

- 1 (2) Violations of nurse licensure and other laws
- 2 regulating the practice of nursing may result in
- 3 injury or harm to the public;
- 4 (3) The expanded mobility of nurses and the use of
- 5 advanced communication technologies as part of our
- 6 nation's health care delivery system require greater
- 7 coordination and cooperation among states in the areas
- 8 of nurse licensure and regulation;
- 9 (4) New practice modalities and technology make compliance
- 10 with individual state nurse licensure laws difficult
- 11 and complex;
- 12 (5) The current system of duplicative licensure for nurses
- 13 practicing in multiple states is cumbersome and
- 14 redundant for both nurses and states; and
- 15 (6) Uniformity of nurse licensure requirements throughout
- 16 the states promotes public safety and public health
- 17 benefits.
- 18 (b) The general purposes of this Compact are to:
- 19 (1) Facilitate the states' responsibility to protect the
- 20 public's health and safety;



- 1 (2) Ensure and encourage the cooperation of party states
2 in the areas of nurse licensure and regulation;
- 3 (3) Facilitate the exchange of information between party
4 states in the areas of nurse regulation, investigation
5 and adverse actions;
- 6 (4) Promote compliance with the laws governing the
7 practice of nursing in each jurisdiction;
- 8 (5) Invest all party states with the authority to hold a
9 nurse accountable for meeting all state practice laws
10 in the state in which the patient is located at the
11 time care is rendered through the mutual recognition
12 of party state licenses;
- 13 (6) Decrease redundancies in the consideration and
14 issuance of nurse licenses; and
- 15 (7) Provide opportunities for interstate practice by
16 nurses who meet uniform licensure requirements.

17 Article II. Definitions

18 As used in this Compact:

19 "Adverse action" means any administrative, civil, equitable
20 or criminal action permitted by a state's laws which is imposed
21 by a licensing board or other authority against a nurse,



1 including actions against an individual's license or multistate
2 licensure privilege such as revocation, suspension, probation,
3 monitoring of the licensee, limitation on the licensee's
4 practice, or any other encumbrance on licensure affecting a
5 nurse's authorization to practice, including issuance of a cease
6 and desist action.

7 "Alternative program" means a non-disciplinary monitoring
8 program approved by a licensing board.

9 "Coordinated licensure information system" means an
10 integrated process for collecting, storing and sharing
11 information on nurse licensure and enforcement activities
12 related to nurse licensure laws that is administered by a
13 nonprofit organization composed of and controlled by licensing
14 boards.

15 "Current significant investigative information" means:

16 (1) Investigative information that a licensing board,
17 after a preliminary inquiry that includes notification
18 and an opportunity for the nurse to respond, if
19 required by state law, has reason to believe is not
20 groundless and, if proved true, would indicate more
21 than a minor infraction; or



1 (2) Investigative information that indicates that the
2 nurse represents an immediate threat to public health
3 and safety regardless of whether the nurse has been
4 notified and had an opportunity to respond.

5 "Encumbrance" means a revocation or suspension of, or any
6 limitation on, the full and unrestricted practice of nursing
7 imposed by a licensing board.

8 "Home state" means the party state which is the nurse's
9 primary state of residence.

10 "Licensing board" means a party state's regulatory body
11 responsible for issuing nurse licenses.

12 "Multistate license" means a license to practice as a
13 registered or a licensed practical/vocational nurse (LPN/VN)
14 issued by a home state licensing board that authorizes the
15 licensed nurse to practice in all party states under a
16 multistate licensure privilege.

17 "Multistate licensure privilege" means a legal
18 authorization associated with a multistate license permitting
19 the practice of nursing as either a registered nurse (RN) or
20 LPN/VN in a remote state.



1 "Nurse" means RN or LPN/VN, as those terms are defined by
2 each party state's practice laws.

3 "Party state" means any state that has adopted this
4 Compact.

5 "Remote state" means a party state, other than the home
6 state.

7 "Single-state license" means a nurse license issued by a
8 party state that authorizes practice only within the issuing
9 state and does not include a multistate licensure privilege to
10 practice in any other party state.

11 "State" means a state, territory or possession of the
12 United States and the District of Columbia.

13 "State practice laws" means a party state's laws, rules and
14 regulations that govern the practice of nursing, define the
15 scope of nursing practice, and create the methods and grounds
16 for imposing discipline.

