

Kevin Meyer
Lieutenant Governor
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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

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

DATE: March 15, 2021

RE: Filed Permanent Regulations: Board of Nursing

Board of Nursing regulations re: initial licensure or certification, and annual pass rates for certified nurse aide (CAN) training programs (12 AAC 44.290(a)(3)(D); 12 AAC 44.305(a)(1)(H); 12 AAC 44.400(a)(6)(E); 12 AAC 44.800(a)(2); 12 AAC 805(4); 12 AAC 44.858(g))

Attorney General File: 2020200559.001

Regulation Filed: 3/15/2021

Effective Date: 4/14/2021

Print: 238, July 2021

cc with enclosures:

Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF NURSING


The attached seven pages of regulations, dealing with initial licensure or certification requirements for foreign educated applicants, list of accrediting agencies for continuing education, and nurse aide programs annual pass rate report, are hereby certified to be a correct copy of the regulation changes that the Board of Nursing adopted at its February 3-4, 2021 teleconference meeting, under the authority of AS 08.68.100, AS 08.68.170, AS 08.68.190, AS 08.68.200, AS 08.68.270, AS 08.68.276, AS 08.68.330, AS 08.68.331, AS 08.68.334, and AS 08.68.850, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: February 4, 2021
Anchorage, Alaska



Danette Schloeder, RN, Chair
Alaska Board of Nursing

April Simpson, for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on March 15, 2021 at 10:00 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for 

Kevin Meyer, Lieutenant Governor

Effective: April 14, 2021.

Register: 238, July 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.**



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 44. Board of Nursing.

12 AAC 44.290(a)(3)(D) is amended to read:

(D) graduated from a pre-licensure nursing program outside of the United States or Canada, except Quebec, Canada [THAT WAS NOT TAUGHT WITH ENGLISH AS THE PRIMARY LANGUAGE, ENGLISH TEXTBOOKS, AND ENGLISH TESTING MODULES], verification of passing one of the following English proficiency examinations, with at least the following minimum scores:

(i) International English Language Testing System (IELTS)

examination - overall score of 6.5 with a minimum of 6.0 on all modules;

(ii) [TEST OF ENGLISH AS A FOREIGN LANGUAGE, PAPER-BASED TEST (TOEFL-PBT) – OVERALL SCORE OF 560 WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(iii) TEST OF ENGLISH AS A FOREIGN LANGUAGE, COMPUTER-BASED TEST (TOEFL-CBT) - OVERALL SCORE OF 220 WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(iv)] Test of English as a Foreign Language, Internet-based test (TOEFL-iBT) - overall score of 84 with a speaking score of 26;

(Eff. 10/14/72, Register 43; am 4/27/83, Register 86; am 8/2/86, Register 99; am 7/28/95, Register 135; am 4/27/97, Register 142; am 9/25/98, Register 147; am 6/16/2002, Register 162; am 10/9/2002, Register 164; am 11/23/2003, Register 168; am 10/15/2004, Register 172; am 5/18/2006, Register 178; am 3/4/2007, Register 181; am 5/7/2010, Register 194; am 10/3/2011, Register 200; am 8/10/2016, Register 219; am 5/16/2018, Register 226; am 4 / 14 / 2021,

Register 238)

Authority: AS 08.68.100 AS 08.68.190 AS 08.68.270
AS 08.68.170

Editor's note: The Test of English as a Foreign Language **(TOEFL-iBT) examination** [(TOEFL) EXAMINATIONS] described in **12 AAC 44.290(a)(3)(D)(ii) is** [12 AAC 44.290(a)(3)(D)(ii) - (iv) ARE] administered by Educational Testing Services, P.O. Box 6151, Princeton, New Jersey 08541; Telephone: (609) 771-7100 **or (877) 863-3546; website at** **www.ets.org/toefl**.

12 AAC 44.305(a)(1)(H) is amended to read:

(H) if the applicant graduated from a pre-licensure nursing program **outside of the United States or Canada, except Quebec, Canada** [THAT WAS NOT TAUGHT WITH ENGLISH AS THE PRIMARY LANGUAGE, ENGLISH TEXTBOOKS, AND ENGLISH TESTING MODULES], verification of passing one of the following English proficiency examinations, with at least the following minimum scores:

(i) International English Language Testing System (IELTS)
academic examination - overall score of 6.5 with a minimum of 6.0 on all modules;

(ii) [TEST OF ENGLISH AS A FOREIGN LANGUAGE, PAPER-BASED TEST (TOEFL - PBT) - OVERALL SCORE OF 560 WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(iii) TEST OF ENGLISH AS A FOREIGN LANGUAGE,

COMPUTER-BASED TEST (TOEFL - CBT) - OVERALL SCORE OF 220

WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(iv)] Test of English as a Foreign Language, Internet-based test

(TOEFL - iBT) - overall score of 84 with a speaking score of 26;

(Eff. 4/27/83, Register 86; am 8/2/86, Register 99; am 4/29/91, Register 118; am 4/27/97,

Register 142; am 9/25/98, Register 147; am 11/2/2001, Register 160; am 6/16/2002, Register

