

HOUSE BILL NO. 131

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/10/25

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 08.01.065(c) is amended to read:

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

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

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

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

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

11 (I) 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 Board of
 13 Nursing for issuing a single-state license to practice registered, practical, or advanced
 14 practice registered nursing is approximately equal to the total regulatory costs to the
 15 department and the Board of Nursing for each of those license types. The department
 16 shall establish fees for issuing a multistate license to practice registered or practical
 17 nursing equal to double the fee set for the single-state version of that license type. In
 18 this subsection, "single-state license" and "multistate license" have the meanings given
 19 in AS 08.68.500.

20 * **Sec. 3.** AS 08.02.130(j)(1), as amended by sec. 2, ch. 44, SLA 2024, is amended to read:

21 (1) "health care provider" means

22 (A) an audiologist or speech-language pathologist licensed
 23 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
 24 licensed under AS 08.20; a professional or associate counselor licensed under
 25 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under
 26 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath
 27 licensed under AS 08.45; a marital and family therapist licensed under
 28 AS 08.63; a physician licensed under AS 08.64; a podiatrist, osteopath, or
 29 physician assistant licensed under AS 08.64; a direct-entry midwife certified
 30 under AS 08.65; a nurse licensed **or privileged to practice** under AS 08.68; a
 31 dispensing optician licensed under AS 08.71; an optometrist licensed under

1 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or
 2 occupational therapist licensed under AS 08.84; a psychologist or
 3 psychological associate licensed under AS 08.86; or a social worker licensed
 4 under AS 08.95;

5 (B) a physician licensed in another state; or

6 (C) a member of a multidisciplinary care team who is licensed
 7 in another state.

8 * **Sec. 4.** AS 08.11.120(b) is amended to read:

9 (b) Notwithstanding the provisions of this chapter,

10 (1) a nurse licensed **or privileged to practice** under AS 08.68 may
 11 perform hearing sensitivity evaluations;

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

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

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

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

24 * **Sec. 5.** AS 08.68.100(a) is amended to read:

25 (a) The board shall

26 (1) adopt regulations necessary to implement this chapter, including
 27 regulations

28 (A) pertaining to practice as an advanced practice registered
 29 nurse, including requirements for an advanced practice registered nurse to
 30 practice as a certified registered nurse anesthetist, certified clinical nurse
 31 specialist, certified nurse practitioner, or certified nurse midwife; regulations

1 for an advanced practice registered nurse who holds a valid federal Drug
2 Enforcement Administration registration number must address training in pain
3 management and opioid use and addiction;

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

7 (C) pertaining to retired nurse status;

8 (D) establishing criteria for approval of practical nurse
9 education programs that are not accredited by a national nursing accrediting
10 body;

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

17 (2) approve curricula and adopt standards for basic education programs
18 that prepare persons for licensing under AS 08.68.190;

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

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

24 (5) examine, license, and renew the licenses of qualified applicants;

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

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

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

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

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

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

13 **(12) implement the Multistate Nurse Licensure Compact entered**
 14 **into under AS 08.68.500, including adopting any regulations necessary to**
 15 **implement the compact.**

16 * **Sec. 6.** AS 08.68.160 is amended to read:

17 **Sec. 08.68.160. License or practice privilege required.** A person practicing
 18 or offering to practice registered, advanced practice registered, or practical nursing in
 19 the state shall submit evidence of qualification to practice and shall be licensed **or**
 20 **privileged to practice** under this chapter.

21 * **Sec. 7.** AS 08.68.170(c) is amended to read:

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

25 (1) is licensed **or privileged to practice** as a registered nurse in the
 26 state; and

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

30 * **Sec. 8.** AS 08.68.220 is amended to read:

31 **Sec. 08.68.220. Fees.** The Department of Commerce, Community, and

1 Economic Development shall set fees under AS 08.01.065 for each of the following:

- 2 (1) registered nursing:
- 3 (A) application;
- 4 (B) license by examination;
- 5 (C) license by endorsement;
- 6 (D) license renewal;
- 7 (E) temporary permit;
- 8 **(F) multistate licensure privilege;**
- 9 (2) practical nursing:
- 10 (A) application;
- 11 (B) license by examination;
- 12 (C) license by endorsement;
- 13 (D) license renewal;
- 14 (E) temporary permit;
- 15 **(F) multistate licensure privilege;**
- 16 (3) advanced practice registered nursing:
- 17 (A) application;
- 18 (B) license by certification examination;
- 19 (C) license by endorsement;
- 20 (D) license renewal;
- 21 (E) temporary permit.

