

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5499

68th Legislature
2023 Regular Session

Passed by the Senate March 6, 2023
Yeas 40 Nays 8

President of the Senate

Passed by the House April 6, 2023
Yeas 94 Nays 4

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5499** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5499

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Mullet, Rivers, King, Cleveland, Braun, Muzzall, Gildon, Hunt, and Padden)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to the multistate nurse licensure compact;
2 amending RCW 18.79.020, 18.79.202, 18.79.030, 18.130.040, 18.130.040,
3 18.130.064, and 43.70.110; adding new sections to chapter 18.79 RCW;
4 adding a new section to chapter 70.41 RCW; adding a new section to
5 chapter 71.12 RCW; adding a new section to chapter 70.230 RCW; adding
6 a new section to chapter 18.51 RCW; adding a new section to chapter
7 18.20 RCW; adding a new section to chapter 70.127 RCW; adding a new
8 section to chapter 70.128 RCW; adding a new section to chapter 18.52C
9 RCW; adding a new chapter to Title 18 RCW; providing an effective
10 date; and providing an expiration date.

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

12 NEW SECTION. **Sec. 1.** This act shall be known and cited as the
13 interstate nurse licensure compact of 2023.

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

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

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

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

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

7 (e) The current system of duplicative licensure for nurses
8 practicing in multiple states is cumbersome and redundant for both
9 nurses and states; and

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

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

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

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

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

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

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

25 (f) Decrease redundancies in the consideration and issuance of
26 nurse licenses; and

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

29 NEW SECTION. **Sec. 3.** The definitions in this section apply
30 throughout this chapter unless the context clearly requires
31 otherwise.

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

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

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

8 (4) "Current significant investigative information" means:
9 (a) Investigative information that a licensing board, after a
10 preliminary inquiry that includes notification and an opportunity for
11 the nurse to respond, if required by state law, has reason to believe
12 is not groundless and, if proved true, would indicate more than a
13 minor infraction; or
14 (b) Investigative information that indicates that the nurse
15 represents an immediate threat to public health and safety regardless
16 of whether the nurse has been notified and had an opportunity to
17 respond.

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

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

23 (7) "Interstate commission" means the interstate commission of
24 nurse licensure compact administrators.

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

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

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

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

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

39 (13) "Remote state" means a party state, other than the home
40 state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 licensing board, the courts, and the laws of the party state in which
2 the client is located at the time service is provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (2) The interstate commission, in consultation with the
39 administrator of the coordinated licensure information system, shall

1 formulate necessary and proper procedures for the identification,
2 collection, and exchange of information under this compact.

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

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

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

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

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

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

30 (a) Identifying information;

31 (b) Licensure data;

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

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

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

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

4 (a) The interstate commission is an instrumentality of the party
5 states.

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

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

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

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

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

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

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

37 (i) Noncompliance of a party state with its obligations under
38 this compact;

39 (ii) The employment, compensation, discipline, or other personnel
40 matters, practices, or procedures related to specific employees or

1 other matters related to the interstate commission's internal
2 personnel practices and procedures;

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

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

6 (v) Accusing any person of a crime or formally censuring any
7 person;

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

10 (vii) Disclosure of information of a personal nature where
11 disclosure would constitute a clearly unwarranted invasion of
12 personal privacy;

13 (viii) Disclosure of investigatory records compiled for law
14 enforcement purposes;

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

18 (x) Matters specifically exempted from disclosure by federal or
19 state statute.

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

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

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

37 (b) Providing reasonable standards and procedures:

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

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

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

12 (d) Establishing the titles, duties, and authority and reasonable
13 procedures for the election of the officers of the interstate
14 commission;

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

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

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

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

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

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

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

32 (e) State labor laws; or

33 (f) The obligation of any employer to comply with statutory
34 requirements.

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

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

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

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

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

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

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

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

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

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

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

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

35 (i) To sell, convey, mortgage, pledge, lease, exchange, abandon,
36 or otherwise dispose of any property, whether real, personal, or
37 mixed;

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

39 (k) To borrow money;

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

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

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

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

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

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

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

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

33 (10)(a) The administrators, officers, executive director,
34 employees, and representatives of the interstate commission shall be
35 immune from suit and liability, either personally or in their
36 official capacity, for any claim for damage to or loss of property or
37 personal injury or other civil liability caused by or arising out of
38 any actual or alleged act, error, or omission that occurred, or that
39 the person against whom the claim is made had a reasonable basis for
40 believing occurred, within the scope of interstate commission

1 employment, duties, or responsibilities; provided that nothing in
2 this subsection shall be construed to protect any such person from
3 suit or liability for any damage, loss, injury, or liability caused
4 by the intentional, willful, or wanton misconduct of that person.

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

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

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

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

37 (3) Prior to promulgation and adoption of a final rule or rules
38 by the interstate commission, and at least sixty days in advance of

1 the meeting at which the rule will be considered and voted upon, the
2 interstate commission shall file a notice of proposed rule making:

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

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

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

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

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

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

13 (d) The manner in which interested persons may submit notice to
14 the interstate commission of their intention to attend the public
15 hearing and any written comments.