17 "State practice laws" do not include requirements necessary
18 to obtain and retain a license, except for qualifications or
19 requirements of the home state.



1 Article III. General Provisions and Jurisdiction

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

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

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

- 19 (1) Meets the home state's qualifications for licensure or
20 renewal of licensure, as well as all other applicable
21 state laws;



- 1 (2) (A) Has graduated or is eligible to graduate from a
2 licensing board-approved RN or LPN/VN
3 prelicensure education program; or
4 (B) Has graduated from a foreign RN or LPN/VN
5 prelicensure education program that has been:
6 (i) Approved by the authorized accrediting body
7 in the applicable country; and
8 (ii) Verified by an independent credentials
9 review agency to be comparable to a
10 licensing board-approved prelicensure
11 education program;
- 12 (3) Has, if a graduate of a foreign prelicensure education
13 program not taught in English or if English is not the
14 individual's native language, successfully passed an
15 English proficiency examination that includes the
16 components of reading, speaking, writing and
17 listening;
- 18 (4) Has successfully passed an NCLEX-RN or NCLEX-PN
19 Examination or recognized predecessor, as applicable;
- 20 (5) Is eligible for or holds an active, unencumbered
21 license;



- 1 (6) Has submitted, in connection with an application for
2 initial licensure or licensure by endorsement,
3 fingerprints or other biometric data for the purpose
4 of obtaining criminal history record information from
5 the Federal Bureau of Investigation and the agency
6 responsible for retaining that state's criminal
7 records;
- 8 (7) Has not been convicted or found guilty, or has entered
9 into an agreed disposition, of a felony offense under
10 applicable state or federal criminal law;
- 11 (8) Has not been convicted or found guilty, or has entered
12 into an agreed disposition, of a misdemeanor offense
13 related to the practice of nursing as determined on a
14 case-by-case basis;
- 15 (9) Is not currently enrolled in an alternative program;
- 16 (10) Is subject to self-disclosure requirements regarding
17 current participation in an alternative program; and
- 18 (11) Has a valid United States Social Security number.
- 19 (d) All party states shall be authorized, in accordance
20 with existing state due process law, to take adverse action
21 against a nurse's multistate licensure privilege such as



1 revocation, suspension, probation or any other action that
2 affects a nurse's authorization to practice under a multistate
3 licensure privilege, including cease and desist actions. If a
4 party state takes such action, it shall promptly notify the
5 administrator of the coordinated licensure information system.
6 The administrator of the coordinated licensure information
7 system shall promptly notify the home state of any such actions
8 by remote states.

9 (e) A nurse practicing in a party state must comply with
10 the state practice laws of the state in which the client is
11 located at the time service is provided. The practice of
12 nursing is not limited to patient care, but shall include all
13 nursing practice as defined by the state practice laws of the
14 party state in which the client is located. The practice of
15 nursing in a party state under a multistate licensure privilege
16 will subject a nurse to the jurisdiction of the licensing board,
17 the courts and the laws of the party state in which the client
18 is located at the time service is provided.

19 (f) Individuals not residing in a party state shall
20 continue to be able to apply for a party state's single-state
21 license as provided under the laws of each party state.



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

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

10 (1) A nurse who changes primary state of residence after
11 this Compact's effective date must meet all applicable
12 Article III(c) requirements to obtain a multistate
13 license from a new home state; and

14 (2) A nurse who fails to satisfy the multistate licensure
15 requirements in Article III(c) due to a disqualifying
16 event occurring after this Compact's effective date
17 shall be ineligible to retain or renew a multistate
18 license, and the nurse's multistate license shall be
19 revoked or deactivated in accordance with applicable
20 rules adopted by the Interstate Commission of Nurse
21 Licensure Compact Administrators ("Commission").



1 Article IV. Applications for Licensure in a Party State

2 (a) Upon application for a multistate license, the
3 licensing board in the issuing party state shall ascertain,
4 through the coordinated licensure information system, whether
5 the applicant has ever held, or is the holder of, a license
6 issued by any other state, whether there are any encumbrances on
7 any license or multistate licensure privilege held by the
8 applicant, whether any adverse action has been taken against any
9 license or multistate licensure privilege held by the applicant
10 and whether the applicant is currently participating in an
11 alternative program.