22 * **Sec. 9.** AS 08.68.270 is amended to read:

23 **Sec. 08.68.270. Grounds for denial, suspension, or revocation.** The board
24 may deny, suspend, or revoke the license **or practice privilege** of a person who

- 25 (1) has obtained or attempted to obtain a license to practice nursing by
26 fraud or deceit;
- 27 (2) has been convicted of a felony or other crime if the felony or other
28 crime is substantially related to the qualifications, functions, or duties of the licensee;
- 29 (3) habitually abuses alcoholic beverages, or illegally uses controlled
30 substances;
- 31 (4) has impersonated a registered, advanced practice registered, or

1 practical nurse;

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

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

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

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

11 (9) is professionally incompetent;

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

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

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

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

20 (a) The board may take the following disciplinary actions singly or in
21 combination:

22 (1) permanently revoke a license, practice privilege, or permit to
23 practice;

24 (2) suspend a license or practice privilege for a stated period of time;

25 (3) censure a licensee;

26 (4) issue a letter of reprimand;

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

29 (6) impose peer review;

30 (7) impose professional education requirements until a satisfactory
31 degree of skill has been attained in those aspects of professional practice determined

1 by the board to need improvement;

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

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

5 * **Sec. 11.** AS 08.68.275(c) is amended to read:

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

14 * **Sec. 12.** AS 08.68.275(d) is amended to read:

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

18 * **Sec. 13.** AS 08.68.277(a) is amended to read:

19 (a) An employer of a nurse licensed **or privileged to practice** under this
20 chapter or a nurse aide certified under this chapter practicing within the scope of that
21 license, **privilege**, or certification that discharges or suspends a nurse or nurse aide or
22 conditions or restricts the practice of a nurse or nurse aide shall, within seven working
23 days after the action, report to the board the name and address of the person and the
24 reason for the action. An employer shall report to the board the name and address of a
25 nurse or nurse aide who resigns while under investigation by the employer. The
26 requirement of an employer to report under this section applies only to a discharge,
27 suspension, or restriction of practice that is based on a ground allowing action by the
28 board under AS 08.68.270 or 08.68.334 or for conduct prohibited under AS 08.68.340.

29 * **Sec. 14.** AS 08.68.278 is amended to read:

30 **Sec. 08.68.278. Immunity for certain reports to the board.** A person who, in
31 good faith, reports information to the board relating to alleged incidents of

1 incompetent, unprofessional, or unlawful conduct of a nurse licensed **or privileged to**
 2 **practice** under this chapter, a nurse aide certified under this chapter, or an employer of
 3 a nurse licensed **or privileged to practice** under this chapter or a nurse aide certified
 4 under this chapter who reports to the board the information required under
 5 AS 08.68.277 is not liable in a civil action for damages resulting from the reporting of
 6 the information.

7 * **Sec. 15.** AS 08.68 is amended by adding a new section to read:

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

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

13 **ARTICLE I**

14 **Findings and Declaration of Purpose**

15 (a) The legislature finds that:

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

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

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

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

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

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

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

- 1 (1) Facilitate the states' responsibility to protect the public's health and
 2 safety;
- 3 (2) Ensure and encourage the cooperation of party states in the areas of
 4 nurse licensure and regulation;
- 5 (3) Facilitate the exchange of information between party states in the
 6 areas of nurse regulation, investigation and adverse actions;
- 7 (4) Promote compliance with the laws governing the practice of
 8 nursing in each jurisdiction;
- 9 (5) Invest all party states with the authority to hold a nurse accountable
 10 for meeting all state practice laws in the state in which the patient is located at the time
 11 care is rendered through the mutual recognition of party state licenses;
- 12 (6) Decrease redundancies in the consideration and issuance of nurse
 13 licenses; and
- 14 (7) Provide opportunities for interstate practice by nurses who meet
 15 uniform licensure requirements.

