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**HOUSE BILL 1882**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Ryu, Caldier, Jinkins, DeBolt, Kilduff, Leavitt, Smith, Robinson, Harris, Riccelli, and Reeves

1 AN ACT Relating to the multistate nurse licensure compact; adding  
2 a new section to chapter 18.79 RCW; and adding a new chapter to Title  
3 18 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act shall be known and cited as the  
6 interstate nurse licensure compact of 2019.

7 NEW SECTION. **Sec. 2.** (1) The legislature finds that:

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

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

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

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

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

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

6 (2) The general purposes of this compact are to:

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

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

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

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

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

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

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

23 NEW SECTION. **Sec. 3.** The definitions in this section apply  
24 throughout this chapter unless the context clearly requires  
25 otherwise.

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

34 (2) "Alternative program" means a nondisciplinary monitoring  
35 program approved by a licensing board.

36 (3) "Commission" means the interstate commission of nurse  
37 licensure compact administrators.

38 (4) "Coordinated licensure information system" means an  
39 integrated process for collecting, storing, and sharing information

1 on nurse licensure and enforcement activities related to nurse  
2 licensure laws that is administered by a nonprofit organization  
3 composed of and controlled by licensing boards.

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

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

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

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

17 (7) "Home state" means the party state which is the nurse's  
18 primary state of residence.

19 (8) "Licensing board" means a party state's regulatory body  
20 responsible for issuing nurse licenses.

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

25 (10) "Multistate licensure privilege" means a legal authorization  
26 associated with a multistate license permitting the practice of  
27 nursing as either a registered nurse, or licensed practical or  
28 vocational nurse, in a remote state.

29 (11) "Nurse" means registered nurse, or licensed practical or  
30 vocational nurse, as those terms are defined by each party state's  
31 practice laws.

32 (12) "Party state" means any state that has adopted this compact.

33 (13) "Remote state" means a party state, other than the home  
34 state.

35 (14) "Single-state license" means a nurse license issued by a  
36 party state that authorizes practice only within the issuing state  
37 and does not include a multistate licensure privilege to practice in  
38 any other party state.

39 (15) "State" means a state, territory, or possession of the  
40 United States or the District of Columbia.

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

7 NEW SECTION. **Sec. 4.** (1) A multistate license to practice  
8 registered or licensed practical or vocational nursing issued by a  
9 home state to a resident in that state will be recognized by each  
10 party state as authorizing a nurse to practice as a registered nurse,  
11 or licensed practical or vocational nurse, under a multistate  
12 licensure privilege, in each party state.

13 (2) A state must implement procedures for considering the  
14 criminal history records of applicants for initial multistate license  
15 or licensure by endorsement. Such procedures shall include the  
16 submission of fingerprints or other biometric-based information by  
17 applicants for the purpose of obtaining an applicant's criminal  
18 history record information from the federal bureau of investigation  
19 and the agency responsible for retaining that state's criminal  
20 records.

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

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

25 (b) (i) Has graduated or is eligible to graduate from a licensing  
26 board-approved registered nurse, or licensed practical or vocational  
27 nurse, prelicensure education program; or

28 (ii) Has graduated from a foreign registered nurse, or licensed  
29 practical or vocational nurse, prelicensure education program that  
30 (A) has been approved by the authorized accrediting body in the  
31 applicable country and (B) has been verified by an independent  
32 credentials review agency to be comparable to a licensing board-  
33 approved prelicensure education program;

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

1 (d) Has successfully passed an NCLEX-RN® or NCLEX-PN® examination  
2 or recognized predecessor, as applicable;

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

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

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

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

15 (i) Is not currently enrolled in an alternative program;

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

18 (k) Has a valid United States social security number.

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

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

38 (6) Individuals not residing in a party state shall continue to  
39 be able to apply for a party state's single-state license as provided  
40 under the laws of each party state. However, the single-state license

1 granted to these individuals will not be recognized as granting the  
2 privilege to practice nursing in any other party state. Nothing in  
3 this compact shall affect the requirements established by a party  
4 state for the issuance of a single-state license.

