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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

DATE: November 10, 2020

RE: Filed Emergency Regulations: Board of Nursing

Board of Nursing - Emergency Regulations re: emergency courtesy license (12 AAC 44.318)

Attorney General File:	Emergency Regulations
Regulation Filed:	11/10/2020
Effective Date:	11/10/2020
Expiration Date:	March 9, 2021 unless made permanent by the adopting agency
Print:	236, January 2021

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

FINDING OF EMERGENCY

The Board of Nursing finds that an emergency exists under AS 44.62.250 requiring an immediate expansion of courtesy licenses, and that an emergency regulation change is necessary to 12 AAC 44.318, dealing with emergency courtesy license, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Facilities are unable to maintain staffing levels due to the current and ongoing spike in COVID-19 hospitalizations and the increase in nursing staff unable to report to work due to COVID-positive tests, quarantine awaiting test results, or caring for a COVID-positive relative—especially in rural areas and in facilities serving special needs populations. The commissioner of the Department of Health and Social Services has specifically requested health care boards implement emergency measures to allow qualified providers in other jurisdictions to become licensed quickly in Alaska to fill these gaps.

ORDER CERTIFYING ADOPTION


I certify that the Board of Nursing, under the authority of AS 08.01.062, AS 08.68.100, AS 08.68.170, AS 08.68.270, and AS 08.68.275, adopted at its November 4, 2020 teleconference meeting the attached two pages 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: 11-4-20
Anchorage, Alaska


Danette Schloeder, RN, Chair
Board of Nursing

April Simpson for FILING CERTIFICATION

I,  Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 10, 2020 at 9:46 a.m., I filed the attached regulation according to the provisions of AS 44.62.


for Kevin Meyer, Lieutenant Governor

Effective: November 10, 2020
Register: 236, January 2021

Expires March 9, 2021
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.**



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

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 236, January 2021 PROFESSIONAL REGULATIONS

Chapter 44. Board of Nursing.

12 AAC 44.318 is repealed and readopted to read:

12 AAC 44.318. Emergency courtesy license. (a) In an urgent situation, the board will issue an emergency courtesy license to practice nursing to an applicant who meets the requirements of this section. The board may restrict the license to only those nursing services required to respond to the urgent situation. The licensee may not practice nursing outside the scope of the limited purpose for which the emergency courtesy license is issued.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department. A complete application includes the applicable application and licensing fees established in 12 AAC 02.280

(c) An emergency courtesy license issued under this section is valid for the period specified by the board and may not exceed 120 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 120 consecutive days, and provided the additional period expires within 18 months of the date the license is first issued.

(d) The board will not issue, and an emergency courtesy license holder may not use, an emergency courtesy license as a substitute for a temporary license or other license required under AS 08.68.

(e) While practicing under an emergency courtesy license issued under this section, the holder of the emergency courtesy license must comply with the standards of practice set out in AS 08.68 and this chapter.

EMERGENCY REGULATION

Register 236, January 2021 **PROFESSIONAL REGULATIONS**

(f) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.68.270.

(g) In this section, "urgent situation" means a health crisis requiring an increased availability of nurses or nurses with specialized education. (Eff. 11/19/2008, Register 188; am 5/16/2018, Register 226; em am 4/10/2020 – 8/7/2020, Register 234; am 11 / 10 / 2020, Register 236)

Authority: AS 08.01.062 AS 08.68.170 AS 08.68.275
AS 08.68.100 AS 08.68.270

Excerpt from the Draft Minutes of the
November 4, 2020 Teleconference Meeting of the
Alaska Board of Nursing

Emergency Courtesy License – 12 AAC 44.318

In considering public comments received and the board does not expect the regulation changes to incur cost to private persons or to require an increased appropriation, and the emergency regulations project being made permanent.

On a motion made by Wendy Monrad, seconded by Lena Lafferty and carried with 5 ayes it was, **RESOLVED the Board of Nursing in the State of Alaska** finds that an emergency exists under AS 44.62.250 requiring an immediate expansion of courtesy licenses, and that an emergency regulation change is necessary to 12 AAC 44.318, dealing with emergency courtesy license, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Facilities are unable to maintain staffing levels due to the current and ongoing spike in COVID-19 hospitalizations and the increase in nursing staff unable to report to work due to COVID-positive tests, quarantine awaiting test results, or caring for a COVID-positive relative—especially in rural areas and in facilities serving special needs populations. The commissioner of the Department of Health and Social Services has specifically requested health care boards implement emergency measures to allow qualified providers in other jurisdictions to become licensed quickly in Alaska to fill these gaps.

The motion passed with no further discussion.

AFFIDAVIT OF BOARD ACTION

I, Lisa Maroney, Licensing Supervisor for the Board of Nursing, being duly sworn, state the following:

The attached motion dealing with emergency courtesy license was passed by the Board of Nursing during its November 4, 2020 teleconference meeting.

Date: 11/6/2020
Anchorage, Alaska

Lisa Maroney
Lisa Maroney, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 6 day of November, 2020.



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