

HOUSE BILL NO. 149

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PRAX, Tomaszewski, Coulombe, McCabe, Shaw, McKay, D.Johnson, Cronk, Foster, Wright, Stapp

Introduced: 3/31/23

Referred: Labor and 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 08.01.065(c) is amended to read:

5 (c) Except as provided in **(f) - (l)** [(f) - (k)] of this section, the department shall
6 establish fee levels under (a) of this section so that the total amount of fees collected
7 for an occupation approximately equals the actual regulatory costs for the occupation.
8 The department shall annually review each fee level to determine whether the
9 regulatory costs of each occupation are approximately equal to fee collections related
10 to that occupation. If the review indicates that an occupation's fee collections and
11 regulatory costs are not approximately equal, the department shall calculate fee
12 adjustments and adopt regulations under (a) of this section to implement the
13 adjustments. In January of each year, the department shall report on all fee levels and
14 revisions for the previous year under this subsection to the office of management and

1 budget. If a board regulates an occupation covered by this chapter, the department
 2 shall consider the board's recommendations concerning the occupation's fee levels and
 3 regulatory costs before revising fee schedules to comply with this subsection. In this
 4 subsection, "regulatory costs" means costs of the department that are attributable to
 5 regulation of an occupation plus

6 (1) all expenses of the board that regulates the occupation if the board
 7 regulates only one occupation;

8 (2) the expenses of a board that are attributable to the occupation if the
 9 board regulates more than one occupation.

10 * **Sec. 2.** AS 08.01.065 is amended by adding a new subsection to read:

11 (l) Notwithstanding (c) of this section, the department shall establish fee levels
 12 under (a) of this section so that the total amount of fees collected by the department
 13 for individuals issued a

14 (1) single-state license to practice nursing approximately equals the
 15 total regulatory costs to the department and the Board of Nursing for the practice of
 16 nursing in the state under that license type; in this paragraph, "single-state license" has
 17 the meaning given in AS 08.68.850; and

18 (2) multistate license to practice nursing or practicing under a
 19 multistate licensure privilege approximately equals the total regulatory costs to the
 20 department and the Board of Nursing for the practice of nursing under that license
 21 type or privilege.

22 * **Sec. 3.** AS 08.02.110(a) is amended to read:

23 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
 24 language pathologist licensed under AS 08.11, a behavior analyst licensed under
 25 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
 26 professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian
 27 or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61,
 28 a marital and family therapist licensed under AS 08.63, a medical practitioner or
 29 osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a
 30 registered nurse licensed or holding a multistate licensure privilege under
 31 AS 08.68 or advanced practice registered nurse licensed under AS 08.68, an

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

15 * **Sec. 4.** AS 08.02.130(j)(1) is amended to read:

16 (1) "health care provider" means

17 (A) an audiologist or speech-language pathologist licensed
 18 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
 19 licensed under AS 08.20; a professional counselor licensed under AS 08.29; a
 20 dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a
 21 dietitian or nutritionist licensed under AS 08.38; a naturopath licensed under
 22 AS 08.45; a marital and family therapist licensed under AS 08.63; a physician
 23 licensed under AS 08.64; a podiatrist, osteopath, or physician assistant licensed
 24 under AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse
 25 licensed or holding a multistate licensure privilege under AS 08.68; a
 26 dispensing optician licensed under AS 08.71; an optometrist licensed under
 27 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or
 28 occupational therapist licensed under AS 08.84; a psychologist or
 29 psychological associate licensed under AS 08.86; or a social worker licensed
 30 under AS 08.95; or

31 (B) a physician licensed in another state;

1 * **Sec. 5.** AS 08.11.120(b) is amended to read:

2 (b) Notwithstanding the provisions of this chapter,

3 (1) a nurse licensed **or holding a multistate licensure privilege** under
4 AS 08.68 may perform hearing sensitivity evaluations;

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

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

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

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

17 * **Sec. 6.** AS 08.68.100 is amended to read:

