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# A BILL FOR AN ACT

RELATING TO THE ADVANCED PRACTICE REGISTERED NURSE COMPACT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4                           **"ADVANCED PRACTICE REGISTERED NURSE COMPACT**

5           § -1 **Name.** This chapter may be cited as the Advanced  
6 Practice Registered Nurse Compact.

7           § -2 **Terms and provisions of compact.** The legislature  
8 hereby authorizes the governor to enter into a compact on behalf  
9 of the State of Hawaii with any other state legally joining  
10 therein, in the form substantially as follows:

11                           **ADVANCED PRACTICE REGISTERED NURSE COMPACT**

12           ARTICLE I

13           Findings and Declaration of Purpose

14           (1) The party states find that:

15           (a) the health and safety of the public are affected by  
16 the degree of compliance with APRN licensure requirements and



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1 the effectiveness of enforcement activities related to State  
2 APRN licensure laws;

3 (b) violations of APRN licensure and other laws regulating  
4 the practice of nursing may result in injury or harm to the  
5 public;

6 (c) the expanded mobility of APRNs and the use of advanced  
7 communication and intervention technologies as part of our  
8 nation's health care delivery system require greater  
9 coordination and cooperation among states in the areas of APRN  
10 licensure and regulation;

11 (d) new practice modalities and technology make compliance  
12 with individual state APRN licensure laws difficult and complex;

13 (e) the current system of duplicative APRN licensure for  
14 APRNs practicing in multiple states is cumbersome and redundant  
15 for healthcare delivery systems, payors, state licensing boards,  
16 regulators and APRNs; and

17 (f) uniformity of APRN licensure requirements throughout  
18 the states promotes public safety and public health benefits as  
19 well as providing a mechanism to increase access to care,  
20 particularly in rural and underserved areas.

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



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1 (a) facilitate the states' responsibilities to protect the  
2 public's health and safety;

3 (b) ensure and encourage the cooperation of party states  
4 in the areas of APRN licensure and regulation, including  
5 promotion of uniform licensure requirements;

6 (c) facilitate the exchange of information between party  
7 states in the areas of APRN regulation, investigation, and  
8 adverse actions;

9 (d) promote compliance with the laws governing APRN  
10 practice in each jurisdiction;

11 (e) invest all party states with the authority to hold an  
12 APRN accountable for meeting all state practice laws in the  
13 state in which the patient is located at the time care is  
14 rendered through the mutual recognition of party state  
15 privileges to practice;

16 (f) decrease redundancies in the consideration and  
17 issuance of APRN licenses; and

18 (g) provide opportunities for interstate practice by APRNs  
19 who meet uniform licensure requirements.

## 20 ARTICLE II

### 21 Definitions



1 As used in this compact:

2 (1) "Advanced practice registered nurse" or "APRN" means a  
3 registered nurse who has gained additional specialized  
4 knowledge, skills, and experience through a program of study  
5 recognized or defined by the Interstate Commission of APRN  
6 Compact Administrators ("Commission") and who is licensed to  
7 perform advanced nursing practice. An advanced practice  
8 registered nurse is licensed in an APRN role that is congruent  
9 with an APRN educational program, certification, and Commission  
10 rules.

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

20 (3) "Alternative program" means a nondisciplinary  
21 monitoring program approved by a licensing board.



1           (4) "APRN licensure" means the regulatory mechanism used  
2 by a party state to grant legal authority as an APRN.

3           (5) "APRN uniform licensure/requirements" means the  
4 minimum uniform licensure, education, and examination  
5 requirements set forth in Article III.2 of this Compact.

6           (6) "Coordinated licensure information system" means an  
7 integrated process for collecting, storing, and sharing  
8 information on APRN licensure and enforcement activities related  
9 to APRN licensure laws that are administered by a nonprofit  
10 organization composed of and controlled by licensing boards.

11          (7) "Current significant investigative information" means:

12          (a) investigative information that a licensing board,  
13 after a preliminary inquiry that includes notification and an  
14 opportunity for the APRN to respond, if required by state law,  
15 has reason to believe is not groundless and, if proved true,  
16 would indicate more than a minor infraction; or

17          (b) investigative information that indicates that the APRN  
18 represents an immediate threat to public health and safety  
19 regardless of whether the APRN has been notified and had an  
20 opportunity to respond.



