

RESOLUTION NO. 4906

**A RESOLUTION SUPPORTING SB 179, AN ACT INCLUDING
PROVISIONS RELATING TO A MULTISTATE NURSE LICENSURE
COMPACT**

WHEREAS, the State of Alaska's university system currently cannot keep up with the demand for skilled nurses; and

WHEREAS, thirty-four states have joined the nurse licensure compact, and eleven states currently have legislation pending that would allow them to join; and

WHEREAS, moving the State of Alaska into the multistate nurse licensure compact would help reduce nursing shortages throughout the state; and

WHEREAS, moving the State of Alaska into a multistate nurse licensure compact would make it easier for military dependents who transfer to Alaska to obtain employment in the nursing field.

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks City Council requests the legislators in the Alaska House and Senate to adopt SB 179, "An Act relating to the licensure of nursing professionals; relating to a multistate nurse licensure compact; and providing for an effective date."

AND BE IT FURTHER RESOLVED that the City Clerk is directed to forward copies of this Resolution to members of the Alaska House and Senate.

PASSED and **APPROVED** this 9th day of March 2020.



Jim Matherly, Mayor

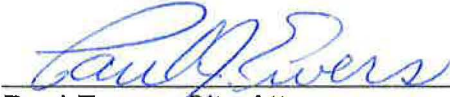
AYES: PASSED and APPROVED on the CONSENT AGENDA
NAYS: None
ABSENT: None
APPROVED: March 9, 2020

ATTEST:



D. Danyielle Snider, CMC, City Clerk

APPROVED AS TO FORM:



Paul Ewers, City Attorney

SENATE BILL NO. 179

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/5/20

Referred: Health and Social Services, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

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

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

4 *** Section 1.** AS 08.02.010(a) is amended to read:

5 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
6 language pathologist licensed under AS 08.11, a behavior analyst licensed under
7 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
8 professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian
9 or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61,
10 a marital and family therapist licensed under AS 08.63, a medical practitioner or
11 osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a
12 registered nurse licensed under AS 08.68 or AS 08.69, or advanced practice
13 registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed
14 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed

Pages 2-11 omitted

1 **Chapter 69. Multistate Nurse Licensure Compact.**

2 **Sec. 08.69.010. Compact enacted.** The Multistate Nurse Licensure Compact
3 as contained in this section is enacted into law and entered into on behalf of the state
4 with all other states and jurisdictions legally joining it in a form substantially as
5 follows:

6 ARTICLE I

7 Findings and Declaration of Purpose

8 (a) The legislature finds that:

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

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

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

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

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

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

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

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

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

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

31 (4) Promote compliance with the laws governing the practice of

1 nursing in each jurisdiction;

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

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

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

9 ARTICLE II

10 Definitions

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

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

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

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

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

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

30 (B) Investigative information that indicates that the nurse
31 represents an immediate threat to public health and safety regardless of

1 (a) A multistate license to practice registered or licensed practical/vocational
2 nursing issued by a home state to a resident in that state will be recognized by each
3 party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed
4 practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each
5 party state.

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

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

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

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

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

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

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

29 (6) Has submitted, in connection with an application for initial
30 licensure or licensure by endorsement, fingerprints or other biometric data for the
31 purpose of obtaining criminal history record information from the Federal Bureau of

1 Investigation and the agency responsible for retaining that state's criminal records;

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

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

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

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

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

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

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

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

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

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

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

13 ARTICLE IV

14 Applications for Licensure in a Party State

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

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

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

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

30 (2) A multistate license shall not be issued by the new home state until
 31 the nurse provides satisfactory evidence of a change in primary state of residence to

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

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

6 ARTICLE V

7 Additional Authorities Invested in Party State Licensing Boards

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

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

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

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

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

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

27 (4) Issue subpoenas for both hearings and investigations that require
28 the attendance and testimony of witnesses, as well as, the production of evidence.
29 Subpoenas issued by a licensing board in a party state for the attendance and
30 testimony of witnesses or the production of evidence from another party state shall be
31 enforced in the latter state by any court of competent jurisdiction, according to the

1 practice and procedure of that court applicable to subpoenas issued in proceedings
 2 pending before it. The issuing authority shall pay any witness fees, travel expenses,
 3 mileage and other fees required by the service statutes of the state in which the
 4 witnesses or evidence are located.