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

14 (c) If a nurse changes primary state of residence by
15 moving between two party states, the nurse must apply for
16 licensure in the new home state, and the multistate license
17 issued by the prior home state will be deactivated in accordance
18 with applicable rules adopted by the Commission:

19 (1) The nurse may apply for licensure in advance of a
20 change in primary state of residence; and



1 (B) For purposes of taking adverse action, the home
2 state licensing board shall give the same
3 priority and effect to reported conduct received
4 from a remote state as it would if such conduct
5 had occurred within the home state. In so doing,
6 the home state shall apply its own state laws to
7 determine appropriate action;

8 (2) Issue cease and desist orders or impose an encumbrance
9 on a nurse's authority to practice within that party
10 state;

11 (3) Complete any pending investigations of a nurse who
12 changes primary state of residence during the course
13 of such investigations. The licensing board shall
14 also have the authority to take appropriate action(s)
15 and shall promptly report the conclusions of such
16 investigations to the administrator of the coordinated
17 licensure information system. The administrator of
18 the coordinated licensure information system shall
19 promptly notify the new home state of any such
20 actions;



- 1 (4) Issue subpoenas for both hearings and investigations
2 that require the attendance and testimony of
3 witnesses, as well as the production of evidence.
4 Subpoenas issued by a licensing board in a party state
5 for the attendance and testimony of witnesses or the
6 production of evidence from another party state shall
7 be enforced in the latter state by any court of
8 competent jurisdiction, according to the practice and
9 procedure of that court applicable to subpoenas issued
10 in proceedings pending before it. The issuing
11 authority shall pay any witness fees, travel expenses,
12 mileage and other fees required by the service
13 statutes of the state in which the witnesses or
14 evidence are located;
- 15 (5) Obtain and submit, for each nurse licensure applicant,
16 fingerprint or other biometric-based information to
17 the Federal Bureau of Investigation for criminal
18 background checks, receive the results of the Federal
19 Bureau of Investigation record search on criminal
20 background checks and use the results in making
21 licensure decisions;



1 (6) If otherwise permitted by state law, recover from the
2 affected nurse the costs of investigations and
3 disposition of cases resulting from any adverse action
4 taken against that nurse; and

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

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

18 (c) Nothing in this Compact shall override a party state's
19 decision that participation in an alternative program may be
20 used in lieu of adverse action. The home state licensing board
21 shall deactivate the multistate licensure privilege under the



1 multistate license of any nurse for the duration of the nurse's
2 participation in an alternative program.

3 Article VI. Coordinated Licensure Information System and
4 Exchange of Information

5 (a) All party states shall participate in a coordinated
6 licensure information system of all licensed registered nurses
7 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
8 system will include information on the licensure and
9 disciplinary history of each nurse, as submitted by party
10 states, to assist in the coordination of nurse licensure and
11 enforcement efforts.

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

16 (c) All licensing boards shall promptly report to the
17 coordinated licensure information system any adverse action, any
18 current significant investigative information, denials of
19 applications (with the reasons for such denials) and nurse
20 participation in alternative programs known to the licensing



1 board regardless of whether such participation is deemed
2 nonpublic or confidential under state law.

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

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

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

19 (g) Any information contributed to the coordinated
20 licensure information system that is subsequently required to be
21 expunged by the laws of the party state contributing that



1 information shall also be expunged from the coordinated
2 licensure information system.

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

6 (1) Identifying information;

7 (2) Licensure data;

8 (3) Information related to alternative program
9 participation; and

10 (4) Other information that may facilitate the
11 administration of this Compact, as determined by
12 Commission rules.

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

16 Article VII. Establishment of the Interstate Commission of
17 Nurse Licensure Compact Administrators

18 (a) The party states hereby create and establish a joint
19 public entity known as the Interstate Commission of Nurse
20 Licensure Compact Administrators:



1 (1) The Commission is an instrumentality of the party
2 states;

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

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

13 (b) Membership, Voting and Meetings.