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

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

21 (7) The interstate commission shall publish the place, time, and
22 date of the scheduled public hearing.

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

27 (b) Nothing in this section shall be construed as requiring a
28 separate hearing on each rule. Rules may be grouped for the
29 convenience of the interstate commission at hearings required by this
30 section.

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

33 (9) Following the scheduled hearing date, or by the close of
34 business on the scheduled hearing date if the hearing was not held,
35 the interstate commission shall consider all written and oral
36 comments received.

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

1 (11) Upon determination that an emergency exists, the interstate
2 commission may consider and adopt an emergency rule without prior
3 notice, opportunity for comment, or hearing, provided that the usual
4 rule-making procedures provided in this compact and in this section
5 shall be retroactively applied to the rule as soon as reasonably
6 possible, in no event later than ninety days after the effective date
7 of the rule. For the purposes of this provision, an emergency rule is
8 one that must be adopted immediately in order to:

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

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

11 or

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

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

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

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

37 (a) If the interstate commission determines that a party state
38 has defaulted in the performance of its obligations or

1 responsibilities under this compact or the promulgated rules, the
2 interstate commission shall:

3 (i) Provide written notice to the defaulting state and other
4 party states of the nature of the default, the proposed means of
5 curing the default, or any other action to be taken by the interstate
6 commission; and

7 (ii) Provide remedial training and specific technical assistance
8 regarding the default.

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

16 (c) Termination of membership in this compact shall be imposed
17 only after all other means of securing compliance have been
18 exhausted. Notice of intent to suspend or terminate shall be given by
19 the interstate commission to the governor of the defaulting state and
20 to the executive officer of the defaulting state's licensing board
21 and each of the party states.

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

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

30 (f) The defaulting state may appeal the action of the interstate
31 commission by petitioning the United States district court for the
32 District of Columbia or the federal district in which the interstate
33 commission has its principal offices. The prevailing party shall be
34 awarded all costs of such litigation, including reasonable attorneys'
35 fees.

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

1 (b) The interstate commission shall promulgate a rule providing
2 for both mediation and binding dispute resolution for disputes, as
3 appropriate.

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

6 (i) The party states may submit the issues in dispute to an
7 arbitration panel, which will be comprised of individuals appointed
8 by the compact administrator in each of the affected party states and
9 an individual mutually agreed upon by the compact administrators of
10 all the party states involved in the dispute.

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

13 (4)(a) The interstate commission, in the reasonable exercise of
14 its discretion, shall enforce the provisions and rules of this
15 compact.

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

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

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

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

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

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

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

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

17 (7) Representatives of nonparty states to this compact shall be
18 invited to participate in the activities of the interstate
19 commission, on a nonvoting basis, prior to the adoption of this
20 compact by all states.

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

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

36 The board may adopt rules to implement this act.

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

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

5 (a) Obtain fingerprints from each applicant for a multistate
6 license;

7 (b) Submit the fingerprints through the state patrol to the
8 federal bureau of investigation for a national criminal history
9 background check;

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

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

13 (2) The results of the federal bureau of investigation national
14 criminal history background check are confidential. The board shall
15 not release the results to the public, the interstate commission of
16 nurse licensure compact administrators, or the licensing board of any
17 other state.

18 (3) Nothing in this act shall be construed to authorize the board
19 to participate in the federal bureau of investigation service, known
20 as rap back, which identifies changes in criminal history record
21 information against retained fingerprints.

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

24 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.79
25 RCW to read as follows:

26 A person seeking to practice as a registered nurse or licensed
27 practical nurse in this state may choose to apply for a license
28 issued under this chapter or a multistate license issued under
29 chapter 18.--- RCW (the new chapter created in section 32 of this
30 act).

31 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.79
32 RCW to read as follows:

33 The board shall publish on its website:

34 (1) All rules and requirements associated with the passage of the
35 interstate nurse licensure compact, chapter 18.--- RCW (the new
36 chapter created in section 32 of this act);

37 (2) An annually updated summary of the key differences in each
38 state's nursing practice act; and

1 (3) All meeting details, including meeting dates and times,
2 locations, and methods of participation and sharing of comments for
3 the compact administrator meetings.

4 **Sec. 17.** RCW 18.79.020 and 1994 sp.s. c 9 s 402 are each amended
5 to read as follows:

6 Unless a different meaning is plainly required by the context,
7 the definitions set forth in this section apply throughout this
8 chapter.

9 (1) "~~((Commission))~~ Board" means the Washington state ~~((nursing
10 care quality assurance commission))~~ board of nursing.

11 (2) "Department" means the department of health.

12 (3) "Secretary" means the secretary of health or the secretary's
13 designee.

14 (4) "Diagnosis," in the context of nursing practice, means the
15 identification of, and discrimination between, the person's physical
16 and psychosocial signs and symptoms that are essential to effective
17 execution and management of the nursing care regimen.

18 (5) "Diploma" means written official verification of completion
19 of an approved nursing education program.

20 (6) "Nurse" or "nursing," unless otherwise specified as a
21 practical nurse or practical nursing, means a registered nurse or
22 registered nursing.

