
HOUSE BILL 2376

State of Washington

66th Legislature

2020 Regular Session

By Representatives Riccelli, Volz, Ormsby, Graham, and Harris

Prefiled 01/10/20.

1 AN ACT Relating to the multistate nurse licensure compact;
2 amending RCW 18.79.030; reenacting and amending RCW 18.130.040;
3 adding new sections to chapter 18.79 RCW; and adding a new chapter to
4 Title 18 RCW.

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

6 NEW SECTION. **Sec. 1.** This act shall be known and cited as the
7 interstate nurse licensure compact of 2020.

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

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

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

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

18 (d) New practice modalities and technology make compliance with
19 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) "Coordinated licensure information system" means an
37 integrated process for collecting, storing, and sharing information
38 on nurse licensure and enforcement activities related to nurse

1 licensure laws that is administered by a nonprofit organization
2 composed of and controlled by licensing boards.

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

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

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

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

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

18 (7) "Interstate commission" means the interstate commission of
19 nurse licensure compact administrators.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (c) Has, if a graduate of a foreign prelicensure education
37 program not taught in English or if English is not the individual's
38 native language, successfully passed an English proficiency

1 examination that includes the components of reading, speaking,
2 writing, and listening;

3 (d) Has successfully passed an NCLEX-RN[®] or NCLEX-PN[®] examination
4 or recognized predecessor, as applicable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) A multistate license shall not be issued by the new home
2 state until the nurse provides satisfactory evidence of a change in
3 primary state of residence to the new home state and satisfies all
4 applicable requirements to obtain a multistate license from the new
5 home state.

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

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

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

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

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

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

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

32 (d) Issue subpoenas for both hearings and investigations that
33 require the attendance and testimony of witnesses, as well as the
34 production of evidence. Subpoenas issued by a licensing board in a
35 party state for the attendance and testimony of witnesses or the
36 production of evidence from another party state shall be enforced in
37 the latter state by any court of competent jurisdiction, according to
38 the practice and procedure of that court applicable to subpoenas
39 issued in proceedings pending before it. The issuing authority shall

1 pay any witness fees, travel expenses, mileage, and other fees
2 required by the service statutes of the state in which the witnesses
3 or evidence are located;

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

10 (f) If otherwise permitted by state law, recover from the
11 affected nurse the costs of investigations and disposition of cases
12 resulting from any adverse action taken against that nurse;

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

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

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

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

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

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

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

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

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

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

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

28 (a) Identifying information;

29 (b) Licensure data;

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

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

33 (9) The compact administrator of a party state shall provide all
34 investigative documents and information requested by another party
35 state.

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

1 (a) The interstate commission is an instrumentality of the party
2 states.

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

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

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

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

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

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

32 (e) The interstate commission may convene in a closed, nonpublic
33 meeting if the interstate commission must discuss:

34 (i) Noncompliance of a party state with its obligations under
35 this compact;

36 (ii) The employment, compensation, discipline, or other personnel
37 matters, practices, or procedures related to specific employees or
38 other matters related to the interstate commission's internal
39 personnel practices and procedures;

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

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

3 (v) Accusing any person of a crime or formally censuring any
4 person;

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

7 (vii) Disclosure of information of a personal nature where
8 disclosure would constitute a clearly unwarranted invasion of
9 personal privacy;

10 (viii) Disclosure of investigatory records compiled for law
11 enforcement purposes;

12 (ix) Disclosure of information related to any reports prepared by
13 or on behalf of the interstate commission for the purpose of
14 investigation of compliance with this compact; or

15 (x) Matters specifically exempted from disclosure by federal or
16 state statute.

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

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

33 (a) Establishing the fiscal year of the interstate commission;

34 (b) Providing reasonable standards and procedures:

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

36 (ii) Governing any general or specific delegation of any
37 authority or function of the interstate commission;

38 (c) Providing reasonable procedures for calling and conducting
39 meetings of the interstate commission, ensuring reasonable advance
40 notice of all meetings, and providing an opportunity for attendance

1 of such meetings by interested parties, with enumerated exceptions
2 designed to protect the public's interest, the privacy of
3 individuals, and proprietary information, including trade secrets.
4 The interstate commission may meet in closed session only after a
5 majority of the administrators vote to close a meeting in whole or in
6 part. As soon as practicable, the interstate commission must make
7 public a copy of the vote to close the meeting revealing the vote of
8 each administrator, with no proxy votes allowed;

9 (d) Establishing the titles, duties, and authority and reasonable
10 procedures for the election of the officers of the interstate
11 commission;

12 (e) Providing reasonable standards and procedures for the
13 establishment of the personnel policies and programs of the
14 interstate commission. Notwithstanding any civil service or other
15 similar laws of any party state, the bylaws shall exclusively govern
16 the personnel policies and programs of the interstate commission; and

17 (f) Providing a mechanism for winding up the operations of the
18 interstate commission and the equitable disposition of any surplus
19 funds that may exist after the termination of this compact after the
20 payment or reserving of all of its debts and obligations.

