

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Glenn Hoskinson  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor 465.4081 

**DATE:** September 7, 2021

**RE:** Filed Emergency Regulations: Board of Nursing

Board of Nursing Emergency Regulations re: emergency courtesy certification and training program standards for certified nurse aide during an urgent situation (12 AAC 44.806; 12 AAC 44.835)

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Attorney General File:	Emergency Regulations
Regulation Filed:	9/7/2021
Effective Date:	9/7/2021
Expiration Date:	January 4, 2022 unless made permanent by the adopting agency
Print:	240, January 2022

cc with enclosures: Joseph Felkl, Department of Law  
Judy Herndon, LexisNexis  
Jun Maiquis, Regulations Specialist

## FINDING OF EMERGENCY

The Board of Nursing finds that an emergency exists under AS 44.62.250 and that an emergency regulation change is necessary to 12 AAC 44, dealing with emergency courtesy certification and training program standards for certified nurse aide, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

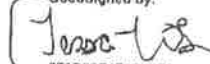
The current surge of COVID-19 across Alaska has greatly increased the number of Alaskans becoming ill from the virus. Hospital capacity is at its highest since the beginning of the pandemic. Health care facilities are at max capacity and are struggling to retain staff. A recent survey of healthcare facilities across Alaska showed an immediate need for 55 CNAs with many more needed in the coming weeks. This critical healthcare worker shortage and the surge in cases across the state are what constitute this emergency.

## ORDER CERTIFYING ADOPTION

I certify that the Board of Nursing, under the authority of AS 08.01.062, AS 08.68.100, AS 08.68.331, and AS 08.68.334, adopted at its September 3, 2021 teleconference meeting the attached seven 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: 9/3/2021

DocuSigned by:  
  
7F3B02E4F6D1478

Tessa Walker Linderman, Executive Administrator  
Alaska Board of Nursing

*April Simpson for*

## FILING CERTIFICATION

I, <sup>↑</sup>Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on September 7, 2021 at 1:43 p.m., I filed the attached regulation according to the provisions of AS 44.62.

*for April Simpson*  
for Kevin Meyer, Lieutenant Governor

Effective: September 7, 2021

Register: 240, January 2022

Expires January 4, 2022  
unless made "permanent"  
by the adopting agency

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", followed by a horizontal dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

## EMERGENCY REGULATION

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### Chapter 44. Board of Nursing.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 44 is amended by adding a new section to read:

**12 AAC 44.806. Emergency courtesy certification.** (a) In an urgent situation, the board may issue an emergency courtesy certification to practice as a certified nurse aide (CNA) to an applicant who meets the requirements of this section. The board may restrict the certification to only those nurse aide services required to respond to the urgent situation. A CNA may not practice with an emergency courtesy certification under this section outside the scope of the limited purpose for which the emergency courtesy certification is issued.

(b) An applicant for an emergency courtesy certification 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 certification fees established in 12 AAC 02.105.

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

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

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(e) While practicing under an emergency courtesy certification issued under this section, the holder of the emergency courtesy certification 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 certification for the same reasons that it may deny, suspend, or revoke a certification under AS 08.68.334.

(g) In this section, "urgent situation" means a health crisis requiring increased availability of certified nurse aides. (Eff. 9 / 7 / 2021, Register 240)

**Authority:** AS 08.01.062 AS 08.68.100 AS 08.68.334

12 AAC 44.835 is amended to read:

**12 AAC 44.835. Training program standards.** (a) A certified nurse aide training program must be conducted in a manner to assure that clients receive safe and competent care, and must train a certified nurse aide to

- (1) form a relationship, communicate, and interact competently with the client;
- (2) demonstrate sensitivity to the emotional, social, and mental health needs of a client through skillful and directed interactions;
- (3) assist a client in attaining and maintaining independence;
- (4) exhibit behavior that supports and promotes the rights of a client; and
- (5) demonstrate the skills of observing, caregiving, and reporting needed to document the health, physical condition, and well-being of a client.

(b) To be approved by the board, a certified nurse aide training program must provide the following:

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- (1) curriculum that meets the requirements of 12 AAC 44.845 and 12 AAC 44.847;
- (2) instructors who meet the requirements of 12 AAC 44.840;
- (3) classroom and clinical facilities that meet the requirements of (f) of this section;
- (4) maintenance of records showing the disposition of complaints received against the program.

