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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: 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

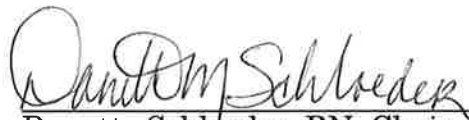
The attached seven pages of regulations, dealing with initial licensure or certification requirements for foreign educated applicants, list of accrediting agencies for continuing education, and nurse aide programs annual pass rate report, are hereby certified to be a correct copy of the regulation changes 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.)))
~~2 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. XCD, 3/11/2022

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