

HOUSE BILL NO. 238

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/5/20

Referred: Health & Social Services, Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the licensure of nursing professionals; relating to a multistate nurse**
2 **licensure compact; and providing for an effective date."**

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

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

5 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
6 language pathologist licensed under AS 08.11, a behavior analyst licensed under
7 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
8 professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian
9 or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61,
10 a marital and family therapist licensed under AS 08.63, a medical practitioner or
11 osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a
12 registered nurse licensed under AS 08.68 or AS 08.69, or advanced practice
13 registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed
14 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed

under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

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

(b) Notwithstanding the provisions of this chapter,

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

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

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

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

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

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

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

(1) adopt regulations necessary to implement this chapter and

1 **AS 08.69**, including regulations

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

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

12 (C) pertaining to retired nurse status; [AND]

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

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

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

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

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

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

29 (7) define by regulation the qualifications and duties of the executive
30 administrator and delegate authority to the executive administrator that is necessary to
31 conduct board business **and to comply with AS 08.69 and this chapter**;

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

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

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

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

(12) appoint the executive director of the board of nursing to serve as the Interstate Commission Nurse Licensure Compact Administrator.

(b) The board may

(1) conduct hearings upon charges of alleged violations of **AS 08.69,** this chapter, or regulations adopted under it;

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

(3) prescribe requirements for competence to continue practice.

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

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

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

Sec. 08.68.160. License required. A person practicing or offering to practice **as a** registered [, ADVANCED PRACTICE REGISTERED,] or practical **nurse** [NURSING] in the state shall submit evidence of qualification to practice and shall be licensed under this chapter **or AS 08.69. A person practicing or offering to practice**

1 as an advanced practice registered nurse shall submit evidence of qualification to
 2 practice and shall be licensed under this chapter.

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

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

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

14 (b) An applicant for a license to practice practical nursing may obtain a
 15 license under this chapter or a multistate license that meets the requirements of
 16 this chapter and AS 08.69. An applicant for a multistate license to practice
 17 registered nursing shall, in addition to the requirements of this chapter, meet the
 18 requirements of AS 08.69. An applicant for a license to practice practical nursing
 19 under this chapter shall submit to the board, on forms and in the manner prescribed
 20 by the board, written evidence, verified by oath, that the applicant has successfully
 21 completed

22 (1) a practical nurse education program accredited by a national
 23 nursing accrediting body;

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

26 (3) a registered nurse education program accredited by a national
 27 nursing accrediting body and approved by the board and, if the applicant has failed the
 28 registered nurse licensing examination, a practical nurse scope of practice course
 29 approved by the board.

30 (c) An applicant for a license to practice advanced practice registered nursing
 31 shall submit to the board, on forms and in the manner prescribed by the board, written

1 evidence, verified by oath, that the applicant

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

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

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

8 (b) If an applicant meets the qualifications set out in AS 08.68.170 for the
 9 license for which the applicant applied, the board shall issue a license under this
 10 chapter to practice in this state

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

13 (2) advanced practice registered nursing to an applicant who passes the
 14 advanced practice registered nursing certification examination to practice advanced
 15 practice registered nursing.

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

17 (c) If an applicant meets the qualifications set out in AS 08.68.170 and
 18 AS 08.69 for the license for which the applicant applied, the board shall issue a
 19 multistate license to practice registered or practical nursing to an applicant who passes
 20 the licensing examination to practice registered or practical nursing.

21 * **Sec. 9.** AS 08.68.200 is amended to read:

22 **Sec. 08.68.200. License by endorsement.** (a) The board may issue a license
 23 by endorsement to practice in this state as a registered, advanced practice registered,
 24 or practical nurse, whichever is appropriate, to an applicant who has worked as a nurse
 25 within the past five years if the applicant is licensed as a registered, advanced practice
 26 registered, or practical nurse under the laws of another state if, in the opinion of the
 27 board, the applicant meets the qualifications required for licensing in the state and
 28 meets the requirements of AS 08.68.170.

29 (b) The board may issue a license by endorsement to practice in this state as a
 30 registered, advanced practice registered, or practical nurse, whichever is appropriate,
 31 to an applicant who has not worked as a nurse within the past five years if the

applicant meets the requirements of (a) of this section and

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

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

* **Sec. 10.** AS 08.68.220 is amended to read:

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

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

(A) application;

(B) license by examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit;

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

(A) application;

(B) license by examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit;

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

(A) application;

(B) license by certification examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit.

