

**CS FOR SENATE BILL NO. 67(HSS)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - THIRD SPECIAL SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

**Offered:  
Referred:**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the licensure of nursing professionals; relating to the powers and**  
2 **duties of the Board of Nursing; relating to employment of nurses holding multistate**  
3 **licenses; relating to a multistate nurse licensure compact; and providing for an effective**  
4 **date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 08.02.010(a) is amended to read:

7 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-  
8 language pathologist licensed under AS 08.11, a behavior analyst licensed under  
9 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a  
10 professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian  
11 or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61,  
12 a marital and family therapist licensed under AS 08.63, a medical practitioner or  
13 osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a  
14 registered nurse licensed under AS 08.68 or AS 08.69 or advanced practice

1 registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed  
2 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed  
3 under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed  
4 under AS 08.95 [,] shall use as professional identification appropriate letters or a title  
5 after that person's name that represents the person's specific field of practice. The  
6 letters or title shall appear on all signs, stationery, or other advertising in which the  
7 person offers or displays personal professional services to the public. In addition, a  
8 person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380,  
9 or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or  
10 counsels other persons in relation to human health or disease and uses the letters  
11 "M.D." or the title "doctor" or "physician" or another title that tends to show that the  
12 person is willing or qualified to diagnose, treat, test, or counsel another person, shall  
13 clarify the letters or title by adding the appropriate specialist designation, if any, such  
14 as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

15 \* **Sec. 2.** AS 08.11.120(b) is amended to read:

16 (b) Notwithstanding the provisions of this chapter,

17 (1) a nurse licensed under AS 08.68 or AS 08.69 may perform hearing  
18 sensitivity evaluations;

19 (2) an individual licensed as a hearing aid dealer under AS 08.55 may  
20 deal in hearing aids;

21 (3) an individual holding a class A certificate issued by the Conference  
22 of Executives of American Schools of the Deaf may teach the hearing impaired;

23 (4) an individual may engage in the testing of hearing as part of a  
24 hearing conservation program that complies with the regulations of the Occupational  
25 Safety and Health Administration of the federal government if the individual is  
26 certified to do the testing by a state or federal agency acceptable to the Occupational  
27 Safety and Health Administration;

28 (5) an individual may perform hearing screening under AS 47.20.310  
29 if authorized to do so under a protocol adopted under AS 47.20.310(e) by the  
30 Department of Health and Social Services.

31 \* **Sec. 3.** AS 08.68.100 is amended to read:

1                   **Sec. 08.68.100. Duties and powers of board.** (a) The board shall

2                   (1) adopt regulations necessary to implement this chapter **and**  
3                   **AS 08.69**, including regulations

4                   (A) pertaining to practice as an advanced practice registered  
5                   nurse, including requirements for an advanced practice registered nurse to  
6                   practice as a certified registered nurse anesthetist, certified clinical nurse  
7                   specialist, certified nurse practitioner, or certified nurse midwife; regulations  
8                   for an advanced practice registered nurse who holds a valid federal Drug  
9                   Enforcement Administration registration number must address training in pain  
10                  management and opioid use and addiction;

11                  (B) necessary to implement AS 08.68.331 - 08.68.336 relating  
12                  to certified nurse aides in order to protect the health, safety, and welfare of  
13                  clients served by nurse aides;

14                  (C) pertaining to retired nurse status; and

15                  (D) establishing criteria for approval of practical nurse  
16                  education programs that are not accredited by a national nursing accrediting  
17                  body;

18                  (2) approve curricula and adopt standards for basic education programs  
19                  that prepare persons for licensing under **this chapter and AS 08.69** [AS 08.68.190];

20                  (3) provide for surveys of the basic nursing education programs in the  
21                  state at the times it considers necessary;

22                  (4) approve education programs that meet the requirements of this  
23                  chapter and of the board, and deny, revoke, or suspend approval of education  
24                  programs for failure to meet the requirements;

25                  (5) examine, license, and renew the licenses of [QUALIFIED]  
26                  applicants **issued under this chapter and the multistate licenses issued under**  
27                  **AS 08.69**;

28                  (6) prescribe requirements for competence before a former registered,  
29                  advanced practice registered, or [LICENSED] practical nurse **licensed under this**  
30                  **chapter** may resume the practice of nursing [UNDER THIS CHAPTER];

31                  (7) define by regulation the qualifications and duties of the executive

1 administrator and delegate authority to the executive administrator that is necessary to  
2 conduct board business **and to comply with this chapter and AS 08.69**;

3 (8) develop reasonable and uniform standards for nursing practice;

4 (9) publish advisory opinions regarding whether nursing practice  
5 procedures or policies comply with acceptable standards of nursing practice as defined  
6 under this chapter;

7 (10) require applicants under this chapter **and AS 08.69** to submit  
8 fingerprints and the fees required by the Department of Public Safety under  
9 AS 12.62.160 for criminal justice information and a national criminal history record  
10 check; the department shall submit the fingerprints and fees to the Department of  
11 Public Safety for a report of criminal justice information under AS 12.62 and a  
12 national criminal history record check under AS 12.62.400;

13 (11) require that a licensed advanced practice registered nurse who has  
14 a federal Drug Enforcement Administration registration number register with the  
15 controlled substance prescription database under AS 17.30.200(n);

16 **(12) appoint the executive administrator of the board of nursing to**  
17 **serve as the state administrator of the Interstate Commission of Nurse Licensure**  
18 **Compact Administrators under AS 08.69.**

19 (b) The board may

20 (1) conduct hearings upon charges of alleged violations of this chapter,  
21 **AS 08.69**, or regulations adopted under **this chapter or AS 08.69** [IT];

22 (2) invoke, or request the department to invoke, disciplinary action  
23 against a **license issued under this chapter or a multistate license issued by the**  
24 **board consistent with the provisions of this chapter and AS 08.69** [LICENSEE];

25 (3) prescribe requirements for competence to continue practice.

26 \* **Sec. 4.** AS 08.68.140 is amended to read:

27 **Sec. 08.68.140. Applicability of Administrative Procedure Act.** Except as  
28 specified in AS 08.68.333(f) **and AS 08.69**, the board shall comply with AS 44.62  
29 (Administrative Procedure Act).

30 \* **Sec. 5.** AS 08.68.160 is amended to read:

31 **Sec. 08.68.160. License required.** A person practicing or offering to practice

1 **as a** registered [, ADVANCED PRACTICE REGISTERED,] or practical **nurse**  
2 [NURSING] in the state shall submit evidence of qualification to practice and shall be  
3 licensed under this chapter **or AS 08.69. A person practicing or offering to practice**  
4 **as an advanced practice registered nurse in the state shall submit evidence of**  
5 **qualification to practice and shall be licensed under this chapter.**

6 \* Sec. 6. AS 08.68.170 is amended to read:

7 **Sec. 08.68.170. Qualifications of registered or practical nurse applicants.**

8 (a) An applicant for a license to practice registered nursing **may obtain a license**  
9 **under this chapter or a multistate license that meets the requirements of this**  
10 **chapter and AS 08.69. An applicant for a license to practice registered nursing**  
11 **under this chapter** shall submit to the board, on forms and in the manner prescribed  
12 by the board, written evidence, verified by oath, that the applicant has successfully  
13 completed a registered nurse education program accredited by a national nursing  
14 accrediting body and approved by the board. **An applicant for a multistate license to**  
15 **practice registered nursing shall meet the requirements of AS 08.69 in addition to**  
16 **the requirements of this chapter.**

17 (b) An applicant for a license to practice practical nursing **may obtain a**  
18 **license under this chapter or a multistate license that meets the requirements of**  
19 **this chapter and AS 08.69. An applicant for a multistate license to practice**  
20 **registered nursing shall meet the requirements of AS 08.69 in addition to the**  
21 **requirements of this chapter. An applicant for a license to practice practical**  
22 **nursing under this chapter** shall submit to the board, on forms and in the manner  
23 prescribed by the board, written evidence, verified by oath, that the applicant has  
24 successfully completed **two hours of training in Alaska Native culture in a**  
25 **program approved by the board under AS 08.68.330 and has successfully**  
26 **completed**

27 (1) a practical nurse education program accredited by a national  
28 nursing accrediting body;

29 (2) a practical nurse education program that meets the criteria  
30 established by the board under AS 08.68.100; or

31 (3) a registered nurse education program accredited by a national

1 nursing accrediting body and approved by the board and, if the applicant has failed the  
2 registered nurse licensing examination, a practical nurse scope of practice course  
3 approved by the board.

