

Kevin Meyer
Lieutenant Governor
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Anchorage, Alaska 99501
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: January 13, 2021

RE: Filed Permanent Regulations: Board of Nursing

Board of Nursing emergency regulations made permanent re: emergency courtesy licenses (12 AAC 44.318)

Attorney General File:	2020200663
Regulation Filed:	1/13/2021
Effective Date:	11/10/2020
Print:	237, April 2021

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

CERTIFICATION OF COMPLIANCE

I, Sara Chambers, Director for the Division of Corporations, Business and Professional Licensing, certify that, as required by AS 44.62.260 in order to make the attached two pages 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 44.318, relating to emergency courtesy license.

This regulation originally was filed as an emergency regulation on November 10, 2020.

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.

DATE: _____
Juneau, Alaska

Sara Chambers Digitally signed by Sara Chambers
Date: 2020.12.16 16:28:03 -09'00'

Sara Chambers, Director
Division of Corporations, Business and
Professional Licensing

April Simpson for

FILING CERTIFICATION

I, [↑]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on January 13, ²⁰²¹2020 at 1:31 ^p.m., I filed the attached regulation according to the provisions of AS 44.62.

Kevin Meyer

Kevin Meyer, Lieutenant Governor

Register: 237, April 2021

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**

Chapter 44. Board of Nursing.

The emergency ^{repeal and readoption} ~~repealed and readopted~~ of 12 AAC 44.318 is made permanent 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.

(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	

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: January 12, 2021

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

File No.: 2020200663

Tel. No.: 465-3600

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

Re: Board of Nursing emergency
regulations made permanent re:
emergency courtesy licenses
(12 AAC 44.318)

The Department of Law has reviewed, against the statutory standards of the Administrative Procedure Act, the attached emergency regulations that the Board of Nursing intends to make permanent. Based upon our review, we find no legal problems. The emergency regulations were adopted on November 4, 2020, were filed on November 10, 2020, and took effect on November 10, 2020. They expire on March 9, 2021 unless made permanent.

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 emergency regulations originally were part of a larger set of proposed non-emergency regulations under a public notice dated September 6, 2020 for proposed permanent regulations (Department of Law project file 2020200559). All the regulations were open for public comment for at least 30 days. After the public comment period concluded, the Board of Nursing separated out the amendments to 12 AAC 44.318 and adopted them as emergency regulations, with an effective date upon filing and before adoption of the rest of the regulations. Because an opportunity for public comment had already been provided, the Board of Nursing announced, in the public notice of adoption of emergency regulations, that the board would make the regulations permanent without additional public comment. The Board of Nursing took this action because the regulations addressed emergency courtesy licenses for nurses to practice in urgent situations: events like the COVID-19 pandemic that might trigger a shortage of nurses or a need for nurses with specialized skills.

With the emergency regulations we have provided an original certification of compliance, an original affidavit of board action, a copy of the public notice of adoption of emergency regulations, an original publisher's affidavit for that notice, a copy of the additional regulations notice information, and an original affidavit of notice for the emergency regulations. We have provided copies of the earlier public notice for the full regulations project, the earlier publisher's affidavit, and the earlier additional regulations notice information. Also included is a copy of the

affidavit of notice for the full regulations project.

Originals of the earlier publisher's affidavit and of the affidavit of notice for the full regulations project will be submitted with the rest of the regulations (Department of Law project file number 2020200559). Those documents are available at the Juneau office of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing for inspection.

The September 6, 2020 public notice for the initial regulations package (2020200559), November 4, 2020 emergency adoption order, the November 12, 2020 public notice of adoption of emergency regulations, and the December 16, 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.

We have made a technical correction to the lead-in line to conform it in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations. We have not made any corrections to the regulations themselves.

SCW

cc w/enc: Danette Schloeder, RN, Chair
Board of Nursing
(via e-mail through Jun Maiquis)

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

Lisa Maroney, Licensing Examiner
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, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

**NOTICE OF ADOPTION OF EMERGENCY REGULATION ON EMERGENCY COURTESY
LICENSE IN THE REGULATIONS OF THE ALASKA BOARD OF NURSING**

BRIEF DESCRIPTION: The Board of Nursing proposes to make permanent regulation changes made by emergency regulation regarding emergency courtesy license.

On **November 4, 2020**, the Board of Nursing (Board) adopted, as an emergency regulation, changes in 12 AAC 44 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

12 AAC 44.318. Emergency courtesy license, is proposed to amend the emergency courtesy licensure requirements to allow successful LPN, RN, and APRN applicants that meet the specific requirements for emergency courtesy licensure during this public health emergency caused by COVID-19 pandemic.

The emergency regulation took effect on **November 10, 2020**, and will expire **March 9, 2021** unless made permanent. The Board intends to make the emergency regulation permanent.