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1           (8) "Encumbrance" means a revocation or suspension of, or  
2 any limitation on, the full and unrestricted practice of nursing  
3 imposed by a licensing board in connection with a disciplinary  
4 proceeding.

5           (9) "Home state" means the party state that is the APRN's  
6 primary state of residence.

7           (10) "Licensing board" means a party state's regulatory  
8 body responsible for regulating the practice of advanced  
9 practice registered nursing.

10          (11) "Multistate license" means an APRN license to  
11 practice as an APRN issued by a home state licensing board that  
12 authorizes the APRN to practice as an APRN in all party states  
13 under a multistate licensure privilege, in the same role and  
14 population focus as the APRN is licensed in the home state.

15          (12) "Non-controlled prescription drug" means a device or  
16 drug that is not a controlled substance and is prohibited under  
17 state or federal law from being dispensed without a  
18 prescription. The term includes a device or drug that bears or  
19 is required to bear the legend "Caution: federal law prohibits  
20 dispensing without prescription" or "prescription only" or other  
21 legend that complies with federal law.



1           (13) "Party state" means any state that has adopted this  
2 compact.

3           (14) "Population focus" means one of the six population  
4 foci of family/individual across the lifespan, adult-  
5 gerontology, pediatrics, neonatal, women's health/gender-related  
6 and psych/mental health.

7           (15) "Prescriptive authority" means the legal authority to  
8 prescribe medications and devices as defined by party state  
9 laws.

10          (16) "Remote state" means a party state that is not the  
11 home state.

12          (17) "Role" means one of the four recognized roles of  
13 certified registered nurse anesthetists (CRNA), certified nurse-  
14 midwives (CNM), clinical nurse specialists (CNS) and certified  
15 nurse practitioners (CNP).

16          (18) "Single-state license" means an APRN license issued  
17 by a party state that authorizes practice only within the  
18 issuing state and does not include a multistate licensure  
19 privilege to practice in any other party state.

20          (19) "State" means a state, territory, or possession of  
21 the United States and the District of Columbia.



1           (20) (a) "State practice laws" means a party state's laws,  
2 rules, and regulations that govern APRN practice, define the  
3 scope of advanced nursing practice, and create the methods and  
4 grounds for imposing discipline except that prescriptive  
5 authority shall be treated in accordance with Article III.1(d)  
6 of this Compact;

7           (b) "State practice laws" do not include:

8           (i) a party state's laws, rules, and regulations requiring  
9 supervision or collaboration with a healthcare professional,  
10 except for laws, rules, and regulations regarding prescribing  
11 controlled substances; or

12           (ii) the requirements necessary to obtain and retain an  
13 APRN license, except for qualifications or requirements of the  
14 home state.

15           ARTICLE III

16           General Provisions and Jurisdiction

17           (1) (a) A state must implement procedures for considering  
18 the criminal history records of applicants for initial APRN  
19 licensure or APRN licensure by endorsement;

20           (b) Such procedures shall include the submission of  
21 fingerprints or other biometric-based information by APRN





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1 applicants for the purpose of obtaining an applicant's criminal  
2 history record information from the Federal Bureau of  
3 Investigation and the agency responsible for retaining that  
4 state's criminal records;

5 (2) Each party state shall require an applicant to  
6 satisfy, the following APRN uniform licensure requirements to  
7 obtain or retain a multistate license in the home state:

8 (a) meeting the home state's qualifications for licensure  
9 or renewal of licensure, as well as, all other applicable state  
10 laws;

11 (b) (i) has completed an accredited graduate-level  
12 education program that prepares the applicant for one of the  
13 four recognized roles and population foci; or

14 (ii) has completed a foreign APRN education program for  
15 one of the four recognized roles and population foci that:

16 (A) has been approved by the authorized accrediting body  
17 in the applicable country; and

18 (B) has been verified by an independent credentials review  
19 agency to be comparable to a licensing board-approved APRN  
20 education program;



1 (c) has, if a graduate of a foreign APRN education program  
2 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 a national certification  
7 examination that measures APRN, role and population-focused  
8 competencies and maintains continued competence as evidenced by  
9 recertification in the role and population focus through the  
10 national certification program;