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

19 (1) adopt regulations necessary to implement this chapter, including
20 regulations

21 (A) pertaining to practice as an advanced practice registered
22 nurse, including requirements for an advanced practice registered nurse to
23 practice as a certified registered nurse anesthetist, certified clinical nurse
24 specialist, certified nurse practitioner, or certified nurse midwife; regulations
25 for an advanced practice registered nurse who holds a valid federal Drug
26 Enforcement Administration registration number must address training in pain
27 management and opioid use and addiction;

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

31 (C) pertaining to retired nurse status;

(D) establishing criteria for approval of practical nurse education programs that are not accredited by a national nursing accrediting body; [AND]

(E) establishing guidelines for rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.68.710; the guidelines must include a nationally recognized model policy for standards of care of a patient who is at a different location than the advanced practice registered nurse; **and**

(F) necessary to implement the Multistate Nurse Licensure Compact under AS 08.68.500;

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

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

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

(5) examine, license, and renew the licenses of [QUALIFIED] applicants;

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

(7) define by regulation the qualifications and duties of the executive administrator and delegate authority to the executive administrator that is necessary to conduct board business;

(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 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 to serve as the state administrator of the Interstate Commission Nurse Licensure Compact Administrators under AS 08.68.500.

(b) The board may

(1) conduct hearings upon charges of alleged violations of 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 person holding a multistate licensure privilege** [LICENSEE];

(3) prescribe requirements for competence to continue practice.

* **Sec. 7.** 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 08.68.500**, the board shall comply with AS 44.62 (Administrative Procedure Act).

* **Sec. 8.** 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 **or hold a multistate licensure privilege** under this chapter. **A person practicing or offering to practice as an advanced practice registered nurse in the state shall submit evidence of qualification to practice and shall be licensed under this chapter.**

* **Sec. 9.** AS 08.68.170 is amended to read:

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

2 (a) An applicant for a license to practice registered nursing shall submit to the board,
3 on forms and in the manner prescribed by the board, written evidence, verified by
4 oath, that the applicant has successfully completed a registered nurse education
5 program accredited by a national nursing accrediting body and approved by the board.
6 **An applicant for a multistate license to practice registered nursing shall, in**
7 **addition to the requirements of this chapter, meet the requirements of**
8 **AS 08.68.500.**

9 (b) An applicant for a license to practice practical nursing **may obtain a**
10 **license to practice in this state under this chapter or a multistate license that**
11 **meets the requirements of this chapter and AS 08.68.500. An applicant for a**
12 **license to practice practical nursing under this chapter** shall submit to the board,
13 on forms and in the manner prescribed by the board, written evidence, verified by
14 oath, that the applicant has successfully completed

15 (1) a practical nurse education program accredited by a national
16 nursing accrediting body;

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

19 (3) a registered nurse education program accredited by a national
20 nursing accrediting body and approved by the board and, if the applicant has failed the
21 registered nurse licensing examination, a practical nurse scope of practice course
22 approved by the board.

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

26 (1) is licensed as a registered nurse in the state **or is practicing as a**
27 **registered nurse in the state under a multistate licensure privilege**; and

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

31 * **Sec. 10.** AS 08.68.190 is amended by adding a new subsection to read:

(c) If an applicant meets the qualifications set out in AS 08.68.170 and 08.68.500 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. 11.** 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 **single-state license:**

- (A) application;
- (B) license by examination;
- (C) license by endorsement;
- (D) license renewal;
- (E) temporary permit;

(2) practical nursing **single-state license:**

- (A) application;
- (B) license by examination;
- (C) license by endorsement;
- (D) license renewal;
- (E) temporary permit;

(3) advanced practice registered nursing:

- (A) application;
- (B) license by certification examination;
- (C) license by endorsement;
- (D) license renewal;
- (E) temporary permit;

(4) registered nursing multistate license:

- (A) application;**
- (B) license;**
- (C) license renewal;**

(5) practical nursing multistate license:

