

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 44.290(a)(1)(B) is amended to read:

12 AAC 44.290. Application for examination.

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(B) **attestation that the applicant has graduated from or is eligible to graduate from a recognized** [THE NAME, LOCATION, AND DATES OF ATTENDANCE OF THE] nursing education program [ATTENDED BY THE APPLICANT];

(C) the name, location, and dates of attendance of the nursing education program

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

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(A) graduated from a school of nursing in the United States or Canada, a complete certified transcript of the applicant's nursing education, **submitted** [MAILED] directly to the board from the school of nursing;

The introductory language of 12 AAC 44.290(a)(3)(D) is amended to read:

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(D) graduated from a pre-licensure nursing program outside of the United

States or **other English-speaking countries on a list approved and maintained by the board or executive administrator** [CANADA, EXCEPT QUEBEC, CANADA],

12 AAC 44.290(a)(5) is amended to read:

(5) provide the nursing program verification form, completed by an official of the school of nursing attended, and **submitted** [MAILED] directly to the department from the school of nursing; and

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(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; am 6/12/2022, Register 242; am 8/19/2022, Register 243; am ____ / ____ / _____, Register _____)

Authority: AS 08.68.100 AS 08.68.190 AS 08.68.270
AS 08.68.170

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

12 AAC 44.305. License by endorsement.

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(B) the name **and** [,] location [, AND DATES OF ATTENDANCE] of the nursing education program attended by the applicant;

The introductory language of 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 **other English-speaking countries on a list approved and maintained by the board or executive administrator** [CANADA, EXCEPT QUEBEC, CANADA],

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(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; am 4/21/2022, Register 242; am 6/12/2022, Register 242; am 8/19/2022, Register 243; am ____/____/____, Register _____)

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.270
AS 08.68.170

12 AAC 44.317(a)(1)(B) is amended to read:

12 AAC 44.317. Reinstatement of a lapsed or retired status license.

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(B) the applicant's **international** nursing license history;

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(Eff. 11/2/2001, Register 160; am 10/15/2004, Register 172; am 3/4/2007, Register 181; am 3/28/2008, Register 185; am 11/19/2008, Register 188; am 12/23/2009, Register 192; am

10/3/2011, Register 200; am 12/27/2012, Register 204; am 8/10/2016, Register 219; am 5/16/2018, Register 226; am ____/____/_____, Register _____)

Authority: AS 08.01.100 AS 08.68.251 AS 08.68.276
AS 08.68.100

12 AAC 44.400(a)(1)(A)(iv) and (v) are amended to read:

12 AAC 44.400. Requirements for initial licensure.

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(iv) for a certified nurse practitioner, a certified nurse midwife, or a certified clinical nurse specialist, if completed on or after January 1, 1998, has distinct **graduate level** course offerings [OF THREE GRADUATE CREDITS OR MORE] in advanced pathophysiology, advanced pharmacotherapeutics, and advanced physical assessment, as evidenced by an official transcript or other official documentation received directly from a graduate program accredited by a nursing accrediting body that is recognized by the United States Secretary of Education or that is recognized by the Council for Higher Education Accreditation or its successor organization; and

(v) for a certified registered nurse anesthetist, if completed on or after January 1, 2016, has distinct **graduate level** course offerings in advanced pathophysiology, advanced pharmacotherapeutics, and advanced physical assessment, as evidenced by an official transcript or other official documentation received directly from a graduate program accredited by a nursing accrediting body that is recognized by the United States Secretary of Education or that is

recognized by the Council for Higher Education Accreditation or its successor organization;

12 AAC 44.400(a)(6)(A) and (B) are repealed:

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(A) **repealed** ____ / ____ / ____ [THE NAMES AND ADDRESSES OF THREE PERSONS WHO MAY BE CONTACTED AS PROFESSIONAL REFERENCES];

(B) **repealed** ____ / ____ / ____ [ONE FULLY COMPLETED REFERENCE FORM, THAT IS SIGNED BY ONE OF THE PERSONS NAMED UNDER (A) OF THIS PARAGRAPH WHO IS QUALIFIED TO VERIFY THE APPLICANT'S COMPETENCY TO PRACTICE AS AN ADVANCED PRACTICE REGISTERED NURSE, AND THAT INDICATES THAT THE APPLICANT HAS DEMONSTRATED COMPETENCY TO PRACTICE AS AN ADVANCED PRACTICE REGISTERED NURSE WITHIN THE TWO YEARS IMMEDIATELY BEFORE THE DATE OF APPLICATION];

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The introductory language of 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 **other English-speaking countries on a list approved and maintained by the board or executive administrator** [CANADA, EXCEPT QUEBEC, CANADA],

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(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; am 1/19/2022, Register 241; am 6/12/2022, Register 242; am ____/____/_____, Register _____)

Authority: AS 08.68.100 AS 08.68.850

The introductory language of 12 AAC 44.470(5) is amended to read:

12 AAC 44.470. Renewal of advanced practice registered nurse license.

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(5) if the applicant holds a valid federal Drug Enforcement Administration registration number **and controlled substance prescriptive authority, attestation** [VERIFICATION] that the applicant has

