

Kevin Meyer
Lieutenant Governor
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**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: July 9, 2020

RE: Filed Permanent Regulations: Board of Nursing

Board of Nursing emergency regulations being made permanent re: renewal date for certification of nurse aides (12 AAC 44.815(a))

Attorney General File:	2020200312
Regulation Filed:	7/9/2020
Effective Date:	3/26/2020
Print:	235, October 2020

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

CERTIFICATION OF COMPLIANCE

I, Marianne Murray, Executive Administrator for the Board of Nursing, certify that, as required by AS 44.62.260 in order to make the attached one page of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

12 AAC 44.815(a), dealing with nurse aide certification renewal date.

This regulation originally was filed as an emergency regulation on March 26, 2020.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.

DATE: 5.6.2020
Anchorage, Alaska


Marianne Murray, Executive Administrator
Board of Nursing

April Simpson for

FILING CERTIFICATION

I, [↑]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 9th, 2020 at 9:41 a.m., I filed the attached regulation according to the provisions of AS 44.62.

for 
Kevin Meyer, Lieutenant Governor

Register: 235, October 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



A handwritten signature in blue ink, appearing to read "K-Meyer", is written over a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 44. Board of Nursing.

The emergency amendment of 12 AAC 44.815(a) is made permanent to read:

(a) An initial nurse aide certification is valid for the remainder of the current biennial certification period. A nurse aide certification must be renewed biennially on or before a date set by the department. A renewal reminder will be mailed to each currently certified nurse aide at least 60 days before the renewal date. A certification that is not renewed lapses.

(Eff. 2/14/99, Register 149; am 12/14/99, Register 153; am 4/9/2000, Register 154; am 11/2/2001, Register 160; am 7/22/2004, Register 171; am 5/29/2005, Register 174; am 12/23/2009, Register 192; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 5/16/2018, Register 226; am 3/26/2020, Register 234)

Authority: AS 08.01.100 AS 08.68.331 AS 08.68.336
AS 08.68.100

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer Lieutenant Governor	Date: July 2, 2020
	File No.: 2020200312
Thru: Susan R. Pollard <i>SRP</i> Chief Assistant Attorney General and Regulations Attorney Legislation and Regulations Section	Tel. No.: 465-3600
From: Steven C. Weaver <i>SCW</i> Senior Assistant Attorney General Legislation and Regulations Section	Re: Board of Nursing emergency regulations re: renewal date for certification of nurse aides (12 AAC 44.815(a))

The Department of Law has reviewed the attached emergency regulations of the Board of Nursing against the statutory standards of the Administrative Procedure Act. The Board of Nursing intends to make the regulations permanent. The emergency regulations were adopted by the Board of Nursing on March 23, 2020 and filed by your office on March 26, 2020; they expire on July 23, 2020 unless made permanent. After the close of the public comment period, the Board of Nursing submitted a certification of compliance as required under AS 44.62.260.

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 as permanent regulations. The regulations concern biennial certification of nurse aides, making the renewal date requirements more flexible to ensure that enough certified nurse aides are available during the COVID-19 pandemic.

The March 23, 2020 certification of adoption order, the April 1, 2020 public notice, and the May 6, 2020 certification of compliance all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: Marianne Murray, Executive Administrator
Board of Nursing

Amy Demboski, Assistant Commissioner and Regulations Contact
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

Excerpt from the Draft Minutes of the
May 6-7 Teleconference Meeting of the
Alaska Board of Nursing

Emergency regulations dealing with nurse aide certification renewal date:

12 AAC 44.815. Issuance and renewal of certification, is proposed to be amended as follows:
A nurse aide certification must be renewed biennially on or before **a date set by the department**. The “March 31 of even-numbered years” was removed to allow healthcare worker availability during this public health emergency caused by the COVID-19 pandemic.

No public comments were received.

The Board does not expect the regulations change to incur cost to private persons, or to require an increased appropriation.

On a motion by Lena Lafferty and second by Julie Tisdale and carried with 6 ayes, it was passed and RESOLVED that the emergency amendment of 12 AAC 44.815(a) is now made permanent.

“(a) An initial nurse aide certification is valid for the remainder of the current biennial certification period. A nurse aide certification must be renewed biennially on or before a date set by the department. A renewal reminder will be mailed to each currently certified nurse aide at least 60 days before the renewal date. A certification that is not renewed lapses.”

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 nurse aide certification renewal date was passed by the Board of Nursing during its May 6-7, 2020 zoom meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 5.6.2020.


Marianne Murray, Executive Administrator

State of Alaska
Anchorage

**NOTICE OF ADOPTION OF EMERGENCY REGULATION ON NURSE AIDE
CERTIFICATION RENEWAL DATE EXTENSION IN THE REGULATIONS OF
THE BOARD OF NURSING**

BRIEF DESCRIPTION: The Board of Nursing proposes to make permanent regulation changes made by emergency regulation regarding extending the nurse aide certification renewal date.

On March 20, 2020, the Board of Nursing (Board) adopted, as an emergency regulation, changes in 12 AAC 44.815 of the Alaska Administrative Code dealing with biennial nurse aide certification renewal date, including the following:

12 AAC 44.815. Issuance and renewal of certification, is proposed to be amended as follows:
A nurse aide certification must be renewed biennially on or before a date set by the department. The "March 31 of even-numbered years" was removed to allow healthcare worker availability during this public health emergency caused by the COVID-19 pandemic.