11 (e) holds an active, unencumbered license as a registered  
12 nurse and an active, unencumbered authorization to practice as  
13 an APRN;

14 (f) has successfully passed an NCLEX-RN® examination or  
15 recognized predecessor, as applicable;

16 (g) has practiced for at least 2,080 hours as an APRN in a  
17 role and population focus congruent with the applicant's  
18 education and training. For purposes of this section, practice  
19 shall not include hours obtained as part of enrollment in an  
20 APRN education program;



1 (h) has submitted, in connection with an application for  
2 initial licensure or licensure by endorsement, fingerprints or  
3 other biometric data for the purpose of obtaining criminal  
4 history record information from the Federal Bureau of  
5 Investigation and the agency responsible for retaining that  
6 state or, if applicable, foreign country's criminal records;

7 (i) has not been convicted or found guilty, or has entered  
8 into an agreed disposition, of a felony offense under applicable  
9 state, federal or foreign criminal law;

10 (j) has not been convicted or found guilty, or has entered  
11 into an agreed disposition, of a misdemeanor offense related to  
12 the practice of nursing as determined by factors set forth in  
13 rules adopted by the Commission;

14 (k) is not currently enrolled in an alternative program;

15 (l) is subject to self-disclosure requirements regarding  
16 current participation in an alternative program; and

17 (m) has a valid United States Social Security number.

18 (3) An APRN issued a multistate license shall be licensed  
19 in an approved role and at least one approved population focus.

20 (4) An APRN multistate license issued by a home state to a  
21 resident in that state will be recognized by each party state as



1 authorizing the APRN to practice as an APRN in each party state,  
2 under a multistate licensure privilege, in the same role and  
3 population focus as the APRN is licensed in the home state.

4 (5) Nothing in this Compact shall affect the requirements  
5 established by a party state for the issuance of a single-state  
6 license, except that an individual may apply for a single-state  
7 license, instead of a multistate license, even if otherwise  
8 qualified for the multistate license. However, the failure of  
9 such an individual to affirmatively opt for a single state  
10 license may result in the issuance of a multistate license.

11 (6) Issuance of an APRN multistate license shall include  
12 prescriptive authority for non-controlled prescription drugs.

13 (7) For each state in which an APRN seeks authority to  
14 prescribe controlled substances, the APRN shall satisfy all  
15 requirements imposed by such state in granting and/or renewing  
16 such authority.

17 (8) (a) An APRN issued a multistate license is authorized  
18 to assume responsibility and accountability for patient care  
19 independent of any supervisory or collaborative relationship;



1           (b) This authority may be exercised in the home state and  
2 in any remote state in which the APRN exercises a multistate  
3 licensure privilege.

4           (9) (a) All party states shall be authorized, in accordance  
5 with state due process laws, to take adverse action against an  
6 APRN's multistate licensure privilege such as revocation,  
7 suspension, probation or any other action that affects an APRN's  
8 authorization to practice under a multistate licensure  
9 privilege, including cease and desist actions;

10          (b) If a party state takes such action, it shall promptly  
11 notify the administrator of the coordinated licensure  
12 information system;

13          (c) The administrator of the coordinated licensure  
14 information system shall promptly notify the home state of any  
15 such actions by remote states.

16          (10) (a) Except as otherwise expressly provided in this  
17 Compact, an APRN practicing in a party state must comply with  
18 the state practice laws of the state in which the client is  
19 located at the time service is provided;

20          (b) APRN practice is not limited to patient care, but  
21 shall include all advanced nursing practice as defined by the



1 state practice laws of the party state in which the client is  
2 located;

3 (c) APRN practice in a party state under a multistate  
4 licensure privilege will subject the APRN to the jurisdiction of  
5 the licensing board, the courts, and the laws of the party state  
6 in which the client is located at the time service is provided.

7 (11) Except as otherwise expressly provided in this  
8 Compact, this Compact does not affect additional requirements  
9 imposed by states for advanced practice registered nursing.  
10 However, a multistate licensure privilege to practice registered  
11 nursing granted by a party state shall be recognized by other  
12 party states as satisfying any state law requirement for  
13 registered nurse licensure as a precondition for authorization  
14 to practice as an APRN in that state.