4 (c) An applicant for a license to practice advanced practice registered nursing  
5 shall submit to the board, on forms and in the manner prescribed by the board, written  
6 evidence, verified by oath, that the applicant

7 (1) is licensed as a registered nurse in the state **or is practicing as a**  
8 **registered nurse with a multistate license under AS 08.69**; and

9 (2) has successfully completed an advanced practice registered nurse  
10 education program that meets the criteria established by the board under  
11 AS 08.68.100.

12 \* **Sec. 7.** AS 08.68.190(b) is amended to read:

13 (b) If an applicant meets the qualifications **under** [SET OUT IN]  
14 AS 08.68.170 for the license for which the applicant applied, the board shall issue a  
15 license **under this chapter** to practice **in this state**

16 (1) registered or practical nursing to an applicant who passes the  
17 licensing examination to practice registered or practical nursing; or

18 (2) advanced practice registered nursing to an applicant who passes the  
19 advanced practice registered nursing certification examination to practice advanced  
20 practice registered nursing.

21 \* **Sec. 8.** AS 08.68.190 is amended by adding a new subsection to read:

22 (c) If an applicant meets the qualifications under AS 08.68.170 and AS 08.69  
23 for the license for which the applicant applied, the board shall issue a multistate  
24 license to practice registered or practical nursing to an applicant who passes the  
25 licensing examination to practice registered or practical nursing.

26 \* **Sec. 9.** AS 08.68.200 is amended to read:

27 **Sec. 08.68.200. License by endorsement.** (a) The board may issue a license  
28 by endorsement to practice **in this state** as a registered, advanced practice registered,  
29 or practical nurse, whichever is appropriate, to an applicant who has worked as a nurse  
30 within the past five years if the applicant is licensed as a registered, advanced practice  
31 registered, or practical nurse under the laws of another state if, in the opinion of the

1 board, the applicant meets the qualifications required for licensing in the state and  
2 meets the requirements of AS 08.68.170.

3 (b) The board may issue a license by endorsement to practice **in this state** as a  
4 registered, advanced practice registered, or practical nurse, whichever is appropriate,  
5 to an applicant who has not worked as a nurse within the past five years if the  
6 applicant meets the requirements of (a) of this section and

7 (1) meets the continuing competency requirements of the board; or

8 (2) completes a course of study approved by the board.

9 \* **Sec. 10.** AS 08.68 is amended by adding a new section to read:

10 **Sec. 08.68.205. Educational requirements for licensees practicing under a**  
11 **multistate license issued by another state.** Before practicing nursing in the state, a  
12 licensee who holds a multistate license issued by another state under AS 08.69 shall  
13 complete two hours of training in Alaska Native culture in a program approved by the  
14 board under AS 08.68.330.

15 \* **Sec. 11.** AS 08.68.220 is amended to read:

16 **Sec. 08.68.220. Fees.** The Department of Commerce, Community, and  
17 Economic Development shall set fees under AS 08.01.065 for each of the following:

18 (1) registered nursing **licenses issued for multistate practice or**  
19 **practice in this state:**

20 (A) application;

21 (B) license by examination;

22 (C) license by endorsement;

23 (D) license renewal;

24 (E) temporary permit;

25 (2) practical nursing **licenses issued for multistate practice or**  
26 **practice in this state:**

27 (A) application;

28 (B) license by examination;

29 (C) license by endorsement;

30 (D) license renewal;

31 (E) temporary permit;

1 (3) advanced practice registered nursing licenses issued for practice  
2 in this state:

- 3 (A) application;  
4 (B) license by certification examination;  
5 (C) license by endorsement;  
6 (D) license renewal;  
7 (E) temporary permit.

8 \* **Sec. 12.** AS 08.68.230(a) is amended to read:

9 (a) A person who holds a license [LICENSED] to practice registered nursing  
10 in the state or who holds a multistate license under AS 08.69 may use the title  
11 "registered nurse" and the abbreviation "R.N."[.]

12 \* **Sec. 13.** AS 08.68.230(b) is amended to read:

13 (b) A person who holds a license [LICENSED] to practice practical nursing  
14 in the state or who holds a multistate license under AS 08.69 may use the title  
15 "licensed practical nurse" and the abbreviation "L.P.N."

16 \* **Sec. 14.** AS 08.68.230(d) is amended to read:

17 (d) A person who holds a temporary permit to practice as a licensed practical  
18 nurse in the state shall use the title "Temporary Licensed Practical Nurse" and the  
19 abbreviation "TLPN."

20 \* **Sec. 15.** AS 08.68.251(a) is amended to read:

21 (a) A lapsed license to practice in this state or a multistate license issued by  
22 the board under this chapter and AS 08.69 may be reinstated if it has not remained  
23 lapsed for more than five years by payment of the license fees for the current renewal  
24 period and the penalty fee. The board, by regulation, shall establish continuing  
25 competency and criminal background check requirements for reinstatement of a lapsed  
26 license.

27 \* **Sec. 16.** AS 08.68.270 is amended to read:

28 **Sec. 08.68.270. Grounds for denial, suspension, or revocation.** The board  
29 may deny, suspend, or revoke a [THE] license issued by the board under this  
30 chapter or AS 08.69 or the privilege to practice in the state under a multistate  
31 license issued by another state under AS 08.69 of a person who



1 (1) has obtained or attempted to obtain a license to practice nursing by  
2 fraud or deceit;

3 (2) has been convicted of a felony or other crime if the felony or other  
4 crime is substantially related to the qualifications, functions, or duties of the licensee;

5 (3) habitually abuses alcoholic beverages, or illegally uses controlled  
6 substances;

7 (4) has impersonated a registered, advanced practice registered, or  
8 practical nurse;

9 (5) has intentionally or negligently engaged in conduct that has  
10 resulted in a significant risk to the health or safety of a client or in injury to a client;

11 (6) practices or attempts to practice nursing while afflicted with  
12 physical or mental illness, deterioration, or disability that interferes with the  
13 individual's performance of nursing functions;

14 (7) is guilty of unprofessional conduct as defined by regulations  
15 adopted by the board;

16 (8) has wilfully or repeatedly violated a provision of this chapter or  
17 regulations adopted under this chapter or AS 08.01;

18 (9) is professionally incompetent;

19 (10) denies care or treatment to a patient or person seeking assistance  
20 if the sole reason for the denial is the failure or refusal of the patient or person seeking  
21 assistance to agree to arbitrate as provided in AS 09.55.535(a);

22 (11) has prescribed or dispensed an opioid in excess of the maximum  
23 dosage authorized under AS 08.68.705; or

24 (12) has procured, sold, prescribed, or dispensed drugs in violation of a  
25 law, regardless of whether there has been a criminal action or harm to the patient.

26 \* **Sec. 17.** AS 08.68.275(a) is amended to read:

27 (a) The board may take the following disciplinary actions singly or in  
28 combination **against a license issued by the board under this chapter or AS 08.69**  
29 **or against the privilege to practice in the state under a multistate license issued**  
30 **by another state under AS 08.69:**

31 (1) permanently revoke a license, [OR] permit to practice, **or privilege**

1 **to practice in the state, as applicable;**

2 (2) suspend a license **or privilege to practice in the state, as**  
3 **applicable,** for a stated period of time;

4 (3) censure a licensee;

5 (4) issue a letter of reprimand;

6 (5) impose limitations or conditions on the professional practice of a  
7 licensee;

8 (6) impose peer review;

9 (7) impose professional education requirements until a satisfactory  
10 degree of skill has been attained in those aspects of professional practice determined  
11 by the board to need improvement;

12 (8) impose probation and require the licensee to report regularly to the  
13 board upon matters involving the basis for the probation;

14 (9) accept a voluntary surrender of a license **or privilege to practice**  
15 **in the state, as applicable.**

16 \* **Sec. 18.** AS 08.68.275(c) is amended to read:

17 (c) The board may summarily suspend a license **issued by the board or**  
18 **privilege to practice in the state under a multistate license issued by another state**  
19 **under AS 08.69** before final hearing or during the appeals process if the board finds  
20 that the licensee poses a clear and immediate danger to the public health and safety. A  
21 person whose license is suspended under this section is entitled to a hearing conducted  
22 by the office of administrative hearings (AS 44.64.010) within seven days after the  
23 effective date of the order. If, after a hearing, the board upholds the suspension, the  
24 licensee may appeal the suspension to a court of competent jurisdiction.

25 \* **Sec. 19.** AS 08.68.275(d) is amended to read:

26 (d) The board may reinstate a license **issued by the board** that has been  
27 suspended or revoked, **or privilege to practice in the state under a multistate**  
28 **license issued by another state under AS 08.69 that has been suspended,** if the  
29 board finds, after a hearing, that the applicant is able to practice with skill and safety.

