
SENATE BILL 5460

State of Washington

66th Legislature

2019 Regular Session

By Senators Cleveland, Bailey, Keiser, Conway, O'Ban, Lias, Kuderer, and Short

Read first time 01/21/19. Referred to Committee on Health & Long Term Care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) Identifying information;

26 (b) Licensure data;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) Providing reasonable standards and procedures:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (k) To borrow money;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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