

**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;

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

4 (C) pertaining to retired nurse status;

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

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

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

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

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

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

23 (5) examine, license, and renew the licenses of [QUALIFIED]  
24 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) appoint the executive administrator of the board to serve as**  
14 **the state administrator of the Interstate Commission Nurse Licensure Compact**  
15 **Administrators under AS 08.68.500.**

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

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

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

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

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

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

28 **Sec. 08.68.500. Compact enacted.** The Multistate Nurse Licensure Compact  
29 as contained in this section is enacted into law and entered into on behalf of the state  
30 with all other states and jurisdictions legally joining it in a form substantially as  
31 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.

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

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

5 (2) Providing reasonable standards and procedures:

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

7 and

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

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

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

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

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

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

31 (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;

1 (11) To borrow money;

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

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

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

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

11 (h) Financing of the Commission

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

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

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

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

28 (i) Qualified Immunity, Defense and Indemnification

29 (1) The administrators, officers, executive director, employees and  
30 representatives of the Commission shall be immune from suit and liability, either  
31 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.