

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 

DATE: February 24, 2021

RE: Filed Permanent Regulations: Board of Nursing

Board of Nursing emergency regulations made permanent re: license renewal (12 AAC 44.315(a))

Attorney General File:	2020200667
Regulation Filed:	2/24/2021
Effective Date:	11/12/2020
Print:	237, April 2021

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

CERTIFICATION OF COMPLIANCE

I, Danette Schloeder, Chair 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 44.315, dealing with license renewal date extension.

This regulation originally was filed as an emergency regulation on November 12, 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: February 4, 2021
Anchorage, Alaska



Danette Schloeder, RN, Chair
Alaska Board of Nursing

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 24th, 2021 at 3:04 P.m., I filed the attached regulation according to the provisions of AS 44.62.



Kevin Meyer, Lieutenant Governor

Register: 237, April 2021.

Chapter 44. Board of Nursing.

The emergency amendment of 12 AAC 44.315(a) is made permanent to read:

(a) A practical nurse license must be renewed biennially on or before September 30 of even-numbered years. A registered nurse license and advanced practice registered nurse license must be renewed biennially on or before a date set by the department. A renewal reminder document will be mailed to each currently licensed nurse at least 60 days before the renewal date.


(Eff. 4/27/97, Register 142; am 11/2/2001, Register 160; am 5/7/2010, Register 194; am 3/19/2014, Register 209; am 5/16/2018, Register 226; am 11/12/2020, Register 236)

Authority: AS 08.68.100 AS 08.68.251 AS 08.68.276

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

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

Date: February 24, 2021

File No.: 2020200667

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:
license renewal (12 AAC 44.315(a))

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, and were filed and took effect on November 12, 2020. The Board of Nursing action to make the regulations permanent occurred on February 4, 2021 (after the state legislative session began). The emergency regulations will expire on March 11, 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 were approved by the Board of Nursing, after the close of the public comment period, as permanent regulations. In response to the COVID-19 pandemic and future urgent situations, the emergency amendment removes a November 30 deadline for renewal of registered nurse (RN) and advanced practice registered nurse (APRN) licenses and allows the Department of Commerce, Community, and Economic Development to set a different date in response to staffing shortages, to cut down on administratively disqualified renewals and keep more highly skilled nurses working.

The November 4, 2020 certification of adoption order for the emergency regulations, the November 15, 2020 public notice, and the February 4, 2021 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: 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 LICENSE RENEWAL
EXTENSION 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 license renewal date extension for registered nurses and advanced practice registered nurses.

On **November 4, 2020**, the Board of Nursing (Board) adopted, as an emergency regulation, changes in 12 AAC 44.315 of the Alaska Administrative Code dealing with biennial license renewal date extension for registered nurses and advanced practice registered nurses, including the following:

12 AAC 44.315. License renewal, is proposed to be amended as follows:

“..... A registered nurse license and advanced practice registered nurse license must be renewed biennially on or before **a date set by the department**. The “November 30 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 **November 12, 2020**, and will expire **March 11, 2021** unless made permanent. 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/200115>, and using the comment link. **The comments must be received not later than 4:30 p.m. on December 18, 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 December 11, 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/NUR-REN-EmergencyReg-1120.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 08.68.100; AS 08.68.251; AS 08.68.276

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.68.100; AS 08.68.251; AS 08.68.276

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

DATE: 11/12/2020



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:** License renewal date.
3. **Citation of regulation:** 12 AAC 44.315.
4. **Department of Law file number:** 2020200667.
5. **Reason for the proposed action:** Emergency regulation 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: 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 emergency regulation action:** Board of Nursing.
11. **Date:** 11/12/2020

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 12, 2020 emergency changes to 12 AAC 44.315, dealing with license renewal date extension, 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 12, 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.

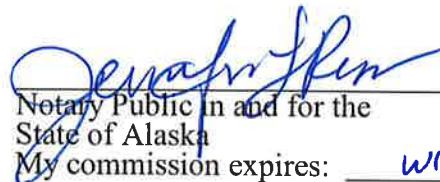
DATE: 2/16/21
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 16th day of February, 2021.





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

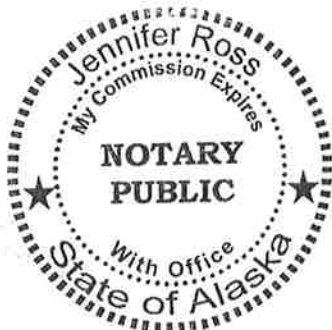
In compliance with AS 44.62.215, the Board of Nursing did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Nursing regulations on dealing with license renewal date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

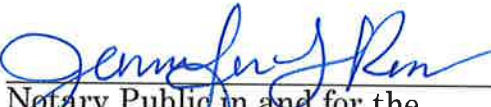
DATE: 2/16/21
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 16th day of February, 2021.