21 (4) The interstate commission may not, through bylaw or rule,
22 determine or alter:

23 (a) What is required by section 4(3) of this act by a party state
24 for an applicant to obtain or retain a multistate license in the home
25 state;

26 (b) Requirements to obtain or renew a single-state license;

27 (c) The scope of nursing practice in a state;

28 (d) The methods and grounds for disciplining a nurse in a state;

29 (e) State labor laws; or

30 (f) The obligation of any employer to comply with statutory
31 requirements.

32 (5) The interstate commission shall publish its bylaws and rules,
33 and any amendments thereto, in a convenient form on the web site of
34 the interstate commission.

35 (6) The interstate commission shall maintain its financial
36 records in accordance with the bylaws.

37 (7) The interstate commission shall meet and take such actions as
38 are consistent with the provisions of this compact and the bylaws.

39 (8) The interstate commission shall have the following powers:

1 (a) To promulgate uniform rules to facilitate and coordinate
2 implementation and administration of this compact. The rules shall
3 have the force and effect of law and shall be binding in all party
4 states;

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

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

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

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

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

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

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

32 (i) To sell, convey, mortgage, pledge, lease, exchange, abandon,
33 or otherwise dispose of any property, whether real, personal, or
34 mixed;

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

36 (k) To borrow money;

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

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

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

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

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

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

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

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

29 (10) (a) The administrators, officers, executive director,
30 employees, and representatives of the interstate commission shall be
31 immune from suit and liability, either personally or in their
32 official capacity, for any claim for damage to or loss of property or
33 personal injury or other civil liability caused by or arising out of
34 any actual or alleged act, error, or omission that occurred, or that
35 the person against whom the claim is made had a reasonable basis for
36 believing occurred, within the scope of interstate commission
37 employment, duties, or responsibilities; provided that nothing in
38 this subsection shall be construed to protect any such person from
39 suit or liability for any damage, loss, injury, or liability caused
40 by the intentional, willful, or wanton misconduct of that person.

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

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

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

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

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

37 (a) On the web site of the interstate commission; and

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

1 (4) The notice of proposed rule making shall include:
2 (a) The proposed time, date, and location of the meeting in which
3 the rule will be considered and voted upon;
4 (b) The text of the proposed rule or amendment, and the reason
5 for the proposed rule;
6 (c) A request for comments on the proposed rule from any
7 interested person; and
8 (d) The manner in which interested persons may submit notice to
9 the interstate commission of their intention to attend the public
10 hearing and any written comments.
11 (5) Prior to adoption of a proposed rule, the interstate
12 commission shall allow persons to submit written data, facts,
13 opinions, and arguments, which shall be made available to the public.
14 (6) The interstate commission shall grant an opportunity for a
15 public hearing before it adopts a rule or amendment.
16 (7) The interstate commission shall publish the place, time, and
17 date of the scheduled public hearing.
18 (a) Hearings shall be conducted in a manner providing each person
19 who wishes to comment a fair and reasonable opportunity to comment
20 orally or in writing. All hearings will be recorded, and a copy will
21 be made available upon request.
22 (b) Nothing in this section shall be construed as requiring a
23 separate hearing on each rule. Rules may be grouped for the
24 convenience of the interstate commission at hearings required by this
25 section.
26 (8) If no one appears at the public hearing, the interstate
27 commission may proceed with promulgation of the proposed rule.
28 (9) Following the scheduled hearing date, or by the close of
29 business on the scheduled hearing date if the hearing was not held,
30 the interstate commission shall consider all written and oral
31 comments received.
32 (10) The interstate commission shall, by majority vote of all
33 administrators, take final action on the proposed rule and shall
34 determine the effective date of the rule, if any, based on the rule-
35 making record and the full text of the rule.
36 (11) Upon determination that an emergency exists, the interstate
37 commission may consider and adopt an emergency rule without prior
38 notice, opportunity for comment, or hearing, provided that the usual
39 rule-making procedures provided in this compact and in this section
40 shall be retroactively applied to the rule as soon as reasonably

