

HOUSE BILL NO. 14

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THOMPSON, Prax, McCabe

Introduced: 2/18/21

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to 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 relating
10 to certified nurse aides in order to protect the health, safety, and welfare of
11 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 08.68.190 and AS 08.69;

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 applicants
24 issued under this chapter and the multistate licenses issued under AS 08.69;

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

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

31 (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 this chapter and AS 08.69 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 administrator of the Board of Nursing to serve as the state administrator of the Interstate Commission of Nurse Licensure Compact Administrators under AS 08.69.

(b) The board may

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

(2) invoke, or request the department to invoke, disciplinary action against a person licensed under this chapter or 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 as an advanced practice registered nurse in the state shall submit evidence of

1 **qualification to practice and shall be licensed under this chapter.**

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

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

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

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

19 (1) a practical nurse education program accredited by a national
 20 nursing accrediting body;

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

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

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

30 (1) is licensed as a registered nurse in the state **or is a licensed**
 31 **registered nurse whose license meets the requirements of AS 08.69;** and

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

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

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

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

(2) advanced practice registered nursing in the state to an applicant who passes the advanced practice registered nursing certification examination to practice advanced practice registered nursing.

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

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

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

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

(b) The board may issue a license by endorsement to practice in the state as a registered, advanced practice registered, or practical nurse, whichever is appropriate, 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 under this chapter or

AS 08.69:

(A) application;

(B) license by examination;

(C) license by endorsement;

(D) license renewal;

(E) temporary permit;

(2) practical nursing licenses issued under this chapter or AS 08.69:

(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 the 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." ["R.N"].]

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

(b) A person who holds a license [LICENSED] to practice practical nursing in the state or who holds a multistate license under AS 08.69 may use the title

1 "licensed practical nurse" and the abbreviation "L.P.N."

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

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

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

7 (a) A lapsed license under this chapter or AS 08.69 may be reinstated if it
8 has not remained lapsed for more than five years by payment of the license fees for the
9 current renewal period and the penalty fee. The board, by regulation, shall establish
10 continuing competency and criminal background check requirements for reinstatement
11 of a lapsed license.

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

13 **Sec. 08.68.270. Grounds for denial, suspension, or revocation.** The board
14 may deny, suspend, or revoke a [THE] license issued by the board under this
15 chapter or AS 08.69 of a person who

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

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

20 (3) habitually abuses alcoholic beverages [,] or illegally uses controlled
21 substances;

22 (4) has impersonated a registered, advanced practice registered, or
23 practical nurse;

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

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

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

31 (8) has wilfully or repeatedly violated a provision of this chapter or

1 AS 08.69 or regulations adopted under this chapter, [OR] AS 08.01, or AS 08.69;

2 (9) is professionally incompetent;

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

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

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

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

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

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

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

16 (3) censure a licensee;

17 (4) issue a letter of reprimand;

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

20 (6) impose peer review;

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

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

26 (9) accept a voluntary surrender of a license.

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

28 (c) The board may summarily suspend a license issued by the board before
29 final hearing or during the appeals process if the board finds that the licensee poses a
30 clear and immediate danger to the public health and safety. A person whose license is
31 suspended under this section is entitled to a hearing conducted by the office of

1 administrative hearings (AS 44.64.010) within seven days after the effective date of
 2 the order. If, after a hearing, the board upholds the suspension, the licensee may
 3 appeal the suspension to a court of competent jurisdiction.

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

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

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

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

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

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

- 24 (a) This chapter does not apply to
- 25 (1) a qualified nurse licensed in another state employed by the United
 26 States government or a bureau, or agency, or division of the United States government
 27 while in the discharge of official duties;
 - 28 (2) nursing service given temporarily in the event of a public
 29 emergency, epidemic, or disaster;
 - 30 (3) the practice of nursing by a student enrolled in a nursing education
 31 program accredited by the board when the practice is in connection with the student's

1 course of study;

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

5 (5) the practice of nursing by a nurse licensed in another state, under a
6 license that is not a multistate license issued under AS 08.69, who engages in
7 nursing education or nursing consultation activities, if the [THESE] activities and
8 contact with clients do not exceed 20 working days within a licensing period; or

9 (6) the practice of nursing by a nurse licensed in another state, under a
10 license that is not a multistate license issued under AS 08.69, whose employment
11 responsibilities include transporting patients into, out of, or through this state if the
12 transport is [; HOWEVER, THIS EXCEPTION IS VALID FOR A PERIOD NOT
13 TO EXCEED] 48 hours or less [FOR EACH TRANSPORT].