30 \* **Sec. 20.** AS 08.68.275(e) is amended to read:

31 (e) The board may return a license that has been voluntarily surrendered **or**

1 **reinstate the privilege to practice under a multistate license issued by another**  
2 **state under AS 08.69, as applicable,** if the board determines that the licensee is  
3 competent to resume practice and that the applicable renewal fees are paid.

4 \* **Sec. 21.** AS 08.68 is amended by adding a new section to article 6 to read:

5 **Sec. 08.68.710. Registry of nurses practicing under a multistate license. (a)**

6 A person who employs a nurse practicing in this state under a multistate license issued  
7 under AS 08.69 shall, within 30 days after the nurse begins or terminates employment,  
8 submit to the board the following information:

- 9 (1) the nurse's full name;  
10 (2) the nurse's date of hire or date when employment is terminated;  
11 (3) the nurse's home state; and  
12 (4) the nurse's length of employment.

13 (b) A nurse who holds a multistate license issued under AS 08.69 may submit  
14 the nurse's address and other workforce-related data to the board.

15 (c) The board, in collaboration with the Department of Commerce,  
16 Community, and Economic Development and the division in the Department of  
17 Commerce, Community, and Economic Development responsible for corporations,  
18 business and professional licensing, shall develop a reporting system to collect  
19 information submitted under this section and shall maintain a registry of the  
20 information collected under this section, the number of nurses practicing in the state  
21 under a license issued under AS 08.69, and the state in which each nurse is a resident.  
22 The board shall ensure that information maintained under this section that is not  
23 otherwise confidential under law is made available to the public.

24 (d) The failure of a nurse or a person who employs a nurse to provide  
25 information under this section may not be the basis for disciplinary action against the  
26 nurse or the nurse's license, and does not prohibit the nurse from practicing in the  
27 state.

28 (e) An employer who fails to report information required under (a) of this  
29 section commits a violation and the Department of Commerce, Community, and  
30 Economic Development may impose a \$1,500 fine for each violation. The legislature  
31 may appropriate money from fines collected under this subsection to the Department

1 of Commerce, Community, and Economic Development.

2 \* **Sec. 22.** AS 08.68.800(a) is amended to read:

3 (a) This chapter does not apply to

4 (1) a qualified nurse licensed in another state employed by the United  
5 States government or a bureau, or agency, or division of the United States government  
6 while in the discharge of official duties;

7 (2) nursing service given temporarily in the event of a public  
8 emergency, epidemic, or disaster;

9 (3) the practice of nursing by a student enrolled in a nursing education  
10 program accredited by the board when the practice is in connection with the student's  
11 course of study;

12 (4) the practice of nursing by an individual enrolled in an approved  
13 program or course of study approved by the board to satisfy the requirements of  
14 AS 08.68.251;

15 (5) the practice of nursing by a nurse licensed in another state, **but not**  
16 **under a multistate license issued under AS 08.69,** who engages in nursing education  
17 or nursing consultation activities, if these activities and contact with clients do not  
18 exceed 20 working days within a licensing period; or

19 (6) the practice of nursing by a nurse licensed in another state, **but not**  
20 **under a multistate license issued under AS 08.69,** whose employment  
21 responsibilities include transporting patients into, out of, or through this state;  
22 however, this exception is valid for a period not to exceed 48 hours for each transport.

23 \* **Sec. 23.** AS 08.68.805 is amended to read:

24 **Sec. 08.68.805. Delegation of nursing functions.** A registered, advanced  
25 practice registered, or practical nurse licensed under this chapter **or AS 08.69** may  
26 delegate nursing duties to other persons, including unlicensed assistive personnel,  
27 under regulations adopted by the board. A person to whom the nursing duties are  
28 delegated may perform the delegated duties without a license or certificate under this  
29 chapter **or AS 08.69** if the person meets the applicable requirements established by the  
30 board.

31 \* **Sec. 24.** AS 08.68.850(1) is amended to read:

1 (1) "advanced practice registered nurse" means a [REGISTERED]  
2 nurse who holds a license [LICENSED] to practice registered nursing in this [THE]  
3 state under this chapter or AS 08.69 and who, because of specialized education and  
4 experience, is licensed by the board [CERTIFIED] to perform acts of medical  
5 diagnosis and the prescription and dispensing of medical, therapeutic, or corrective  
6 measures under regulations adopted by the board;

7 \* **Sec. 25.** AS 08 is amended by adding a new chapter to read:

8 **Chapter 69. Multistate Nurse Licensure Compact.**

9 **Sec. 08.69.010. Compact enacted.** The Multistate Nurse Licensure Compact  
10 as contained in this section is enacted into law and entered into on behalf of the state  
11 with all other states and jurisdictions legally joining it in a form substantially as  
12 follows:

13 ARTICLE I

14 Findings and Declaration of Purpose

15 (a) The legislature finds that:

16 (1) The health and safety of the public are affected by the degree of  
17 compliance with and the effectiveness of enforcement activities related to state nurse  
18 licensure laws;

19 (2) Violations of nurse licensure and other laws regulating the practice  
20 of nursing may result in injury or harm to the public;

21 (3) The expanded mobility of nurses and the use of advanced  
22 communication technologies as part of our nation's health care delivery system require  
23 greater coordination and cooperation among states in the areas of nurse licensure and  
24 regulation;

25 (4) New practice modalities and technology make compliance with  
26 individual state nurse licensure laws difficult and complex;

27 (5) The current system of duplicative licensure for nurses practicing in  
28 multiple states is cumbersome and redundant for both nurses and states; and

29 (6) Uniformity of nurse licensure requirements throughout the states  
30 promotes public safety and public health benefits.

31 (b) The general purposes of this Compact are to:

- 1 (1) Facilitate the states' responsibility to protect the public's health and  
2 safety;
- 3 (2) Ensure and encourage the cooperation of party states in the areas of  
4 nurse licensure and regulation;
- 5 (3) Facilitate the exchange of information between party states in the  
6 areas of nurse regulation, investigation and adverse actions;
- 7 (4) Promote compliance with the laws governing the practice of  
8 nursing in each jurisdiction;
- 9 (5) Invest all party states with the authority to hold a nurse accountable  
10 for meeting all state practice laws in the state in which the patient is located at the time  
11 care is rendered through the mutual recognition of party state licenses;
- 12 (6) Decrease redundancies in the consideration and issuance of nurse  
13 licenses; and
- 14 (7) Provide opportunities for interstate practice by nurses who meet  
15 uniform licensure requirements.

## 16 ARTICLE II

### 17 Definitions

18 As used in this compact, unless the context clearly requires a different construction,

- 19 (1) "Adverse action" means any administrative, civil, equitable or  
20 criminal action permitted by a state's laws which is imposed by a licensing board or  
21 other authority against a nurse, including actions against an individual's license or  
22 multistate licensure privilege such as revocation, suspension, probation, monitoring of  
23 the licensee, limitation on the licensee's practice, or any other encumbrance on  
24 licensure affecting a nurse's authorization to practice, including issuance of a cease  
25 and desist action.
- 26 (2) "Alternative program" means a non-disciplinary monitoring  
27 program approved by a licensing board.
- 28 (3) "Coordinated licensure information system" means an integrated  
29 process for collecting, storing and sharing information on nurse licensure and  
30 enforcement activities related to nurse licensure laws that is administered by a  
31 nonprofit organization composed of and controlled by licensing boards.

1 (4) "Current significant investigative information" means:

2 (A) Investigative information that a licensing board, after a  
3 preliminary inquiry that includes notification and an opportunity for the nurse  
4 to respond, if required by state law, has reason to believe is not groundless and,  
5 if proved true, would indicate more than a minor infraction; or

6 (B) Investigative information that indicates that the nurse  
7 represents an immediate threat to public health and safety regardless of  
8 whether the nurse has been notified and had an opportunity to respond.

9 (5) "Encumbrance" means a revocation or suspension of, or any  
10 limitation on, the full and unrestricted practice of nursing imposed by a licensing  
11 board.

12 (6) "Home state" means the party state which is the nurse's primary  
13 state of residence.

14 (7) "Licensing board" means a party state's regulatory body  
15 responsible for issuing nurse licenses.

16 (8) "Multistate license" means a license to practice as a registered or a  
17 licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board  
18 that authorizes the licensed nurse to practice in all party states under a multistate  
19 licensure privilege.

20 (9) "Multistate licensure privilege" means a legal authorization  
21 associated with a multistate license permitting the practice of nursing as either a  
22 registered nurse (RN) or LPN/VN in a remote state.