* **Sec. 11.** AS 08.68.230(a) is amended to read:

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

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

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

5 * **Sec. 13.** AS 08.68.230(d) is amended to read:

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

9 * **Sec. 14.** AS 08.68.251(a) is amended to read:

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

16 * **Sec. 15.** AS 08.68.270 is amended to read:

17 **Sec. 08.68.270. Grounds for denial, suspension, or revocation.** The board
18 may deny, suspend, or revoke the license **issued by the board under this chapter or**
19 **AS 08.69** of a person who

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

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

24 (3) habitually abuses alcoholic beverages, or illegally uses controlled
25 substances;

26 (4) has impersonated a registered, advanced practice registered, or
27 practical nurse;

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

30 (6) practices or attempts to practice nursing while afflicted with
31 physical or mental illness, deterioration, or disability that interferes with the

individual's performance of nursing functions;

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

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

(9) is professionally incompetent;

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

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

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

* **Sec. 16.** AS 08.68.275(a) is amended to read:

(a) The board may take the following disciplinary actions singly or in combination, against any license granted by the board under this chapter or AS 08.69:

(1) permanently revoke a license or permit to practice;

(2) suspend a license for a stated period of time;

(3) censure a licensee;

(4) issue a letter of reprimand;

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

(6) impose peer review;

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

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

(9) accept a voluntary surrender of a license.

* **Sec. 17.** AS 08.68.275(c) is amended to read:

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

* **Sec. 18.** AS 08.68.275(d) is amended to read:

(d) The board may reinstate a license that the board issued, that has been suspended or revoked if the board finds, after a hearing, that the applicant is able to practice with skill and safety.

* **Sec. 19.** AS 08.68.275 is amended by adding a new subsection to read:

(g) The board may take the following disciplinary actions singly or in combination, against any licensee who is practicing in this state under a multistate license issued by another state under AS 08.69:

- (1) suspend a license for a stated period of time;
- (2) censure a licensee;
- (3) issue a letter of reprimand;
- (4) impose limitations or conditions on the professional practice of a licensee;
- (5) impose peer review;
- (6) impose professional education requirements until a satisfactory degree of skill has been attained in those aspects of professional practice determined by the board to need improvement;
- (7) impose probation and require the licensee to report regularly to the board on matters involving the basis for the probation.

* **Sec. 20.** AS 08.68.800(a) is amended to read:

- (a) This chapter does not apply to
- (1) a qualified nurse licensed in another state employed by the United States government or a bureau, or agency, or division of the United States government while in the discharge of official duties;

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

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

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

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

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

* **Sec. 21.** AS 08.68.805 is amended to read:

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

* **Sec. 22.** AS 08.68.850(1) is amended to read:

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

* **Sec. 23.** AS 08 is amended by adding a new chapter to read:

Chapter 69. Multistate Nurse Licensure Compact.

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

ARTICLE I

Findings and Declaration of Purpose

(a) The legislature finds that:

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

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

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

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

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

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

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

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;

(4) Promote compliance with the laws governing the practice of

nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;

(6) Decrease redundancies in the consideration and issuance of nurse licenses; and

(7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II

Definitions

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

(1) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

(2) "Alternative program" means a non-disciplinary monitoring program approved by a licensing board.

(3) "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

(4) "Current significant investigative information" means:

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

(B) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of

whether the nurse has been notified and had an opportunity to respond.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III

General Provisions and Jurisdiction

1 (a) A multistate license to practice registered or licensed practical/vocational
2 nursing issued by a home state to a resident in that state will be recognized by each
3 party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed
4 practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each
5 party state.