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(Eff. 1/13/80, Register 73; am 12/1/84, Register 91; am 11/7/87, Register 104; am 6/22/96, Register 138; am 11/2/2001, Register 160; am 12/23/2009, Register 192; am 4/16/2010, Register 194; am 10/3/2011, Register 200; am 8/10/2016, Register 219; am 5/16/2018, Register 226; am 8/8/2018, Register 227; am ____/____/_____, Register _____)

Authority: AS 08.68.100 AS 08.68.276 AS 17.30.200

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

12 AAC 44.725. Alternative to discipline program for substance use disorders. (a) As an alternative to the disciplinary sanctions set out in AS 08.68.275, the board may offer successful completion of an alternative to discipline program (ADP) approved by the board, to a licensee who habitually abuses alcohol or illegally uses controlled substances.

(b) The board may offer an alternative to discipline program under this section to a licensee who

(1) has not been found by any state or federal authority including any regulatory or administrative authority to have harmed a patient while under the influence of drugs or alcohol;

(2) has not been convicted of any crime related to the sale or distribution of any medication;

(3) has not been terminated from or failed to complete an alternative to discipline program in any state; and

(4) has not had a nursing license suspended or revoked in any jurisdiction.

(c) A licensee who meets the requirements in (b) of this section and is approved by the board to participate in an alternative to discipline program must

(1) provide disclosure authorizations as requested;

(2) abstain from all alcohol and drugs, including cannabinoids, except as prescribed to the participant;

(3) provide documentation of a substance use disorder evaluation from a licensed physician or APRN experienced in the diagnosis and treatment of substance use disorders.

Documentation must include that the applicant has been diagnosed with a substance use disorder

in accordance with criteria outlined in the DSM-IV-TR or DSM-V (Diagnostic and Statistical Manual of Mental Disorders);

(4) agree in writing to the terms set forth in the ADP;

(5) be responsible for all costs of treatment and monitoring including board-required drug screens;

(6) comply with the terms of the ADP treatment recommendations including

(A) workplace restrictions that may include limited access to controlled substances, limits on hours worked per week, or a worksite monitor;

(B) daily check-ins;

(C) random drug testing;

(D) self-reports;

(E) employer reports;

(F) attendance at group support meetings;

(7) communicate in a timely manner with designated compliance monitor;

(8) attend face-to-face meetings with the board or its designee as requested.

(d) Causes for termination from the ADP and commencement of disciplinary action against licensee include

(1) failure to meet the initial qualifications for participation in ADP;

(2) noncompliance with the ADP;

(3) receipt of information regarding the licensee which after investigation, is grounds for disciplinary action;

(4) violation of federal or state laws.

(e) The board will make the final determination of when and whether a licensee has met

all the requirements. This determination will be made after compliance with all program requirements specified in the ADP for designated duration of monitoring.

(f) All records of a licensee are confidential as required by law.

(g) Nothing in this section shall limit the authority of the board to impose a summary suspension or other discipline if it determines that a licensee poses a risk to public health and safety. (Eff. ____/____/____, Register _____)

Authority: AS 08.68.100 AS 08.68.275 AS 08.68.334
AS 08.68.270

The introductory language of 12 AAC 44.800(a)(2) is amended to read:

12 AAC 44.800. Certification by examination.

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(2) submits, if applying 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 **other English-speaking countries on a list approved and maintained by the board or executive administrator** [CANADA, EXCEPT QUEBEC, CANADA],

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(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; am 6/12/2022, Register 242; am ____/____/____, Register _____)

Authority: AS 08.68.100 AS 08.68.331 AS 08.68.334

The introductory language of 12 AAC 44.805(4) is amended to read:

12 AAC 44.805. Certification by endorsement.

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(4) if the applicant graduated from a CNA certification program outside of the United States or **other English-speaking countries on a list approved and maintained by the board or executive administrator** [CANADA, EXCEPT QUEBEC, CANADA], submission of

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(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; am 1/19/2022, Register 241; am 6/12/2022, Register 242; am ____ / ____ / _____, Register _____)

Authority: AS 08.68.100 AS 08.68.331

12 AAC 44.850(b) is amended to read:

12 AAC 44.850. Nurse aide competency evaluation.

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(b) [THE BOARD APPROVES THE NATIONAL NURSE AIDE ASSESSMENT PROGRAM, DEVELOPED BY AND ADMINISTERED UNDER THE SUPERVISION OF THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING, INC., AS THE COMPETENCY EVALUATION REQUIRED UNDER (a) OF THIS SECTION]. The competency evaluation must be administered and evaluated by a registered nurse approved by the board who has at least one year's experience in providing care for the elderly or the chronically ill of any age.

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(Eff. 2/14/99, Register 149; am 5/29/99, Register 150; am 10/3/2011, Register 200; am 2/26/2021, Register 238; am 7/18/2021, Register 239; am ____/____/_____, Register _____)

Authority: AS 08.68.100 AS 08.68.331