Notary Public in and for the
State of Alaska
My commission expires: with 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 19 2020

Order #: W0018991

Cost: \$473.14

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

11/15/2020

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.

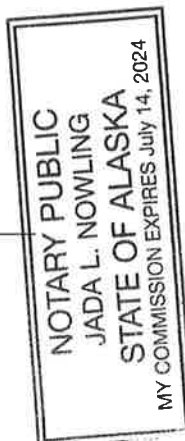
Signed

Subscribed and sworn to before me
this 17th day of November 2020.

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

MY COMMISSION EXPIRES

7/14/2024



NOTICE OF ADOPTION OF EMERGENCY REGULATION ON LICENSE RENEWAL EXTENSION 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 44.315 of the Alaska Administrative Code dealing with biennial license renewal date extension for registered nurses and advanced practice registered nurses, including the following:

12 AAC 44.315. License renewal, Is proposed to be amended as follows:

"..... A registered nurse license and advanced practice registered nurse license must be renewed biennially on or before a date set by the department. The "November 30 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 November 12, 2020, and will expire March 11, 2021 unless made permanent. 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/200115>, and using the comment link. The comments must be received not later than 4:30 p.m. on December 18, 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 December 11, 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/NUR-REN-EmergencyReg-1120.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 08.68.100; AS 08.68.251; AS 08.68.276
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.68.100; AS 08.68.251; AS 08.68.276

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

DATE: 11/12/2020
/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: November 15, 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 license renewal date extension was passed by the Board of Nursing during its February 3-4, 2021 teleconference meeting.

Date: 2/4/2021
Anchorage, Alaska

Lisa Maroney
Lisa Maroney, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 4TH day of February, 2021.



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

Excerpt from the Draft Minutes of the
February 3-4, 2021 Teleconference Meeting of the
Alaska Board of Nursing

Emergency regulations – 12 AAC 44.315(a), license renewal date extension.

The board reviewed the emergency regulation for 12 AAC 44.315(a), dealing with license renewal date extension. There were no comments received. The board voted to adopt the emergency regulations to be made permanent.

On a motion duly made by Chair Danette Schloeder and seconded by Cathy Hample, and carried with 5 Ayes, and in considering costs to private persons, the board adopts the emergency regulations as permanent for changes to 12 AAC 44.315(a), as written and publicly noticed.

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 extension of the current licensing period under 12 AAC 44.315 dealing with license renewal, and that an emergency regulation change is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The impact of COVID-19 on health care facilities has placed an additional burden on skilled nursing staff, resulting in delays in submitting applications for license renewal. Due to an increase in the volume of initial and renewal applications, plus COVID-related demands on administrative staff, it is probable that nursing license renewal applications will not be processed before the November 30 deadline, causing nurses to be unable to work when their licenses lapse on December 1. The commissioner of the Department of Health and Social Services has specifically requested health care boards implement emergency measures to ensure there are no gaps in service.

ORDER CERTIFYING ADOPTION

I certify that the Board of Nursing, under the authority of AS 08.68.100, AS 08.68.251, and AS 08.68.270, adopted at its November 4, 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: 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 12th, 2020 at 12:25 p.m., I filed the attached regulation according to the provisions of AS 44.62.


for Kevin Meyer, Lieutenant Governor

Effective: November 12, 2020

Register: 236, January 2021

Expires March 11, 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 2020 **PROFESSIONAL REGULATIONS**

Chapter 44. Board of Nursing.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 44.315 is amended to read:

12 AAC 44.315. License renewal. (a) A practical nurse license must be renewed biennially on or before September 30 of even-numbered years. A registered nurse license and advanced practice registered nurse license must be renewed biennially on or before **a date set by the department** [NOVEMBER 30 OF EVEN-NUMBERED YEARS]. A renewal reminder document will be mailed to each currently licensed nurse at least 60 days before the renewal date.

(b) A license not renewed on or before the last day of the biennial licensing period lapses on the first day of the new licensing period. An applicant whose license has lapsed must meet the requirements under 12 AAC 44.317. (Eff. 4/27/97, Register 142; am 11/2/2001, Register 160; am 5/7/2010, Register 194; am 3/19/2014, Register 209; am 5/16/2018, Register 226; am

11/12/2020, Register 236)

Authority: AS 08.68.100 AS 08.68.251 AS 08.68.276