23 (10) "Nurse" means RN or LPN/VN, as those terms are defined by  
24 each party state's practice laws.

25 (11) "Party state" means any state that has adopted this Compact.

26 (12) "Remote state" means a party state, other than the home state.

27 (13) "Single-state license" means a nurse license issued by a party state  
28 that authorizes practice only within the issuing state and does not include a multistate  
29 licensure privilege to practice in any other party state.

30 (14) "State" means a state, territory or possession of the United States  
31 and the District of Columbia.

1 (15) "State practice laws" means a party state's laws, rules and  
2 regulations that govern the practice of nursing, define the scope of nursing practice,  
3 and create the methods and grounds for imposing discipline. "State practice laws" do  
4 not include requirements necessary to obtain and retain a license, except for  
5 qualifications or requirements of the home state.

### 6 ARTICLE III

#### 7 General Provisions and Jurisdiction

8 (a) A multistate license to practice registered or licensed practical/vocational  
9 nursing issued by a home state to a resident in that state will be recognized by each  
10 party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed  
11 practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each  
12 party state.

13 (b) A state must implement procedures for considering the criminal history  
14 records of applicants for initial multistate license or licensure by endorsement. Such  
15 procedures shall include the submission of fingerprints or other biometric-based  
16 information by applicants for the purpose of obtaining an applicant's criminal history  
17 record information from the Federal Bureau of Investigation and the agency  
18 responsible for retaining that state's criminal records.

19 (c) Each party state shall require the following for an applicant to obtain or  
20 retain a multistate license in the home state:

21 (1) Meets the home state's qualifications for licensure or renewal of  
22 licensure, as well as, all other applicable state laws;

23 (2) Has graduated or is eligible to graduate from a licensing board-  
24 approved RN or LPN/VN prelicensure education program; or has graduated from a  
25 foreign RN or LPN/VN prelicensure education program that (a) has been approved by  
26 the authorized accrediting body in the applicable country and (b) has been verified by  
27 an independent credentials review agency to be comparable to a licensing board-  
28 approved prelicensure education program;

29 (3) Has, if a graduate of a foreign prelicensure education program not  
30 taught in English or if English is not the individual's native language, successfully  
31 passed an English proficiency examination that includes the components of reading,



1 speaking, writing and listening;

2 (4) Has successfully passed an NCLEX-RN or NCLEX-PN  
3 Examination or recognized predecessor, as applicable;

4 (5) Is eligible for or holds an active, unencumbered license;

5 (6) Has submitted, in connection with an application for initial  
6 licensure or licensure by endorsement, fingerprints or other biometric data for the  
7 purpose of obtaining criminal history record information from the Federal Bureau of  
8 Investigation and the agency responsible for retaining that state's criminal records;

9 (7) Has not been convicted or found guilty, or has entered into an  
10 agreed disposition, of a felony offense under applicable state or federal criminal law;

11 (8) Has not been convicted or found guilty, or has entered into an  
12 agreed disposition, of a misdemeanor offense related to the practice of nursing as  
13 determined on a case-by-case basis;

14 (9) Is not currently enrolled in an alternative program;

15 (10) Is subject to self-disclosure requirements regarding current  
16 participation in an alternative program; and

17 (11) Has a valid United States Social Security number.

18 (d) All party states shall be authorized, in accordance with existing state due  
19 process law, to take adverse action against a nurse's multistate licensure privilege such  
20 as revocation, suspension, probation or any other action that affects a nurse's  
21 authorization to practice under a multistate licensure privilege, including cease and  
22 desist actions. If a party state takes such action, it shall promptly notify the  
23 administrator of the coordinated licensure information system. The administrator of  
24 the coordinated licensure information system shall promptly notify the home state of  
25 any such actions by remote states.

26 (e) A nurse practicing in a party state must comply with the state practice laws  
27 of the state in which the client is located at the time service is provided. The practice  
28 of nursing is not limited to patient care, but shall include all nursing practice as  
29 defined by the state practice laws of the party state in which the client is located. The  
30 practice of nursing in a party state under a multistate licensure privilege will subject a  
31 nurse to the jurisdiction of the licensing board, the courts and the laws of the party

1 state in which the client is located at the time service is provided.

2 (f) Individuals not residing in a party state shall continue to be able to apply  
3 for a party state's single-state license as provided under the laws of each party state.  
4 However, the single-state license granted to these individuals will not be recognized as  
5 granting the privilege to practice nursing in any other party state. Nothing in this  
6 Compact shall affect the requirements established by a party state for the issuance of a  
7 single-state license.

8 (g) Any nurse holding a home state multistate license, on the effective date of  
9 this Compact, may retain and renew the multistate license issued by the nurse's then-  
10 current home state, provided that:

11 (1) A nurse, who changes primary state of residence after this  
12 Compact's effective date, must meet all applicable Article III.c. requirements to obtain  
13 a multistate license from a new home state.

14 (2) A nurse who fails to satisfy the multistate licensure requirements in  
15 Article III.c. due to a disqualifying event occurring after this Compact's effective date  
16 shall be ineligible to retain or renew a multistate license, and the nurse's multistate  
17 license shall be revoked or deactivated in accordance with applicable rules adopted by  
18 the Interstate Commission of Nurse Licensure Compact Administrators  
19 ("Commission").

## 20 ARTICLE IV

### 21 Applications for Licensure in a Party State

22 (a) Upon application for a multistate license, the licensing board in the issuing  
23 party state shall ascertain, through the coordinated licensure information system,  
24 whether the applicant has ever held, or is the holder of, a license issued by any other  
25 state, whether there are any encumbrances on any license or multistate licensure  
26 privilege held by the applicant, whether any adverse action has been taken against any  
27 license or multistate licensure privilege held by the applicant and whether the  
28 applicant is currently participating in an alternative program.

29 (b) A nurse may hold a multistate license, issued by the home state, in only  
30 one party state at a time.

31 (c) If a nurse changes primary state of residence by moving between two party

1 states, the nurse must apply for licensure in the new home state, and the multistate  
2 license issued by the prior home state will be deactivated in accordance with  
3 applicable rules adopted by the Commission.

4 (1) The nurse may apply for licensure in advance of a change in  
5 primary state of residence.

6 (2) A multistate license shall not be issued by the new home state until  
7 the nurse provides satisfactory evidence of a change in primary state of residence to  
8 the new home state and satisfies all applicable requirements to obtain a multistate  
9 license from the new home state.

10 (d) If a nurse changes primary state of residence by moving from a party state  
11 to a non-party state, the multistate license issued by the prior home state will convert  
12 to a single-state license, valid only in the former home state.

#### 13 ARTICLE V

##### 14 Additional Authorities Invested in Party State Licensing Boards

15 (a) In addition to the other powers conferred by state law, a licensing board  
16 shall have the authority to:

17 (1) Take adverse action against a nurse's multistate licensure privilege  
18 to practice within that party state.

19 (A) Only the home state shall have the power to take adverse  
20 action against a nurse's license issued by the home state.

21 (B) For purposes of taking adverse action, the home state  
22 licensing board shall give the same priority and effect to reported conduct  
23 received from a remote state as it would if such conduct had occurred within  
24 the home state. In so doing, the home state shall apply its own state laws to  
25 determine appropriate action.

26 (2) Issue cease and desist orders or impose an encumbrance on a  
27 nurse's authority to practice within that party state.

28 (3) Complete any pending investigations of a nurse who changes  
29 primary state of residence during the course of such investigations. The licensing  
30 board shall also have the authority to take appropriate action(s) and shall promptly  
31 report the conclusions of such investigations to the administrator of the coordinated

1 licensure information system. The administrator of the coordinated licensure  
2 information system shall promptly notify the new home state of any such actions.

3 (4) Issue subpoenas for both hearings and investigations that require  
4 the attendance and testimony of witnesses, as well as, the production of evidence.  
5 Subpoenas issued by a licensing board in a party state for the attendance and  
6 testimony of witnesses or the production of evidence from another party state shall be  
7 enforced in the latter state by any court of competent jurisdiction, according to the  
8 practice and procedure of that court applicable to subpoenas issued in proceedings  
9 pending before it. The issuing authority shall pay any witness fees, travel expenses,  
10 mileage and other fees required by the service statutes of the state in which the  
11 witnesses or evidence are located.

12 (5) Obtain and submit, for each nurse licensure applicant, fingerprint  
13 or other biometric-based information to the Federal Bureau of Investigation for  
14 criminal background checks, receive the results of the Federal Bureau of Investigation  
15 record search on criminal background checks and use the results in making licensure  
16 decisions.

17 (6) If otherwise permitted by state law, recover from the affected nurse  
18 the costs of investigations and disposition of cases resulting from any adverse action  
19 taken against that nurse.