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

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

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

16 (2) Has graduated or is eligible to graduate from a licensing board-
17 approved RN or LPN/VN prelicensure education program; or has graduated from a
18 foreign RN or LPN/VN prelicensure education program that (a) has been approved by
19 the authorized accrediting body in the applicable country and (b) has been verified by
20 an independent credentials review agency to be comparable to a licensing board-
21 approved prelicensure education program;

22 (3) Has, if a graduate of a foreign prelicensure education program not
23 taught in English or if English is not the individual's native language, successfully
24 passed an English proficiency examination that includes the components of reading,
25 speaking, writing and listening;

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

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

29 (6) Has submitted, in connection with an application for initial
30 licensure or licensure by endorsement, fingerprints or other biometric data for the
31 purpose of obtaining criminal history record information from the Federal Bureau of

1 Investigation and the agency responsible for retaining that state's criminal records;

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

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

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

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

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

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

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

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

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

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

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

13 ARTICLE IV

14 Applications for Licensure in a Party State

15 (a) Upon application for a multistate license, the licensing board in the issuing
 16 party state shall ascertain, through the coordinated licensure information system,
 17 whether the applicant has ever held, or is the holder of, a license issued by any other
 18 state, whether there are any encumbrances on any license or multistate licensure
 19 privilege held by the applicant, whether any adverse action has been taken against any
 20 license or multistate licensure privilege held by the applicant and whether the
 21 applicant is currently participating in an alternative program.

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

24 (c) If a nurse changes primary state of residence by moving between two party
 25 states, the nurse must apply for licensure in the new home state, and the multistate
 26 license issued by the prior home state will be deactivated in accordance with
 27 applicable rules adopted by the Commission.

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

30 (2) A multistate license shall not be issued by the new home state until
 31 the nurse provides satisfactory evidence of a change in primary state of residence to

1 the new home state and satisfies all applicable requirements to obtain a multistate
2 license from the new home state.

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

6 ARTICLE V

7 Additional Authorities Invested in Party State Licensing Boards

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

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

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

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

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

21 (3) Complete any pending investigations of a nurse who changes
22 primary state of residence during the course of such investigations. The licensing
23 board shall also have the authority to take appropriate action(s) and shall promptly
24 report the conclusions of such investigations to the administrator of the coordinated
25 licensure information system. The administrator of the coordinated licensure
26 information system shall promptly notify the new home state of any such actions.

27 (4) Issue subpoenas for both hearings and investigations that require
28 the attendance and testimony of witnesses, as well as, the production of evidence.
29 Subpoenas issued by a licensing board in a party state for the attendance and
30 testimony of witnesses or the production of evidence from another party state shall be
31 enforced in the latter state by any court of competent jurisdiction, according to the

1 practice and procedure of that court applicable to subpoenas issued in proceedings
2 pending before it. The issuing authority shall pay any witness fees, travel expenses,
3 mileage and other fees required by the service statutes of the state in which the
4 witnesses or evidence are located.

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

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

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

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

26 ARTICLE VI

27 Coordinated Licensure Information System and Exchange of Information

28 (a) All party states shall participate in a coordinated licensure information
29 system of all licensed registered nurses (RNs) and licensed practical/vocational nurses
30 (LPNs/VNs). This system will include information on the licensure and disciplinary
31 history of each nurse, as submitted by party states, to assist in the coordination of

1 nurse licensure and enforcement efforts.

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

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

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

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

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

21 (g) Any information contributed to the coordinated licensure information
22 system that is subsequently required to be expunged by the laws of the party state
23 contributing that information shall also be expunged from the coordinated licensure
24 information system.

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

- 28 (1) Identifying information;
29 (2) Licensure data;
30 (3) Information related to alternative program participation; and
31 (4) Other information that may facilitate the administration of this

1 Compact, as determined by Commission rules.

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

4 ARTICLE VII

5 Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

8 (1) The Commission is an instrumentality of the party states.

9 (2) Venue is proper, and judicial proceedings by or against the
10 Commission shall be brought solely and exclusively, in a court of competent
11 jurisdiction where the principal office of the Commission is located. The Commission
12 may waive venue and jurisdictional defenses to the extent it adopts or consents to
13 participate in alternative dispute resolution proceedings.

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

16 (b) Membership, Voting and Meetings

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

23 (2) Each administrator shall be entitled to one (1) vote with regard to
24 the promulgation of rules and creation of bylaws and shall otherwise have an
25 opportunity to participate in the business and affairs of the Commission. An
26 administrator shall vote in person or by such other means as provided in the bylaws.
27 The bylaws may provide for an administrator's participation in meetings by telephone
28 or other means of communication.