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



1 shall be filled in accordance with the laws of the
2 party state in which the vacancy exists;

3 (2) Each administrator shall be entitled to one vote with
4 regard to the promulgation of rules and creation of
5 bylaws and shall otherwise have an opportunity to
6 participate in the business and affairs of the
7 Commission. An administrator shall vote in person or
8 by such other means as provided in the bylaws. The
9 bylaws may provide for an administrator's
10 participation in meetings by telephone or other means
11 of communication;

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

15 (4) All meetings shall be open to the public, and public
16 notice of meetings shall be given in the same manner
17 as required under the rulemaking provisions in Article
18 VIII;

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



- 1 (A) Noncompliance of a party state with its
2 obligations under this Compact;
- 3 (B) The employment, compensation, discipline or other
4 personnel matters, practices or procedures
5 related to specific employees or other matters
6 related to the Commission's internal personnel
7 practices and procedures;
- 8 (C) Current, threatened or reasonably anticipated
9 litigation;
- 10 (D) Negotiation of contracts for the purchase or sale
11 of goods, services or real estate;
- 12 (E) Accusing any person of a crime or formally
13 censuring any person;
- 14 (F) Disclosure of trade secrets or commercial or
15 financial information that is privileged or
16 confidential;
- 17 (G) Disclosure of information of a personal nature
18 where disclosure would constitute a clearly
19 unwarranted invasion of personal privacy;
- 20 (H) Disclosure of investigatory records compiled for
21 law enforcement purposes;



1 (I) Disclosure of information related to any reports
2 prepared by or on behalf of the Commission for
3 the purpose of investigation of compliance with
4 this Compact; or
5 (J) Matters specifically exempted from disclosure by
6 federal or state statute; and
7 (6) If a meeting, or portion of a meeting, is closed
8 pursuant to this provision, the Commission's legal
9 counsel or designee shall certify that the meeting may
10 be closed and shall reference each relevant exempting
11 provision. The Commission shall keep minutes that
12 fully and clearly describe all matters discussed in a
13 meeting and shall provide a full and accurate summary
14 of actions taken, and the reasons therefor, including
15 a description of the views expressed. All documents
16 considered in connection with an action shall be
17 identified in such minutes. All minutes and documents
18 of a closed meeting shall remain under seal, subject
19 to release by a majority vote of the Commission or
20 order of a court of competent jurisdiction.



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

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

7 (2) Providing reasonable standards and procedures:

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

10 (B) Governing any general or specific delegation of
11 any authority or function of the Commission; and

12 (3) Providing reasonable procedures for calling and
13 conducting meetings of the Commission, ensuring
14 reasonable advance notice of all meetings and
15 providing an opportunity for attendance of such
16 meetings by interested parties, with enumerated
17 exceptions designed to protect the public's interest,
18 the privacy of individuals, and proprietary
19 information, including trade secrets. The Commission
20 may meet in closed session only after a majority of
21 the administrators vote to close a meeting in whole or



1 in part. As soon as practicable, the Commission must
2 make public a copy of the vote to close the meeting
3 revealing the vote of each administrator, with no
4 proxy votes allowed;

5 (4) Establishing the titles, duties and authority and
6 reasonable procedures for the election of the officers
7 of the Commission;

8 (5) Providing reasonable standards and procedures for the
9 establishment of the personnel policies and programs
10 of the Commission. Notwithstanding any civil service
11 or other similar laws of any party state, the bylaws
12 shall exclusively govern the personnel policies and
13 programs of the Commission; and

14 (6) Providing a mechanism for winding up the operations of
15 the Commission and the equitable disposition of any
16 surplus funds that may exist after the termination of
17 this Compact after the payment or reserving of all of
18 its debts and obligations.

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



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

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

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

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

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

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

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

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



- 1 (6) To hire employees, elect or appoint officers, fix
2 compensation, define duties, grant such individuals
3 appropriate authority to carry out the purposes of
4 this Compact, and to establish the Commission's
5 personnel policies and programs relating to conflicts
6 of interest, qualifications of personnel and other
7 related personnel matters;
- 8 (7) To accept any and all appropriate donations, grants
9 and gifts of money, equipment, supplies, materials and
10 services, and to receive, utilize and dispose of the
11 same; provided that at all times the Commission shall
12 avoid any appearance of impropriety or conflict of
13 interest;
- 14 (8) To lease, purchase, accept appropriate gifts or
15 donations of, or otherwise to own, hold, improve or
16 use, any property, whether real, personal or mixed;
17 provided that at all times the Commission shall avoid
18 any appearance of impropriety;
- 19 (9) To sell, convey, mortgage, pledge, lease, exchange,
20 abandon or otherwise dispose of any property, whether
21 real, personal or mixed;



