall document in the patient's medical record the condition triggering the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; or

(b) a patient who is unable to access a practitioner within the time necessary for a refill of the seven-day supply because of a logistical or travel barrier; the advanced practice registered nurse may write a prescription for an opioid for the quantity needed to treat the patient for the time that the patient is unable to access a practitioner; the advanced practice registered nurse shall document in the patient's

medical record the reason for the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; in this paragraph, "practitioner" has the meaning given in AS 11.71.900.

(c) the treatment of a patient's substance abuse or opioid dependence; the advanced practice registered nurse may write a prescription for an opioid approved for the treatment of substance abuse or opioid dependence for the quantity needed to treat the patient's substance abuse or opioid dependence; the advanced practice reregistered nurse shall document in the patient's medical record the reason for the prescription of an opioid approved for the treatment of substance abuse or opioid dependence in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate for the treatment of substance abuse or opioid dependence.

The amendment also changes all mention of physical exam in the proposed regulation **12 AAC 44.925** to "health exam" and a clear definition of health exam to be added. (2) "health examination" is a comprehensive evaluation of the patient or client's health. A health examination can be a thorough physical examination, a complete health assessment, a psychological assessment, or a comprehensive mental health examination. A complete health examination can also include gathering information about a person's medical history and lifestyle, completing vital signs, doing laboratory tests, and screening for disease.

#### **Agenda item: 19**

##### **PDMP joint statement**

On a motion duly made by, Catherine Hample seconded by, Wendy Monrad and carried with 6 ayes, it was

**RESOLVED that the Alaska BON approve the CBPL Joint Statement revised October 16,2019**

#### **Agenda Item 20:**

##### **Descriptors/Title Issues for CRNA-**

**April Erickson, CRNA lead the discussion regarding the proposed information about CRNA's presenting themselves as a "Nurse Anesthetist" and the Board of Nursing acknowledge the descriptor for the Alaska CRNA's.**

**It was RESOLVED that Alaska Board of Nursing will refer questions to the statement below for "Nurse Anesthetist"-**

**Certified Registered Nurse Anesthetist (also CRNA, nurse anesthetist, Certified Registered Nurse Anesthesiologist, nurse anesthesiologist):** A nurse educated and licensed to practice anesthesia in the United States. Overall, it takes 7-8 ½ years of nursing- and anesthesiology-focused education and training to attain a degree in nurse anesthesia prior to sitting for the National Certification Examination to become a CRNA. Graduates of nurse anesthesia educational programs have an average of 9,369 hours of clinical experience (see <https://www.aana.com/journalonline>). All CRNAs are board certified. The