23 **Sec. 18.** RCW 18.79.202 and 2005 c 268 s 4 are each amended to
24 read as follows:

25 (1) In addition to the licensing fee for registered nurses and
26 licensed practical nurses licensed under this chapter and for nurses
27 who hold a valid multistate license issued by the state of Washington
28 under chapter 18.--- RCW ~~((the new chapter created in section 32 of~~
29 this act)), the department shall impose an additional surcharge of
30 ~~((five))~~ eight dollars per year on all initial licenses and renewal
31 licenses for registered nurses and licensed practical nurses issued
32 under this chapter. Advanced registered nurse practitioners are only
33 required to pay the surcharge on their registered nurse licenses.

34 (2) The department, in consultation with the ~~((commission))~~ board
35 and the workforce training and education coordinating board, shall
36 use the proceeds from the surcharge imposed under subsection (1) of
37 this section to provide grants to a central nursing resource center.
38 The grants may be awarded only to a not-for-profit central nursing

1 resource center that is comprised of and led by nurses. The central
2 nursing resource center will demonstrate coordination with relevant
3 nursing constituents including professional nursing organizations,
4 groups representing nursing educators, staff nurses, nurse managers
5 or executives, and labor organizations representing nurses. The
6 central nursing resource center shall have as its mission to
7 contribute to the health and wellness of Washington state residents
8 by ensuring that there is an adequate nursing workforce to meet the
9 current and future health care needs of the citizens of the state of
10 Washington. The grants may be used to fund the following activities
11 of the central nursing resource center:

12 (a) Maintain information on the current and projected supply and
13 demand of nurses through the collection and analysis of data
14 regarding the nursing workforce, including but not limited to
15 education level, race and ethnicity, employment settings, nursing
16 positions, reasons for leaving the nursing profession, and those
17 leaving Washington state to practice elsewhere. This data collection
18 and analysis must complement other state activities to produce data
19 on the nursing workforce and the central nursing resource center
20 shall work collaboratively with other entities in the data collection
21 to ensure coordination and avoid duplication of efforts;

22 (b) Monitor and validate trends in the applicant pool for
23 programs in nursing. The central nursing resource center must work
24 with nursing leaders to identify approaches to address issues arising
25 related to the trends identified, and collect information on other
26 states' approaches to addressing these issues;

27 (c) Facilitate partnerships between the nursing community and
28 other health care providers, licensing authority, business and
29 industry, consumers, legislators, and educators to achieve policy
30 consensus, promote diversity within the profession, and enhance
31 nursing career mobility and nursing leadership development;

32 (d) Evaluate the effectiveness of nursing education and
33 articulation among programs to increase access to nursing education
34 and enhance career mobility, especially for populations that are
35 underrepresented in the nursing profession;

36 (e) Provide consultation, technical assistance, data, and
37 information related to Washington state and national nursing
38 resources;

1 (f) Promote strategies to enhance patient safety and quality
2 patient care including encouraging a safe and healthy workplace
3 environment for nurses; and

4 (g) Educate the public including students in K-12 about
5 opportunities and careers in nursing.

6 (3) The nursing resource center account is created in the custody
7 of the state treasurer. All receipts from the surcharge in subsection
8 (1) of this section must be deposited in the account. Expenditures
9 from the account may be used only for grants to an organization to
10 conduct the specific activities listed in subsection (2) of this
11 section and to compensate the department for the reasonable costs
12 associated with the collection and distribution of the surcharge and
13 the administration of the grant provided for in subsection (2) of
14 this section. No money from this account may be used by the recipient
15 towards administrative costs of the central nursing resource center
16 not associated with the specific activities listed in subsection (2)
17 of this section. No money from this account may be used by the
18 recipient toward lobbying. Only the secretary or the secretary's
19 designee may authorize expenditures from the account. The account is
20 subject to allotment procedures under chapter 43.88 RCW, but an
21 appropriation is not required for expenditures. Grants will be
22 awarded on an annual basis and funds will be distributed quarterly.
23 The first distribution after awarding the first grant shall be made
24 no later than six months after July 24, 2005. The central nursing
25 resource center shall report to the department on meeting the grant
26 objectives annually.

27 (4) The central nursing resource center shall submit a report of
28 all progress, collaboration with other organizations and government
29 entities, and activities conducted by the center to the relevant
30 committees of the legislature by November 30, 2011. The department
31 shall conduct a review of the program to collect funds to support the
32 activities of a nursing resource center and make recommendations on
33 the effectiveness of the program and whether it should continue. The
34 review shall be paid for with funds from the nursing resource center
35 account. The review must be completed by June 30, 2012.

36 (5) The department may adopt rules as necessary to implement
37 chapter 268, Laws of 2005.

38 **Sec. 19.** RCW 18.79.030 and 1997 c 177 s 1 are each amended to
39 read as follows:

1 (1) It is unlawful for a person to practice or to offer to
2 practice as a registered nurse in this state unless that person has
3 been licensed under this chapter or holds a valid multistate license
4 under chapter 18.--- RCW (the new chapter created in section 32 of
5 this act). A person who holds a license to practice as a registered
6 nurse in this state may use the titles "registered nurse" and "nurse"
7 and the abbreviation "R.N." No other person may assume those titles
8 or use the abbreviation or any other words, letters, signs, or
9 figures to indicate that the person using them is a registered nurse.