162; am 3/4/2007, Register 181; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am

8/10/2016, Register 219; am 5/16/2018, Register 226; am 4 / 14 / 2021, Register 238)

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.270

AS 08.68.170

12 AAC 44.400(a)(6)(E) is amended to read:

(E) if the applicant graduated from an advanced practice registered nurse program outside of the United States or Canada, except Quebec, Canada [THAT WAS NOT TAUGHT WITH ENGLISH AS THE PRIMARY LANGUAGE, ENGLISH TEXTBOOKS, AND ENGLISH TESTING MODULES], verification of passing one of the following English proficiency examinations, with at least the following minimum scores:

(i) International English Language Testing System (IELTS)

academic examination - overall score of 6.5 with a minimum of 6.0 on all modules;

(ii) [TEST OF ENGLISH AS A FOREIGN LANGUAGE, PAPER-BASED TEST (TOEFL - PBT) - OVERALL SCORE OF 560 WITH A SCORE

ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(iii) TEST OF ENGLISH AS A FOREIGN LANGUAGE,
COMPUTER-BASED TEST (TOEFL - CBT) - OVERALL SCORE OF 220
WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(iv)] Test of English as a Foreign Language, Internet-based test
(TOEFL - iBT) - overall score of 84 with a speaking score of 26; and

(Eff. 1/13/80, Register 73; am 5/16/81, Register 78; am 12/1/84, Register 91; am 11/7/87,
Register 104; am 4/27/97, Register 142; am 11/2/2001, Register 160; am 11/16/2002, Register
164; am 3/28/2008, Register 185; am 11/19/2008, Register 188; am 4/16/2010, Register 194; am
10/3/2011, Register 200; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am
8/10/2016, Register 219; am 5/16/2018, Register 226; am 10/20/2018, Register 228; am

4 / 14 / 2021, Register 238)

Authority: AS 08.68.100 AS 08.68.850

cc Publisher: Existing 12 AAC 44.610(b) is unchanged.))
~~12 AAC 44.610(b) is amended to read:~~

(b) The board will accept continuing education contact hours that are part of a mediated learning system such as educational television, audio or video cassettes, the Internet, or printed media, or that are part of an independent study program, if the system or program is accredited by an agency that the board has approved. [THE BOARD WILL MAINTAIN A LIST OF ACCREDITING AGENCIES AND WILL APPROVE AN ACCREDITING AGENCY THAT IS APPROVED BY A NATIONAL CERTIFYING BODY.]

(Eff. 1/1/87, Register 97; am 7/28/95, Register 135; am 11/2/2001, Register 160; am 3/28/2008, Register 185; am 11/19/2008, Register 188; am 3/19/2014, Register 209; am 8/10/2016, Register

Withdrawn. XCH 3/11/2021

Register 238, July 2021 **PROFESSIONAL REGULATIONS**

219; am 5/16/2018, Register 226; am 4 / 14 / 2021, Register 238)

Authority: AS 08.68.100 AS 08.68.276 AS 08.68.330

12 AAC 44.800(a)(2) is amended to read:

(2) submits verification of passing one of the following English proficiency examinations, with at least the following minimum scores, if the applicant applies under (1)(A), (B), (C), or (E) of this subsection, and if the applicant graduated from a CNA certification program outside of the United States or Canada, except Quebec, Canada [THAT WAS NOT TAUGHT WITH ENGLISH AS THE PRIMARY LANGUAGE, ENGLISH TEXTBOOKS, AND ENGLISH TESTING MODULES]:

(A) International English Language Testing System (IELTS) academic examination - overall score of 6.5 with a minimum of 6.0 on all modules;

(B) [TEST OF ENGLISH AS A FOREIGN LANGUAGE, PAPER-BASED TEST (TOEFL – PBT) - OVERALL SCORE OF 560 WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(C) TEST OF ENGLISH AS A FOREIGN LANGUAGE, COMPUTER-BASED TEST (TOEFL – CBT) - OVERALL SCORE OF 220 WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(D)] Test of English as a Foreign Language, Internet-based test (TOEFL – iBT) - overall score of 84 with a speaking score of 26.

(Eff. 2/14/99, Register 149; am 5/29/99, Register 150; am 5/29/2005, Register 174; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am 5/16/2018, Register 226; am

4 / 14 / 2021, Register 238)

Authority: AS 08.68.100 AS 08.68.331 AS 08.68.334

12 AAC 44.805(4) is amended to read:

(4) if the applicant graduated from a CNA certification program outside of the United States or Canada, except Quebec, Canada [THAT WAS NOT TAUGHT WITH ENGLISH AS THE PRIMARY LANGUAGE, ENGLISH EXTBOOKS, AND ENGLISH TESTING MODULES], submission of verification of passing one of the following English proficiency examinations, with at least the following minimum scores:

(A) International English Language Testing System (IELTS) academic examination - overall score of 6.5 with a minimum of 6.0 on all modules;