1 possible, in no event later than ninety days after the effective date
2 of the rule. For the purposes of this provision, an emergency rule is
3 one that must be adopted immediately in order to:

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

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

6 or

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

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

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

25 (2) The interstate commission shall be entitled to receive
26 service of process in any proceeding that may affect the powers,
27 responsibilities, or actions of the interstate commission, and shall
28 have standing to intervene in such a proceeding for all purposes.
29 Failure to provide service of process in such proceeding to the
30 interstate commission shall render a judgment or order void as to the
31 interstate commission, this compact, or promulgated rules.

32 (a) If the interstate commission determines that a party state
33 has defaulted in the performance of its obligations or
34 responsibilities under this compact or the promulgated rules, the
35 interstate commission shall:

36 (i) Provide written notice to the defaulting state and other
37 party states of the nature of the default, the proposed means of
38 curing the default, or any other action to be taken by the interstate
39 commission; and

1 (ii) Provide remedial training and specific technical assistance
2 regarding the default.

3 (b) If a state in default fails to cure the default, the
4 defaulting state's membership in this compact may be terminated upon
5 an affirmative vote of a majority of the administrators, and all
6 rights, privileges, and benefits conferred by this compact may be
7 terminated on the effective date of termination. A cure of the
8 default does not relieve the offending state of obligations or
9 liabilities incurred during the period of default.

10 (c) Termination of membership in this compact shall be imposed
11 only after all other means of securing compliance have been
12 exhausted. Notice of intent to suspend or terminate shall be given by
13 the interstate commission to the governor of the defaulting state and
14 to the executive officer of the defaulting state's licensing board
15 and each of the party states.

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

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

24 (f) The defaulting state may appeal the action of the interstate
25 commission by petitioning the United States district court for the
26 District of Columbia or the federal district in which the interstate
27 commission has its principal offices. The prevailing party shall be
28 awarded all costs of such litigation, including reasonable attorneys'
29 fees.

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

33 (b) The interstate commission shall promulgate a rule providing
34 for both mediation and binding dispute resolution for disputes, as
35 appropriate.

36 (c) In the event the interstate commission cannot resolve
37 disputes among party states arising under this compact:

38 (i) The party states may submit the issues in dispute to an
39 arbitration panel, which will be comprised of individuals appointed
40 by the compact administrator in each of the affected party states and

1 an individual mutually agreed upon by the compact administrators of
2 all the party states involved in the dispute.

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

5 (4) (a) The interstate commission, in the reasonable exercise of
6 its discretion, shall enforce the provisions and rules of this
7 compact.

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

17 (c) The remedies herein shall not be the exclusive remedies of
18 the interstate commission. The interstate commission may pursue any
19 other remedies available under federal or state law.

20 NEW SECTION. **Sec. 11.** (1) This compact shall become effective
21 and binding on the earlier of the date of legislative enactment of
22 this compact into law by no less than twenty-six states or December
23 31, 2018. All party states to this compact, that also were parties to
24 the prior nurse licensure compact, superseded by this compact, shall
25 be deemed to have withdrawn from the prior compact within six months
26 after the effective date of this compact.

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

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

34 (4) A party state's withdrawal or termination shall not affect
35 the continuing requirement of the withdrawing or terminated state's
36 licensing board to report adverse actions and significant
37 investigations occurring prior to the effective date of such
38 withdrawal or termination.

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

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

9 (7) Representatives of nonparty states to this compact shall be
10 invited to participate in the activities of the interstate
11 commission, on a nonvoting basis, prior to the adoption of this
12 compact by all states.

13 NEW SECTION. **Sec. 12.** This compact shall be liberally construed
14 so as to effectuate the purposes thereof. The provisions of this
15 compact shall be severable, and if any phrase, clause, sentence, or
16 provision of this compact is declared to be contrary to the
17 Constitution of any party state or of the United States, or if the
18 applicability thereof to any government, agency, person, or
19 circumstance is held invalid, the validity of the remainder of this
20 compact and the applicability thereof to any government, agency,
21 person, or circumstance shall not be affected thereby. If this
22 compact shall be held to be contrary to the Constitution of any party
23 state, this compact shall remain in full force and effect as to the
24 remaining party states and in full force and effect as to the party
25 state affected as to all severable matters.