- 1 (10) To establish a budget and make expenditures;
- 2 (11) To borrow money;
- 3 (12) To appoint committees, including advisory committees
- 4 composed of administrators, state nursing regulators,
- 5 state legislators or their representatives, and
- 6 consumer representatives, and other such interested
- 7 persons;
- 8 (13) To provide and receive information from, and to
- 9 cooperate with, law enforcement agencies;
- 10 (14) To adopt and use an official seal; and
- 11 (15) To perform such other functions as may be necessary or
- 12 appropriate to achieve the purposes of this Compact
- 13 consistent with the state regulation of nurse
- 14 licensure and practice.
- 15 (h) Financing of the Commission.
- 16 (1) The Commission shall pay, or provide for the payment
- 17 of, the reasonable expenses of its establishment,
- 18 organization and ongoing activities;
- 19 (2) The Commission may also levy on and collect an annual
- 20 assessment from each party state to cover the cost of
- 21 its operations, activities and staff in its annual



1 budget as approved each year. The aggregate annual
2 assessment amount, if any, shall be allocated based
3 upon a formula to be determined by the Commission,
4 which shall promulgate a rule that is binding upon all
5 party states;

6 (3) The Commission shall not incur obligations of any kind
7 prior to securing the funds adequate to meet the same;
8 nor shall the Commission pledge the credit of any of
9 the party states, except by, and with the authority
10 of, such party state; and

11 (4) The Commission shall keep accurate accounts of all
12 receipts and disbursements. The receipts and
13 disbursements of the Commission shall be subject to
14 the audit and accounting procedures established under
15 its bylaws. However, all receipts and disbursements
16 of funds handled by the Commission shall be audited
17 yearly by a certified or licensed public accountant,
18 and the report of the audit shall be included in and
19 become part of the annual report of the Commission.

20 (i) Qualified Immunity, Defense and Indemnification.



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

16 (2) The Commission shall defend any administrator,
17 officer, executive director, employee or
18 representative of the Commission in any civil action
19 seeking to impose liability arising out of any actual
20 or alleged act, error or omission that occurred within
21 the scope of Commission employment, duties or



1 responsibilities, or that the person against whom the
2 claim is made had a reasonable basis for believing
3 occurred within the scope of Commission employment,
4 duties or responsibilities; provided that nothing
5 herein shall be construed to prohibit that person from
6 retaining his or her own counsel; and provided further
7 that the actual or alleged act, error or omission did
8 not result from that person's intentional, willful or
9 wanton misconduct; and

10 (3) The Commission shall indemnify and hold harmless any
11 administrator, officer, executive director, employee
12 or representative of the Commission for the amount of
13 any settlement or judgment obtained against that
14 person arising out of any actual or alleged act, error
15 or omission that occurred within the scope of
16 Commission employment, duties or responsibilities, or
17 that such person had a reasonable basis for believing
18 occurred within the scope of Commission employment,
19 duties or responsibilities, provided that the actual
20 or alleged act, error or omission did not result from



1 the intentional, willful or wanton misconduct of that
2 person.

3 Article VIII. Rulemaking

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

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

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

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

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

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

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



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

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

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

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

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

13 (g) The Commission shall publish the place, time and date
14 of the scheduled public hearing:

15 (1) Hearings shall be conducted in a manner providing each
16 person who wishes to comment a fair and reasonable
17 opportunity to comment orally or in writing. All
18 hearings will be recorded, and a copy will be made
19 available upon request; and

20 (2) Nothing in this section shall be construed as
21 requiring a separate hearing on each rule. Rules may



1 be grouped for the convenience of the Commission at
2 hearings required by this section.

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

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

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

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



- 1 (1) Meet an imminent threat to public health, safety or
- 2 welfare;
- 3 (2) Prevent a loss of Commission or party state funds; or
- 4 (3) Meet a deadline for the promulgation of an
- 5 administrative rule that is required by federal law or
- 6 rule.

7 (1) The Commission may direct revisions to a previously

8 adopted rule or amendment for purposes of correcting

9 typographical errors, errors in format, errors in consistency or

10 grammatical errors. Public notice of any revisions shall be

11 posted on the website of the Commission. The revision shall be

12 subject to challenge by any person for a period of thirty days

13 after posting. The revision may be challenged only on grounds

14 that the revision results in a material change to a rule. A

15 challenge shall be made in writing, and delivered to the

16 Commission, prior to the end of the notice period. If no

17 challenge is made, the revision will take effect without further

18 action. If the revision is challenged, the revision may not

19 take effect without the approval of the Commission.

20 Article IX. Oversight, Dispute Resolution and Enforcement

21 (a) Oversight.