5 (7) Any nurse holding a home state multistate license, on the  
6 effective date of this compact, may retain and renew the multistate  
7 license issued by the nurse's then-current home state, provided that:

8 (a) A nurse, who changes primary state of residence after the  
9 effective date of this compact, must meet all applicable requirements  
10 of subsection (3) of this section to obtain a multistate license from  
11 a new home state.

12 (b) A nurse who fails to satisfy the multistate licensure  
13 requirements in subsection (3) of this section due to a disqualifying  
14 event occurring after the effective date of this compact shall be  
15 ineligible to retain or renew a multistate license, and the nurse's  
16 multistate license shall be revoked or deactivated in accordance with  
17 applicable rules adopted by the interstate commission of nurse  
18 licensure compact administrators.

19 NEW SECTION. **Sec. 5.** (1) Upon application for a multistate  
20 license, the licensing board in the issuing party state shall  
21 ascertain, through the coordinated licensure information system,  
22 whether the applicant has ever held, or is the holder of, a license  
23 issued by any other state, whether there are any encumbrances on any  
24 license or multistate licensure privilege held by the applicant,  
25 whether any adverse action has been taken against any license or  
26 multistate licensure privilege held by the applicant, and whether the  
27 applicant is currently participating in an alternative program.

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

30 (3) If a nurse changes primary state of residence by moving  
31 between two party states, the nurse must apply for licensure in the  
32 new home state, and the multistate license issued by the prior home  
33 state will be deactivated in accordance with applicable rules adopted  
34 by the commission.

35 (a) The nurse may apply for licensure in advance of a change in  
36 primary state of residence.

37 (b) A multistate license shall not be issued by the new home  
38 state until the nurse provides satisfactory evidence of a change in  
39 primary state of residence to the new home state and satisfies all

1 applicable requirements to obtain a multistate license from the new  
2 home state.

3 (4) If a nurse changes primary state of residence by moving from  
4 a party state to a nonparty state, the multistate license issued by  
5 the prior home state will convert to a single-state license, valid  
6 only in the former home state.

7 NEW SECTION. **Sec. 6.** (1) In addition to the other powers  
8 conferred by state law, a licensing board shall have the authority  
9 to:

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

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

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

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

21 (c) Complete any pending investigations of a nurse who changes  
22 primary state of residence during the course of such investigations.  
23 The licensing board shall also have the authority to take appropriate  
24 action and shall promptly report the conclusions of such  
25 investigations to the administrator of the coordinated licensure  
26 information system. The administrator of the coordinated licensure  
27 information system shall promptly notify the new home state of any  
28 such actions.

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

1 (e) Obtain and submit, for each nurse licensure applicant,  
2 fingerprint or other biometric-based information to the federal  
3 bureau of investigation for criminal background checks, receive the  
4 results of the federal bureau of investigation record search on  
5 criminal background checks, and use the results in making licensure  
6 decisions.

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

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

13 (2) If adverse action is taken by the home state against a  
14 nurse's multistate license, the nurse's multistate licensure  
15 privilege to practice in all other party states shall be deactivated  
16 until all encumbrances have been removed from the multistate license.  
17 All home state disciplinary orders that impose adverse action against  
18 a nurse's multistate license shall include a statement that the  
19 nurse's multistate licensure privilege is deactivated in all party  
20 states during the pendency of the order.

21 (3) Nothing in this compact shall override a party state's  
22 decision that participation in an alternative program may be used in  
23 lieu of adverse action. The home state licensing board shall  
24 deactivate the multistate licensure privilege under the multistate  
25 license of any nurse for the duration of the nurse's participation in  
26 an alternative program.

27 NEW SECTION. **Sec. 7.** (1) All party states shall participate in  
28 a coordinated licensure information system of all licensed registered  
29 nurses, and licensed practical or vocational nurses. This system will  
30 include information on the licensure and disciplinary history of each  
31 nurse, as submitted by party states, to assist in the coordination of  
32 nurse licensure and enforcement efforts.

33 (2) The commission, in consultation with the administrator of the  
34 coordinated licensure information system, shall formulate necessary  
35 and proper procedures for the identification, collection, and  
36 exchange of information under this compact.

37 (3) All licensing boards shall promptly report to the coordinated  
38 licensure information system any adverse action, any current  
39 significant investigative information, denials of applications, the



1 reasons for such denials, and nurse participation in alternative  
2 programs known to the licensing board regardless of whether such  
3 participation is deemed nonpublic or confidential under state law.