10 (2) It is unlawful for a person to practice or to offer to
11 practice as an advanced registered nurse practitioner or as a nurse
12 practitioner in this state unless that person has been licensed under
13 this chapter. A person who holds a license to practice as an advanced
14 registered nurse practitioner in this state may use the titles
15 "advanced registered nurse practitioner," "nurse practitioner," and
16 "nurse" and the abbreviations "A.R.N.P." and "N.P." No other person
17 may assume those titles or use those abbreviations or any other
18 words, letters, signs, or figures to indicate that the person using
19 them is an advanced registered nurse practitioner or nurse
20 practitioner.

21 (3) It is unlawful for a person to practice or to offer to
22 practice as a licensed practical nurse in this state unless that
23 person has been licensed under this chapter or holds a valid
24 multistate license under chapter 18.--- RCW (the new chapter created
25 in section 32 of this act). A person who holds a license to practice
26 as a licensed practical nurse in this state may use the titles
27 "licensed practical nurse" and "nurse" and the abbreviation "L.P.N."
28 No other person may assume those titles or use that abbreviation or
29 any other words, letters, signs, or figures to indicate that the
30 person using them is a licensed practical nurse.

31 (4) Nothing in this section shall prohibit a person listed as a
32 Christian Science nurse in the Christian Science Journal published by
33 the Christian Science Publishing Society, Boston, Massachusetts, from
34 using the title "Christian Science nurse," so long as such person
35 does not hold himself or herself out as a registered nurse, advanced
36 registered nurse practitioner, nurse practitioner, or licensed
37 practical nurse, unless otherwise authorized by law to do so.

38 **Sec. 20.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
39 read as follows:

1 (1) This chapter applies only to the secretary and the boards and
2 commissions having jurisdiction in relation to the professions
3 licensed under the chapters specified in this section. This chapter
4 does not apply to any business or profession not licensed under the
5 chapters specified in this section.

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

8 (i) Dispensing opticians licensed and designated apprentices
9 under chapter 18.34 RCW;

10 (ii) Midwives licensed under chapter 18.50 RCW;

11 (iii) Ocularists licensed under chapter 18.55 RCW;

12 (iv) Massage therapists and businesses licensed under chapter
13 18.108 RCW;

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

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

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

19 (viii) Respiratory care practitioners licensed under chapter
20 18.89 RCW;

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

23 (x) Persons licensed as mental health counselors, mental health
24 counselor associates, marriage and family therapists, marriage and
25 family therapist associates, social workers, social work associates—
26 advanced, and social work associates—independent clinical under
27 chapter 18.225 RCW;

28 (xi) Persons registered as nursing pool operators under chapter
29 18.52C RCW;

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

32 (xiii) Dietitians and nutritionists certified under chapter
33 18.138 RCW;

34 (xiv) Substance use disorder professionals, substance use
35 disorder professional trainees, or co-occurring disorder specialists
36 certified under chapter 18.205 RCW;

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

39 (xvi) Persons licensed and certified under chapter 18.73 RCW or
40 RCW 18.71.205;

1 (xvii) Orthotists and prosthetists licensed under chapter 18.200
2 RCW;

3 (xviii) Surgical technologists registered under chapter 18.215
4 RCW;

5 (xix) Recreational therapists under chapter 18.230 RCW;

6 (xx) Animal massage therapists certified under chapter 18.240
7 RCW;

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

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

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

11 (xxiv) Reflexologists certified under chapter 18.108 RCW;

12 (xxv) Medical assistants-certified, medical assistants-
13 hemodialysis technician, medical assistants-phlebotomist, forensic
14 phlebotomist, and medical assistants-registered certified and
15 registered under chapter 18.360 RCW; and

16 (xxvi) Behavior analysts, assistant behavior analysts, and
17 behavior technicians under chapter 18.380 RCW.

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

20 (i) The podiatric medical board as established in chapter 18.22
21 RCW;

22 (ii) The chiropractic quality assurance commission as established
23 in chapter 18.25 RCW;

24 (iii) The dental quality assurance commission as established in
25 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
26 licenses and registrations issued under chapter 18.260 RCW, and
27 certifications issued under chapter 18.350 RCW;

28 (iv) The board of hearing and speech as established in chapter
29 18.35 RCW;

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

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

34 (vii) The board of osteopathic medicine and surgery as
35 established in chapter 18.57 RCW governing licenses issued under
36 chapter 18.57 RCW;

37 (viii) The pharmacy quality assurance commission as established
38 in chapter 18.64 RCW governing licenses issued under chapters 18.64
39 and 18.64A RCW;

1 (ix) The Washington medical commission as established in chapter
2 18.71 RCW governing licenses and registrations issued under chapters
3 18.71 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

8 (xii) The (~~nursing care quality assurance commission~~) board of
9 nursing as established in chapter 18.79 RCW governing licenses and
10 registrations issued under that chapter and under chapter 18.--- RCW
11 (the new chapter created in section 32 of this act);

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

14 (xiv) The veterinary board of governors as established in chapter
15 18.92 RCW;

16 (xv) The board of naturopathy established in chapter 18.36A RCW,
17 governing licenses and certifications issued under that chapter; and

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

19 (3) In addition to the authority to discipline license holders,
20 the disciplining authority has the authority to grant or deny
21 licenses. The disciplining authority may also grant a license subject
22 to conditions.

