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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Victoria Caltagirone
Department of Commerce, Community, and Economic Development

FROM: Kady Levale, Office of the Lieutenant Governor *KL*
465.3509

DATE: April 21, 2022

RE: Filed Emergency Regulations: Board of Nursing

Department of Commerce, Community, and Economic Development regulations re:
nursing licensure process for licensure by endorsement and temporary permit
requirements (12 AAC 44.305)

Attorney General File:	Emergency Regulations
Regulation Filed:	4/21/2022
Effective Date:	4/21/2022
Expiration Date:	August 18, 2022 unless made permanent by the adopting agency
Print:	242, July 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 requiring an immediate change to the nursing licensure process for licensure by endorsement and temporary permits requirements, 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:

As a consequence of the COVID-19 pandemic, the Board of Nursing is experiencing a severe staffing shortage that has created untenable delays in nursing licensure. Remaining staff are working overtime in the evenings and through the weekends, however, licensing at best is taking seven weeks, but more often several months. This is causing hospitals and other healthcare facilities to be short staffed and in dire need of nurses who are ready to work, but in the queue to be licensed. These regulation changes will allow a significant number of nurses to be issued a temporary license upon initial review of their application and provides a six-month window to continue working with the Board of Nursing to submit remaining documentation for permanent licensure.

ORDER CERTIFYING ADOPTION

I certify that the Board of Nursing, under the authority of AS 08.68.100, AS 08.68.170, AS 08.68.200, and AS 08.68.270 adopted at its April 19, 2022 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: 4/19/2022

DocuSigned by:
Danette Schloeder
57000A9C00E419D
Danette Schloeder, RN, Chair
Board of Nursing

Kady Levale for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 21, 2022 at 2:33 p.m., I filed the attached regulation according to the provisions of AS 44.62.

Kady L
for Kevin Meyer, Lieutenant Governor

Effective: April 21, 2022
Register: 242, July 2022

Expires August 18, 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.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 242, July 2022 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 44.305(a)(1)(E) is amended to read:

12 AAC 44.305. License by endorsement.

...

(E) **attestation of 320 hours** [THE APPLICANT'S HISTORY] of [ANY]

nursing-related employment **in** [FOR] the five years immediately before the date of application;

12 AAC 44.305(a)(4) is amended to read:

(4) a reference letter from the applicant's past employer verifying that the applicant has been employed in a nursing capacity for at least 320 hours within the last **five** [TWO] years before application; if the applicant has not worked within the preceding **five** [TWO] years, the applicant must submit proof of meeting the continuing competency requirements of the board or complete a course of study approved by the board [; IF THE APPLICANT HAS NOT WORKED WITHIN THE PRECEDING FIVE YEARS, THE APPLICANT MUST SUBMIT PROOF OF COMPLETION OF A COURSE OF STUDY APPROVED BY THE BOARD].

...

(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

EMERGENCY REGULATION

Register 242, July 2022 **PROFESSIONAL REGULATIONS**

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; am 4 / 21 / 2022, Register 242)

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.270
AS 08.68.170

12 AAC 44.320(b)(1) is amended to read:

12 AAC 44.320. Temporary permits.

...

(1) a completed application as required in 12 AAC 44.305(a)(1)(A) – (G)

[12 AAC 44.305(a)(1) AND (4)];

...

(Eff. 10/14/72, Register 43; am 6/27/76, Register 58; 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 11/23/2003, Register 168; am 3/4/2007, Register 181; am 10/3/2011, Register 200; am 12/27/2012, Register 204; am 4 / 21 / 2022, Register 242)

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.210
AS 08.68.170

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING

THE ATWOOD BUILDING
550 WEST 7th AVENUE, SUITE 1550
ANCHORAGE, AK
BOARD OF NURSING

TELECONFERENCE MEETING MINUTES
April 19, 2022

By authority of AS 08.01.070(2) and in compliance with the professions of AS 44.62, Article 6, a meeting of the Board of Nursing was held by teleconference in the Atwood Building, Suite 1550 Conference Room, in Anchorage, Alaska.

April 19, 2022
CALL TO ORDER

Chair Danette Schloeder, called the meeting to order at

ROLL CALL

Those present, constituting a quorum were:

- Chair RN Member: Danette Schloeder, RN Anchorage
- APRN Member: Wendy Monrad, CRNA Anchorage
- LPN Member, Jody Miller, RN Haines
- RN Member, Lena Lafferty, RN Anchorage

Staff present from the Division of Corporations, Business and Professional Licensing:

- Tessa Walker Linderman, Executive Administrator
- Lisa Maroney, Licensing Supervisor
- Jun Maiquis, Regulation Specialist
- Harriet Dinegar, Dept of Law

Members of the Public in attendance telephonically:

Crystal Essex
LeMay Hupp
Wendy Schragg
Lynn Van Vactor
Colleen Bridge

On a motion made by Danette Schloeder seconded by Lena Lafferty and carried with 4 ayes, it was

RESOLVED that 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 44.305 and 12 AAC 44.320, regarding license by endorsement and temporary permits, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

As a consequence of the COVID-19 pandemic, the Board of Nursing is experiencing a severe staffing shortage that has created untenable delays in nursing licensure. Remaining staff are working overtime in the evenings and through the weekends, however, licensing at best is taking seven weeks, but more often several months. This is causing hospitals and other healthcare facilities to be short staffed and in dire need of nurses who are ready to work, but in the queue to be licensed. These regulation changes will allow a significant number of nurses to be issued a temporary license upon initial review of their application and provides a six-month window to continue working with the Board of Nursing to submit remaining documentation for permanent licensure.

On a motion made by Wendy Monrad and seconded by Lena Lafferty and carried with 4 ayes, it was

RESOLVED that the Board of Nursing enacts emergency regulation changes to 12 AAC 44.305, regarding License by Endorsement to streamline licensing requirements.

On a motion made by Danette Schloeder and seconded by Wendy Monrad and carried with 4 ayes, it was

RESOLVED that the Board of Nursing will open a regulations project for 12 AAC 44.305, regarding License by Endorsement to streamline licensing requirements to be made permanent.

On a motion made by Wendy Monrad and seconded by Jody Miller and carried with 4 ayes, it was

RESOLVED that the Board of Nursing enacts emergency regulation changes to 12 AAC 44.320, regarding Temporary Permits to streamline licensing requirements.

On a motion made by _Wendy Monrad seconded by Lena Lafferty and carried with 4 ayes, it was

RESOLVED that the Board of Nursing will open a regulation project to 12 AAC 44.320 regarding Temporary Permits to streamline licensing requirements.

On a motion made by Wendy Monrad and seconded by Jody Miller and carried with 4 ayes the Board of Nursing adjourned at 3:28pm.

Respectfully submitted,

Executive Administrator, Alaska Board of Nursing

Approved:

Date: _____

Board Chair, Alaska Board of Nursing

AFFIDAVIT OF BOARD ACTION

I, Tessa Walker Linderman, Executive Administrator for the Board of Nursing,
being duly sworn, state the following:

The attached motion dealing with license by endorsement and temporary
permits was passed by the Board of Nursing during its April 19, 2022
teleconference meeting.

Date: _____

Tessa Walker
Linderman

Digitally signed by Tessa Walker
Linderman
Date: 2022.04.19 16:44:14 -08'00'

Tessa Walker Linderman, Executive Administrator