

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 130

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR OLSON

Introduced: 5/3/23

Referred: Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 08.01.065(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 under AS 08.68.190 or 08.68.200 to practice
 15 nursing approximately equals the total regulatory costs to the department and the
 16 Board of Nursing for the practice of nursing in the state under that license type; and

17 (2) multistate license to practice nursing under AS 08.68.500 or
 18 practicing under a multistate licensure privilege under AS 08.68.500 approximately
 19 equals the total regulatory costs to the department and the Board of Nursing for the
 20 practice of nursing under that license type or privilege.

21 * **Sec. 3.** AS 08.68.100(a) is amended to read:

22 (a) The board shall

23 (1) adopt regulations necessary to implement this chapter, including
 24 regulations

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

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

(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 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 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.

* **Sec. 4.** AS 08.68.160 is amended to read:

Sec. 08.68.160. License or multistate licensure privilege required. A person practicing or offering to practice registered, advanced practice registered, or practical nursing in the state shall submit evidence of qualification to practice and shall be licensed under this chapter **or hold a multistate licensure privilege under AS 08.68.500.**

* **Sec. 5.** AS 08.68.220 is amended by adding a new subsection to read:

(b) The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for a multistate license to practice registered nursing or practical nursing issued under AS 08.68.500.

* **Sec. 6.** AS 08.68 is amended by adding new sections to read:

Article 5A. Multistate Nurse Licensure Compact.

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

ARTICLE I

Findings and Declaration of Purpose

(a) The legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 licenses; and

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

4 ARTICLE II

5 Definitions

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

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

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

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

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

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

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

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

31 (6) "Home state" means the party state which is the nurse's primary

1 state of residence.

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

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

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

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

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

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

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

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

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

25 ARTICLE III

26 General Provisions and Jurisdiction

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

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

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

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

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

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

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

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

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

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

30 (8) Has not been convicted or found guilty, or has entered into an
31 agreed disposition, of a misdemeanor offense related to the practice of nursing as

1 determined on a case-by-case basis;

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

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

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

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

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

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

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

30 (1) A nurse, who changes primary state of residence after this
31 Compact's effective date, must meet all applicable Article III.c. requirements to obtain

1 a multistate license from a new home state.

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

8 ARTICLE IV

9 Applications for Licensure in a Party State

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

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

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

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

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

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

ARTICLE V

Additional Authorities Invested in Party State Licensing Boards

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

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

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

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

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

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

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

(5) Obtain and submit, for each nurse licensure applicant, fingerprint

1 or other biometric-based information to the Federal Bureau of Investigation for
 2 criminal background checks, receive the results of the Federal Bureau of Investigation
 3 record search on criminal background checks and use the results in making licensure
 4 decisions.

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

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

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

21 ARTICLE VI

22 Coordinated Licensure Information System and Exchange of Information

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

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

31 (c) All licensing boards shall promptly report to the coordinated licensure

1 information system any adverse action, any current significant investigative
 2 information, denials of applications (with the reasons for such denials) and nurse
 3 participation in alternative programs known to the licensing board regardless of
 4 whether such participation is deemed nonpublic or confidential under state law.

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

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

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

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

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

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

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

30 ARTICLE VII

31 Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

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

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

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

11 (b) Membership, Voting and Meetings

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

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

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

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

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

1 (A) Noncompliance of a party state with its obligations under
2 this Compact;

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

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

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

10 (E) Accusing any person of a crime or formally censuring any
11 person;

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

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

16 (H) Disclosure of investigatory records compiled for law
17 enforcement purposes;

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

21 (J) Matters specifically exempted from disclosure by federal or
22 state statute.

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

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

(1) Establishing the fiscal year of the Commission;

(2) Providing reasonable standards and procedures:

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

and

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

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

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

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

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

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

(e) The Commission shall maintain its financial records in accordance with the

1 bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

(11) To borrow money;

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

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

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

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

(h) Financing of the Commission

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

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

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

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

(i) Qualified Immunity, Defense and Indemnification

(1) The administrators, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property

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

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

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

26 ARTICLE VIII

27 Rulemaking

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 ARTICLE IX

31 Oversight, Dispute Resolution and Enforcement

1 (a) Oversight

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

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

10 (b) Default, Technical Assistance and Termination

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

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

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

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

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

30 (4) A state whose membership in this Compact has been terminated is
31 responsible for all assessments, obligations and liabilities incurred through the

1 effective date of termination, including obligations that extend beyond the effective
2 date of termination.

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

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

10 (c) Dispute Resolution

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

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

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

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

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

25 (d) Enforcement

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

28 (2) By majority vote, the Commission may initiate legal action in the
29 U.S. District Court for the District of Columbia or the federal district in which the
30 Commission has its principal offices against a party state that is in default to enforce
31 compliance with the provisions of this Compact and its promulgated rules and bylaws.

1 The relief sought may include both injunctive relief and damages. In the event judicial
2 enforcement is necessary, the prevailing party shall be awarded all costs of such
3 litigation, including reasonable attorneys' fees.

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

7 ARTICLE X

8 Effective Date, Withdrawal and Amendment

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

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

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

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

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

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

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

4 ARTICLE XI

5 Construction and Severability

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

16 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

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

23 * **Sec. 8.** Section 7 of this Act takes effect immediately under AS 01.10.070(c).

24 * **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect July 1, 2024.