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

27 **Sec. 21.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to
28 read as follows:

29 (1) This chapter applies only to the secretary and the boards and
30 commissions having jurisdiction in relation to the professions
31 licensed under the chapters specified in this section. This chapter
32 does not apply to any business or profession not licensed under the
33 chapters specified in this section.

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

36 (i) Dispensing opticians licensed and designated apprentices
37 under chapter 18.34 RCW;

38 (ii) Midwives licensed under chapter 18.50 RCW;

39 (iii) Ocularists licensed under chapter 18.55 RCW;

1 (iv) Massage therapists and businesses licensed under chapter
2 18.108 RCW;

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

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

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

8 (viii) Respiratory care practitioners licensed under chapter
9 18.89 RCW;

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

12 (x) Persons licensed as mental health counselors, mental health
13 counselor associates, marriage and family therapists, marriage and
14 family therapist associates, social workers, social work associates—
15 advanced, and social work associates—independent clinical under
16 chapter 18.225 RCW;

17 (xi) Persons registered as nursing pool operators under chapter
18 18.52C RCW;

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

21 (xiii) Dietitians and nutritionists certified under chapter
22 18.138 RCW;

23 (xiv) Substance use disorder professionals, substance use
24 disorder professional trainees, or co-occurring disorder specialists
25 certified under chapter 18.205 RCW;

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

28 (xvi) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;

30 (xvii) Orthotists and prosthetists licensed under chapter 18.200
31 RCW;

32 (xviii) Surgical technologists registered under chapter 18.215
33 RCW;

34 (xix) Recreational therapists under chapter 18.230 RCW;

35 (xx) Animal massage therapists certified under chapter 18.240
36 RCW;

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

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

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

40 (xxiv) Reflexologists certified under chapter 18.108 RCW;

1 (xxv) Medical assistants-certified, medical assistants-
2 hemodialysis technician, medical assistants-phlebotomist, forensic
3 phlebotomist, and medical assistants-registered certified and
4 registered under chapter 18.360 RCW;

5 (xxvi) Behavior analysts, assistant behavior analysts, and
6 behavior technicians under chapter 18.380 RCW; and

7 (xxvii) Birth doulas certified under chapter 18.47 RCW.

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

10 (i) The podiatric medical board as established in chapter 18.22
11 RCW;

12 (ii) The chiropractic quality assurance commission as established
13 in chapter 18.25 RCW;

14 (iii) The dental quality assurance commission as established in
15 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
16 licenses and registrations issued under chapter 18.260 RCW, and
17 certifications issued under chapter 18.350 RCW;

18 (iv) The board of hearing and speech as established in chapter
19 18.35 RCW;

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

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

24 (vii) The board of osteopathic medicine and surgery as
25 established in chapter 18.57 RCW governing licenses issued under
26 chapter 18.57 RCW;

27 (viii) The pharmacy quality assurance commission as established
28 in chapter 18.64 RCW governing licenses issued under chapters 18.64
29 and 18.64A RCW;

30 (ix) The Washington medical commission as established in chapter
31 18.71 RCW governing licenses and registrations issued under chapters
32 18.71 and 18.71A RCW;

33 (x) The board of physical therapy as established in chapter 18.74
34 RCW;

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

37 (xii) The (~~nursing care quality assurance commission~~) board of
38 nursing as established in chapter 18.79 RCW governing licenses and
39 registrations issued under that chapter and under chapter 18.--- RCW
40 (the new chapter created in section 32 of this act);

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

3 (xiv) The veterinary board of governors as established in chapter
4 18.92 RCW;

5 (xv) The board of naturopathy established in chapter 18.36A RCW,
6 governing licenses and certifications issued under that chapter; and

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

8 (3) In addition to the authority to discipline license holders,
9 the disciplining authority has the authority to grant or deny
10 licenses. The disciplining authority may also grant a license subject
11 to conditions.

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

16 **Sec. 22.** RCW 18.130.064 and 2008 c 134 s 7 are each amended to
17 read as follows:

18 (1)(a) The secretary is authorized to receive criminal history
19 record information that includes nonconviction data for any purpose
20 associated with investigation or licensing and investigate the
21 complete criminal history and pending charges of all applicants and
22 license holders.

23 (b) Dissemination or use of nonconviction data for purposes other
24 than that authorized in this section is prohibited. Disciplining
25 authorities shall restrict the use of background check results in
26 determining the individual's suitability for a license and in
27 conducting disciplinary functions.

28 (2)(a) The secretary shall establish requirements for each
29 applicant for an initial license to obtain a state background check
30 through the state patrol prior to the issuance of any license. The
31 background check may be fingerprint-based at the discretion of the
32 department.