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

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

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

6 (A) Noncompliance of a party state with its obligations under
7 this Compact;

8 (B) The employment, compensation, discipline or other
9 personnel matters, practices or procedures related to specific employees or
10 other matters related to the Commission's internal personnel practices and
11 procedures;

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

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

15 (E) Accusing any person of a crime or formally censuring any
16 person;

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

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

21 (H) Disclosure of investigatory records compiled for law
22 enforcement purposes;

23 (I) Disclosure of information related to any reports prepared by
24 or on behalf of the Commission for the purpose of investigation of compliance
25 with this Compact; or

26 (J) Matters specifically exempted from disclosure by federal or
27 state statute.

28 (6) If a meeting, or portion of a meeting, is closed pursuant to this
29 provision, the Commission's legal counsel or designee shall certify that the meeting
30 may be closed and shall reference each relevant exempting provision. The
31 Commission shall keep minutes that fully and clearly describe all matters discussed in

1 a meeting and shall provide a full and accurate summary of actions taken, and the
 2 reasons therefor, including a description of the views expressed. All documents
 3 considered in connection with an action shall be identified in such minutes. All
 4 minutes and documents of a closed meeting shall remain under seal, subject to release
 5 by a majority vote of the Commission or order of a court of competent jurisdiction.

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

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

10 (2) Providing reasonable standards and procedures:

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

12 and

13 (B) Governing any general or specific delegation of any
 14 authority or function of the Commission;

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

24 (4) Establishing the titles, duties and authority and reasonable
 25 procedures for the election of the officers of the Commission;

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

30 (6) Providing a mechanism for winding up the operations of the
 31 Commission and the equitable disposition of any surplus funds that may exist after the

1 termination of this Compact after the payment or reserving of all of its debts and
2 obligations;

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

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

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

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

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

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

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

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

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

22 (6) To hire employees, elect or appoint officers, fix compensation,
23 define duties, grant such individuals appropriate authority to carry out the purposes of
24 this Compact, and to establish the Commission's personnel policies and programs
25 relating to conflicts of interest, qualifications of personnel and other related personnel
26 matters;

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

31 (8) To lease, purchase, accept appropriate gifts or donations of, or

1 otherwise to own, hold, improve or use, any property, whether real, personal or mixed;
 2 provided that at all times the Commission shall avoid any appearance of impropriety;

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

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

6 (11) To borrow money;

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

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

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

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

16 (h) Financing of the Commission

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

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

24 (3) The Commission shall not incur obligations of any kind prior to
 25 securing the funds adequate to meet the same; nor shall the Commission pledge the
 26 credit of any of the party states, except by, and with the authority of, such party state.

27 (4) The Commission shall keep accurate accounts of all receipts and
 28 disbursements. The receipts and disbursements of the Commission shall be subject to
 29 the audit and accounting procedures established under its bylaws. However, all
 30 receipts and disbursements of funds handled by the Commission shall be audited
 31 yearly by a certified or licensed public accountant, and the report of the audit shall be

1 included in and become part of the annual report of the Commission.

2 (i) Qualified Immunity, Defense and Indemnification

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

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

22 (3) The Commission shall indemnify and hold harmless any
23 administrator, officer, executive director, employee or representative of the
24 Commission for the amount of any settlement or judgment obtained against that
25 person arising out of any actual or alleged act, error or omission that occurred within
26 the scope of Commission employment, duties or responsibilities, or that such person
27 had a reasonable basis for believing occurred within the scope of Commission
28 employment, duties or responsibilities, provided that the actual or alleged act, error or
29 omission did not result from the intentional, willful or wanton misconduct of that
30 person.

31 ARTICLE VIII

Rulemaking

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

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

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

(1) On the website of the Commission; and

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

(d) The notice of proposed rulemaking shall include:

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

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

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

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

(e) Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

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

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

(1) Hearings shall be conducted in a manner providing each person

1 who wishes to comment a fair and reasonable opportunity to comment orally or in
2 writing. All hearings will be recorded, and a copy will be made available upon request.

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

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

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

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

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

- 21 (1) Meet an imminent threat to public health, safety or welfare;
22 (2) Prevent a loss of Commission or party state funds; or
23 (3) Meet a deadline for the promulgation of an administrative rule that
24 is required by federal law or rule.