16 ARTICLE II

17 Definitions

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

- 19 (1) "Adverse action" means any administrative, civil, equitable or
 20 criminal action permitted by a state's laws which is imposed by a licensing board or
 21 other authority against a nurse, including actions against an individual's license or
 22 multistate licensure privilege such as revocation, suspension, probation, monitoring of
 23 the licensee, limitation on the licensee's practice, or any other encumbrance on
 24 licensure affecting a nurse's authorization to practice, including issuance of a cease
 25 and desist action.
- 26 (2) "Alternative program" means a non-disciplinary monitoring
 27 program approved by a licensing board.
- 28 (3) "Coordinated licensure information system" means an integrated
 29 process for collecting, storing and sharing information on nurse licensure and
 30 enforcement activities related to nurse licensure laws that is administered by a
 31 nonprofit organization composed of and controlled by licensing boards.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 speaking, writing and listening;

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

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

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

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

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

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

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

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

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

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

1 state in which the client is located at the time service is provided.

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

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

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

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

20 ARTICLE IV

21 Applications for Licensure in a Party State

22 (a) Upon application for a multistate license, the licensing board in the issuing
23 party state shall ascertain, through the coordinated licensure information system,
24 whether the applicant has ever held, or is the holder of, a license issued by any other
25 state, whether there are any encumbrances on any license or multistate licensure
26 privilege held by the applicant, whether any adverse action has been taken against any
27 license or multistate licensure privilege held by the applicant and whether the
28 applicant is currently participating in an alternative program.

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

31 (c) If a nurse changes primary state of residence by moving between two party

1 states, the nurse must apply for licensure in the new home state, and the multistate
 2 license issued by the prior home state will be deactivated in accordance with
 3 applicable rules adopted by the Commission.

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

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

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

13 ARTICLE V

14 Additional Authorities Invested in Party State Licensing Boards

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

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

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

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

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

28 (3) Complete any pending investigations of a nurse who changes
 29 primary state of residence during the course of such investigations. The licensing
 30 board shall also have the authority to take appropriate action(s) and shall promptly
 31 report the conclusions of such investigations to the administrator of the coordinated

1 licensure information system. The administrator of the coordinated licensure
2 information system shall promptly notify the new home state of any such actions.

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

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

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

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

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

1 for the duration of the nurse's participation in an alternative program.

2 ARTICLE VI

3 Coordinated Licensure Information System and Exchange of Information

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

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

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

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

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

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

28 (g) Any information contributed to the coordinated licensure information
29 system that is subsequently required to be expunged by the laws of the party state
30 contributing that information shall also be expunged from the coordinated licensure
31 information system.

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

- 4 (1) Identifying information;
 5 (2) Licensure data;
 6 (3) Information related to alternative program participation; and
 7 (4) Other information that may facilitate the administration of this
 8 Compact, as determined by Commission rules.

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

11 ARTICLE VII

12 Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

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

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

23 (b) Membership, Voting and Meetings

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

30 (2) Each administrator shall be entitled to one (1) vote with regard to
 31 the promulgation of rules and creation of bylaws and shall otherwise have an

1 opportunity to participate in the business and affairs of the Commission. An
2 administrator shall vote in person or by such other means as provided in the bylaws.
3 The bylaws may provide for an administrator's participation in meetings by telephone
4 or other means of communication.