20 (7) Take adverse action based on the factual findings of the remote  
21 state, provided that the licensing board follows its own procedures for taking such  
22 adverse action.

23 (b) If adverse action is taken by the home state against a nurse's multistate  
24 license, the nurse's multistate licensure privilege to practice in all other party states  
25 shall be deactivated until all encumbrances have been removed from the multistate  
26 license. All home state disciplinary orders that impose adverse action against a nurse's  
27 multistate license shall include a statement that the nurse's multistate licensure  
28 privilege is deactivated in all party states during the pendency of the order. Nothing in  
29 this Compact shall override a party state's decision that participation in an alternative  
30 program may be used in lieu of adverse action. The home state licensing board shall  
31 deactivate the multistate licensure privilege under the multistate license of any nurse

1 for the duration of the nurse's participation in an alternative program.

2 ARTICLE VI

3 Coordinated Licensure Information System and Exchange of Information

4 (a) All party states shall participate in a coordinated licensure information  
5 system of all licensed registered nurses (RNs) and licensed practical/vocational nurses  
6 (LPNs/VNs). This system will include information on the licensure and disciplinary  
7 history of each nurse, as submitted by party states, to assist in the coordination of  
8 nurse licensure and enforcement efforts.

9 (b) The Commission, in consultation with the administrator of the coordinated  
10 licensure information system, shall formulate necessary and proper procedures for the  
11 identification, collection and exchange of information under this Compact.

12 (c) All licensing boards shall promptly report to the coordinated licensure  
13 information system any adverse action, any current significant investigative  
14 information, denials of applications (with the reasons for such denials) and nurse  
15 participation in alternative programs known to the licensing board regardless of  
16 whether such participation is deemed nonpublic or confidential under state law.

17 (d) Current significant investigative information and participation in nonpublic  
18 or confidential alternative programs shall be transmitted through the coordinated  
19 licensure information system only to party state licensing boards.

20 (e) Notwithstanding any other provision of law, all party state licensing boards  
21 contributing information to the coordinated licensure information system may  
22 designate information that may not be shared with non-party states or disclosed to  
23 other entities or individuals without the express permission of the contributing state.

24 (f) Any personally identifiable information obtained from the coordinated  
25 licensure information system by a party state licensing board shall not be shared with  
26 non-party states or disclosed to other entities or individuals except to the extent  
27 permitted by the laws of the party state contributing the information.

28 (g) Any information contributed to the coordinated licensure information  
29 system that is subsequently required to be expunged by the laws of the party state  
30 contributing that information shall also be expunged from the coordinated licensure  
31 information system.

1 (h) The Compact administrator of each party state shall furnish a uniform data  
2 set to the Compact administrator of each other party state, which shall include, at a  
3 minimum:

- 4 (1) Identifying information;  
5 (2) Licensure data;  
6 (3) Information related to alternative program participation; and  
7 (4) Other information that may facilitate the administration of this  
8 Compact, as determined by Commission rules.

9 (i) The Compact administrator of a party state shall provide all investigative  
10 documents and information requested by another party state.

## 11 ARTICLE VII

### 12 Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

13 (a) The party states hereby create and establish a joint public entity known as  
14 the Interstate Commission of Nurse Licensure Compact Administrators.

- 15 (1) The Commission is an instrumentality of the party states.  
16 (2) Venue is proper, and judicial proceedings by or against the  
17 Commission shall be brought solely and exclusively, in a court of competent  
18 jurisdiction where the principal office of the Commission is located. The Commission  
19 may waive venue and jurisdictional defenses to the extent it adopts or consents to  
20 participate in alternative dispute resolution proceedings.

21 (3) Nothing in this Compact shall be construed to be a waiver of  
22 sovereign immunity.

### 23 (b) Membership, Voting and Meetings

24 (1) Each party state shall have and be limited to one administrator. The  
25 head of the state licensing board or designee shall be the administrator of this Compact  
26 for each party state. Any administrator may be removed or suspended from office as  
27 provided by the law of the state from which the Administrator is appointed. Any  
28 vacancy occurring in the Commission shall be filled in accordance with the laws of the  
29 party state in which the vacancy exists.

30 (2) Each administrator shall be entitled to one (1) vote with regard to  
31 the promulgation of rules and creation of bylaws and shall otherwise have an

1 opportunity to participate in the business and affairs of the Commission. An  
2 administrator shall vote in person or by such other means as provided in the bylaws.  
3 The bylaws may provide for an administrator's participation in meetings by telephone  
4 or other means of communication.

5 (3) The Commission shall meet at least once during each calendar  
6 year. Additional meetings shall be held as set forth in the bylaws or rules of the  
7 commission.

8 (4) All meetings shall be open to the public, and public notice of  
9 meetings shall be given in the same manner as required under the rulemaking  
10 provisions in Article VIII.

11 (5) The Commission may convene in a closed, nonpublic meeting if  
12 the Commission must discuss:

13 (A) Noncompliance of a party state with its obligations under  
14 this Compact;

15 (B) The employment, compensation, discipline or other  
16 personnel matters, practices or procedures related to specific employees or  
17 other matters related to the Commission's internal personnel practices and  
18 procedures;

19 (C) Current, threatened or reasonably anticipated litigation;

20 (D) Negotiation of contracts for the purchase or sale of goods,  
21 services or real estate;

22 (E) Accusing any person of a crime or formally censuring any  
23 person;

24 (F) Disclosure of trade secrets or commercial or financial  
25 information that is privileged or confidential;

26 (G) Disclosure of information of a personal nature where  
27 disclosure would constitute a clearly unwarranted invasion of personal privacy;

28 (H) Disclosure of investigatory records compiled for law  
29 enforcement purposes;

30 (I) Disclosure of information related to any reports prepared by  
31 or on behalf of the Commission for the purpose of investigation of compliance

1 with this Compact; or

2 (J) Matters specifically exempted from disclosure by federal or  
3 state statute.

4 (6) If a meeting, or portion of a meeting, is closed pursuant to this  
5 provision, the Commission's legal counsel or designee shall certify that the meeting  
6 may be closed and shall reference each relevant exempting provision. The  
7 Commission shall keep minutes that fully and clearly describe all matters discussed in  
8 a meeting and shall provide a full and accurate summary of actions taken, and the  
9 reasons therefor, including a description of the views expressed. All documents  
10 considered in connection with an action shall be identified in such minutes. All  
11 minutes and documents of a closed meeting shall remain under seal, subject to release  
12 by a majority vote of the Commission or order of a court of competent jurisdiction.

13 (c) The Commission shall, by a majority vote of the administrators, prescribe  
14 bylaws or rules to govern its conduct as may be necessary or appropriate to carry out  
15 the purposes and exercise the powers of this Compact, including but not limited to:

16 (1) Establishing the fiscal year of the Commission;

17 (2) Providing reasonable standards and procedures:

18 (A) For the establishment and meetings of other committees;

19 and

20 (B) Governing any general or specific delegation of any  
21 authority or function of the Commission;

22 (3) Providing reasonable procedures for calling and conducting  
23 meetings of the Commission, ensuring reasonable advance notice of all meetings and  
24 providing an opportunity for attendance of such meetings by interested parties, with  
25 enumerated exceptions designed to protect the public's interest, the privacy of  
26 individuals, and proprietary information, including trade secrets. The Commission  
27 may meet in closed session only after a majority of the administrators vote to close a  
28 meeting in whole or in part. As soon as practicable, the Commission must make public  
29 a copy of the vote to close the meeting revealing the vote of each administrator, with  
30 no proxy votes allowed;

31 (4) Establishing the titles, duties and authority and reasonable



1 procedures for the election of the officers of the Commission;

2 (5) Providing reasonable standards and procedures for the  
3 establishment of the personnel policies and programs of the Commission.  
4 Notwithstanding any civil service or other similar laws of any party state, the bylaws  
5 shall exclusively govern the personnel policies and programs of the Commission; and

6 (6) Providing a mechanism for winding up the operations of the  
7 Commission and the equitable disposition of any surplus funds that may exist after the  
8 termination of this Compact after the payment or reserving of all of its debts and  
9 obligations;

10 (d) The Commission shall publish its bylaws and rules, and any amendments  
11 thereto, in a convenient form on the website of the Commission.

12 (e) The Commission shall maintain its financial records in accordance with the  
13 bylaws.

14 (f) The Commission shall meet and take such actions as are consistent with the  
15 provisions of this Compact and the bylaws.