25 (l) The Commission may direct revisions to a previously adopted rule or
26 amendment for purposes of correcting typographical errors, errors in format, errors in
27 consistency or grammatical errors. Public notice of any revisions shall be posted on
28 the website of the Commission. The revision shall be subject to challenge by any
29 person for a period of thirty (30) days after posting. The revision may be challenged
30 only on grounds that the revision results in a material change to a rule. A challenge
31 shall be made in writing, and delivered to the Commission, prior to the end of the

notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE IX

Oversight, Dispute Resolution and Enforcement

(a) Oversight

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

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

(b) Default, Technical Assistance and Termination

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

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

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

(2) If a state in default fails to cure the default, the defaulting state's membership in this Compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to

1 suspend or terminate shall be given by the Commission to the governor of the
 2 defaulting state and to the executive officer of the defaulting state's licensing board
 3 and each of the party states.

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

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

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

15 (c) Dispute Resolution

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

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

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

23 (A) The party states may submit the issues in dispute to an
 24 arbitration panel, which will be comprised of individuals appointed by the
 25 Compact administrator in each of the affected party states and an individual
 26 mutually agreed upon by the Compact administrators of all the party states
 27 involved in the dispute.

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

30 (d) Enforcement

31 (1) The Commission, in the reasonable exercise of its discretion, shall

1 enforce the provisions and rules of this Compact.

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

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

12 ARTICLE X

13 Effective Date, Withdrawal and Amendment

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

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

23 (c) Any party state may withdraw from this Compact by enacting a statute
24 repealing the same. A party state's withdrawal shall not take effect until six (6) months
25 after enactment of the repealing statute.

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

30 (e) Nothing contained in this Compact shall be construed to invalidate or
31 prevent any nurse licensure agreement or other cooperative arrangement between a

1 party state and a non-party state that is made in accordance with the other provisions
2 of this Compact.

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

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

9 ARTICLE XI

10 Construction and Severability

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

21 * **Sec. 24.** AS 09.55.560(2) is amended to read:

22 (2) "health care provider" means an acupuncturist licensed under
23 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
24 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
25 dentist licensed under AS 08.36; a nurse licensed under AS 08.68 or AS 08.69; a
26 dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45;
27 an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a
28 physical therapist or occupational therapist licensed under AS 08.84; a physician or
29 physician assistant licensed under AS 08.64; a podiatrist; a psychologist and a
30 psychological associate licensed under AS 08.86; a hospital as defined in
31 AS 47.32.900, including a governmentally owned or operated hospital; an employee

1 of a health care provider acting within the course and scope of employment; an
 2 ambulatory surgical facility and other organizations whose primary purpose is the
 3 delivery of health care, including a health maintenance organization, individual
 4 practice association, integrated delivery system, preferred provider organization or
 5 arrangement, and a physical hospital organization;

6 * **Sec. 25.** AS 09.65.095(c)(1) is amended to read:

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

10 * **Sec. 26.** AS 12.62.400(a) is amended to read:

11 (a) To obtain a national criminal history record check for determining a
 12 person's qualifications for a license, permit, registration, employment, or position, a
 13 person shall submit the person's fingerprints to the department with the fee established
 14 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau
 15 of Investigation to obtain a national criminal history record check of the person for the
 16 purpose of evaluating a person's qualifications for

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

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

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

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

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

25 (6) licensure as a massage therapist under AS 08.61;

26 (7) licensure to practice nursing **under AS 08.68 or AS 08.69**, or
 27 certification as a nurse aide under AS 08.68;

28 (8) certification as a real estate appraiser under as 08.87;

29 (9) a position involving supervisory or disciplinary power over a minor
 30 or dependent adult for which criminal justice information may be released under
 31 AS 12.62.160(b)(9);