- (A) application;**

(B) license;**(C) license renewal.**

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

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

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

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

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

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

* **Sec. 15.** AS 08.68.275(c) is amended to read:

(c) The board may summarily suspend a license **issued by the board under this chapter** 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. 16.** AS 08.68.275(d) is amended to read:

(d) The board may reinstate a license **issued by the board under this chapter** 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. 17.** 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 an individual who is practicing in this state under a multistate

1 licensure privilege:

2 (1) suspend the multistate licensure privilege in the state for a stated
3 period of time;

4 (2) censure the individual;

5 (3) issue a letter of reprimand;

6 (4) impose limitations or conditions on the professional practice of the
7 individual in the state;

8 (5) impose peer review;

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

12 (7) impose probation and require the individual to report regularly to
13 the board on matters involving the basis for the probation.

14 * **Sec. 18.** AS 08.68 is amended by adding new sections to read:

15 **Article 5A. Multistate Nurse Licensure Compact.**

16 **Sec. 08.68.500. Compact enacted.** The Multistate Nurse Licensure Compact
17 as contained in this section is enacted into law and entered into on behalf of the state
18 with all other states and jurisdictions legally joining it in a form substantially as
19 follows:

20 **ARTICLE I**

21 **Findings and Declaration of Purpose**

22 (a) The legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ARTICLE II

24 Definitions

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

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

1 and desist action.

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

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

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

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

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

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

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

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

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

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

30 (10) "Nurse" means RN or LPN/VN, as those terms are defined by
31 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

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

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

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

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

(2) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or has graduated from a

foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

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

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

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

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

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

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

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

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

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

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

1 any such actions by remote states.

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

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

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

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

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

27 ARTICLE IV

28 Applications for Licensure in a Party State

29 (a) Upon application for a multistate license, the licensing board in the issuing
30 party state shall ascertain, through the coordinated licensure information system,
31 whether the applicant has ever held, or is the holder of, a license issued by any other

1 state, whether there are any encumbrances on any license or multistate licensure
2 privilege held by the applicant, whether any adverse action has been taken against any
3 license or multistate licensure privilege held by the applicant and whether the
4 applicant is currently participating in an alternative program.

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

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

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

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

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

20 ARTICLE V

21 Additional Authorities Invested in Party State Licensing Boards

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

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

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

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

1 determine appropriate action.

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

4 (3) Complete any pending investigations of a nurse who changes
5 primary state of residence during the course of such investigations. The licensing
6 board shall also have the authority to take appropriate action(s) and shall promptly
7 report the conclusions of such investigations to the administrator of the coordinated
8 licensure information system. The administrator of the coordinated licensure
9 information system shall promptly notify the new home state of any such actions.

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

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

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

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

30 (b) If adverse action is taken by the home state against a nurse's multistate
31 license, the nurse's multistate licensure privilege to practice in all other party states

1 shall be deactivated until all encumbrances have been removed from the multistate
 2 license. All home state disciplinary orders that impose adverse action against a nurse's
 3 multistate license shall include a statement that the nurse's multistate licensure
 4 privilege is deactivated in all party states during the pendency of the order. Nothing in
 5 this Compact shall override a party state's decision that participation in an alternative
 6 program may be used in lieu of adverse action. The home state licensing board shall
 7 deactivate the multistate licensure privilege under the multistate license of any nurse
 8 for the duration of the nurse's participation in an alternative program.

9 ARTICLE VI

10 Coordinated Licensure Information System and Exchange of Information

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

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

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

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

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

31 (f) Any personally identifiable information obtained from the coordinated

1 licensure information system by a party state licensing board shall not be shared with
 2 non-party states or disclosed to other entities or individuals except to the extent
 3 permitted by the laws of the party state contributing the information.

4 (g) Any information contributed to the coordinated licensure information
 5 system that is subsequently required to be expunged by the laws of the party state
 6 contributing that information shall also be expunged from the coordinated licensure
 7 information system.