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

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

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

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

22 (8) The compact administrator of each party state shall furnish a  
23 uniform data set to the compact administrator of each other party  
24 state, which shall include, at a minimum:

25 (a) Identifying information;

26 (b) Licensure data;

27 (c) Information related to alternative program participation; and

28 (d) Other information that may facilitate the administration of  
29 this compact, as determined by commission rules.

30 (9) The compact administrator of a party state shall provide all  
31 investigative documents and information requested by another party  
32 state.

33 NEW SECTION. **Sec. 8.** (1) The party states hereby create and  
34 establish a joint public entity known as the interstate commission of  
35 nurse licensure compact administrators.

36 (a) The commission is an instrumentality of the party states.

37 (b) Venue is proper, and judicial proceedings by or against the  
38 commission shall be brought solely and exclusively, in a court of  
39 competent jurisdiction where the principal office of the commission

1 is located. The commission may waive venue and jurisdictional  
2 defenses to the extent it adopts or consents to participate in  
3 alternative dispute resolution proceedings.

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

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

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

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

23 (d) All meetings shall be open to the public, and public notice  
24 of meetings shall be given in the same manner as required under the  
25 rule-making provisions in section 9 of this act.

26 (e) The commission may convene in a closed, nonpublic meeting if  
27 the commission must discuss:

28 (i) Noncompliance of a party state with its obligations under  
29 this compact;

30 (ii) The employment, compensation, discipline, or other personnel  
31 matters, practices, or procedures related to specific employees or  
32 other matters related to the commission's internal personnel  
33 practices and procedures;

34 (iii) Current, threatened, or reasonably anticipated litigation;

35 (iv) Negotiation of contracts for the purchase or sale of goods,  
36 services, or real estate;

37 (v) Accusing any person of a crime or formally censuring any  
38 person;

39 (vi) Disclosure of trade secrets or commercial or financial  
40 information that is privileged or confidential;

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

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

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

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

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

22 (3) The commission shall, by a majority vote of the  
23 administrators, prescribe bylaws or rules to govern its conduct as  
24 may be necessary or appropriate to carry out the purposes and  
25 exercise the powers of this compact, including but not limited to:

26 (a) Establishing the fiscal year of the commission;

27 (b) Providing reasonable standards and procedures:

28 (i) For the establishment and meetings of other committees; and

29 (ii) Governing any general or specific delegation of any  
30 authority or function of the commission;

31 (c) Providing reasonable procedures for calling and conducting  
32 meetings of the commission, ensuring reasonable advance notice of all  
33 meetings, and providing an opportunity for attendance of such  
34 meetings by interested parties, with enumerated exceptions designed  
35 to protect the public's interest, the privacy of individuals, and  
36 proprietary information, including trade secrets. The commission may  
37 meet in closed session only after a majority of the administrators  
38 vote to close a meeting in whole or in part. As soon as practicable,  
39 the commission must make public a copy of the vote to close the

1 meeting revealing the vote of each administrator, with no proxy votes  
2 allowed;

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

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

10 (f) Providing a mechanism for winding up the operations of the  
11 commission and the equitable disposition of any surplus funds that  
12 may exist after the termination of this compact after the payment or  
13 reserving of all of its debts and obligations.

14 (4) The commission shall publish its bylaws and rules, and any  
15 amendments thereto, in a convenient form on the web site of the  
16 commission.

17 (5) The commission shall maintain its financial records in  
18 accordance with the bylaws.

19 (6) The commission shall meet and take such actions as are  
20 consistent with the provisions of this compact and the bylaws.