(c) In addition to the requirements of (b) of this section, a certified nurse aide training program must consist of at least 140 hours of training that

- (1) includes a minimum of 60 hours of didactic instruction that meets the requirements of 12 AAC 44.845;
- (2) includes a minimum of 80 hours of supervised skills and clinical training that meets the requirements of 12 AAC 44.847, and provides an opportunity for students to gain the competencies required in 12 AAC 44.847, as follows:

(A) 48 hours must be in

- (i) a long-term care facility;
- (ii) an assisted living home licensed in this state that has a registered nurse or practical nurse on staff 24 hours a day; or
- (iii) an acute care facility;

(B) at least 32 hours must be in learning and practicing the skills under the direct supervision of an approved instructor under 12 AAC 44.840; and

- (3) documents each student's demonstration of skills by completion of the nurse

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aide skills checklist required under 12 AAC 44.852.

(d) During supervised skill and clinical training, a ratio of 10 students to one instructor may not be exceeded when the student is providing skills demonstration on an individual or clinical care to a client. Before having any direct contact with a client, a student must complete a minimum of 16 hours of classroom training and 16 hours of specific skill training that includes

- (1) communication and interpersonal skills;
- (2) infection control, including standard precautions;
- (3) safety and emergency procedures;
- (4) respecting and promoting the rights of the client;
- (5) observation, reporting, and documentation of patient status and the care or service furnished;
- (6) reading and recording temperature, pulse, and respiration;
- (7) basic elements of body functioning and changes in body function that must be reported to a nurse aide's supervisor; and
- (8) appropriate and safe techniques in personal hygiene and grooming that includes

- (A) bed bath;
- (B) sponge, tub, or shower bath;
- (C) skin care;
- (D) oral hygiene;
- (E) toileting and elimination;
- (F) safe transfer techniques and ambulation; and

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(G) positioning.

(e) The training required under this section is in addition to a nursing facility's initial employee orientation requirements.

(f) Classroom and clinical facilities must provide space, comfort, safety, and equipment sufficient for conducting a professional certified nurse aide training program. When evaluating the sufficiency of classroom and clinical facilities, the board will consider whether

(1) the facilities appear to be clean and in good repair;

(2) a comfortable temperature is maintained;

(3) the lighting is bright enough to allow performance of classroom work, including reading and writing, and whether increased lighting is available as needed for specific clinical instruction;

(4) students have ready access to toilets and lavatories;

(5) space is sufficient to allow each student to be seated and take written notes during lectures, and to provide students with an unobstructed view during demonstrations of clinical skill tasks;

(6) the acoustics allow students to hear the instructor;

(7) an aspect of the facilities likely could interfere with the effective presentation of a certified nurse aide training program; and

(8) the clinical facility provides access to a sufficient number of clients to allow the student to provide care for more than one client at a time, and for the student to gain the competencies required in 12 AAC 44.847.

(g) Except as provided in (h) of this section, the board will not approve a certified nurse



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aide training program offered in or by a nursing facility that the state survey and certification agency or the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, has determined to be ineligible under federal Medicare or Medicaid regulations to offer a nurse aide training and competency evaluation program within the 24 months preceding the board's review of the nursing facility's program.

(h) The board will approve a certified nurse aide training program to be conducted in a nursing facility described under (g) of this section if a program provider other than that nursing facility offers the training program, and if the state survey and certification agency has

(1) determined that a similar program is not offered within a reasonable distance of the facility;

(2) determined that an environment exists that is adequate for the operation of the program in the facility; and

(3) provided notice of its determinations to the office of long term care ombudsman established under AS 44.21.231.

(i) The board will maintain a current list of approved training programs. Those training programs approved by the board as of October 9, 1998 are determined to be in compliance with the requirements of 42 C.F.R. 483.152 and 42 C.F.R. 483.154. The board will review these programs as provided in 12 AAC 44.857.

(j) During classroom instruction, the ratio of students to the instructor may not exceed 20 students for each instructor.

**(k) Notwithstanding (c) of this section, during a public health emergency declared by the governor or commissioner of health and social services, or when the board has**

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determined an urgent situation exists as defined in (I) of this section, a certified nurse aide training program will allow at least 75 hours of training that includes a minimum of 59 hours of clinical training that meets the requirements of 42 C.F.R. 483.152.

(I) In this section, "urgent situation" means a health crisis requiring increased availability of certified nurse aides. (Eff. 2/14/99, Register 149; am 3/28/2008, Register 185; am 12/23/2009, Register 192; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 9 / 7 / 2021, Register 240)

**Authority:** AS 08.68.100 AS 08.68.331

**Editor's note:** A list of the certified nurse aide training programs that the board has approved as of October 9, 1998 may be obtained from the Board of Nursing, Department of Commerce, Community, and Economic Development, 550 W. 7th Avenue, Suite 1500 [3601 C ST., SUITE 722], Anchorage, Alaska 99501 [99503-5986].