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

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

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

23 (1) "advanced practice registered nurse" means a registered nurse
24 licensed under this chapter or AS 08.69 to practice in the state who, because of
25 specialized education and experience, is certified by the board to perform acts of
26 medical diagnosis and the prescription and dispensing of medical, therapeutic, or
27 corrective measures under regulations adopted by the board;

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

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

30 **Sec. 08.69.010. Compact enacted.** The Multistate Nurse Licensure Compact
31 as contained in this section is enacted into law and entered into on behalf of the state

1 with all other states and jurisdictions legally joining it in a form substantially as
 2 follows:

3 ARTICLE I

4 Findings and Declaration of Purpose

5 (a) The legislature finds that:

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

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

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

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

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

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

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

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

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

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

28 (4) Promote compliance with the laws governing the practice of
 29 nursing in each jurisdiction;

30 (5) Invest all party states with the authority to hold a nurse accountable
 31 for meeting all state practice laws in the state in which the patient is located at the time

1 care is rendered through the mutual recognition of party state licenses;

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

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

6 ARTICLE II

7 Definitions

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

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

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

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

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

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

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

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

1 board.

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

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

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

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

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

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

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

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

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

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

27 ARTICLE III

28 General Provisions and Jurisdiction

29 (a) A multistate license to practice registered or licensed practical/vocational
30 nursing issued by a home state to a resident in that state will be recognized by each
31 party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed

1 practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each
2 party state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 ARTICLE IV

11 Applications for Licensure in a Party State

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

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

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

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

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

31 (d) If a nurse changes primary state of residence by moving from a party state

1 to a non-party state, the multistate license issued by the prior home state will convert
2 to a single-state license, valid only in the former home state.

3 ARTICLE V

4 Additional Authorities Invested in Party State Licensing Boards

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

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

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

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

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

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

24 (4) Issue subpoenas for both hearings and investigations that require
25 the attendance and testimony of witnesses, as well as, the production of evidence.
26 Subpoenas issued by a licensing board in a party state for the attendance and
27 testimony of witnesses or the production of evidence from another party state shall be
28 enforced in the latter state by any court of competent jurisdiction, according to the
29 practice and procedure of that court applicable to subpoenas issued in proceedings
30 pending before it. The issuing authority shall pay any witness fees, travel expenses,
31 mileage and other fees required by the service statutes of the state in which the

1 witnesses or evidence are located.

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

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

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

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

23 ARTICLE VI

24 Coordinated Licensure Information System and Exchange of Information

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

30 (b) The Commission, in consultation with the administrator of the coordinated
31 licensure information system, shall formulate necessary and proper procedures for the

1 identification, collection and exchange of information under this Compact.

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

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

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

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

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

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

- 25 (1) Identifying information;
- 26 (2) Licensure data;
- 27 (3) Information related to alternative program participation; and
- 28 (4) Other information that may facilitate the administration of this
- 29 Compact, as determined by Commission rules.

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

ARTICLE VII

Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

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

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

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

(b) Membership, Voting and Meetings

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

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

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

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

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

3 (A) Noncompliance of a party state with its obligations under
 4 this Compact;

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

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

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

12 (E) Accusing any person of a crime or formally censuring any
 13 person;

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

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

18 (H) Disclosure of investigatory records compiled for law
 19 enforcement purposes;

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

23 (J) Matters specifically exempted from disclosure by federal or
 24 state statute.

25 (6) If a meeting, or portion of a meeting, is closed pursuant to this
 26 provision, the Commission's legal counsel or designee shall certify that the meeting
 27 may be closed and shall reference each relevant exempting provision. The
 28 Commission shall keep minutes that fully and clearly describe all matters discussed in
 29 a meeting and shall provide a full and accurate summary of actions taken, and the
 30 reasons therefor, including a description of the views expressed. All documents
 31 considered in connection with an action shall be identified in such minutes. All

1 minutes and documents of a closed meeting shall remain under seal, subject to release
 2 by a majority vote of the Commission or order of a court of competent jurisdiction.

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

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

7 (2) Providing reasonable standards and procedures:

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

9 and

10 (B) Governing any general or specific delegation of any
 11 authority or function of the Commission;

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

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

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

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

31 (d) The Commission shall publish its bylaws and rules, and any amendments

1 thereto, in a convenient form on the website of the Commission.

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

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

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

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

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

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

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

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

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

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

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

31 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon or

1 otherwise dispose of any property, whether real, personal or mixed;

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

3 (11) To borrow money;

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

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

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

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

13 (h) Financing of the Commission

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

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

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

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

30 (i) Qualified Immunity, Defense and Indemnification

31 (1) The administrators, officers, executive director, employees and

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

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

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

28 ARTICLE VIII

29 Rulemaking

30 (a) The Commission shall exercise its rulemaking powers pursuant to the
31 criteria set forth in this Article and the rules adopted thereunder. Rules and

1 amendments shall become binding as of the date specified in each rule or amendment
2 and shall have the same force and effect as provisions of this Compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) Nothing in this section shall be construed as requiring a separate

1 hearing on each rule. Rules may be grouped for the convenience of the Commission at
2 hearings required by this section.