21 (7) The commission shall have the following powers:

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

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

29 (c) To purchase and maintain insurance and bonds;

30 (d) To borrow, accept, or contract for services of personnel  
31 including, but not limited to, employees of a party state or  
32 nonprofit organizations;

33 (e) To cooperate with other organizations that administer state  
34 compacts related to the regulation of nursing, including but not  
35 limited to sharing administrative or staff expenses, office space, or  
36 other resources;

37 (f) To hire employees, elect or appoint officers, fix  
38 compensation, define duties, grant such individuals appropriate  
39 authority to carry out the purposes of this compact, and to establish  
40 the commission's personnel policies and programs relating to

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

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

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

12 (i) To sell, convey, mortgage, pledge, lease, exchange, abandon,  
13 or otherwise dispose of any property, whether real, personal, or  
14 mixed;

15 (j) To establish a budget and make expenditures;

16 (k) To borrow money;

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

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

23 (n) To adopt and use an official seal; and

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

27 (8) (a) The commission shall pay, or provide for the payment of,  
28 the reasonable expenses of its establishment, organization, and  
29 ongoing activities.

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

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

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

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

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

32 (c) The commission shall indemnify and hold harmless any  
33 administrator, officer, executive director, employee, or  
34 representative of the commission for the amount of any settlement or  
35 judgment obtained against that person arising out of any actual or  
36 alleged act, error, or omission that occurred within the scope of  
37 commission employment, duties, or responsibilities, or that such  
38 person had a reasonable basis for believing occurred within the scope  
39 of commission employment, duties, or responsibilities, provided that

1 the actual or alleged act, error, or omission did not result from the  
2 intentional, willful, or wanton misconduct of that person.

3 NEW SECTION. **Sec. 9.** (1) The commission shall exercise its  
4 rule-making powers pursuant to the criteria set forth in this section  
5 and the rules adopted thereunder. Rules and amendments shall become  
6 binding as of the date specified in each rule or amendment and shall  
7 have the same force and effect as provisions of this compact.

8 (2) Rules or amendments to the rules shall be adopted at a  
9 regular or special meeting of the commission.

10 (3) Prior to promulgation and adoption of a final rule or rules  
11 by the commission, and at least sixty days in advance of the meeting  
12 at which the rule will be considered and voted upon, the commission  
13 shall file a notice of proposed rule making:

14 (a) On the web site of the commission; and

15 (b) On the web site of each licensing board or the publication in  
16 which each state would otherwise publish proposed rules.

17 (4) The notice of proposed rule making shall include:

18 (a) The proposed time, date, and location of the meeting in which  
19 the rule will be considered and voted upon;

20 (b) The text of the proposed rule or amendment, and the reason  
21 for the proposed rule;

22 (c) A request for comments on the proposed rule from any  
23 interested person; and

24 (d) The manner in which interested persons may submit notice to  
25 the commission of their intention to attend the public hearing and  
26 any written comments.

27 (5) Prior to adoption of a proposed rule, the commission shall  
28 allow persons to submit written data, facts, opinions, and arguments,  
29 which shall be made available to the public.

30 (6) The commission shall grant an opportunity for a public  
31 hearing before it adopts a rule or amendment.

32 (7) The commission shall publish the place, time, and date of the  
33 scheduled public hearing.

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

1 (b) Nothing in this section shall be construed as requiring a  
2 separate hearing on each rule. Rules may be grouped for the  
3 convenience of the commission at hearings required by this section.

4 (8) If no one appears at the public hearing, the commission may  
5 proceed with promulgation of the proposed rule.

6 (9) Following the scheduled hearing date, or by the close of  
7 business on the scheduled hearing date if the hearing was not held,  
8 the commission shall consider all written and oral comments received.

9 (10) The commission shall, by majority vote of all  
10 administrators, take final action on the proposed rule and shall  
11 determine the effective date of the rule, if any, based on the rule-  
12 making record and the full text of the rule.

13 (11) Upon determination that an emergency exists, the commission  
14 may consider and adopt an emergency rule without prior notice,  
15 opportunity for comment, or hearing, provided that the usual rule-  
16 making procedures provided in this compact and in this section shall  
17 be retroactively applied to the rule as soon as reasonably possible,  
18 in no event later than ninety days after the effective date of the  
19 rule. For the purposes of this provision, an emergency rule is one  
20 that must be adopted immediately in order to:

21 (a) Meet an imminent threat to public health, safety, or welfare;

22 (b) Prevent a loss of commission or party state funds; or

23 (c) Meet a deadline for the promulgation of an administrative  
24 rule that is required by federal law or rule.

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

37 NEW SECTION. **Sec. 10.** (1) Each party state shall enforce this  
38 compact and take all actions necessary and appropriate to effectuate  
39 this compact's purposes and intent.