- 1 (10) a teacher certificate under AS 14.20;
- 2 (11) a registration or license to operate a marijuana establishment
- 3 under AS 17.38;
- 4 (12) admittance to a police training program under AS 18.65.230 or for
- 5 certification as a police officer under AS 18.65.240 if that person's prospective
- 6 employer does not have access to a criminal justice information system;
- 7 (13) licensure as a security guard under AS 18.65.400 — 18.65.490;
- 8 (14) a concealed handgun permit under AS 18.65.700 — 18.65.790;
- 9 (15) licensure as an insurance producer, managing general agent,
- 10 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
- 11 broker, or independent adjuster under AS 21.27;
- 12 (16) serving and executing process issued by a court by a person
- 13 designated under AS 22.20.130;
- 14 (17) a school bus driver license under AS 28.15.046;
- 15 (18) licensure as an operator or an instructor for a commercial driver
- 16 training school under AS 28.17;
- 17 (19) registration as a broker-dealer, agent, investment adviser
- 18 representative, or investment adviser under AS 45.56.300 — 45.56.350;
- 19 (20) licensure, license renewal, certification, certification renewal, or
- 20 payment from the Department of Health and Social Services of an individual and an
- 21 entity subject to the requirements for a criminal history check under AS 47.05.310,
- 22 including
 - 23 (A) a public home care provider described in AS 47.05.017;
 - 24 (B) a provider of home and community-based waiver services
 - 25 financed under AS 47.07.030(c);
 - 26 (C) a case manager to coordinate community mental health
 - 27 services under AS 47.30.530;
 - 28 (D) an entity listed in AS 47.32.010(b), including an owner,
 - 29 officer, director, member, partner, employee, volunteer, or contractor of an
 - 30 entity; or
 - 31 (E) an individual or entity not described in (A) — (D) of this

paragraph that is required by statute or regulation to be licensed or certified by the Department of Health and Social Services or that is eligible to receive payments, in whole or in part, from the Department of Health and Social Services to provide for the health, safety, and welfare of persons who are served by the programs administered by the Department of Health and Social Services.

* **Sec. 27.** AS 18.20.095(e)(2) is amended to read:

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

* **Sec. 28.** AS 18.20.499(3) is amended to read:

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

* **Sec. 29.** AS 18.23.070(3) is amended to read:

(3) "health care provider" means an acupuncturist licensed under AS 08.06; a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a nurse licensed under AS 08.68 or AS 08.69; a dispensing optician licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a governmentally owned or operated hospital; and an employee of a health care provider acting within the course and scope of employment;

* **Sec. 30.** AS 47.07.045(b) is amended to read:

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

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

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

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

9 (B) for other allowable waivers, a registered nurse licensed
10 under AS 08.68 or AS 08.69, or advanced practice registered nurse licensed
11 under AS 08.68 who is qualified to assess children with complex medical
12 conditions, older Alaskans, and adults with physical disabilities for medical
13 assistance waivers; and

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

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

21 (B) intellectual or developmental disability, no longer needs the
22 level of care provided by an intermediate care facility for persons with
23 intellectual and developmental disabilities either because the qualifying
24 diagnosis has changed or the recipient is able to demonstrate the ability to
25 function in a home setting without the need for waiver services; or

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

30 * **Sec. 31.** AS 47.33.020(d) is amended to read:

31 (d) An assisted living home may provide intermittent nursing services to a

resident who does not require 24-hour nursing services and supervision. Intermittent nursing services may be provided only by a nurse licensed under AS 08.68 or AS 08.69, or by a person to whom a nursing task has been delegated under (e) of this section.

* **Sec. 32.** AS 47.33.020(e) is amended to read:

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

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

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

* **Sec. 33.** AS 47.33.020(f) is amended to read:

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

* **Sec. 34.** AS 47.33.020(g) is amended to read:

(g) As part of a plan to avoid transfer of a resident from the home for medical reasons, the home may provide, through the services of a nurse who is licensed under AS 08.68 or AS 08.69, 24-hour skilled nursing care to the resident for not more than 45 consecutive days.

* **Sec. 35.** AS 47.33.020(h) is amended to read:

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

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

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

1 home; and

2 (3) the portion of the resident's assisted living plan that relates to
 3 health-related services has been revised to provide for the resident's health-related
 4 needs without the use of 24-hour skilled nursing care, and the revised plan has been
 5 reviewed by a registered nurse licensed under AS 08.68 or AS 08.69, or advanced
 6 practice registered nurse licensed under AS 08.68, or by the resident's attending
 7 physician.

8 * **Sec. 36.** AS 47.33.230(c) is amended to read:

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

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

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

16 * **Sec. 37.** The uncoded law of the State of Alaska is amended by adding a new section to
 17 read:

18 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
 19 Economic Development may adopt regulations necessary to implement the changes made by
 20 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
 21 before the effective date of the law implemented by the regulation.

22 * **Sec. 38.** Section 37 of this Act takes effect immediately under AS 01.10.070(c).

23 * **Sec. 39.** Except as provided in sec. 38 of this Act, this Act takes effect July 1, 2021.