33 (b) The secretary shall specify those situations where a
34 background check under (a) of this subsection is inadequate and an
35 applicant for an initial license must obtain an electronic
36 fingerprint-based national background check through the state patrol
37 and federal bureau of investigation. Situations where a background
38 check is inadequate may include instances where an applicant has
39 recently lived out of state or where the applicant has a criminal

1 record in Washington. The secretary shall issue a temporary practice
2 permit to an applicant who must have a national background check
3 conducted if the background check conducted under (a) of this
4 subsection does not reveal a criminal record in Washington, and if
5 the applicant meets the provisions of RCW 18.130.075.

6 (3) In addition to the background check required in subsection
7 (2) of this section, an investigation may include an examination of
8 state and national criminal identification data. The disciplining
9 authority shall use the information for determining eligibility for
10 licensure or renewal. The disciplining authority may also use the
11 information when determining whether to proceed with an investigation
12 of a report under RCW 18.130.080. For a national criminal history
13 records check, the department shall require fingerprints be submitted
14 to and searched through the Washington state patrol identification
15 and criminal history section. The Washington state patrol shall
16 forward the fingerprints to the federal bureau of investigation.

17 (4) The secretary shall adopt rules to require license holders to
18 report to the disciplining authority any arrests, convictions, or
19 other determinations or findings by a law enforcement agency
20 occurring after June 12, 2008, for a criminal offense. The report
21 must be made within fourteen days of the conviction.

22 (5) The secretary shall conduct an annual review of a
23 representative sample of all license holders who have previously
24 obtained a background check through the department. The selection of
25 the license holders to be reviewed must be representative of all
26 categories of license holders and geographic locations.

27 (6) (a) When deciding whether or not to issue an initial license,
28 the disciplining authority shall consider the results of any
29 background check conducted under subsection (2) of this section that
30 reveals a conviction for any criminal offense that constitutes
31 unprofessional conduct under this chapter or the chapters specified
32 in RCW 18.130.040(2) or a series of arrests that when considered
33 together demonstrate a pattern of behavior that, without
34 investigation, may pose a risk to the safety of the license holder's
35 patients.

36 (b) If the background check conducted under subsection (2) of
37 this section reveals any information related to unprofessional
38 conduct that has not been previously disclosed to the disciplining
39 authority, the disciplining authority shall take appropriate
40 disciplinary action against the license holder.

1 (7) The department shall:

2 (a) Require the applicant or license holder to submit full sets
3 of fingerprints if necessary to complete the background check;

4 (b) Require the applicant to submit any information required by
5 the state patrol; and

6 (c) Notify the applicant if their background check reveals a
7 criminal record. Only when the background check reveals a criminal
8 record will an applicant receive a notice. Upon receiving such a
9 notice, the applicant may request and the department shall provide a
10 copy of the record to the extent permitted under RCW 10.97.050,
11 including making accessible to the applicant for their personal use
12 and information any records of arrest, charges, or allegations of
13 criminal conduct or other nonconviction data pursuant to RCW
14 10.97.050(4).

15 (8) Criminal justice agencies shall provide the secretary with
16 both conviction and nonconviction information that the secretary
17 requests for investigations under this chapter.

18 (9) There is established a unit within the department for the
19 purpose of detection, investigation, and prosecution of any act
20 prohibited or declared unlawful under this chapter. The secretary
21 will employ supervisory, legal, and investigative personnel for the
22 unit who must be qualified by training and experience.

23 (10) For purposes of issuing multistate licenses under chapter
24 18.--- RCW (the new chapter created in section 32 of this act), the
25 board of nursing is authorized to receive criminal history record
26 information that includes nonconviction data for any purpose
27 associated with licensing and investigate the complete criminal
28 history and pending charges of all applicants and license holders.

29 **Sec. 23.** RCW 43.70.110 and 2020 c 80 s 28 are each amended to
30 read as follows:

31 (1) The secretary shall charge fees to the licensee for obtaining
32 a license. Physicians regulated pursuant to chapter 18.71 RCW who
33 reside and practice in Washington and obtain or renew a retired
34 active license are exempt from such fees. Municipal corporations
35 providing emergency medical care and transportation services pursuant
36 to chapter 18.73 RCW shall be exempt from such fees, provided that
37 such other emergency services shall only be charged for their pro
38 rata share of the cost of licensure and inspection, if appropriate.
39 The secretary may charge different fees for registered nurses

1 licensed under chapter 18.79 RCW, licensed practical nurses licensed
2 under chapter 18.79 RCW, and nurses who hold a valid multistate
3 license issued by the state of Washington under chapter 18.--- RCW
4 (the new chapter created in section 32 of this act). The secretary
5 may waive the fees when, in the discretion of the secretary, the fees
6 would not be in the best interest of public health and safety, or
7 when the fees would be to the financial disadvantage of the state.

8 (2) Except as provided in subsection (3) of this section, fees
9 charged shall be based on, but shall not exceed, the cost to the
10 department for the licensure of the activity or class of activities
11 and may include costs of necessary inspection.