- 1 (1) Each party state shall enforce this Compact and take
2 all actions necessary and appropriate to effectuate
3 this Compact's purposes and intent; and
- 4 (2) The Commission shall be entitled to receive service of
5 process in any proceeding that may affect the powers,
6 responsibilities or actions of the Commission, and
7 shall have standing to intervene in such a proceeding
8 for all purposes. Failure to provide service of
9 process in such proceeding to the Commission shall
10 render a judgment or order void as to the Commission,
11 this Compact or promulgated rules.
- 12 (b) Default, Technical Assistance and Termination.
- 13 (1) If the Commission determines that a party state has
14 defaulted in the performance of its obligations or
15 responsibilities under this Compact or the promulgated
16 rules, the Commission shall:
- 17 (A) Provide written notice to the defaulting state
18 and other party states of the nature of the
19 default, the proposed means of curing the default
20 or any other action to be taken by the
21 Commission; and



1 (B) Provide remedial training and specific technical
2 assistance regarding the default;

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

12 (3) Termination of membership in this Compact shall be
13 imposed only after all other means of securing
14 compliance have been exhausted. Notice of intent to
15 suspend or terminate shall be given by the Commission
16 to the governor of the defaulting state and to the
17 executive officer of the defaulting state's licensing
18 board and each of the party states;

19 (4) A state whose membership in this Compact has been
20 terminated is responsible for all assessments,
21 obligations and liabilities incurred through the



1 effective date of termination, including obligations
2 that extend beyond the effective date of termination;

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

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

15 (c) Dispute Resolution.

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



1 (2) The Commission shall promulgate a rule providing for
2 both mediation and binding dispute resolution for
3 disputes, as appropriate; and

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

6 (A) The party states may submit the issues in dispute
7 to an arbitration panel, which will be composed
8 of individuals appointed by the Compact
9 administrator in each of the affected party
10 states and an individual mutually agreed upon by
11 the Compact administrators of all the party
12 states involved in the dispute; and

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

15 (d) Enforcement.

16 (1) The Commission, in the reasonable exercise of its
17 discretion, shall enforce the provisions and rules of
18 this Compact;

19 (2) By majority vote, the Commission may initiate legal
20 action in the United States District Court for the
21 District of Columbia or the federal district in which



1 the Commission has its principal offices against a
2 party state that is in default to enforce compliance
3 with the provisions of this Compact and its
4 promulgated rules and bylaws. The relief sought may
5 include both injunctive relief and damages. In the
6 event judicial enforcement is necessary, the
7 prevailing party shall be awarded all costs of such
8 litigation, including reasonable attorneys' fees; and
9 (3) The remedies herein shall not be the exclusive
10 remedies of the Commission. The Commission may pursue
11 any other remedies available under federal or state
12 law.

13 Article X. Effective Date, Withdrawal and Amendment

14 (a) This Compact shall become effective and binding on the
15 earlier of the date of legislative enactment of this Compact
16 into law by no less than twenty-six states or December 31, 2019.
17 All party states to this Compact that also were parties to the
18 prior Nurse Licensure Compact, superseded by this Compact,
19 ("Prior Compact"), shall be deemed to have withdrawn from said
20 Prior Compact within six months after the effective date of this
21 Compact.



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

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

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

14 (e) Nothing contained in this Compact shall be construed
15 to invalidate or prevent any nurse licensure agreement or other
16 cooperative arrangement between a party state and a non-party
17 state that is made in accordance with the other provisions of
18 this Compact.

19 (f) This Compact may be amended by the party states. No
20 amendment to this Compact shall become effective and binding



1 upon the party states unless and until it is enacted into the
2 laws of all party states.

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

7 Article XI. Construction and Severability

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



1 § -2 Representation on interstate commission of nurse
2 licensure compact administrators. The chairperson of the state
3 board of nursing, or the chairperson's designee, shall represent
4 the State on the Interstate Commission of Nurse Licensure
5 Compact Administrators. The director of commerce and consumer
6 affairs, or the director's designee, shall act as an alternate
7 for the chairperson of the state board of nursing."

8 SECTION 2. This Act shall take effect upon its approval.

9

INTRODUCED BY: B. Stehmi
 L. Deedhuizen

JAN 24 2019

H.B. NO. 1363

Report Title:

Nursing; Compact

Description:

Requires state participation in the multi-state Nurse Licensure Compact, which will allow a nurse who is licensed by a home state to practice under a multi-state licensure privilege in each party state.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