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

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

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

13 (A) Noncompliance of a party state with its obligations under
14 this Compact;

15 (B) The employment, compensation, discipline or other
16 personnel matters, practices or procedures related to specific employees or
17 other matters related to the Commission's internal personnel practices and
18 procedures;

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

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

22 (E) Accusing any person of a crime or formally censuring any
23 person;

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

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

28 (H) Disclosure of investigatory records compiled for law
29 enforcement purposes;

30 (I) Disclosure of information related to any reports prepared by
31 or on behalf of the Commission for the purpose of investigation of compliance

1 with this Compact; or

2 (J) Matters specifically exempted from disclosure by federal or
3 state statute.

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

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

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

17 (2) Providing reasonable standards and procedures:

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

19 and

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

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

31 (4) Establishing the titles, duties and authority and reasonable

1 procedures for the election of the officers of the Commission;

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

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

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

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

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

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

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

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

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

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

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

29 (6) To hire employees, elect or appoint officers, fix compensation,
30 define duties, grant such individuals appropriate authority to carry out the purposes of
31 this Compact, and to establish the Commission's personnel policies and programs

1 relating to conflicts of interest, qualifications of personnel and other related personnel
2 matters;

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

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

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

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

13 (11) To borrow money;

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

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

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

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

23 (h) Financing of the Commission

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

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

31 (3) The Commission shall not incur obligations of any kind prior to

1 securing the funds adequate to meet the same; nor shall the Commission pledge the
2 credit of any of the party states, except by, and with the authority of, such party state.

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

9 (i) Qualified Immunity, Defense and Indemnification

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

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

29 (3) The Commission shall indemnify and hold harmless any
30 administrator, officer, executive director, employee or representative of the
31 Commission for the amount of any settlement or judgment obtained against that

1 person arising out of any actual or alleged act, error or omission that occurred within
2 the scope of Commission employment, duties or responsibilities, or that such person
3 had a reasonable basis for believing occurred within the scope of Commission
4 employment, duties or responsibilities, provided that the actual or alleged act, error or
5 omission did not result from the intentional, willful or wanton misconduct of that
6 person.

7 ARTICLE VIII

8 Rulemaking

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

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

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

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

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

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

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

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

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

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

31 (e) Prior to adoption of a proposed rule, the Commission shall allow persons

1 to submit written data, facts, opinions and arguments, which shall be made available to
2 the public.

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

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

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

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

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

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

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

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

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

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

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

1 membership in this Compact may be terminated upon an affirmative vote of a majority
2 of the administrators, and all rights, privileges and benefits conferred by this Compact
3 may be terminated on the effective date of termination. A cure of the default does not
4 relieve the offending state of obligations or liabilities incurred during the period of
5 default.

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

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

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

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

22 (c) Dispute Resolution

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

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

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

30 (A) The party states may submit the issues in dispute to an
31 arbitration panel, which will be comprised of individuals appointed by the

1 Compact administrator in each of the affected party states and an individual
2 mutually agreed upon by the Compact administrators of all the party states
3 involved in the dispute.

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

6 (d) Enforcement

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

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

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

19 ARTICLE X

20 Effective Date, Withdrawal and Amendment

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

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

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

1 after enactment of the repealing statute.

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

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

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

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

16 ARTICLE XI

17 Construction and Severability

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

28 * **Sec. 16.** AS 08.68.800(a) is amended to read:

29 (a) This chapter does not apply to

30 (1) a qualified nurse licensed in another state employed by the United
31 States government or a bureau, or agency, or division of the United States government

1 while in the discharge of official duties;

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

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

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

10 (5) the practice of nursing by a nurse licensed in another state, **except**
11 **for a nurse holding a multistate license under AS 08.68.500**, who engages in
12 nursing education or nursing consultation activities, if these activities and contact with
13 clients do not exceed 20 working days within a licensing period; or

14 (6) the practice of nursing by a nurse licensed in another state, **except**
15 **for a nurse holding a multistate license under AS 08.68.500**, whose employment
16 responsibilities include transporting patients into, out of, or through this state;
17 however, this exception is valid for a period not to exceed 48 hours for each transport.