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

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

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

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

26 ARTICLE VI

27 Coordinated Licensure Information System and Exchange of Information

28 (a) All party states shall participate in a coordinated licensure information
 29 system of all licensed registered nurses (RNs) and licensed practical/vocational nurses
 30 (LPNs/VNs). This system will include information on the licensure and disciplinary
 31 history of each nurse, as submitted by party states, to assist in the coordination of

1 nurse licensure and enforcement efforts.

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

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

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

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

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

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

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

- 28 (1) Identifying information;
29 (2) Licensure data;
30 (3) Information related to alternative program participation; and
31 (4) Other information that may facilitate the administration of this

1 Compact, as determined by Commission rules.

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

4 ARTICLE VII

5 Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

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

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

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

16 (b) Membership, Voting and Meetings

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

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

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

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

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

6 (A) Noncompliance of a party state with its obligations under
7 this Compact;

8 (B) The employment, compensation, discipline or other
9 personnel matters, practices or procedures related to specific employees or
10 other matters related to the Commission's internal personnel practices and
11 procedures;

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

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

15 (E) Accusing any person of a crime or formally censuring any
16 person;

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

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

21 (H) Disclosure of investigatory records compiled for law
22 enforcement purposes;

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

26 (J) Matters specifically exempted from disclosure by federal or
27 state statute.

28 (6) If a meeting, or portion of a meeting, is closed pursuant to this
29 provision, the Commission's legal counsel or designee shall certify that the meeting
30 may be closed and shall reference each relevant exempting provision. The
31 Commission shall keep minutes that fully and clearly describe all matters discussed in

1 a meeting and shall provide a full and accurate summary of actions taken, and the
2 reasons therefor, including a description of the views expressed. All documents
3 considered in connection with an action shall be identified in such minutes. All
4 minutes and documents of a closed meeting shall remain under seal, subject to release
5 by a majority vote of the Commission or order of a court of competent jurisdiction.

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

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

10 (2) Providing reasonable standards and procedures:

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

12 and

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

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

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

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

30 (6) Providing a mechanism for winding up the operations of the
31 Commission and the equitable disposition of any surplus funds that may exist after the

1 termination of this Compact after the payment or reserving of all of its debts and
2 obligations;

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

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

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

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

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

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

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

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

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

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

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

31 (8) To lease, purchase, accept appropriate gifts or donations of, or

1 otherwise to own, hold, improve or use, any property, whether real, personal or mixed;
2 provided that at all times the Commission shall avoid any appearance of impropriety;

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

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

6 (11) To borrow money;

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

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

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

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

16 (h) Financing of the Commission

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

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

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

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

1 included in and become part of the annual report of the Commission.

2 (i) Qualified Immunity, Defense and Indemnification

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

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

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

31 ARTICLE VIII

1 Rulemaking

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (1) Hearings shall be conducted in a manner providing each person

1 who wishes to comment a fair and reasonable opportunity to comment orally or in
2 writing. All hearings will be recorded, and a copy will be made available upon request.

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

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

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

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

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

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

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

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

25 (l) The Commission may direct revisions to a previously adopted rule or
26 amendment for purposes of correcting typographical errors, errors in format, errors in
27 consistency or grammatical errors. Public notice of any revisions shall be posted on
28 the website of the Commission. The revision shall be subject to challenge by any
29 person for a period of thirty (30) days after posting. The revision may be challenged
30 only on grounds that the revision results in a material change to a rule. A challenge
31 shall be made in writing, and delivered to the Commission, prior to the end of the

1 notice period. If no challenge is made, the revision will take effect without further
2 action. If the revision is challenged, the revision may not take effect without the
3 approval of the Commission.