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

- 11 (1) Identifying information;
- 12 (2) Licensure data;
- 13 (3) Information related to alternative program participation; and
- 14 (4) Other information that may facilitate the administration of this
 15 Compact, as determined by Commission rules.

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

18 ARTICLE VII

19 Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

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

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

30 (b) Membership, Voting and Meetings

- 31 (1) Each party state shall have and be limited to one administrator. The

1 head of the state licensing board or designee shall be the administrator of this Compact
 2 for each party state. Any administrator may be removed or suspended from office as
 3 provided by the law of the state from which the Administrator is appointed. Any
 4 vacancy occurring in the Commission shall be filled in accordance with the laws of the
 5 party state in which the vacancy exists.

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

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

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

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

20 (A) Noncompliance of a party state with its obligations under
 21 this Compact;

22 (B) The employment, compensation, discipline or other
 23 personnel matters, practices or procedures related to specific employees or
 24 other matters related to the Commission's internal personnel practices and
 25 procedures;

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

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

29 (E) Accusing any person of a crime or formally censuring any
 30 person;

31 (F) Disclosure of trade secrets or commercial or financial

1 information that is privileged or confidential;

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

4 (H) Disclosure of investigatory records compiled for law
5 enforcement purposes;

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

9 (J) Matters specifically exempted from disclosure by federal or
10 state statute.

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

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

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

24 (2) Providing reasonable standards and procedures:

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

26 and

27 (B) Governing any general or specific delegation of any
28 authority or function of the Commission;

29 (3) Providing reasonable procedures for calling and conducting
30 meetings of the Commission, ensuring reasonable advance notice of all meetings and
31 providing an opportunity for attendance of such meetings by interested parties, with

1 enumerated exceptions designed to protect the public's interest, the privacy of
 2 individuals, and proprietary information, including trade secrets. The Commission
 3 may meet in closed session only after a majority of the administrators vote to close a
 4 meeting in whole or in part. As soon as practicable, the Commission must make public
 5 a copy of the vote to close the meeting revealing the vote of each administrator, with
 6 no proxy votes allowed;

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

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

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

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

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

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

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

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

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

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

31 (4) To borrow, accept or contract for services of personnel, including,

1 but not limited to, employees of a party state or nonprofit organizations;

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

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

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

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

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

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

20 (11) To borrow money;

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

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

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

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

30 (h) Financing of the Commission

31 (1) The Commission shall pay, or provide for the payment of, the

1 reasonable expenses of its establishment, organization and ongoing activities.

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

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

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

16 (i) Qualified Immunity, Defense and Indemnification

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

27 (2) The Commission shall defend any administrator, officer, executive
28 director, employee or representative of the Commission in any civil action seeking to
29 impose liability arising out of any actual or alleged act, error or omission that occurred
30 within the scope of Commission employment, duties or responsibilities, or that the
31 person against whom the claim is made had a reasonable basis for believing occurred

1 within the scope of Commission employment, duties or responsibilities; provided that
 2 nothing herein shall be construed to prohibit that person from retaining his or her own
 3 counsel; and provided further that the actual or alleged act, error or omission did not
 4 result from that person's intentional, willful or wanton misconduct.

5 (3) The Commission shall indemnify and hold harmless any
 6 administrator, officer, executive director, employee or representative of the
 7 Commission for the amount of any settlement or judgment obtained against that
 8 person arising out of any actual or alleged act, error or omission that occurred within
 9 the scope of Commission employment, duties or responsibilities, or that such person
 10 had a reasonable basis for believing occurred within the scope of Commission
 11 employment, duties or responsibilities, provided that the actual or alleged act, error or
 12 omission did not result from the intentional, willful or wanton misconduct of that
 13 person.

14 ARTICLE VIII

15 Rulemaking

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (k) Upon determination that an emergency exists, the Commission may
29 consider and adopt an emergency rule without prior notice, opportunity for comment
30 or hearing, provided that the usual rulemaking procedures provided in this Compact
31 and in this section shall be retroactively applied to the rule as soon as reasonably

possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

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

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

1 promulgated rules, the Commission shall:

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

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

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

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

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

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

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

29 (c) Dispute Resolution

30 (1) Upon request by a party state, the Commission shall attempt to
31 resolve disputes related to the Compact that arise among party states and between

1 party and non-party states.