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

28 The commission may adopt rules to implement this act.

29 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.79
30 RCW to read as follows:

31 (1) In screening applicants to obtain or retain a multistate
32 license under section 4 of this act, the commission shall:

33 (a) Obtain fingerprints from each applicant for a multistate
34 license;

35 (b) Submit the fingerprints through the state patrol to the
36 federal bureau of investigation for a national criminal history
37 background check;

1 (c) Receive the results of the federal bureau of investigation
2 national criminal history background check; and

3 (d) Use the results in making multistate licensure decisions.

4 (2) The results of the federal bureau of investigation national
5 criminal history background check are confidential. The commission
6 shall not release the results to the public, the interstate
7 commission of nurse licensure compact administrators, or the
8 licensing board of any other state.

9 (3) Nothing in this act shall be construed to authorize the
10 commission to participate in the federal bureau of investigation
11 service, known as rap back, which identifies changes in criminal
12 history record information against retained fingerprints.

13 (4) For purposes of this section, "multistate license" means the
14 same as defined in section 3 of this act.

15 **Sec. 15.** RCW 18.79.030 and 1997 c 177 s 1 are each amended to
16 read as follows:

17 (1) It is unlawful for a person to practice or to offer to
18 practice as a registered nurse in this state unless that person has
19 been licensed under this chapter or holds a valid multistate license
20 under chapter 18.--- RCW (the new chapter created in section 17 of
21 this act). A person who holds a license to practice as a registered
22 nurse in this state may use the titles "registered nurse" and "nurse"
23 and the abbreviation "R.N." No other person may assume those titles
24 or use the abbreviation or any other words, letters, signs, or
25 figures to indicate that the person using them is a registered nurse.

26 (2) It is unlawful for a person to practice or to offer to
27 practice as an advanced registered nurse practitioner or as a nurse
28 practitioner in this state unless that person has been licensed under
29 this chapter. A person who holds a license to practice as an advanced
30 registered nurse practitioner in this state may use the titles
31 "advanced registered nurse practitioner," "nurse practitioner," and
32 "nurse" and the abbreviations "A.R.N.P." and "N.P." No other person
33 may assume those titles or use those abbreviations or any other
34 words, letters, signs, or figures to indicate that the person using
35 them is an advanced registered nurse practitioner or nurse
36 practitioner.

37 (3) It is unlawful for a person to practice or to offer to
38 practice as a licensed practical nurse in this state unless that
39 person has been licensed under this chapter or holds a valid

1 multistate license under chapter 18.--- RCW (the new chapter created
2 in section 17 of this act). A person who holds a license to practice
3 as a licensed practical nurse in this state may use the titles
4 "licensed practical nurse" and "nurse" and the abbreviation "L.P.N."
5 No other person may assume those titles or use that abbreviation or
6 any other words, letters, signs, or figures to indicate that the
7 person using them is a licensed practical nurse.

8 (4) Nothing in this section shall prohibit a person listed as a
9 Christian Science nurse in the Christian Science Journal published by
10 the Christian Science Publishing Society, Boston, Massachusetts, from
11 using the title "Christian Science nurse," so long as such person
12 does not hold himself or herself out as a registered nurse, advanced
13 registered nurse practitioner, nurse practitioner, or licensed
14 practical nurse, unless otherwise authorized by law to do so.

15 **Sec. 16.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18,
16 and 2019 c 55 s 7 are each reenacted and amended to read as follows:

17 (1) This chapter applies only to the secretary and the boards and
18 commissions having jurisdiction in relation to the professions
19 licensed under the chapters specified in this section. This chapter
20 does not apply to any business or profession not licensed under the
21 chapters specified in this section.

22 (2) (a) The secretary has authority under this chapter in relation
23 to the following professions:

24 (i) Dispensing opticians licensed and designated apprentices
25 under chapter 18.34 RCW;

26 (ii) Midwives licensed under chapter 18.50 RCW;

27 (iii) Ocularists licensed under chapter 18.55 RCW;

28 (iv) Massage therapists and businesses licensed under chapter
29 18.108 RCW;

30 (v) Dental hygienists licensed under chapter 18.29 RCW;

31 (vi) Acupuncturists or acupuncture and Eastern medicine
32 practitioners licensed under chapter 18.06 RCW;

33 (vii) Radiologic technologists certified and X-ray technicians
34 registered under chapter 18.84 RCW;

35 (viii) Respiratory care practitioners licensed under chapter
36 18.89 RCW;