4 ARTICLE IX

5 Oversight, Dispute Resolution and Enforcement

6 (a) Oversight

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

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

15 (b) Default, Technical Assistance and Termination

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

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

22 (B) Provide remedial training and specific technical assistance
23 regarding the default.

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

30 (3) Termination of membership in this Compact shall be imposed only
31 after all other means of securing compliance have been exhausted. Notice of intent to

1 suspend or terminate shall be given by the Commission to the governor of the
2 defaulting state and to the executive officer of the defaulting state's licensing board
3 and each of the party states.

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

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

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

15 (c) Dispute Resolution

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

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

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

23 (A) The party states may submit the issues in dispute to an
24 arbitration panel, which will be comprised of individuals appointed by the
25 Compact administrator in each of the affected party states and an individual
26 mutually agreed upon by the Compact administrators of all the party states
27 involved in the dispute.

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

30 (d) Enforcement

31 (1) The Commission, in the reasonable exercise of its discretion, shall

1 enforce the provisions and rules of this Compact.

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

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

12 ARTICLE X

13 Effective Date, Withdrawal and Amendment

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

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

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

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

30 (e) Nothing contained in this Compact shall be construed to invalidate or
31 prevent any nurse licensure agreement or other cooperative arrangement between a

1 party state and a non-party state that is made in accordance with the other provisions
2 of this Compact.

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

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

9 ARTICLE XI

10 Construction and Severability

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

21 * **Sec. 24.** AS 09.55.560(2) is amended to read:

22 (2) "health care provider" means an acupuncturist licensed under
23 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
24 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
25 dentist licensed under AS 08.36; a nurse licensed under AS 08.68 or AS 08.69; a
26 dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45;
27 an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a
28 physical therapist or occupational therapist licensed under AS 08.84; a physician or
29 physician assistant licensed under AS 08.64; a podiatrist; a psychologist and a
30 psychological associate licensed under AS 08.86; a hospital as defined in
31 AS 47.32.900, including a governmentally owned or operated hospital; an employee

1 of a health care provider acting within the course and scope of employment; an
 2 ambulatory surgical facility and other organizations whose primary purpose is the
 3 delivery of health care, including a health maintenance organization, individual
 4 practice association, integrated delivery system, preferred provider organization or
 5 arrangement, and a physical hospital organization;

6 * **Sec. 25.** AS 09.65.095(c)(1) is amended to read:

7 (1) "health care provider" means a nurse licensed under AS 08.68 or
 8 AS 08.69, a physician licensed under AS 08.64, and a person certified by a hospital as
 9 competent to take blood samples;

10 * **Sec. 26.** AS 12.62.400(a) is amended to read:

11 (a) To obtain a national criminal history record check for determining a
 12 person's qualifications for a license, permit, registration, employment, or position, a
 13 person shall submit the person's fingerprints to the department with the fee established
 14 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau
 15 of Investigation to obtain a national criminal history record check of the person for the
 16 purpose of evaluating a person's qualifications for

17 (1) a license or conditional contractor's permit to manufacture, sell,
 18 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage
 19 under AS 04.11;

20 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage
 21 loan originator under AS 06.60;

22 (3) admission to the Alaska Bar Association under AS 08.08;

23 (4) licensure as a collection agency operator under AS 08.24;

24 (5) a certificate of fitness to handle explosives under AS 08.52;

25 (6) licensure as a massage therapist under AS 08.61;

26 (7) licensure to practice nursing under AS 08.68 or AS 08.69, or
 27 certification as a nurse aide under AS 08.68;

28 (8) certification as a real estate appraiser under as 08.87;

29 (9) a position involving supervisory or disciplinary power over a minor
 30 or dependent adult for which criminal justice information may be released under
 31 AS 12.62.160(b)(9);

Pages 34-38 omitted