18 * **Sec. 17.** AS 08.68.805 is amended to read:

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

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

27 (2) "health care provider" means an acupuncturist licensed under
28 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
29 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
30 dentist licensed under AS 08.36; a nurse licensed **or privileged to practice** under
31 AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath licensed under

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

11 * **Sec. 19.** AS 09.65.095(c)(1) is amended to read:

12 (1) "health care provider" means a nurse licensed **or privileged to**
 13 **practice** under AS 08.68, a physician licensed under AS 08.64, and a person certified
 14 by a hospital as competent to take blood samples;

15 * **Sec. 20.** AS 18.20.095(e)(2) is amended to read:

16 (2) "licensed staff member" means a person who is employed by the
 17 hospital to provide direct patient care and who is licensed, [OR] certified, **or**
 18 **privileged to practice** in the state as a physician or physician assistant under
 19 AS 08.64, direct-entry midwife under AS 08.65, nurse or nurse aide under AS 08.68,
 20 or physical therapist or occupational therapist under AS 08.84;

21 * **Sec. 21.** AS 18.20.499(3) is amended to read:

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

26 * **Sec. 22.** AS 18.23.070(3) is amended to read:

27 (3) "health care provider" means an acupuncturist licensed under
 28 AS 08.06; a chiropractor licensed under AS 08.20; a dental hygienist licensed under
 29 AS 08.32; a dentist licensed under AS 08.36; a nurse licensed **or privileged to**
 30 **practice** under AS 08.68; a dispensing optician licensed under AS 08.71; an
 31 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a

1 physical therapist or occupational therapist licensed under AS 08.84; a physician
 2 licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate
 3 licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a
 4 governmentally owned or operated hospital; and an employee of a health care provider
 5 acting within the course and scope of employment;

6 * **Sec. 23.** AS 47.07.045(b) is amended to read:

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

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

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

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

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

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

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

29 (B) intellectual or developmental disability, no longer needs the
 30 level of care provided by an intermediate care facility for persons with
 31 intellectual and developmental disabilities either because the qualifying

1 diagnosis has changed or the recipient is able to demonstrate the ability to
2 function in a home setting without the need for waiver services; or

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

7 * **Sec. 24.** AS 47.33.020(d) is amended to read:

8 (d) An assisted living home may provide intermittent nursing services to a
9 resident who does not require 24-hour nursing services and supervision. Intermittent
10 nursing services may be provided only by a nurse licensed **or privileged to practice**
11 under AS 08.68 or by a person to whom a nursing task has been delegated under (e) of
12 this section.

13 * **Sec. 25.** AS 47.33.020(e) is amended to read:

14 (e) A person who is on the staff of an assisted living home and who is not a
15 nurse licensed **or privileged to practice** under AS 08.68 may perform a nursing task
16 in that home if

17 (1) the authority to perform that nursing task is delegated to that person
18 by a nurse licensed **or privileged to practice** under AS 08.68; and

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

21 * **Sec. 26.** AS 47.33.020(f) is amended to read:

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

26 * **Sec. 27.** AS 47.33.020(g) is amended to read:

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

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

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

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

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

10 (3) the portion of the resident's assisted living plan that relates to
 11 health-related services has been revised to provide for the resident's health-related
 12 needs without the use of 24-hour skilled nursing care, and the revised plan has been
 13 reviewed by a registered or advanced practice registered nurse licensed **or privileged**
 14 **to practice** under AS 08.68 or by the resident's attending physician.

15 * **Sec. 29.** AS 47.33.230(c) is amended to read:

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

18 (1) registered or advanced practice registered nurse licensed **or**
 19 **privileged to practice** under AS 08.68 reviews the portion of an assisted living plan
 20 that describes how the resident's need for health-related services will be met; and

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

22 * **Sec. 30.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
 25 Economic Development and the Board of Nursing may proceed to adopt regulations to
 26 implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure
 27 Act) but not before the effective date of the law implemented by the regulation.

28 * **Sec. 31.** Section 30 of this Act takes effect immediately under AS 01.10.070(c).

29 * **Sec. 32.** Except as provided in sec. 31 of this Act, this Act takes effect July 1, 2026.