

CS FOR HOUSE BILL NO. 149(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/1/24

Referred: Finance

Sponsor(s): REPRESENTATIVES PRAX, Tomaszewski, Coulombe, McCabe, Shaw, McKay, D.Johnson, Cronk, Foster, Wright, Stapp

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;

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

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

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

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

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

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

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

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

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

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

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

31 (10) require applicants under this chapter to submit fingerprints and the

1 fees required by the Department of Public Safety under AS 12.62.160 for criminal
 2 justice information and a national criminal history record check; the department shall
 3 submit the fingerprints and fees to the Department of Public Safety for a report of
 4 criminal justice information under AS 12.62 and a national criminal history record
 5 check under AS 12.62.400;

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

9 **(12) appoint the executive administrator of the board to serve as**
 10 **the state administrator of the Interstate Commission Nurse Licensure Compact**
 11 **Administrators under AS 08.68.500;**

12 **(13) submit a report to the legislature if the board determines that**
 13 **the requirements for a multistate license or multistate licensure privilege under**
 14 **the Multistate Nurse Licensure Compact do not meet or exceed the requirements**
 15 **for a license to practice registered nursing or practical nursing in this state under**
 16 **AS 08.68.170(a) or (b); the board shall submit the report to the senate secretary**
 17 **and the chief clerk of the house of representatives and notify the legislature that**
 18 **the report is available within 30 days after making the determination.**

19 (b) The board may

20 (1) conduct hearings upon charges of alleged violations of this chapter
 21 or regulations adopted under it;

22 (2) invoke, or request the department to invoke, disciplinary action
 23 against a **license issued under this chapter or a person holding a multistate**
 24 **licensure privilege** [LICENSEE];

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

26 * **Sec. 7.** AS 08.68.140 is amended to read:

27 **Sec. 08.68.140. Applicability of Administrative Procedure Act.** Except as
 28 specified in AS 08.68.333(f) **and 08.68.500**, the board shall comply with AS 44.62
 29 (Administrative Procedure Act).

30 * **Sec. 8.** AS 08.68.160 is amended to read:

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

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

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

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

9 (a) An applicant for a license to practice registered nursing shall submit to the board,
 10 on forms and in the manner prescribed by the board, written evidence, verified by
 11 oath, that the applicant has successfully completed a registered nurse education
 12 program accredited by a national nursing accrediting body and approved by the board.

13 **An applicant for a multistate license to practice registered nursing shall, in**
 14 **addition to the requirements of this chapter, meet the requirements of**
 15 **AS 08.68.500.**

16 (b) An applicant for a license to practice practical nursing **may obtain a**
 17 **license to practice in this state under this chapter or a multistate license that**
 18 **meets the requirements of this chapter and AS 08.68.500. An applicant for a**
 19 **license to practice practical nursing under this chapter** shall submit to the board,
 20 on forms and in the manner prescribed by the board, written evidence, verified by
 21 oath, that the applicant has successfully completed

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

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

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

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

1 evidence, verified by oath, that the applicant

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

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

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

8 (c) If an applicant meets the qualifications set out in AS 08.68.170 and
 9 08.68.500 for the license for which the applicant applied, the board shall issue a
 10 multistate license to practice registered or practical nursing to an applicant who passes
 11 the licensing examination to practice registered or practical nursing.

12 * **Sec. 11.** AS 08.68.220 is amended to read:

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

15 (1) registered nursing **single-state license**:

- 16 (A) application;
- 17 (B) license by examination;
- 18 (C) license by endorsement;
- 19 (D) license renewal;
- 20 (E) temporary permit;

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

- 22 (A) application;
- 23 (B) license by examination;
- 24 (C) license by endorsement;
- 25 (D) license renewal;
- 26 (E) temporary permit;

27 (3) advanced practice registered nursing:

- 28 (A) application;
- 29 (B) license by certification examination;
- 30 (C) license by endorsement;
- 31 (D) license renewal;

1 (E) temporary permit;