As part of regulations identified in the Notice of Proposed Regulations published on September 6, 2020, the Board requested written comment on the regulation amended by emergency action. The deadline for receiving public comment was October 8, 2020 at 4:30 p.m., and any written comments and questions received timely under AS 44.62.213(b) have been addressed. The Board does not intend to request additional comments. At its November 4, 2020 meeting, the Board considered relevant comments received, including the cost to private persons of the regulatory action.

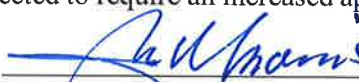
A copy of the emergency regulation is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/NUR-EmergencyCourtesyLicense-1120.pdf>.

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

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.68.100; AS 08.68.170; AS 08.68.270; AS 08.68.275

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


DATE: 11/10/2020



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:** Emergency courtesy license.
3. **Citation of regulation:** 12 AAC 44.318.
4. **Department of Law file number:** 2020200663.
5. **Reason for the proposed action:** Emergency regulations due to COVID-19.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$50 emergency courtesy license fee.
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 2021 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
Department of Commerce, Community, and Economic Development
Telephone: (907) 269-8892
E-mail: lisa.maroney@alaska.gov
10. **The origin of the emergency regulation action:** Board of Nursing.
11. **Date:** 11/10/2020 **Prepared by:** 

Jun Maiquis
Regulations Specialist

**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 November 10, 2020 emergency changes to 12 AAC 44.318, dealing with emergency courtesy license, 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 November 10, 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: 12/17/2020
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 17 day of December, 2020.



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



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 emergency courtesy license.

DATE: 12/17/2020
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 17 day of December, 2020.




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

RECEIVED
Juneau

NOV 16 2020

Order #: W0018939

Cost: \$323.74

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

11/12/2020

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 12th day of November 2020.

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

MY COMMISSION EXPIRES

7/14/2024

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES July 14, 2024

NOTICE OF ADOPTION OF EMERGENCY REGULATION OF EMERGENCY COURTESY LICENSE IN THE REGULATIONS OF THE ALASKA BOARD OF NURSING

On November 4, 2020, the Board of Nursing (Board) adopted, as an emergency regulation, changes in 12 AAC 44 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

12 AAC 44.318. Emergency courtesy license, is proposed to amend the emergency courtesy licensure requirements to allow successful LPN, RN, and APRN applicants that meet the specific requirements for emergency courtesy licensure during this public health emergency caused by COVID-19 pandemic.

The emergency regulation took effect on November 10, 2020, and will expire March 9, 2021 unless made permanent. The Board intends to make the emergency regulation permanent.

As part of regulations identified in the Notice of Proposed Regulations published on September 6, 2020, the Board requested written comment on the regulation amended by emergency action. The deadline for receiving public comment was October 8, 2020 at 4:30 p.m., and any written comments and questions received timely under AS 44.62.213(b) have been addressed. The Board does not intend to request additional comments. At its November 4, 2020 meeting, the Board considered relevant comments received, including the cost to private persons of the regulatory action.

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/NUR-EmergencyCourtesyLicense-1120.pdf>.

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

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.68.100; AS 08.68.170; AS 08.68.270; AS 08.68.275

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

DATE: 11/10/2020
/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.

Pub: November 12, 2020

AFFIDAVIT OF BOARD ACTION

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

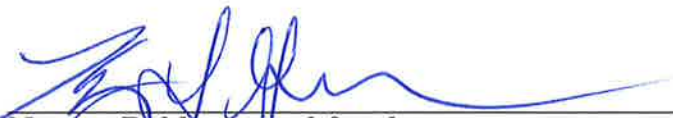
The attached motion dealing with emergency courtesy license was passed by the Board of Nursing during its November 4, 2020 teleconference meeting.

Date: 11/6/2020
Anchorage, Alaska


Lisa Maroney, Licensing Supervisor

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




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

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.

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: 23rd 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.**



K. Meyer
.....

**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

Copies of relevant
documents from
non-emergency
nursing regulations.
(20200559)

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF NURSING

BRIEF DESCRIPTION: The Board of Nursing proposes to update various regulations relating to initial licensure or certification requirements, courtesy license, and remove obsolete provisions.