12 (3) License fees shall include amounts in addition to the cost of
13 licensure activities in the following circumstances:

14 (a) For registered nurses and licensed practical nurses licensed
15 under chapter 18.79 RCW, and for nurses who hold a valid multistate
16 license issued by the state of Washington under chapter 18.--- RCW
17 (the new chapter created in section 32 of this act), support of a
18 central nursing resource center as provided in RCW 18.79.202;

19 (b) For all health care providers licensed under RCW 18.130.040,
20 the cost of regulatory activities for retired volunteer medical
21 worker licensees as provided in RCW 18.130.360; and

22 (c) For physicians licensed under chapter 18.71 RCW, physician
23 assistants licensed under chapter 18.71A RCW, osteopathic physicians
24 licensed under chapter 18.57 RCW, naturopaths licensed under chapter
25 18.36A RCW, podiatrists licensed under chapter 18.22 RCW,
26 chiropractors licensed under chapter 18.25 RCW, psychologists
27 licensed under chapter 18.83 RCW, registered nurses and licensed
28 practical nurses licensed under chapter 18.79 RCW, nurses who hold a
29 valid multistate license issued by the state of Washington under
30 chapter 18.--- RCW (the new chapter created in section 32 of this
31 act), optometrists licensed under chapter 18.53 RCW, mental health
32 counselors licensed under chapter 18.225 RCW, massage therapists
33 licensed under chapter 18.108 RCW, advanced social workers licensed
34 under chapter 18.225 RCW, independent clinical social workers and
35 independent clinical social worker associates licensed under chapter
36 18.225 RCW, midwives licensed under chapter 18.50 RCW, marriage and
37 family therapists and marriage and family therapist associates
38 licensed under chapter 18.225 RCW, occupational therapists and
39 occupational therapy assistants licensed under chapter 18.59 RCW,
40 dietitians and nutritionists certified under chapter 18.138 RCW,

1 speech-language pathologists licensed under chapter 18.35 RCW,
2 acupuncturists or acupuncture and Eastern medicine practitioners
3 licensed under chapter 18.06 RCW, and veterinarians and veterinary
4 technicians licensed under chapter 18.92 RCW, the license fees shall
5 include up to an additional twenty-five dollars to be transferred by
6 the department to the University of Washington for the purposes of
7 RCW 43.70.112.

8 (4) Department of health advisory committees may review fees
9 established by the secretary for licenses and comment upon the
10 appropriateness of the level of such fees.

11 NEW SECTION. **Sec. 24.** A new section is added to chapter 70.41
12 RCW to read as follows:

13 (1) Beginning September 1, 2023, and annually thereafter,
14 individuals that hold a multistate nurse license issued by a state
15 other than Washington and are employed by hospitals licensed under
16 this chapter shall complete any demographic data surveys required by
17 the board of nursing in rule as a condition of employment.

18 (2) Individuals that hold a multistate nurse license issued by a
19 state other than Washington and are employed by hospitals licensed
20 under this chapter shall complete the suicide assessment, treatment,
21 and management training required by RCW 43.70.442(5)(a) as a
22 condition of employment.

23 (3) Hospitals shall report to the board of nursing, within 30
24 days of employment, all nurses holding a multistate license issued by
25 a state other than Washington and an attestation that the employees
26 holding a multistate license issued by a state other than Washington
27 have completed the tasks required under this section as a condition
28 of employment.

29 (4) This section is subject to enforcement by the department.

30 NEW SECTION. **Sec. 25.** A new section is added to chapter 71.12
31 RCW to read as follows:

32 (1) Beginning September 1, 2023, and annually thereafter,
33 individuals that hold a multistate nurse license issued by a state
34 other than Washington and are employed by establishments licensed
35 under this chapter shall complete any demographic data surveys
36 required by the board of nursing in rule as a condition of
37 employment.

1 (2) Individuals that hold a multistate nurse license issued by a
2 state other than Washington and are employed by establishments
3 licensed under this chapter shall complete the suicide assessment,
4 treatment, and management training required by RCW 43.70.442(5)(a) as
5 a condition of employment.

6 (3) Establishments licensed under this chapter shall report to
7 the board of nursing, within 30 days of employment, all nurses
8 holding a multistate license issued by a state other than Washington
9 and an attestation that the employees holding a multistate license
10 issued by a state other than Washington have completed the tasks
11 required under this section as a condition of employment.

12 (4) This section is subject to enforcement by the department.

13 NEW SECTION. **Sec. 26.** A new section is added to chapter 70.230
14 RCW to read as follows:

15 (1) Beginning September 1, 2023, and annually thereafter,
16 individuals that hold a multistate nurse license issued by a state
17 other than Washington and are employed by ambulatory surgical
18 facilities licensed under this chapter shall complete any demographic
19 data surveys required by the board of nursing in rule as a condition
20 of employment.

21 (2) Individuals that hold a multistate nurse license issued by a
22 state other than Washington and are employed by ambulatory surgical
23 facilities licensed under this chapter shall complete the suicide
24 assessment, treatment, and management training required by RCW
25 43.70.442(5)(a) as a condition of employment.

26 (3) Ambulatory surgical facilities shall report to the board of
27 nursing, within 30 days of employment, all nurses holding a
28 multistate license issued by a state other than Washington and an
29 attestation that the employees holding a multistate license issued by
30 a state other than Washington have completed the tasks required under
31 this section as a condition of employment.

32 (4) This section is subject to enforcement by the department.