16 (g) The Commission shall have the following powers:

17 (1) To promulgate uniform rules to facilitate and coordinate  
18 implementation and administration of this Compact. The rules shall have the force and  
19 effect of law and shall be binding in all party states;

20 (2) To bring and prosecute legal proceedings or actions in the name of  
21 the Commission, provided that the standing of any licensing board to sue or be sued  
22 under applicable law shall not be affected;

23 (3) To purchase and maintain insurance and bonds;

24 (4) To borrow, accept or contract for services of personnel, including,  
25 but not limited to, employees of a party state or nonprofit organizations;

26 (5) To cooperate with other organizations that administer state  
27 compacts related to the regulation of nursing, including but not limited to sharing  
28 administrative or staff expenses, office space or other resources;

29 (6) To hire employees, elect or appoint officers, fix compensation,  
30 define duties, grant such individuals appropriate authority to carry out the purposes of  
31 this Compact, and to establish the Commission's personnel policies and programs

1 relating to conflicts of interest, qualifications of personnel and other related personnel  
2 matters;

3 (7) To accept any and all appropriate donations, grants and gifts of  
4 money, equipment, supplies, materials and services, and to receive, utilize and dispose  
5 of the same; provided that at all times the Commission shall avoid any appearance of  
6 impropriety or conflict of interest;

7 (8) To lease, purchase, accept appropriate gifts or donations of, or  
8 otherwise to own, hold, improve or use, any property, whether real, personal or mixed;  
9 provided that at all times the Commission shall avoid any appearance of impropriety;

10 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon or  
11 otherwise dispose of any property, whether real, personal or mixed;

12 (10) To establish a budget and make expenditures;

13 (11) To borrow money;

14 (12) To appoint committees, including advisory committees comprised  
15 of administrators, state nursing regulators, state legislators or their representatives, and  
16 consumer representatives, and other such interested persons;

17 (13) To provide and receive information from, and to cooperate with,  
18 law enforcement agencies;

19 (14) To adopt and use an official seal; and

20 (15) To perform such other functions as may be necessary or  
21 appropriate to achieve the purposes of this Compact consistent with the state  
22 regulation of nurse licensure and practice.

23 (h) Financing of the Commission

24 (1) The Commission shall pay, or provide for the payment of, the  
25 reasonable expenses of its establishment, organization and ongoing activities.

26 (2) The Commission may also levy on and collect an annual  
27 assessment from each party state to cover the cost of its operations, activities and staff  
28 in its annual budget as approved each year. The aggregate annual assessment amount,  
29 if any, shall be allocated based upon a formula to be determined by the Commission,  
30 which shall promulgate a rule that is binding upon all party states.

31 (3) The Commission shall not incur obligations of any kind prior to

1           securing the funds adequate to meet the same; nor shall the Commission pledge the  
2           credit of any of the party states, except by, and with the authority of, such party state.

3                   (4) The Commission shall keep accurate accounts of all receipts and  
4           disbursements. The receipts and disbursements of the Commission shall be subject to  
5           the audit and accounting procedures established under its bylaws. However, all  
6           receipts and disbursements of funds handled by the Commission shall be audited  
7           yearly by a certified or licensed public accountant, and the report of the audit shall be  
8           included in and become part of the annual report of the Commission.

9                   (i) Qualified Immunity, Defense and Indemnification

10                   (1) The administrators, officers, executive director, employees and  
11           representatives of the Commission shall be immune from suit and liability, either  
12           personally or in their official capacity, for any claim for damage to or loss of property  
13           or personal injury or other civil liability caused by or arising out of any actual or  
14           alleged act, error or omission that occurred, or that the person against whom the claim  
15           is made had a reasonable basis for believing occurred, within the scope of  
16           Commission employment, duties or responsibilities; provided that nothing in this  
17           paragraph shall be construed to protect any such person from suit or liability for any  
18           damage, loss, injury or liability caused by the intentional, willful or wanton  
19           misconduct of that person.

20                   (2) The Commission shall defend any administrator, officer, executive  
21           director, employee or representative of the Commission in any civil action seeking to  
22           impose liability arising out of any actual or alleged act, error or omission that occurred  
23           within the scope of Commission employment, duties or responsibilities, or that the  
24           person against whom the claim is made had a reasonable basis for believing occurred  
25           within the scope of Commission employment, duties or responsibilities; provided that  
26           nothing herein shall be construed to prohibit that person from retaining his or her own  
27           counsel; and provided further that the actual or alleged act, error or omission did not  
28           result from that person's intentional, willful or wanton misconduct.

29                   (3) The Commission shall indemnify and hold harmless any  
30           administrator, officer, executive director, employee or representative of the  
31           Commission for the amount of any settlement or judgment obtained against that

1 person arising out of any actual or alleged act, error or omission that occurred within  
2 the scope of Commission employment, duties or responsibilities, or that such person  
3 had a reasonable basis for believing occurred within the scope of Commission  
4 employment, duties or responsibilities, provided that the actual or alleged act, error or  
5 omission did not result from the intentional, willful or wanton misconduct of that  
6 person.

## 7 ARTICLE VIII

### 8 Rulemaking

9 (a) The Commission shall exercise its rulemaking powers pursuant to the  
10 criteria set forth in this Article and the rules adopted thereunder. Rules and  
11 amendments shall become binding as of the date specified in each rule or amendment  
12 and shall have the same force and effect as provisions of this Compact.

13 (b) Rules or amendments to the rules shall be adopted at a regular or special  
14 meeting of the Commission.

15 (c) Prior to promulgation and adoption of a final rule or rules by the  
16 Commission, and at least sixty (60) days in advance of the meeting at which the rule  
17 will be considered and voted upon, the Commission shall file a notice of proposed  
18 rulemaking:

19 (1) On the website of the Commission; and

20 (2) On the website of each licensing board or the publication in which  
21 each state would otherwise publish proposed rules.

22 (d) The notice of proposed rulemaking shall include:

23 (1) The proposed time, date and location of the meeting in which the  
24 rule will be considered and voted upon;

25 (2) The text of the proposed rule or amendment, and the reason for the  
26 proposed rule;

27 (3) A request for comments on the proposed rule from any interested  
28 person; and

29 (4) The manner in which interested persons may submit notice to the  
30 Commission of their intention to attend the public hearing and any written comments.

31 (e) Prior to adoption of a proposed rule, the Commission shall allow persons

1 to submit written data, facts, opinions and arguments, which shall be made available to  
2 the public.

3 (f) The Commission shall grant an opportunity for a public hearing before it  
4 adopts a rule or amendment.

5 (g) The Commission shall publish the place, time and date of the scheduled  
6 public hearing.

7 (1) Hearings shall be conducted in a manner providing each person  
8 who wishes to comment a fair and reasonable opportunity to comment orally or in  
9 writing. All hearings will be recorded, and a copy will be made available upon request.

10 (2) Nothing in this section shall be construed as requiring a separate  
11 hearing on each rule. Rules may be grouped for the convenience of the Commission at  
12 hearings required by this section.

13 (h) If no one appears at the public hearing, the Commission may proceed with  
14 promulgation of the proposed rule.

15 (i) Following the scheduled hearing date, or by the close of business on the  
16 scheduled hearing date if the hearing was not held, the Commission shall consider all  
17 written and oral comments received.

18 (j) The Commission shall, by majority vote of all administrators, take final  
19 action on the proposed rule and shall determine the effective date of the rule, if any,  
20 based on the rulemaking record and the full text of the rule.

21 (k) Upon determination that an emergency exists, the Commission may  
22 consider and adopt an emergency rule without prior notice, opportunity for comment  
23 or hearing, provided that the usual rulemaking procedures provided in this Compact  
24 and in this section shall be retroactively applied to the rule as soon as reasonably  
25 possible, in no event later than ninety (90) days after the effective date of the rule. For  
26 the purposes of this provision, an emergency rule is one that must be adopted  
27 immediately in order to:

28 (1) Meet an imminent threat to public health, safety or welfare;

29 (2) Prevent a loss of Commission or party state funds; or

30 (3) Meet a deadline for the promulgation of an administrative rule that  
31 is required by federal law or rule.

1 (l) The Commission may direct revisions to a previously adopted rule or  
2 amendment for purposes of correcting typographical errors, errors in format, errors in  
3 consistency or grammatical errors. Public notice of any revisions shall be posted on  
4 the website of the Commission. The revision shall be subject to challenge by any  
5 person for a period of thirty (30) days after posting. The revision may be challenged  
6 only on grounds that the revision results in a material change to a rule. A challenge  
7 shall be made in writing, and delivered to the Commission, prior to the end of the  
8 notice period. If no challenge is made, the revision will take effect without further  
9 action. If the revision is challenged, the revision may not take effect without the  
10 approval of the Commission.