(B) [TEST OF ENGLISH AS A FOREIGN LANGUAGE, PAPER-BASED TEST (TOEFL – PBT) - OVERALL SCORE OF 560 WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(C) TEST OF ENGLISH AS A FOREIGN LANGUAGE, COMPUTER-BASED TEST (TOEFL – CBT) - OVERALL SCORE OF 220 WITH A SCORE ON THE TEST OF SPOKEN ENGLISH (TSE) OF 50;

(D)] Test of English as a Foreign Language, Internet-based test (TOEFL – iBT) - overall score of 84 with a speaking score of 26. (Eff. 2/14/99, Register 149; am 3/28/2008, Register 185; am 12/27/2012, Register 204; am 3/19/2014, Register 209; am 5/16/2018, Register 226; am 4 / 14 / 2021, Register 238)

Authority: AS 08.68.100 AS 08.68.331

12 AAC 44.858(g) is amended to read:

(g) For purposes of this section, a certified nurse aide training program achieves at least an 80 percent cumulative annual pass rate if the year-end data [PUBLISHED BY THE NATIONAL NURSE AIDE ASSESSMENT PROGRAM (NNAAP)] shows that at least 80 percent of the graduates of the approved nurse aide training program, taking the National Nurse Aide Assessment Program competency evaluation for the first time, successfully passed that competency evaluation.


(Eff. 11/19/2008, Register 188; am 3/19/2014, Register 209; am 4 / 14 / 2021, Register 238)

Authority: AS 08.68.100 AS 08.68.331

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: March 12, 2021

File No.: 2020200559.001

Tel. No.: 465-3600

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

Re: Board of Nursing regulations re:
initial licensure or certification, and
annual pass rates for certified nurse
aide (CNA) training programs
(12 AAC 44.290(a)(3)(D); 12 AAC
44.305(a)(1)(H); 12 AAC
44.400(a)(6)(E); 12 AAC
44.800(a)(2); 12 AAC 805(4);
12 AAC 44.858(g))

The Department of Law has reviewed the attached regulations of the Board of Nursing against the statutory standards of the Administrative Procedure Act. 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.

We have received staff confirmation to defer our review of 12 AAC 44.610(b) to a Part 2 of this project, pending additional board work on that regulation. On the attached copy of the regulations, we have marked with a "withdrawn" notation the material for which review is to be deferred.

The regulations were adopted by the Board of Nursing after the close of the public comment period. The regulations concern tests of English language proficiency for graduates of foreign nursing education programs or certified nurse aide (CNA) training programs, for purposes of licensure or certification, and also address the collection of annual test data for CNA training programs.

The September 6, 2020 public notice and the February 4, 2021 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: 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

Megyn Weigand, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

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

Account #: 268972 ST OF AK/DEC/OCCU
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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 aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said 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.
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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 RegulationsAndPublicComments@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 RegulationsAndPublicComments@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 RegulationsAndPublicComments@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 RegulationsAndPublicComments@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: 12/31/2022

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

AFFIDAVIT OF BOARD ACTION

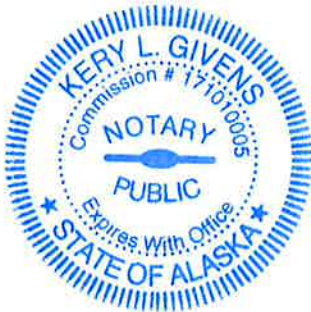
I, Lisa Maroney, Licensing Supervisor for the Board of Nursing, being duly sworn, state the following:


The attached motion dealing with initial licensure or certification requirements for foreign educated applicants, list of accrediting agencies for continuing education, and nurse aide programs annual pass rate report was passed by the Board of Nursing during its February 3-4, 2021 teleconference meeting.

Date: 2/4/2021
Anchorage, Alaska


Lisa Maroney, Licensing Supervisor

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




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

Proposed regulations: 12 AAC 44.290(a)(3)(D), 12 AAC 44.305(a)(1)(H), 12 AAC 44.400(a)(6)(E), 12 AAC 44.610(b), 12 AAC 44.800(a)(2), 12 AAC 44.805(4), and 12 AAC 44.858(g).

The board reviewed the proposed regulations for 12 AAC 44.610(b) and 12 AAC 44.858(g), and the public comments received. The board voted to adopt the proposed regulations.

On a motion duly made by Chair Danette Schloeder and seconded by Cathy Hample, and carried with 5 ayes, and in considering the public comments received and costs to private persons, it was

RESOLVED that the Alaska Board of Nursing adopts the proposed regulations as written and publicly noticed.

The board reviewed the proposed regulations for 12 AAC 44.290(a)(3)(D), 12 AAC 44.305(a)(1)(H), 12 AAC 44.400(a)(6)(E), 12 AAC 44.800(a)(2), and 12 AAC 44.805(4), and the public comments received. The board voted to adopt the proposed regulations.

On a motion duly made by Chair Danette Schloeder and seconded by Julie Tisdale, and carried with 5 ayes, and in considering the public comments received and costs to private persons, it was

RESOLVED that the Alaska Board of Nursing adopts the proposed regulations as written and publicly noticed.

The motion passed with no further discussion.