2 **(4) registered nursing multistate license:**

3 **(A) application;**

4 **(B) license;**

5 **(C) license renewal;**

6 **(5) practical nursing multistate license:**

7 **(A) application;**

8 **(B) license;**

9 **(C) license renewal.**

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

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

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

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

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

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

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

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

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

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

5 * **Sec. 17.** AS 08.68.275 is amended by adding a new subsection to read:

6 (g) The board may take the following disciplinary actions singly or in
7 combination against an individual who is practicing in this state under a multistate
8 licensure privilege:

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

11 (2) censure the individual;

12 (3) issue a letter of reprimand;

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

15 (5) impose peer review;

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

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

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

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

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

27 **ARTICLE I**

28 **Findings and Declaration of Purpose**

29 (a) The legislature finds that:

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

1 licensure laws;

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

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

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

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

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

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

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

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

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

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

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

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

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

30 ARTICLE II

31 Definitions

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

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

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

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

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

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

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

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

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

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

30 (8) "Multistate license" means a license to practice as a registered or a
31 licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board

1 that authorizes the licensed nurse to practice in all party states under a multistate
2 licensure privilege.

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

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

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

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

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

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

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

20 ARTICLE III

21 General Provisions and Jurisdiction

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

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

1 responsible for retaining that state's criminal records.

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

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

6 (2) Has graduated or is eligible to graduate from a licensing board-
7 approved RN or LPN/VN prelicensure education program; or has graduated from a
8 foreign RN or LPN/VN prelicensure education program that (a) has been approved by
9 the authorized accrediting body in the applicable country and (b) has been verified by
10 an independent credentials review agency to be comparable to a licensing board-
11 approved prelicensure education program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (2) A nurse who fails to satisfy the multistate licensure requirements in
29 Article III.c. due to a disqualifying event occurring after this Compact's effective date
30 shall be ineligible to retain or renew a multistate license, and the nurse's multistate
31 license shall be revoked or deactivated in accordance with applicable rules adopted by

1 the Interstate Commission of Nurse Licensure Compact Administrators
2 ("Commission").

3 ARTICLE IV

4 Applications for Licensure in a Party State

5 (a) Upon application for a multistate license, the licensing board in the issuing
6 party state shall ascertain, through the coordinated licensure information system,
7 whether the applicant has ever held, or is the holder of, a license issued by any other
8 state, whether there are any encumbrances on any license or multistate licensure
9 privilege held by the applicant, whether any adverse action has been taken against any
10 license or multistate licensure privilege held by the applicant and whether the
11 applicant is currently participating in an alternative program.

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

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

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

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

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

27 ARTICLE V

28 Additional Authorities Invested in Party State Licensing Boards

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

31 (1) Take adverse action against a nurse's multistate licensure privilege

1 to practice within that party state.

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

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

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

11 (3) Complete any pending investigations of a nurse who changes
12 primary state of residence during the course of such investigations. The licensing
13 board shall also have the authority to take appropriate action(s) and shall promptly
14 report the conclusions of such investigations to the administrator of the coordinated
15 licensure information system. The administrator of the coordinated licensure
16 information system shall promptly notify the new home state of any such actions.

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

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

31 (6) If otherwise permitted by state law, recover from the affected nurse

1 the costs of investigations and disposition of cases resulting from any adverse action
2 taken against that nurse.

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

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

16 ARTICLE VI

17 Coordinated Licensure Information System and Exchange of Information

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

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

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

31 (d) Current significant investigative information and participation in nonpublic

1 or confidential alternative programs shall be transmitted through the coordinated
2 licensure information system only to party state licensing boards.

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

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

11 (g) Any information contributed to the coordinated licensure information
12 system that is subsequently required to be expunged by the laws of the party state
13 contributing that information shall also be expunged from the coordinated licensure
14 information system.

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

18 (1) Identifying information;

19 (2) Licensure data;

20 (3) Information related to alternative program participation; and

21 (4) Other information that may facilitate the administration of this
22 Compact, as determined by Commission rules.