## 11 ARTICLE IX

### 12 Oversight, Dispute Resolution and Enforcement

#### 13 (a) Oversight

14 (1) Each party state shall enforce this Compact and take all actions  
15 necessary and appropriate to effectuate this Compact's purposes and intent.

16 (2) The Commission shall be entitled to receive service of process in  
17 any proceeding that may affect the powers, responsibilities or actions of the  
18 Commission, and shall have standing to intervene in such a proceeding for all  
19 purposes. Failure to provide service of process in such proceeding to the Commission  
20 shall render a judgment or order void as to the Commission, this Compact or  
21 promulgated rules.

#### 22 (b) Default, Technical Assistance and Termination

23 (1) If the Commission determines that a party state has defaulted in the  
24 performance of its obligations or responsibilities under this Compact or the  
25 promulgated rules, the Commission shall:

26 (A) Provide written notice to the defaulting state and other  
27 party states of the nature of the default, the proposed means of curing the  
28 default or any other action to be taken by the Commission; and

29 (B) Provide remedial training and specific technical assistance  
30 regarding the default.

31 (2) If a state in default fails to cure the default, the defaulting state's

1 membership in this Compact may be terminated upon an affirmative vote of a majority  
2 of the administrators, and all rights, privileges and benefits conferred by this Compact  
3 may be terminated on the effective date of termination. A cure of the default does not  
4 relieve the offending state of obligations or liabilities incurred during the period of  
5 default.

6 (3) Termination of membership in this Compact shall be imposed only  
7 after all other means of securing compliance have been exhausted. Notice of intent to  
8 suspend or terminate shall be given by the Commission to the governor of the  
9 defaulting state and to the executive officer of the defaulting state's licensing board  
10 and each of the party states.

11 (4) A state whose membership in this Compact has been terminated is  
12 responsible for all assessments, obligations and liabilities incurred through the  
13 effective date of termination, including obligations that extend beyond the effective  
14 date of termination.

15 (5) The Commission shall not bear any costs related to a state that is  
16 found to be in default or whose membership in this Compact has been terminated  
17 unless agreed upon in writing between the Commission and the defaulting state.

18 (6) The defaulting state may appeal the action of the Commission by  
19 petitioning the U.S. District Court for the District of Columbia or the federal district in  
20 which the Commission has its principal offices. The prevailing party shall be awarded  
21 all costs of such litigation, including reasonable attorneys' fees.

22 (c) Dispute Resolution

23 (1) Upon request by a party state, the Commission shall attempt to  
24 resolve disputes related to the Compact that arise among party states and between  
25 party and non-party states.

26 (2) The Commission shall promulgate a rule providing for both  
27 mediation and binding dispute resolution for disputes, as appropriate.

28 (3) In the event the Commission cannot resolve disputes among party  
29 states arising under this Compact:

30 (A) The party states may submit the issues in dispute to an  
31 arbitration panel, which will be comprised of individuals appointed by the

1 Compact administrator in each of the affected party states and an individual  
2 mutually agreed upon by the Compact administrators of all the party states  
3 involved in the dispute.

4 (B) The decision of a majority of the arbitrators shall be final  
5 and binding.

6 (d) Enforcement

7 (1) The Commission, in the reasonable exercise of its discretion, shall  
8 enforce the provisions and rules of this Compact.

9 (2) By majority vote, the Commission may initiate legal action in the  
10 U.S. District Court for the District of Columbia or the federal district in which the  
11 Commission has its principal offices against a party state that is in default to enforce  
12 compliance with the provisions of this Compact and its promulgated rules and bylaws.  
13 The relief sought may include both injunctive relief and damages. In the event judicial  
14 enforcement is necessary, the prevailing party shall be awarded all costs of such  
15 litigation, including reasonable attorneys' fees.

16 (3) The remedies herein shall not be the exclusive remedies of the  
17 Commission. The Commission may pursue any other remedies available under federal  
18 or state law.

19 ARTICLE X

20 Effective Date, Withdrawal and Amendment

21 (a) This Compact shall become effective and binding on the earlier of the date  
22 of legislative enactment of this Compact into law by no less than twenty-six (26) states  
23 or December 31, 2018. All party states to this Compact, that also were parties to the  
24 prior Nurse Licensure Compact, superseded by this Compact, ("Prior Compact"), shall  
25 be deemed to have withdrawn from said Prior Compact within six (6) months after the  
26 effective date of this Compact.

27 (b) Each party state to this Compact shall continue to recognize a nurse's  
28 multistate licensure privilege to practice in that party state issued under the Prior  
29 Compact until such party state has withdrawn from the Prior Compact.

30 (c) Any party state may withdraw from this Compact by enacting a statute  
31 repealing the same. A party state's withdrawal shall not take effect until six (6) months



1 after enactment of the repealing statute.

2 (d) A party state's withdrawal or termination shall not affect the continuing  
3 requirement of the withdrawing or terminated state's licensing board to report adverse  
4 actions and significant investigations occurring prior to the effective date of such  
5 withdrawal or termination.

6 (e) Nothing contained in this Compact shall be construed to invalidate or  
7 prevent any nurse licensure agreement or other cooperative arrangement between a  
8 party state and a non-party state that is made in accordance with the other provisions  
9 of this Compact.

10 (f) This Compact may be amended by the party states. No amendment to this  
11 Compact shall become effective and binding upon the party states unless and until it is  
12 enacted into the laws of all party states.

13 (g) Representatives of non-party states to this Compact shall be invited to  
14 participate in the activities of the Commission, on a nonvoting basis, prior to the  
15 adoption of this Compact by all states.

## 16 ARTICLE XI

### 17 Construction and Severability

18 This Compact shall be liberally construed so as to effectuate the purposes  
19 thereof. The provisions of this Compact shall be severable, and if any phrase, clause,  
20 sentence or provision of this Compact is declared to be contrary to the constitution of  
21 any party state or of the United States, or if the applicability thereof to any  
22 government, agency, person or circumstance is held invalid, the validity of the  
23 remainder of this Compact and the applicability thereof to any government, agency,  
24 person or circumstance shall not be affected thereby. If this Compact shall be held to  
25 be contrary to the constitution of any party state, this Compact shall remain in full  
26 force and effect as to the remaining party states and in full force and effect as to the  
27 party state affected as to all severable matters.

28 \* **Sec. 26.** AS 09.55.560(2) is amended to read:

29 (2) "health care provider" means an acupuncturist licensed under  
30 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a  
31 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a

1 dentist licensed under AS 08.36; a nurse licensed under AS 08.68 or AS 08.69; a  
2 dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45;  
3 an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a  
4 physical therapist or occupational therapist licensed under AS 08.84; a physician or  
5 physician assistant licensed under AS 08.64; a podiatrist; a psychologist and a  
6 psychological associate licensed under AS 08.86; a hospital as defined in  
7 AS 47.32.900, including a governmentally owned or operated hospital; an employee  
8 of a health care provider acting within the course and scope of employment; an  
9 ambulatory surgical facility and other organizations whose primary purpose is the  
10 delivery of health care, including a health maintenance organization, individual  
11 practice association, integrated delivery system, preferred provider organization or  
12 arrangement, and a physical hospital organization;

13 \* **Sec. 27.** AS 09.65.095(c)(1) is amended to read:

14 (1) "health care provider" means a nurse licensed under AS 08.68 or  
15 AS 08.69, a physician licensed under AS 08.64, and a person certified by a hospital as  
16 competent to take blood samples;

17 \* **Sec. 28.** AS 12.62.400(a) is amended to read:

18 (a) To obtain a national criminal history record check for determining a  
19 person's qualifications for a license, permit, registration, employment, or position, a  
20 person shall submit the person's fingerprints to the department with the fee established  
21 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau  
22 of Investigation to obtain a national criminal history record check of the person for the  
23 purpose of evaluating a person's qualifications for

24 (1) a license or conditional contractor's permit to manufacture, sell,  
25 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage  
26 under AS 04.11;

27 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage  
28 loan originator under AS 06.60;

29 (3) admission to the Alaska Bar Association under AS 08.08;

30 (4) licensure as a collection agency operator under AS 08.24;

31 (5) a certificate of fitness to handle explosives under AS 08.52;