15 (12) Individuals not residing in a party state shall  
16 continue to be able to apply for a party state's single-state  
17 APRN license as provided under the laws of each party state.  
18 However, the single-state license granted to these individuals  
19 will not be recognized as granting the privilege to practice as  
20 an APRN in any other party state.

21 ARTICLE IV



1 Applications for APRN Licensure in a Party State

2 (1) Upon application for an APRN 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 licensed  
6 practical/vocational nursing license, a registered nursing  
7 license or an advanced practice registered nursing license  
8 issued by another state, whether there are any encumbrances on  
9 any license or multistate licensure privilege held by the  
10 applicant, whether any adverse action has been taken against a  
11 license or multistate licensure privilege held by the applicant,  
12 and whether the applicant is currently participating in an  
13 alternative program.

14 (2) An APRN may hold a multistate APRN license issued by  
15 the home state, in only one party state at a time.

16 (3) If an APRN changes primary state of residence by  
17 moving between two party states, the APRN must apply for APRN  
18 licensure in the new home state, and the multistate license  
19 issued by the prior home state shall be deactivated in  
20 accordance with applicable Commission rules.



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

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

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

12           ARTICLE V

13           Additional Authorities Invested in Party State Licensing  
14 Boards

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

17           (a) Take adverse action against an APRN's multistate  
18 licensure privilege to practice within that party state;

19           (i) Only the home state shall have the power to impose  
20 adverse action against the APRN license issued by the home  
21 state;





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1           (ii) For purposes of imposing adverse action, the home  
2 state licensing board shall give the same priority and effect to  
3 reported conduct that occurred outside the home state as it  
4 would if that conduct had occurred within the home state. In so  
5 doing, it shall apply its own state laws to determine  
6 appropriate action;

7           (b) Issue cease and desist orders or impose an encumbrance  
8 on an APRN's authority to practice within that party state;

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

18           (d) Issue subpoenas for both hearings and investigations  
19 that require the attendance and testimony of witnesses, as well  
20 as, the production of evidence in accordance with the following:



1           (i) Subpoenas issued by a party state licensing board for  
2 the attendance and testimony of witnesses, and/or the production  
3 of evidence from another party state shall be enforced in the  
4 latter state by any court of competent jurisdiction, according  
5 to the court's practice and procedure in considering subpoenas  
6 issued in its own proceedings;

7           (ii) The issuing licensing board shall pay any witness  
8 fees, travel expenses, mileage, and other fees required by the  
9 service statutes of the state in which the witnesses and/or  
10 evidence are located;

11           (e) Obtain and submit, for an APRN licensure applicant,  
12 fingerprints or other biometric-based information to the Federal  
13 Bureau of Investigation for criminal background checks, receive  
14 the results of the Federal Bureau of Investigation record search  
15 on criminal background checks and use the results in making  
16 licensure decision;

17           (f) If otherwise permitted by state law, recover from the  
18 affected APRN the costs of investigations and disposition of  
19 cases resulting from any adverse action taken against that APRN;



1 (g) Take adverse action based on the factual findings of  
2 another party state, provided that the licensing board follows  
3 its own procedures for taking such adverse action.

4 (2) (a) If adverse action is taken by a home state against  
5 an APRN's multistate licensure, the privilege to practice in all  
6 other party states under a multistate licensure privilege shall  
7 be deactivated until all encumbrances have been removed from the  
8 APRN's multistate license;

9 (b) All home state disciplinary orders that impose adverse  
10 action against an APRN's multistate license shall include a  
11 statement that the APRN's multistate licensure privilege is  
12 deactivated in all party states during the pendency of the  
13 order.

14 (3) (a) Nothing in this Compact shall override a party  
15 state's decision that participation in an alternative program  
16 may be used in lieu of adverse action;

17 (b) The home state licensing board shall deactivate the  
18 multistate licensure privilege under the multistate license of  
19 any APRN for the duration of the APRN's participation in an  
20 alternative program.

21 ARTICLE VI



1           Coordinated Licensure Information System and Exchange of  
2 Information

3           (1) All party states shall participate in a coordinated  
4 licensure information system of all APRNs, licensed registered  
5 nurses and licensed practical/vocational nurses. This system  
6 will include information on the licensure and disciplinary  
7 history of each APRN, as submitted by party states, to assist in  
8 the coordinated administration of APRN licensure enforcement  
9 efforts.