33 NEW SECTION. **Sec. 27.** A new section is added to chapter 18.51
34 RCW to read as follows:

35 (1) Beginning September 1, 2023, and annually thereafter,
36 individuals that hold a multistate nurse license issued by a state
37 other than Washington and are employed by nursing homes licensed
38 under this chapter shall complete any demographic data surveys

1 required by the board of nursing in rule as a condition of
2 employment.

3 (2) Individuals that hold a multistate nurse license issued by a
4 state other than Washington and are employed by nursing homes
5 licensed under this chapter shall complete the suicide assessment,
6 treatment, and management training required by RCW 43.70.442(5)(a) as
7 a condition of employment.

8 (3) Nursing homes shall report to the board of nursing, within 30
9 days of employment, all nurses holding a multistate license issued by
10 a state other than Washington and an attestation that the employees
11 holding a multistate license issued by a state other than Washington
12 have completed the tasks required under this section as a condition
13 of employment.

14 (4) This section is subject to enforcement by the department.

15 NEW SECTION. **Sec. 28.** A new section is added to chapter 18.20
16 RCW to read as follows:

17 (1) Beginning September 1, 2023, and annually thereafter,
18 individuals that hold a multistate nurse license issued by a state
19 other than Washington and are employed by assisted living facilities
20 licensed under this chapter shall complete any demographic data
21 surveys required by the board of nursing in rule as a condition of
22 employment.

23 (2) Individuals that hold a multistate nurse license issued by a
24 state other than Washington and are employed by assisted living
25 facilities licensed under this chapter shall complete the suicide
26 assessment, treatment, and management training required by RCW
27 43.70.442(5)(a) as a condition of employment.

28 (3) Assisted living facilities shall report to the board of
29 nursing, within 30 days of employment, all nurses holding a
30 multistate license issued by a state other than Washington and an
31 attestation that the employees holding a multistate license issued by
32 a state other than Washington have completed the tasks required under
33 this section as a condition of employment.

34 (4) This section is subject to enforcement by the department.

35 NEW SECTION. **Sec. 29.** A new section is added to chapter 70.127
36 RCW to read as follows:

37 (1) Beginning September 1, 2023, and annually thereafter,
38 individuals that hold a multistate nurse license issued by a state

1 other than Washington and are employed by hospice care centers
2 licensed under this chapter shall complete any demographic data
3 surveys required by the board of nursing in rule as a condition of
4 employment.

5 (2) Individuals that hold a multistate nurse license issued by a
6 state other than Washington and are employed by hospice care centers
7 licensed under this chapter shall complete the suicide assessment,
8 treatment, and management training required by RCW 43.70.442(5)(a) as
9 a condition of employment.

10 (3) Hospice care centers shall report to the board of nursing,
11 within 30 days of employment, all nurses holding a multistate license
12 issued by a state other than Washington and an attestation that the
13 employees holding a multistate license issued by a state other than
14 Washington have completed the tasks required under this section as a
15 condition of employment.

16 (4) This section is subject to enforcement by the department.

17 NEW SECTION. **Sec. 30.** A new section is added to chapter 70.128
18 RCW to read as follows:

19 (1) Beginning September 1, 2023, and annually thereafter,
20 individuals that hold a multistate nurse license issued by a state
21 other than Washington and are employed by adult family homes licensed
22 under this chapter shall complete any demographic data surveys
23 required by the board of nursing in rule as a condition of
24 employment.

25 (2) Individuals that hold a multistate nurse license issued by a
26 state other than Washington and are employed by adult family homes
27 licensed under this chapter shall complete the suicide assessment,
28 treatment, and management training required by RCW 43.70.442(5)(a) as
29 a condition of employment.

30 (3) Adult family homes shall report to the board of nursing,
31 within 30 days of employment, all nurses holding a multistate license
32 issued by a state other than Washington and an attestation that the
33 employees holding a multistate license issued by a state other than
34 Washington have completed the tasks required under this section as a
35 condition of employment.

36 (4) This section is subject to enforcement by the department.

37 NEW SECTION. **Sec. 31.** A new section is added to chapter 18.52C
38 RCW to read as follows:

1 (1) Beginning September 1, 2023, and annually thereafter,
2 individuals that hold a multistate nurse license issued by a state
3 other than Washington and are employed by a nursing pool shall
4 complete any demographic data surveys required by the board of
5 nursing in rule as a condition of employment.

6 (2) Individuals that hold a multistate nurse license issued by a
7 state other than Washington and are employed by a nursing pool shall
8 complete the suicide assessment, treatment, and management training
9 required by RCW 43.70.442(5)(a) as a condition of employment.

10 (3) Nursing pools shall report to the board of nursing, within 30
11 days of employment, all nurses holding a multistate license issued by
12 a state other than Washington and an attestation that the employees
13 holding a multistate license issued by a state other than Washington
14 have completed the tasks required under this section as a condition
15 of employment.

16 (4) This section is subject to enforcement by the secretary.

17 NEW SECTION. **Sec. 32.** Sections 1 through 12 of this act
18 constitute a new chapter in Title 18 RCW.

19 NEW SECTION. **Sec. 33.** Section 20 of this act expires October 1,
20 2023.

21 NEW SECTION. **Sec. 34.** Section 21 of this act takes effect
22 October 1, 2023.

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