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 44.290. Application for examination**, is proposed to amend the licensure by examination requirements for nurse applicants that have been foreign educated as to what the English proficiency test requirements are for licensure.
2. **12 AAC 44.305. License by endorsement**, is proposed to amend the licensure by endorsement requirements for nurse applicants that have been foreign educated as to what the English proficiency test requirements are for licensure.
3. **12 AAC 44.318. Courtesy license**, is proposed to amend the courtesy licensure requirements.
4. **12 AAC 44.400. Requirements for initial licensure**, is proposed to amend the requirements for initial APRN applicants that have been foreign educated as to what the English proficiency test requirements are for licensure.
5. **12 AAC 44.610. Continuing education requirements**, is proposed to remove the requirement for the board to maintain a list of accrediting agencies for continuing education contact hours and the need for individual agency approval.
6. **12 AAC 44.800. Certification by examination**, is proposed to amend the certification by examination requirements for CNA applicants that have been foreign educated as to what the English proficiency test requirements are for certification.
7. **12 AAC 44.805. Certification by endorsement**, is proposed to amend the certification by endorsement requirements for CNA applicants that have been foreign educated as to what the English proficiency test requirements are for certification.
8. **12 AAC 44.858. Training program pass rate**, is proposed to remove a particular company who publishes the CNA programs annual pass rate report to the board who are not presently providing the information to the board.

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/199370>, and using the comment link. **The comments must be received not later than 4:30 p.m. on October 8, 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 October 1, 2020 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-0920.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 08.01.062; AS 08.68.100; AS 08.68.170; AS 08.68.190; AS 08.68.200; AS 08.68.270; AS 08.68.275; AS 08.68.276; AS 08.68.330; AS 08.68.331; AS 08.68.334; AS 08.68.850

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.68.100; AS 08.68.170; AS 08.68.190; AS 08.68.200; AS 08.68.270; AS 08.68.275; AS 08.68.276; AS 08.68.330; AS 08.68.331; AS 08.68.334; AS 08.68.850

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

DATE:


9/3/2020



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:** Initial licensure or certification requirements, courtesy license, continuing education, and CNA training program pass rate.
3. **Citation of regulation:** 12 AAC 44.290, 12 AAC 44.305, 12 AAC 44.318, 12 AAC 44.400, 12 AAC 44.610, 12 AAC 44.800, 12 AAC 44.805, and 12 AAC 44.858.
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 2021 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
Department of Commerce, Community, and Economic Development
Telephone: (907) 269-8892
E-mail: lisa.maroney@alaska.gov
10. **The origin of the proposed action:** Board of Nursing.
11. **Date:** 9/3/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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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

09/06/2020

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 8th day of September 2020.

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

MY COMMISSION EXPIRES

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA 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 44.290 Application for examination, is proposed to amend the licensure by examination requirements for nurse applicants that have been foreign educated as to what the English proficiency test requirements are for licensure.
2. 12 AAC 44.305 License by endorsement, is proposed to amend the licensure by endorsement requirements for nurse applicants that have been foreign educated as to what the English proficiency test requirements are for licensure.
3. 12 AAC 44.318 Courtesy license, is proposed to amend the courtesy licensure requirements.
4. 12 AAC 44.400 Requirements for initial licensure, is proposed to amend the requirements for initial APRN applicants that have been foreign educated as to what the English proficiency test requirements are for licensure.
5. 12 AAC 44.610 Continuing education requirements, is proposed to remove the requirement for the board to maintain a list of accrediting agencies for continuing education contact hours and the need for individual agency approval.
6. 12 AAC 44.800 Certification by examination, is proposed to amend the certification by examination requirements for CNA applicants that have been foreign educated as to what the English proficiency test requirements are for certification.
7. 12 AAC 44.805 Certification by endorsement, is proposed to amend the certification by endorsement requirements for CNA applicants that have been foreign educated as to what the English proficiency test requirements are for certification.
8. 12 AAC 44.858 Training program pass rate, is proposed to remove a particular company who publishes the CNA programs annual pass rate report to the board who are not presently providing the information to the board.

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/199370>, and using the comment link. The comments must be received not later than 4:30 p.m. on October 8, 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 October 1, 2020 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_0920.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 08.01.062; AS 08.68.100; AS 08.68.170; AS 08.68.190; AS 08.68.200; AS 08.68.270; AS 08.68.275; AS 08.68.276; AS 08.68.330; AS 08.68.331; AS 08.68.334; AS 08.68.850.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062, AS 08.68.100; AS 08.68.170; AS 08.68.190; AS 08.68.200; AS 08.68.270; AS 08.68.275; AS 08.68.276; AS 08.68.330; AS 08.68.331; AS 08.68.334; AS 08.68.850.

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

DATE: 9/3/2020
/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 Sept. 6, 2020

**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 44.290 through 12 AAC 44.858, dealing with initial licensure or certification requirements, courtesy license, continuing education requirements, and training program pass rate, 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).

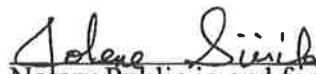
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online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

DATE: 1/8/2021
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 8 day of January, 2021.



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

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 initial licensure or certification requirements, courtesy license, continuing education requirements, and training program pass rate.

DATE: 1/8/2021
Juneau, Alaska


Jun Maiquis Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 8 day of January, 2021.




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