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

14          (3) All licensing boards shall promptly report to the  
15 coordinated licensure information system any adverse action, any  
16 current significant investigative information, denials of  
17 applications (reason for such denials) and APRN participation in  
18 alternative programs known to the licensing board regardless of  
19 whether such participation is deemed nonpublic and/or  
20 confidential under state law.



1           (4) Notwithstanding any other provision of law, all party  
2 states' licensing boards contributing information to the  
3 coordinated licensure information system may designate  
4 information that may not be shared with non-party states or  
5 disclosed to other entities or individuals without the express  
6 permission of the contributing state.

7           (5) Any personally identifiable information obtained from  
8 the coordinated licensure information system by a party state  
9 licensing board shall not be shared with non-party states or  
10 disclosed to other entities or individuals except to the extent  
11 permitted by the laws of the party state contributing the  
12 information.

13           (6) Any information contributed to the coordinated  
14 licensure information system that is subsequently required to be  
15 expunged by the laws of the party state contributing that  
16 information shall also be expunged from the coordinated  
17 licensure information system.

18           (7) The Compact administrator of each party state shall  
19 furnish a uniform data set to the Compact administrator of each  
20 other party state, which shall include, at a minimum:

21           (a) identifying information;



1 (b) licensure data;  
2 (c) information related to alternative program  
3 participation information; and  
4 (d) other information that may facilitate the  
5 administration of this Compact, as determined by Commission  
6 rules.

7 (8) The Compact administrator of a party state shall  
8 provide all investigative documents and information requested by  
9 another party state.

10 ARTICLE VII

11 Establishment of the Interstate Commission of APRN Compact  
12 Administrators

13 (1) The party states hereby create and establish a joint  
14 public agency known as the Interstate Commission of APRN Compact  
15 Administrators.

16 (a) The Commission is an instrumentality of the party  
17 states;

18 (b) Venue is proper, and judicial proceedings by or  
19 against the Commission shall be brought solely and exclusively,  
20 in a court of competent jurisdiction where the principal office  
21 of the Commission is located. The Commission may waive venue



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1 and jurisdictional defenses to the extent it adopts or consents  
2 to participate in alternative dispute resolution proceedings;

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

5 (2) Membership, Voting and Meetings.

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

14 (b) Each administrator shall be entitled to one (1) vote  
15 with regard to the promulgation of rules and creation of bylaws  
16 and shall otherwise have an opportunity to participate in the  
17 business and affairs of the Commission. An administrator shall  
18 vote in person or by such other means as provided in the bylaws.  
19 The bylaws may provide for an administrator's participation in  
20 meetings by telephone or other means of communication;



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

4           (d) All meetings shall be open to the public, and public  
5 notice of meetings shall be given in the same manner as required  
6 under the rulemaking provisions in Article VIII;

7           (e) The Commission may convene in a closed, nonpublic  
8 meeting if the Commission must discuss:

9           (i) noncompliance of a party state with its obligations  
10 under this Compact;

11           (ii) the employment, compensation, discipline or other  
12 personnel matters, practices or procedures related to specific  
13 employees or other matters related to the Commission's internal  
14 personnel practices and procedures;

15           (iii) current, threatened, or reasonably anticipated  
16 litigation;

17           (iv) negotiation of contracts for the purchase or sale of  
18 goods, services or real estate;

19           (v) accusing any person of a crime or formally censuring  
20 any person;





1           (vi) disclosure of trade secrets or commercial or  
2 financial information that is privileged or confidential;

3           (vii) disclosure of information of a personal nature where  
4 disclosure would constitute a clearly unwarranted invasion of  
5 personal privacy;

6           (viii) disclosure of investigatory records compiled for  
7 law enforcement purposes;

8           (ix) disclosure of information related to any reports  
9 prepared by or on behalf of the Commission for the purpose of  
10 investigation of compliance with this Compact; or

11          (x) matters specifically exempted from disclosure by  
12 federal or state statute;

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



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1 All minutes and documents of a closed meeting shall remain under  
2 seal, subject to release by a majority vote of the Commission or  
3 order of a court of competent jurisdiction.