The emergency regulation took effect on **March 26, 2020**, and will expire **July 23, 2020**. The Board intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the 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/197637>, and using the comment link. **The comments must be received not later than 4:30 p.m. on May 4, 2020.** 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 April 27, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation 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/CNA-REN-EmergencyRegs-0320.pdf>.


The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. **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 08.68.331; AS 08.68.336

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.100; AS 08.68.100; AS 08.68.331; AS 08.68.336


Fiscal Information: The regulations are not expected to require an increased appropriation.

DATE: 3/31/2020


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:** Nurse aide certification renewal date.
3. **Citation of regulation:** 12 AAC 44.815.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Emergency 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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**
Marianne Murray, Executive Administrator
Alaska Board of Nursing
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 269-8160
E-mail: marianne.murray@alaska.gov
10. **The origin of the emergency regulation action:** Board of Nursing.
11. **Date:** 3/31/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

**AFFIDAVIT OF NOTICE OF ADOPTION OF EMERGENCY 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 44.62.250, notice of the March 26, 2020 emergency changes to 12 AAC 44.815, dealing with nurse aide certification renewal date, has been given under AS 44.62.190(a) 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 regulation;
6. electronically transmitted 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 March 26, 2020 emergency changes to the regulation described above has been furnished to interested persons and furnished to those 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: 4/7/2020
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 7 day of April, 2020.





Notary Public in and for the
State of Alaska
My commission expires: 10/office

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

Order #: W0014296

Cost: \$468.16

RECEIVED
Juneau

APR 20 2020

CBPL

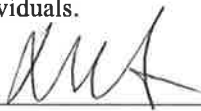
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa 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 afore-said 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

04/01/2020

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 1st day of April 2020.

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

MY COMMISSION EXPIRES

7/1/2020

Notice of adoption of emergency regulation on nurse aide certification renewal date extension in the regulations of the Board of Nursing

On March 20, 2020, the Board of Nursing (Board) adopted, as an emergency regulation, changes in 12 AAC 44.815 of the Alaska Administrative Code dealing with biennial nurse aide certification renewal date, including the following:

12 AAC 44.815. Issuance and renewal of certification, is proposed to be amended as follows:
A nurse aide certification must be renewed biennially on or before a date set by the department. The "March 31 of even-numbered years" was removed to allow healthcare worker availability during this public health emergency caused by the COVID-19 pandemic.

The emergency regulation took effect on **March 26, 2020**, and will expire **July 23, 2020**. The Board intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the 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/197637>, and using the comment link. **The comments must be received not later than 4:30 p.m. on May 4, 2020.** 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 April 27, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation 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/CNA-REN-EmergencyRegs-0320.pdf>.

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. **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 08.68.331; AS 08.68.336

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.100; AS 08.68.100; AS 08.68.331; AS 08.68.336

Fiscal Information: The regulations are not expected to require an increased appropriation.

DATE: 3/31/2020
By: /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: April 1, 2020

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:

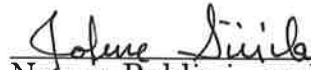
In compliance with AS 44.62.215, the Board of Nursing did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Nursing regulations on dealing with nurse aide certification renewal date.

DATE: 5/26/2020
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 26 day of May, 2020.




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

FINDING OF EMERGENCY

The Board of Nursing finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:


The restrictive nature of this regulation could negatively impact the health of the public by decreasing healthcare worker availability during this public health emergency cause by the COVID-19 pandemic.

ORDER CERTIFYING ADOPTION

I certify that the Board of Nursing, under the authority of AS 08.01.100, AS 08.68.100, AS 08.68.331, and AS 08.68.336, adopted at its March 20, 2020 teleconference meeting the attached one page of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

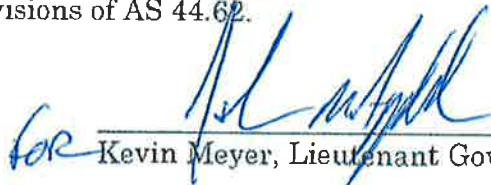
DATE: 3/23/2020
Anchorage, Alaska


Marianne Murray, Executive Administrator
Board of Nursing

Josh Applebee

FILING CERTIFICATION

I, ^AKevin Meyer, Lieutenant Governor for the State of Alaska, certify that on March 26, 2020 at 3:18 pm., I filed the attached regulation according to the provisions of AS 44.62.


for Kevin Meyer, Lieutenant Governor

Effective: March 26, 2020

Register: 234, July 2020

Expires July 23, 2020
unless made "permanent"
by the adopting agency

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 234, July 2020 PROFESSIONAL REGULATIONS

Chapter 44. Board of Nursing.

12 AAC 44.815(a) is amended to read:

(a) An initial nurse aide certification is valid for the remainder of the current biennial certification period. A nurse aide certification must be renewed biennially on or before **a date set by the department** [MARCH 31 OF EVEN-NUMBERED YEARS]. A renewal reminder will be mailed to each currently certified nurse aide at least 60 days before the renewal date. A certification that is not renewed lapses.

(Eff. 2/14/99, Register 149; am 12/14/99, Register 153; am 4/9/2000, Register 154; am 11/2/2001, Register 160; am 7/22/2004, Register 171; am 5/29/2005, Register 174; am 12/23/2009, Register 192; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 5/16/2018, Register 226; am 3 / 26 / 2020, Register 234)

Authority: AS 08.01.100 AS 08.68.331 AS 08.68.336
AS 08.68.100