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

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

6 (A) The party states may submit the issues in dispute to an
7 arbitration panel, which will be comprised of individuals appointed by the
8 Compact administrator in each of the affected party states and an individual
9 mutually agreed upon by the Compact administrators of all the party states
10 involved in the dispute.

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

13 (d) Enforcement

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

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

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

26 ARTICLE X

27 Effective Date, Withdrawal and Amendment

28 (a) This Compact shall become effective and binding on the earlier of the date
29 of legislative enactment of this Compact into law by no less than twenty-six (26) states
30 or December 31, 2018. All party states to this Compact, that also were parties to the
31 prior Nurse Licensure Compact, superseded by this Compact, ("Prior Compact"), shall

1 be deemed to have withdrawn from said Prior Compact within six (6) months after the
2 effective date of this Compact.

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

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

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

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

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

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

23 ARTICLE XI

24 Construction and Severability

25 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
26 provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision
27 of this Compact is declared to be contrary to the constitution of any party state or of the
28 United States, or if the applicability thereof to any government, agency, person or
29 circumstance is held invalid, the validity of the remainder of this Compact and the
30 applicability thereof to any government, agency, person or circumstance shall not be affected
31 thereby. If this Compact shall be held to be contrary to the constitution of any party state, this

1 Compact shall remain in full force and effect as to the remaining party states and in full force
2 and effect as to the party state affected as to all severable matters.

3 * **Sec. 19.** AS 08.68.800(a) is amended to read:

4 (a) This chapter does not apply to

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

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

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

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

16 (5) the practice of nursing by a nurse licensed in another state who
17 does not hold a multistate licensure privilege to practice in this state and who
18 engages in nursing education or nursing consultation activities, if these activities and
19 contact with clients do not exceed 20 working days within a licensing period; or

20 (6) the practice of nursing by a nurse licensed in another state who
21 does not hold a multistate licensure privilege to practice in this state and whose
22 employment responsibilities include transporting patients into, out of, or through this
23 state; however, this exception is valid for a period not to exceed 48 hours for each
24 transport.

25 * **Sec. 20.** AS 08.68.805 is amended to read:

26 **Sec. 08.68.805. Delegation of nursing functions.** A registered, advanced
27 practice registered, or practical nurse licensed under this chapter or a registered or
28 practical nurse holding a multistate licensure privilege may delegate nursing duties
29 to other persons, including unlicensed assistive personnel, under regulations adopted
30 by the board. A person to whom the nursing duties are delegated may perform the
31 delegated duties without a license or certificate under this chapter or a multistate

1 **licensure privilege** if the person meets the applicable requirements established by the
 2 board.

3 * **Sec. 21.** AS 08.68.850(1) is amended to read:

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

10 * **Sec. 22.** AS 08.68.850 is amended by adding new paragraphs to read:

11 (13) "multistate license" means a license issued by the board under
 12 AS 08.68.500 to practice registered nursing or practical nursing in another state that is
 13 a party to the Multistate Nurse Licensure Compact enacted under AS 08.68.500;

14 (14) "multistate licensure privilege" means a legal authorization for a
 15 person holding a multistate license issued by another state to practice registered
 16 nursing or practical nursing in this state under the terms of the Multistate Nurse
 17 Licensure Compact enacted under AS 08.68.500;

18 (15) "single-state license" means a license issued under this chapter to
 19 practice registered nursing or practical nursing in the state and does not authorize
 20 practice in another state.