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

9 (a) establishing the fiscal year of the Commission;

10 (b) providing reasonable standards and procedures:

11 (i) for the establishment and meetings of other  
12 committees; and

13 (ii) governing any general or specific delegation of any  
14 authority or function of the Commission;

15 (c) (i) Providing reasonable procedures for calling and  
16 conducting meetings of the Commission, ensuring reasonable  
17 advance notice of all meetings and providing an opportunity for  
18 attendance of such meetings by interested parties, with  
19 enumerated exceptions designed to protect the public's interest,  
20 the privacy of individuals, and proprietary information,  
21 including trade secrets;



1           (ii) The Commission may meet in closed session only after  
2 a majority of the administrators vote to close a meeting in  
3 whole or in part;

4           (iii) As soon as practicable, the Commission must make  
5 public a copy of the vote to close the meeting revealing the  
6 vote of each administrator, with no proxy votes allowed;

7           (d) Establishing the titles, duties and authority and  
8 reasonable procedures for the election of the officers of the  
9 Commission;

10          (e) (i) Providing reasonable standards and procedures for  
11 the establishment of the personnel policies and programs of the  
12 Commission;

13          (ii) Notwithstanding any civil service or other similar  
14 laws of any party state, the bylaws shall exclusively govern the  
15 personnel policies and programs of the Commission;

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



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

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

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

8           (7) The Commission shall have the following powers:

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

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

17           (c) to purchase and maintain insurance and bonds;

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



1 (e) to cooperate with other organizations that administer  
2 state compacts related to the regulation of nursing, including  
3 but not limited to sharing administrative or staff expenses,  
4 office space or other resources;

5 (f) to hire employees, elect or appoint officers, fix  
6 compensation, define duties, grant such individuals appropriate  
7 authority to carry out the purposes of this Compact, and to  
8 establish the Commission's personnel policies and programs  
9 relating to conflicts of interest, qualifications of personnel  
10 and other related personnel matters;

11 (g) to accept any and all appropriate donations, grants  
12 and gifts of money, equipment, supplies, materials and services,  
13 and to receive, utilize and dispose of the same; provided that  
14 at all times the Commission shall strive to avoid any appearance  
15 of impropriety and/or conflict of interest;

16 (h) to lease, purchase, accept appropriate gifts or  
17 donations of, or otherwise to own, hold, improve or use, any  
18 property, whether real, personal or mixed; provided that at all  
19 times the Commission shall strive to avoid any appearance of  
20 impropriety;



1 (i) to sell, convey, mortgage, pledge, lease, exchange,  
2 abandon or otherwise dispose of any property, whether real,  
3 personal or mixed;

4 (j) to establish a budget and make expenditures;

5 (k) to borrow money;

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

10 (m) to issue advisory opinions;

11 (n) to provide and receive information from, and to  
12 cooperate with, law enforcement agencies;

13 (o) to adopt and use an official seal; and

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

17 (8) Financing of the Commission.

18 (a) The Commission shall pay, or provide for the payment  
19 of, the reasonable expenses of its establishment, organization,  
20 and ongoing activities;



1           (b) (i) The Commission may also levy on and collect an  
2 annual assessment from each party state to cover the cost of its  
3 operations, activities and staff in its annual budget as  
4 approved each year;

5           (ii) The aggregate annual assessment amount, if any, shall  
6 be allocated based upon a formula to be determined by the  
7 Commission, which shall promulgate a rule that is binding upon  
8 all party states;

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

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

21           (9) Qualified Immunity, Defense, and Indemnification.



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

14           (b) The Commission shall defend any administrator,  
15 officer, executive director, employee or representative of the  
16 Commission in any civil action seeking to impose liability  
17 arising out of any actual or alleged act, error or omission that  
18 occurred within the scope of Commission employment, duties or  
19 responsibilities, or that the person against whom the claim is  
20 made had a reasonable basis for believing occurred within the  
21 scope of Commission employment, duties or responsibilities;





1 provided that nothing herein shall be construed to prohibit that  
2 person from retaining his or her own counsel; and provided  
3 further that the actual or alleged act, error or omission did  
4 not result from that person's intentional, willful or wanton  
5 misconduct;

6 (c) The Commission shall indemnify and hold harmless any  
7 administrator, officer, executive director, employee or  
8 representative of the Commission for the amount of any  
9 settlement or judgment obtained against that person arising out  
10 of any actual or alleged act, error or omission that occurred  
11 within the scope of Commission employment, duties or  
12 responsibilities, or that such person had a reasonable basis for  
13 believing occurred within the scope of Commission employment,  
14 duties or responsibilities, provided that the actual or alleged  
15 act, error or omission did not result from the intentional,  
16 willful or wanton misconduct of that person.