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

25 ARTICLE VII

26 Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

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

30 (2) Venue is proper, and judicial proceedings by or against the
31 Commission shall be brought solely and exclusively, in a court of competent

1 jurisdiction where the principal office of the Commission is located. The Commission
2 may waive venue and jurisdictional defenses to the extent it adopts or consents to
3 participate in alternative dispute resolution proceedings.

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

6 (b) Membership, Voting and Meetings

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

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

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

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

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

27 (A) Noncompliance of a party state with its obligations under
28 this Compact;

29 (B) The employment, compensation, discipline or other
30 personnel matters, practices or procedures related to specific employees or
31 other matters related to the Commission's internal personnel practices and

1 procedures;

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

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

5 (E) Accusing any person of a crime or formally censuring any
6 person;

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

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

11 (H) Disclosure of investigatory records compiled for law
12 enforcement purposes;

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

16 (J) Matters specifically exempted from disclosure by federal or
17 state statute.

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

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

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

31 (2) Providing reasonable standards and procedures:

- 1 (A) For the establishment and meetings of other committees;
2 and
- 3 (B) Governing any general or specific delegation of any
4 authority or function of the Commission;
- 5 (3) Providing reasonable procedures for calling and conducting
6 meetings of the Commission, ensuring reasonable advance notice of all meetings and
7 providing an opportunity for attendance of such meetings by interested parties, with
8 enumerated exceptions designed to protect the public's interest, the privacy of
9 individuals, and proprietary information, including trade secrets. The Commission
10 may meet in closed session only after a majority of the administrators vote to close a
11 meeting in whole or in part. As soon as practicable, the Commission must make public
12 a copy of the vote to close the meeting revealing the vote of each administrator, with
13 no proxy votes allowed;
- 14 (4) Establishing the titles, duties and authority and reasonable
15 procedures for the election of the officers of the Commission;
- 16 (5) Providing reasonable standards and procedures for the
17 establishment of the personnel policies and programs of the Commission.
18 Notwithstanding any civil service or other similar laws of any party state, the bylaws
19 shall exclusively govern the personnel policies and programs of the Commission; and
- 20 (6) Providing a mechanism for winding up the operations of the
21 Commission and the equitable disposition of any surplus funds that may exist after the
22 termination of this Compact after the payment or reserving of all of its debts and
23 obligations;
- 24 (d) The Commission shall publish its bylaws and rules, and any amendments
25 thereto, in a convenient form on the website of the Commission.
- 26 (e) The Commission shall maintain its financial records in accordance with the
27 bylaws.
- 28 (f) The Commission shall meet and take such actions as are consistent with the
29 provisions of this Compact and the bylaws.
- 30 (g) The Commission shall have the following powers:
31 (1) To promulgate uniform rules to facilitate and coordinate

1 implementation and administration of this Compact. The rules shall have the force and
2 effect of law and shall be binding in all party states;

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

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

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

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

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

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

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

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

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

27 (11) To borrow money;

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

31 (13) To provide and receive information from, and to cooperate with,

1 law enforcement agencies;

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

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

6 (h) Financing of the Commission

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

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

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

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

23 (i) Qualified Immunity, Defense and Indemnification

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

1 damage, loss, injury or liability caused by the intentional, willful or wanton
2 misconduct of that person.

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

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

21 ARTICLE VIII

22 Rulemaking

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

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

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

1 rulemaking:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (l) The Commission may direct revisions to a previously adopted rule or
 16 amendment for purposes of correcting typographical errors, errors in format, errors in
 17 consistency or grammatical errors. Public notice of any revisions shall be posted on
 18 the website of the Commission. The revision shall be subject to challenge by any
 19 person for a period of thirty (30) days after posting. The revision may be challenged
 20 only on grounds that the revision results in a material change to a rule. A challenge
 21 shall be made in writing, and delivered to the Commission, prior to the end of the
 22 notice period. If no challenge is made, the revision will take effect without further
 23 action. If the revision is challenged, the revision may not take effect without the
 24 approval of the Commission.