21 * **Sec. 23.** 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 **or holding a multistate licensure**
 26 **privilege** under AS 08.68; a dispensing optician licensed under AS 08.71; a
 27 naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a
 28 pharmacist licensed under AS 08.80; a physical therapist or occupational therapist
 29 licensed under AS 08.84; a physician or physician assistant licensed under AS 08.64; a
 30 podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a
 31 hospital as defined in AS 47.32.900, including a governmentally owned or operated

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

* **Sec. 24.** AS 09.65.095(c)(1) is amended to read:

(1) "health care provider" means a nurse licensed **or holding a multistate licensure privilege** under AS 08.68, a physician licensed under AS 08.64, and a person certified by a hospital as competent to take blood samples;

* **Sec. 25.** 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 **licensed or holding a multistate licensure privilege under AS 08.68** or nurse aide under AS 08.68, or physical therapist or occupational therapist under AS 08.84;

* **Sec. 26.** AS 18.20.499(3) is amended to read:

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

* **Sec. 27.** 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 **or holding a multistate licensure privilege** under AS 08.68; 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;

1 * **Sec. 28.** AS 47.07.045(b) is amended to read:

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

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

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

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

12 (B) for other allowable waivers, a registered nurse licensed or
13 holding a multistate licensure privilege under AS 08.68 or an advanced
14 practice registered nurse licensed under AS 08.68 who is qualified to assess
15 children with complex medical conditions, older Alaskans, and adults with
16 physical disabilities for medical assistance waivers; and

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

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

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

29 (C) an older Alaskan or adult with a physical disability, no
30 longer has a functional limitation or cognitive impairment that would result in
31 the need for nursing home placement, and is able to demonstrate the ability to

function in a home setting without the need for waiver services.

* **Sec. 29.** AS 47.30.915(16) is amended to read:

(16) "mental health professional" means a psychiatrist or physician who is licensed by the State Medical Board to practice in this state or is employed by the federal government; a clinical psychologist licensed by the state Board of Psychologist and Psychological Associate Examiners; a psychological associate trained in clinical psychology and licensed by the Board of Psychologist and Psychological Associate Examiners; an advanced practice registered nurse or a registered nurse with a master's degree in psychiatric nursing, licensed by the State Board of Nursing **or holding a multistate licensure privilege under AS 08.68**; a marital and family therapist licensed by the Board of Marital and Family Therapy; a professional counselor licensed by the Board of Professional Counselors; a clinical social worker licensed by the Board of Social Work Examiners; and a person who

(A) has a master's degree in the field of mental health;

(B) has at least 12 months of post-masters working experience in the field of mental illness; and

(C) is working under the supervision of a type of licensee listed in this paragraph;

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

(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 **or holding a multistate licensure privilege** under AS 08.68 or by a person to whom a nursing task has been delegated under (e) of this section.

* **Sec. 31.** 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 **or holding a multistate licensure privilege** under AS 08.68 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 **or holding a multistate licensure privilege** under AS 08.68; and

(2) that nursing task is specified in regulations adopted by the Board of

1 Nursing as a task that may be delegated.

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

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

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

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

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

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

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

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

22 (3) the portion of the resident's assisted living plan that relates to
23 health-related services has been revised to provide for the resident's health-related
24 needs without the use of 24-hour skilled nursing care, and the revised plan has been
25 reviewed by a registered nurse licensed or holding a multistate licensure privilege
26 under AS 08.68, or advanced practice registered nurse licensed under AS 08.68, or by
27 the resident's attending physician.

28 * **Sec. 35.** AS 47.33.230(c) is amended to read:

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

31 (1) registered nurse licensed or holding a multistate licensure

1 **privilege under AS 08.68** or advanced practice registered nurse licensed under
2 AS 08.68 reviews the portion of an assisted living plan that describes how the
3 resident's need for health-related services will be met; and

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

5 * **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
8 Economic Development and the Board of Nursing may adopt regulations necessary to
9 implement the changes made by this Act. The regulations take effect under AS 44.62
10 (Administrative Procedure Act), but not before the effective date of the law implemented by
11 the regulation.

12 * **Sec. 37.** Section 36 of this Act takes effect immediately under AS 01.10.070(c).

13 * **Sec. 38.** Except as provided in sec. 37 of this Act, this Act takes effect July 1, 2024.