- 1 (6) licensure as a massage therapist under AS 08.61;
- 2 (7) licensure to practice nursing under AS 08.68 or AS 08.69 or
- 3 certification as a nurse aide under AS 08.68;
- 4 (8) certification as a real estate appraiser under as 08.87;
- 5 (9) a position involving supervisory or disciplinary power over a minor
- 6 or dependent adult for which criminal justice information may be released under
- 7 AS 12.62.160(b)(9);
- 8 (10) a teacher certificate under AS 14.20;
- 9 (11) a registration or license to operate a marijuana establishment
- 10 under AS 17.38;
- 11 (12) admittance to a police training program under AS 18.65.230 or for
- 12 certification as a police officer under AS 18.65.240 if that person's prospective
- 13 employer does not have access to a criminal justice information system;
- 14 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;
- 15 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;
- 16 (15) licensure as an insurance producer, managing general agent,
- 17 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
- 18 broker, or independent adjuster under AS 21.27;
- 19 (16) serving and executing process issued by a court by a person
- 20 designated under AS 22.20.130;
- 21 (17) a school bus driver license under AS 28.15.046;
- 22 (18) licensure as an operator or an instructor for a commercial driver
- 23 training school under AS 28.17;
- 24 (19) registration as a broker-dealer, agent, investment adviser
- 25 representative, or investment adviser under AS 45.56.300 - 45.56.350;
- 26 (20) licensure, license renewal, certification, certification renewal, or
- 27 payment from the Department of Health and Social Services of an individual and an
- 28 entity subject to the requirements for a criminal history check under AS 47.05.310,
- 29 including
- 30 (A) a public home care provider described in AS 47.05.017;
- 31 (B) a provider of home and community-based waiver services

1 financed under AS 47.07.030(c);

2 (C) a case manager to coordinate community mental health  
3 services under AS 47.30.530;

4 (D) an entity listed in AS 47.32.010(b), including an owner,  
5 officer, director, member, partner, employee, volunteer, or contractor of an  
6 entity; or

7 (E) an individual or entity not described in (A) - (D) of this  
8 paragraph that is required by statute or regulation to be licensed or certified by  
9 the Department of Health and Social Services or that is eligible to receive  
10 payments, in whole or in part, from the Department of Health and Social  
11 Services to provide for the health, safety, and welfare of persons who are  
12 served by the programs administered by the Department of Health and Social  
13 Services.

14 \* **Sec. 29.** AS 18.20.095(e)(2) is amended to read:

15 (2) "licensed staff member" means a person who is employed by the  
16 hospital to provide direct patient care and who is licensed or certified in the state as a  
17 physician or physician assistant under AS 08.64, direct-entry midwife under AS 08.65,  
18 nurse under AS 08.68 or AS 08.69, [OR] nurse aide under AS 08.68, or physical  
19 therapist or occupational therapist under AS 08.84;

20 \* **Sec. 30.** AS 18.20.499(3) is amended to read:

21 (3) "nurse" means an individual licensed to practice registered nursing  
22 or practical nursing under AS 08.68 or AS 08.69 who provides nursing services  
23 through direct patient care or clinical services and includes a nurse manager when  
24 delivering in-hospital patient care;

25 \* **Sec. 31.** AS 18.23.070(3) is amended to read:

26 (3) "health care provider" means an acupuncturist licensed under  
27 AS 08.06; a chiropractor licensed under AS 08.20; a dental hygienist licensed under  
28 AS 08.32; a dentist licensed under AS 08.36; a nurse licensed under AS 08.68 or  
29 AS 08.69; a dispensing optician licensed under AS 08.71; an optometrist licensed  
30 under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or  
31 occupational therapist licensed under AS 08.84; a physician licensed under AS 08.64;

1 a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a  
2 hospital as defined in AS 47.32.900, including a governmentally owned or operated  
3 hospital; and an employee of a health care provider acting within the course and scope  
4 of employment;

5 \* **Sec. 32.** AS 37.05.146(c) is amended by adding a new paragraph to read:

6 (80) receipts of the Department of Commerce, Community, and  
7 Economic Development from fines imposed and collected under AS 08.68.710.

8 \* **Sec. 33.** AS 47.07.045(b) is amended to read:

9 (b) Before the department may terminate payment for services provided under  
10 (a) of this section,

11 (1) the recipient must have had an annual assessment to determine  
12 whether the recipient continues to meet the standards under (a) of this section;

13 (2) the annual assessment must have been reviewed by an independent  
14 qualified health care professional under contract with the department; for purposes of  
15 this paragraph, "independent qualified health care professional" means,

16 (A) for a waiver based on intellectual or developmental  
17 disability, a person who is qualified under 42 C.F.R. 483.430 as a qualified  
18 intellectual disability professional;

19 (B) for other allowable waivers, a registered **nurse licensed**  
20 **under AS 08.68 or AS 08.69** or **an** advanced practice registered nurse licensed  
21 under AS 08.68 who is qualified to assess children with complex medical  
22 conditions, older Alaskans, and adults with physical disabilities for medical  
23 assistance waivers; and

24 (3) the annual assessment must find that the recipient's condition has  
25 materially improved since the previous assessment; for purposes of this paragraph,  
26 "materially improved" means that a recipient who has previously qualified for a  
27 waiver for

28 (A) a child with complex medical conditions, no longer needs  
29 technical assistance for a life-threatening condition, and is expected to be  
30 placed in a skilled nursing facility for less than 30 days each year;

31 (B) intellectual or developmental disability, no longer needs the

1 level of care provided by an intermediate care facility for persons with  
2 intellectual and developmental disabilities either because the qualifying  
3 diagnosis has changed or the recipient is able to demonstrate the ability to  
4 function in a home setting without the need for waiver services; or

5 (C) an older Alaskan or adult with a physical disability, no  
6 longer has a functional limitation or cognitive impairment that would result in  
7 the need for nursing home placement, and is able to demonstrate the ability to  
8 function in a home setting without the need for waiver services.

9 \* **Sec. 34.** AS 47.33.020(d) is amended to read:

10 (d) An assisted living home may provide intermittent nursing services to a  
11 resident who does not require 24-hour nursing services and supervision. Intermittent  
12 nursing services may be provided only by a nurse licensed under AS 08.68 **or**  
13 **AS 08.69** or by a person to whom a nursing task has been delegated under (e) of this  
14 section.

15 \* **Sec. 35.** AS 47.33.020(e) is amended to read:

16 (e) A person who is on the staff of an assisted living home and who is not a  
17 nurse licensed under AS 08.68 **or AS 08.69** may perform a nursing task in that home  
18 if

19 (1) the authority to perform that nursing task is delegated to that person  
20 by a nurse licensed under AS 08.68 **or AS 08.69**; and

21 (2) that nursing task is specified in regulations adopted by the Board of  
22 Nursing as a task that may be delegated.

23 \* **Sec. 36.** AS 47.33.020(f) is amended to read:

24 (f) A resident who needs skilled nursing care may, with the consent of the  
25 assisted living home, arrange for that care to be provided in the home by a nurse  
26 licensed under AS 08.68 **or AS 08.69** if that arrangement does not interfere with the  
27 services provided to other residents.

28 \* **Sec. 37.** AS 47.33.020(g) is amended to read:

29 (g) As part of a plan to avoid transfer of a resident from the home for medical  
30 reasons, the home may provide, through the services of a nurse who is licensed under  
31 AS 08.68 **or AS 08.69**, 24-hour skilled nursing care to the resident for not more than

1 45 consecutive days.

2 \* **Sec. 38.** AS 47.33.020(h) is amended to read:

3 (h) If a resident has received 24-hour skilled nursing care for the 45-day limit  
4 set by (g) of this section, the resident or the resident's representative may elect to have  
5 the resident remain in the home without continuation of 24-hour skilled nursing care if  
6 the home agrees to retain the resident after

7 (1) the home and either the resident or the resident's representative  
8 have consulted with the resident's physician;

9 (2) the home and either the resident or the resident's representative  
10 have discussed the consequences and risks involved in the election to remain in the  
11 home; and

12 (3) the portion of the resident's assisted living plan that relates to  
13 health-related services has been revised to provide for the resident's health-related  
14 needs without the use of 24-hour skilled nursing care, and the revised plan has been  
15 reviewed by a registered **nurse licensed under AS 08.68 or AS 08.69** or **an** advanced  
16 practice registered nurse licensed under AS 08.68, or by the resident's attending  
17 physician.

18 \* **Sec. 39.** AS 47.33.230(c) is amended to read:

19 (c) If the assisted living home provides or arranges for the provision of health-  
20 related services to a resident, the home shall ensure that a

21 (1) registered **nurse licensed under AS 08.68 or AS 08.69**, or  
22 advanced practice registered nurse licensed under AS 08.68 reviews the portion of an  
23 assisted living plan that describes how the resident's need for health-related services  
24 will be met; and

25 (2) physician's statement about the resident is included in the plan.

26 \* **Sec. 40.** This Act takes effect immediately under AS 01.10.070(c).