25 ARTICLE IX

26 Oversight, Dispute Resolution and Enforcement

27 (a) Oversight

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

30 (2) The Commission shall be entitled to receive service of process in
 31 any proceeding that may affect the powers, responsibilities or actions of the

1 Commission, and shall have standing to intervene in such a proceeding for all
2 purposes. Failure to provide service of process in such proceeding to the Commission
3 shall render a judgment or order void as to the Commission, this Compact or
4 promulgated rules.

5 (b) Default, Technical Assistance and Termination

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

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

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

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

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

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

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

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

5 (c) Dispute Resolution

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

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

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

13 (A) The party states may submit the issues in dispute to an
14 arbitration panel, which will be comprised of individuals appointed by the
15 Compact administrator in each of the affected party states and an individual
16 mutually agreed upon by the Compact administrators of all the party states
17 involved in the dispute.

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

20 (d) Enforcement

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

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

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

1 or state law.

2 ARTICLE X

3 Effective Date, Withdrawal and Amendment

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

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

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

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

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

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

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

30 ARTICLE XI

31 Construction and Severability

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

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

11 (a) This chapter does not apply to

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

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

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

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

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

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

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

2 **Sec. 08.68.805. Delegation of nursing functions.** A registered, advanced
3 practice registered, or practical nurse licensed under this chapter **or a registered or**
4 **practical nurse holding a multistate licensure privilege** may delegate nursing duties
5 to other persons, including unlicensed assistive personnel, under regulations adopted
6 by the board. A person to whom the nursing duties are delegated may perform the
7 delegated duties without a license or certificate under this chapter **or a multistate**
8 **licensure privilege** if the person meets the applicable requirements established by the
9 board.

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

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

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

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

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

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

28 * **Sec. 23.** AS 09.55.560(2) is amended to read:

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

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

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

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

17 * **Sec. 25.** AS 18.20.095(e)(2) is amended to read:

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

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

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

28 * **Sec. 27.** AS 18.23.070(3) is amended to read:

29 (3) "health care provider" means an acupuncturist licensed under
 30 AS 08.06; a chiropractor licensed under AS 08.20; a dental hygienist licensed under
 31 AS 08.32; a dentist licensed under AS 08.36; a nurse licensed **or holding a multistate**

1 **licensure privilege** under AS 08.68; a dispensing optician licensed under AS 08.71;
 2 an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a
 3 physical therapist or occupational therapist licensed under AS 08.84; a physician
 4 licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate
 5 licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a
 6 governmentally owned or operated hospital; and an employee of a health care provider
 7 acting within the course and scope of employment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) An assisted living home may provide intermittent nursing services to a
 28 resident who does not require 24-hour nursing services and supervision. Intermittent
 29 nursing services may be provided only by a nurse licensed **or holding a multistate**
 30 **licensure privilege** under AS 08.68 or by a person to whom a nursing task has been
 31 delegated under (e) of this section.

1 * **Sec. 31.** AS 47.33.020(e) is amended to read:

2 (e) A person who is on the staff of an assisted living home and who is not a
3 nurse licensed **or holding a multistate licensure privilege** under AS 08.68 may
4 perform a nursing task in that home if

5 (1) the authority to perform that nursing task is delegated to that person
6 by a nurse licensed **or holding a multistate licensure privilege** under AS 08.68; and

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

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

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

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

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

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

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

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

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

29 (3) the portion of the resident's assisted living plan that relates to
30 health-related services has been revised to provide for the resident's health-related
31 needs without the use of 24-hour skilled nursing care, and the revised plan has been

1 reviewed by a registered **nurse licensed or holding a multistate licensure privilege**
2 **under AS 08.68**, or advanced practice registered nurse licensed under AS 08.68, or by
3 the resident's attending physician.

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

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

7 (1) registered **nurse licensed or holding a multistate licensure**
8 **privilege under AS 08.68** or advanced practice registered nurse licensed under
9 AS 08.68 reviews the portion of an assisted living plan that describes how the
10 resident's need for health-related services will be met; and

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

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

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

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

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