17 ARTICLE VIII

18 Rulemaking

19 (1) The Commission shall exercise its rulemaking powers  
20 pursuant to the criteria set forth in this Article and the rules  
21 adopted thereunder. Rules and amendments shall become binding



1 as of the date specified in each rule or amendment and shall  
2 have the same force and effect as provisions of this Compact.

3 (2) Rules or amendments to the rules shall be adopted at a  
4 regular or special meeting of the Commission.

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

9 (a) on the website of the Commission; and

10 (b) on the website of each licensing board or the  
11 publication in which each state would otherwise publish proposed  
12 rules.

13 (4) The notice of proposed rulemaking shall include:

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

16 (b) the text of the proposed rule or amendment, and the  
17 reason for the proposed rule;

18 (c) a request for comments on the proposed rule from any  
19 interested person; and



1           (d) the manner in which interested persons may submit  
2 notice to the Commission of their intention to attend the public  
3 hearing and any written comments.

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

7           (6) The Commission shall grant an opportunity for a public  
8 hearing before it adopts a rule or amendment.

9           (7) The Commission shall publish the place, time, and date  
10 of the scheduled public hearing.

11           (a) (i) Hearings shall be conducted in a manner providing  
12 each person who wishes to comment a fair and reasonable  
13 opportunity to comment orally or in writing;

14           (ii) All hearings will be recorded, and a copy will be  
15 made available upon request;

16           (b) Nothing in this section shall be construed as  
17 requiring a separate hearing on each rule. Rules may be grouped  
18 for the convenience of the Commission at hearings required by  
19 this section.

20           (8) If no one appears at the public hearing, the  
21 Commission may proceed with promulgation of the proposed rule.



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

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

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

18           (a) meet an imminent threat to public health, safety or  
19 welfare;

20           (b) prevent a loss of Commission or party state funds; or



1 (c) meet a deadline for the promulgation of an  
2 administrative rule that is established by federal law or rule.

3 (12) The Commission may direct revisions to a previously  
4 adopted rule or amendment for purposes of correcting  
5 typographical errors, errors in format, errors in consistency or  
6 grammatical errors. Public notice of any revisions shall be  
7 posted on the website of the Commission. The revision shall be  
8 subject to challenge by any person for a period of thirty (30)  
9 days after posting. The revision may be challenged only on  
10 grounds that the revision results in a material change to a  
11 rule. A challenge shall be made in writing, and delivered to  
12 the Commission, prior to the end of the notice period. If no  
13 challenge is made, the revision will take effect without further  
14 action. If the revision is challenged, the revision may not  
15 take effect without the approval of the Commission.

16 ARTICLE IX

17 Oversight, Dispute Resolution and Enforcement

18 (1) Oversight.

19 (a) Each party state shall enforce this Compact and take  
20 all actions necessary and appropriate to effectuate this  
21 Compact's purposes and intent;



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

8           (2) Default, Technical Assistance and Termination.

9           (a) If the Commission determines that a party state has  
10 defaulted in the performance of its obligations or  
11 responsibilities under this Compact or the promulgated rules,  
12 the Commission shall:

13           (i) provide written notice to the defaulting state and  
14 other party states of the nature of the default, the proposed  
15 means of curing the default and/or any other action to be taken  
16 by the Commission; and

17           (ii) provide remedial training and specific technical  
18 assistance regarding the default;

19           (b)(i) If a state in default fails to cure the default,  
20 the defaulting state's membership in this Compact may be  
21 terminated upon an affirmative vote of a majority of the



1 administrators, and all rights, privileges and benefits  
2 conferred by this Compact may be terminated on the effective  
3 date of termination;

4 (ii) A cure of the default does not relieve the offending  
5 state of obligations or liabilities incurred during the period  
6 of default;

7 (c) (i) Termination of membership in this Compact shall be  
8 imposed only after all other means of securing compliance have  
9 been exhausted;

10 (ii) Notice of intent to suspend or terminate shall be  
11 given by the Commission to the governor of the defaulting state  
12 and to the executive officer of the defaulting state's licensing  
13 board, the defaulting state's licensing board, and each of the  
14 party states;

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

20 (e) The Commission shall not bear any costs related to a  
21 state that is found to be in default or whose membership in this



1 Compact has been terminated, unless agreed upon in writing  
2 between the Commission and the defaulting state;

3 (f) (i) The defaulting state may appeal the action of the  
4 Commission by petitioning the United States District Court for  
5 the District of Columbia or the federal district in which the  
6 Commission has its principal offices;

7 (ii) The prevailing party shall be awarded all costs of  
8 such litigation, including reasonable attorneys' fees.