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

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

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

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

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

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

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

22 (l) The Commission may direct revisions to a previously adopted rule or
23 amendment for purposes of correcting typographical errors, errors in format, errors in
24 consistency or grammatical errors. Public notice of any revisions shall be posted on
25 the website of the Commission. The revision shall be subject to challenge by any
26 person for a period of thirty (30) days after posting. The revision may be challenged
27 only on grounds that the revision results in a material change to a rule. A challenge
28 shall be made in writing, and delivered to the Commission, prior to the end of the
29 notice period. If no challenge is made, the revision will take effect without further
30 action. If the revision is challenged, the revision may not take effect without the
31 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 suspend or terminate shall be given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

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

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

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

12 (c) Dispute Resolution

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

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

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

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

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

27 (d) Enforcement

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

30 (2) By majority vote, the Commission may initiate legal action in the
 31 U.S. District Court for the District of Columbia or the federal district in which the

Commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

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

ARTICLE X

Effective Date, Withdrawal and Amendment

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

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

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

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

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

(f) This Compact may be amended by the party states. No amendment to this

1 Compact shall become effective and binding upon the party states unless and until it is
2 enacted into the laws of all party states.

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

6 ARTICLE XI

7 Construction and Severability

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

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

19 (2) "health care provider" means an acupuncturist licensed under
20 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
21 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
22 dentist licensed under AS 08.36; a nurse licensed under AS 08.68 or AS 08.69; a
23 dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45;
24 an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a
25 physical therapist or occupational therapist licensed under AS 08.84; a physician or
26 physician assistant licensed under AS 08.64; a podiatrist; a psychologist and a
27 psychological associate licensed under AS 08.86; a hospital as defined in
28 AS 47.32.900, including a governmentally owned or operated hospital; an employee
29 of a health care provider acting within the course and scope of employment; an
30 ambulatory surgical facility and other organizations whose primary purpose is the
31 delivery of health care, including a health maintenance organization, individual

1 practice association, integrated delivery system, preferred provider organization or
 2 arrangement, and a physical hospital organization;

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

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

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

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

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

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

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

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

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

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

23 (7) licensure to practice nursing **under AS 08.68 or AS 08.69** or
 24 certification as a nurse aide under AS 08.68;

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

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

29 (10) a teacher certificate under AS 14.20;

30 (11) a registration or license to operate a marijuana establishment
 31 under AS 17.38;

1 (12) admittance to a police training program under AS 18.65.230 or for
 2 certification as a police officer under AS 18.65.240 if that person's prospective
 3 employer does not have access to a criminal justice information system;

4 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;

5 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;

6 (15) licensure as an insurance producer, managing general agent,
 7 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
 8 broker, or independent adjuster under AS 21.27;

9 (16) serving and executing process issued by a court by a person
 10 designated under AS 22.20.130;

11 (17) a school bus driver license under AS 28.15.046;

12 (18) licensure as an operator or an instructor for a commercial driver
 13 training school under AS 28.17;

14 (19) registration as a broker-dealer, agent, investment adviser
 15 representative, or investment adviser under AS 45.56.300 - 45.56.350;

16 (20) licensure, license renewal, certification, certification renewal, or
 17 payment from the Department of Health and Social Services of an individual and an
 18 entity subject to the requirements for a criminal history check under AS 47.05.310,
 19 including

20 (A) a public home care provider described in AS 47.05.017;

21 (B) a provider of home and community-based waiver services
 22 financed under AS 47.07.030(c);

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

25 (D) an entity listed in AS 47.32.010(b), including an owner,
 26 officer, director, member, partner, employee, volunteer, or contractor of an
 27 entity; or

28 (E) an individual or entity not described in (A) - (D) of this
 29 paragraph that is required by statute or regulation to be licensed or certified by
 30 the Department of Health and Social Services or that is eligible to receive
 31 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) the recipient must have had an annual assessment to determine whether the recipient continues to meet the standards under (a) of this section;

(2) the annual assessment must have been reviewed by an independent

1 qualified health care professional under contract with the department; in [FOR
 2 PURPOSES OF] this paragraph, "independent qualified health care professional"
 3 means,

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

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

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

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

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

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

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

29 (d) An assisted living home may provide intermittent nursing services to a
 30 resident who does not require 24-hour nursing services and supervision. Intermittent
 31 nursing services may be provided only by a nurse licensed under AS 08.68 or

1 **AS 08.69** or by a person to whom a nursing task has been delegated under (e) of this
 2 section.

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

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

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

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

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

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

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

17 (g) As part of a plan to avoid transfer of a resident from the home for medical
 18 reasons, the home may provide, through the services of a nurse who is licensed under
 19 AS 08.68 **or AS 08.69**, 24-hour skilled nursing care to the resident for not more than
 20 45 consecutive days.

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

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

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

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

31 (3) the portion of the resident's assisted living plan that relates to

1 health-related services has been revised to provide for the resident's health-related
 2 needs without the use of 24-hour skilled nursing care, and the revised plan has been
 3 reviewed by a registered nurse licensed under AS 08.68 or AS 08.69, by an [OR]
 4 advanced practice registered nurse licensed under AS 08.68, or by the resident's
 5 attending physician.

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

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

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

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

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

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

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

21 * **Sec. 39.** Except as provided in sec. 38 of this Act, this Act takes effect July 1, 2022.