37 (ix) Hypnotherapists and agency affiliated counselors registered
38 and advisors and counselors certified under chapter 18.19 RCW;

1 (x) Persons licensed as mental health counselors, mental health
2 counselor associates, marriage and family therapists, marriage and
3 family therapist associates, social workers, social work associates—
4 advanced, and social work associates—independent clinical under
5 chapter 18.225 RCW;

6 (xi) Persons registered as nursing pool operators under chapter
7 18.52C RCW;

8 (xii) Nursing assistants registered or certified or medication
9 assistants endorsed under chapter 18.88A RCW;

10 (xiii) Dietitians and nutritionists certified under chapter
11 18.138 RCW;

12 (xiv) Substance use disorder professionals, substance use
13 disorder professional trainees, or co-occurring disorder specialists
14 certified under chapter 18.205 RCW;

15 (xv) Sex offender treatment providers and certified affiliate sex
16 offender treatment providers certified under chapter 18.155 RCW;

17 (xvi) Persons licensed and certified under chapter 18.73 RCW or
18 RCW 18.71.205;

19 (xvii) Orthotists and prosthetists licensed under chapter 18.200
20 RCW;

21 (xviii) Surgical technologists registered under chapter 18.215
22 RCW;

23 (xix) Recreational therapists under chapter 18.230 RCW;

24 (xx) Animal massage therapists certified under chapter 18.240
25 RCW;

26 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

27 (xxii) Home care aides certified under chapter 18.88B RCW;

28 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

29 (xxiv) Reflexologists certified under chapter 18.108 RCW;

30 (xxv) Medical assistants-certified, medical assistants-
31 hemodialysis technician, medical assistants-phlebotomist, forensic
32 phlebotomist, and medical assistants-registered certified and
33 registered under chapter 18.360 RCW; and

34 (xxvi) Behavior analysts, assistant behavior analysts, and
35 behavior technicians under chapter 18.380 RCW.

36 (b) The boards and commissions having authority under this
37 chapter are as follows:

38 (i) The podiatric medical board as established in chapter 18.22
39 RCW;

1 (ii) The chiropractic quality assurance commission as established
2 in chapter 18.25 RCW;

3 (iii) The dental quality assurance commission as established in
4 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
5 licenses and registrations issued under chapter 18.260 RCW, and
6 certifications issued under chapter 18.350 RCW;

7 (iv) The board of hearing and speech as established in chapter
8 18.35 RCW;

9 (v) The board of examiners for nursing home administrators as
10 established in chapter 18.52 RCW;

11 (vi) The optometry board as established in chapter 18.54 RCW
12 governing licenses issued under chapter 18.53 RCW;

13 (vii) The board of osteopathic medicine and surgery as
14 established in chapter 18.57 RCW governing licenses issued under
15 chapters 18.57 and 18.57A RCW;

16 (viii) The pharmacy quality assurance commission as established
17 in chapter 18.64 RCW governing licenses issued under chapters 18.64
18 and 18.64A RCW;

19 (ix) The Washington medical commission as established in chapter
20 18.71 RCW governing licenses and registrations issued under chapters
21 18.71 and 18.71A RCW;

22 (x) The board of physical therapy as established in chapter 18.74
23 RCW;

24 (xi) The board of occupational therapy practice as established in
25 chapter 18.59 RCW;

26 (xii) The nursing care quality assurance commission as
27 established in chapter 18.79 RCW governing licenses and registrations
28 issued under that chapter and under chapter 18.--- RCW (the new
29 chapter created in section 17 of this act);

30 (xiii) The examining board of psychology and its disciplinary
31 committee as established in chapter 18.83 RCW;

32 (xiv) The veterinary board of governors as established in chapter
33 18.92 RCW;

34 (xv) The board of naturopathy established in chapter 18.36A RCW;
35 and

36 (xvi) The board of denturists established in chapter 18.30 RCW.

37 (3) In addition to the authority to discipline license holders,
38 the disciplining authority has the authority to grant or deny
39 licenses. The disciplining authority may also grant a license subject
40 to conditions.

1 (4) All disciplining authorities shall adopt procedures to ensure
2 substantially consistent application of this chapter, the uniform
3 disciplinary act, among the disciplining authorities listed in
4 subsection (2) of this section.

5 NEW SECTION. **Sec. 17.** Sections 1 through 12 of this act
6 constitute a new chapter in Title 18 RCW.

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