9 (3) Dispute Resolution.

10 (a) Upon request by a party state, the Commission shall  
11 attempt to resolve disputes related to the Compact that arises  
12 among party states and between party and non-party states;

13 (b) The Commission shall promulgate a rule providing for  
14 both mediation and binding dispute resolution for disputes, as  
15 appropriate;

16 (c) In the event the Commission cannot resolve disputes  
17 among party states arising under this Compact:

18 (i) The party states may submit the issues in dispute to  
19 an arbitration panel, which will be composed of individuals  
20 appointed by the Compact administrator in each of the affected  
21 party states and an individual mutually agreed upon by the





1 Compact administrators of all the party states involved in the  
2 dispute;

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

5 (4) Enforcement.

6 (a) The Commission, in the reasonable exercise of its  
7 discretion, shall enforce the provisions and rules of this  
8 Compact;

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

19 (c) The remedies herein shall not be the exclusive  
20 remedies of the Commission. The Commission may pursue any other  
21 remedies available under federal or state law.



1           ARTICLE X

2           Effective Date, Withdrawal and Amendment

3           (1) This Compact shall come into limited effect at such  
4 time as this Compact has been enacted into law in seven (7)  
5 party states for the sole purpose of establishing and convening  
6 the Commission to adopt rules relating to its operation.

7           (2) Any state that joins this Compact subsequent to the  
8 Commission's initial adoption of the APRN uniform licensure  
9 requirements shall be subject to all rules that have been  
10 previously adopted by the Commission.

11           (3) (a) Any party state may withdraw from this Compact by  
12 enacting a statute repealing the same;

13           (b) A party state's withdrawal shall not take effect until  
14 six (6) months after enactment of the repealing statute.

15           (4) A party state's withdrawal or termination shall not  
16 affect the continuing requirement of the withdrawing or  
17 terminated state's licensing board to report adverse actions and  
18 significant investigations occurring prior to the effective date  
19 of such withdrawal or termination.

20           (5) Nothing contained in this Compact shall be construed  
21 to invalidate or prevent any APRN licensure agreement or other



1 cooperative arrangement between a party state and a non-party  
2 state that does not conflict with the provisions of this  
3 Compact.

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

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

## 12 ARTICLE XI

### 13 Construction and Severability

14 This Compact shall be liberally construed so as to  
15 effectuate the purposes thereof. The provisions of this Compact  
16 shall be severable, and if any phrase, clause, sentence or  
17 provision of this Compact is declared to be contrary to the  
18 constitution of any party state or of the United States, or if  
19 the applicability thereof to any government, agency, person or  
20 circumstance is held invalid, the validity of the remainder of  
21 this Compact and the applicability thereof to any government,

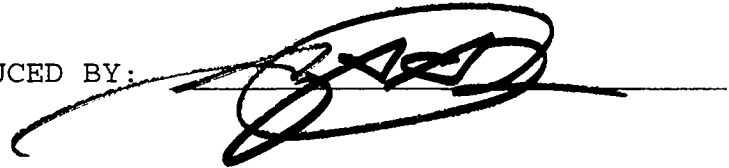


# S.B. NO. 321

1 agency, person or circumstance shall not be affected thereby.  
2 If this Compact shall be held to be contrary to the constitution  
3 of any party state, this Compact shall remain in full force and  
4 effect as to the remaining party states and in full force and  
5 effect as to the party state affected as to all severable  
6 matters."

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

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but appears to contain the letters 'JAD'.

# S.B. NO. 321

**Report Title:**

Advanced Practice Registered Nurse Compact; Licenses

**Description:**

Adopts the Advanced Practice Registered Nurse Compact.

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