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

8 (a) If the commission determines that a party state has defaulted  
9 in the performance of its obligations or responsibilities under this  
10 compact or the promulgated rules, the commission shall:

11 (i) Provide written notice to the defaulting state and other  
12 party states of the nature of the default, the proposed means of  
13 curing the default, or any other action to be taken by the  
14 commission; and

15 (ii) Provide remedial training and specific technical assistance  
16 regarding the default.

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

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

30 (d) A state whose membership in this compact has been terminated  
31 is responsible for all assessments, obligations, and liabilities  
32 incurred through the effective date of termination, including  
33 obligations that extend beyond the effective date of termination.

34 (e) The commission shall not bear any costs related to a state  
35 that is found to be in default or whose membership in this compact  
36 has been terminated unless agreed upon in writing between the  
37 commission and the defaulting state.

38 (f) The defaulting state may appeal the action of the commission  
39 by petitioning the United States district court for the District of  
40 Columbia or the federal district in which the commission has its

1 principal offices. The prevailing party shall be awarded all costs of  
2 such litigation, including reasonable attorneys' fees.

3 (3) (a) Upon request by a party state, the commission shall  
4 attempt to resolve disputes related to the compact that arise among  
5 party states and between party and nonparty states.

6 (b) The commission shall promulgate a rule providing for both  
7 mediation and binding dispute resolution for disputes, as  
8 appropriate.

9 (c) In the event the commission cannot resolve disputes among  
10 party states arising under this compact:

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

16 (ii) The decision of a majority of the arbitrators shall be final  
17 and binding.

18 (4) (a) The commission, in the reasonable exercise of its  
19 discretion, shall enforce the provisions and rules of this compact.

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

29 (c) The remedies herein shall not be the exclusive remedies of  
30 the commission. The commission may pursue any other remedies  
31 available under federal or state law.

32 NEW SECTION. **Sec. 11.** (1) This compact shall become effective  
33 and binding on the earlier of the date of legislative enactment of  
34 this compact into law by no less than twenty-six states or December  
35 31, 2018. All party states to this compact, that also were parties to  
36 the prior nurse licensure compact, superseded by this compact, shall  
37 be deemed to have withdrawn from the prior compact within six months  
38 after the effective date of this compact.

1 (2) Each party state to this compact shall continue to recognize  
2 a nurse's multistate licensure privilege to practice in that party  
3 state issued under the prior compact until such party state has  
4 withdrawn from the prior compact.

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

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

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

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

21 (7) Representatives of nonparty states to this compact shall be  
22 invited to participate in the activities of the commission, on a  
23 nonvoting basis, prior to the adoption of this compact by all states.

24 NEW SECTION. **Sec. 12.** This compact shall be liberally construed  
25 so as to effectuate the purposes thereof. The provisions of this  
26 compact shall be severable, and if any phrase, clause, sentence, or  
27 provision of this compact is declared to be contrary to the  
28 Constitution of any party state or of the United States, or if the  
29 applicability thereof to any government, agency, person, or  
30 circumstance is held invalid, the validity of the remainder of this  
31 compact and the applicability thereof to any government, agency,  
32 person, or circumstance shall not be affected thereby. If this  
33 compact shall be held to be contrary to the Constitution of any party  
34 state, this compact shall remain in full force and effect as to the  
35 remaining party states and in full force and effect as to the party  
36 state affected as to all severable matters.

37 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.79  
38 RCW to read as follows:

1           (1) In screening applicants to obtain or retain a multistate  
2 license under section 4 of this act, the commission shall:  
3           (a) Obtain fingerprints from each applicant for a multistate  
4 license;  
5           (b) Submit the fingerprints through the state patrol to the  
6 federal bureau of investigation for criminal background checks;  
7           (c) Receive the results of the federal bureau of investigation  
8 record search on criminal background checks; and  
9           (d) Use the results in making multistate licensure decisions.  
10          (2) For purposes of this section, "multistate license" means the  
11 same as defined in section 3 of this act.

12          NEW SECTION.     **Sec. 14.**     Sections 1 through 12 of this act  
13 constitute a new chapter in Title 18 RCW.

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