

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill makes Minnesota a member of the Nurse Licensure Compact. Adopting the compact means that nurses licensed in other states that have adopted the compact may practice in Minnesota without being licensed in Minnesota, and that Minnesota licensed nurses can practice in other party states to the compact without being licensed in those other states. The language of the compact was developed by the National Council of State Boards of Nursing. As of January 2002, the National Council of State Boards of Nursing reports the compact has been adopted in 16 states (Arizona, Arkansas, Delaware, Idaho, Iowa, Maryland, Maine, Mississippi, Nebraska, New Jersey, North Carolina, North Dakota, South Dakota, Texas, Utah, and Wisconsin).

### Section

- 1 **Nurse licensure compact.** Adds § 148.2855. Enacts the nurse licensure compact into law and enters into the compact with all other party states. The content of the compact is as follows:
  - Article 1: Findings and Declaration of Purpose.** Lists findings of the party states and states the purposes of the compact.
  - Article 2: Definitions.** Defines the following terms for the compact: adverse action, alternative program, coordinated licensure information system, current significant investigative information, home state, home state action, licensing board, multistate licensure privilege, nurse, party state, remote state, remote state action, state, and state practice laws.
  - Article 3: General Provisions and Jurisdiction.** Specifies that a license to practice registered or licensed practical/vocational nursing in a home state will be recognized by each party state as authorizing a multistate licensure privilege. Allows party states to revoke or limit the multistate licensure privilege and take other actions necessary to protect the health and safety of their citizens. Requires nurses practicing in a party state to comply with the state practice laws of the state. Specifies that this compact does not affect additional requirements imposed by states for advanced practice registered nursing. Specifies that an individual who does not live in a party

state but who is licensed in a party state does not have a multistate licensure privilege.

**Article 4: Applications for Licensure in a Party State.** Upon an application for licensure, requires the licensing board in a party state to determine the applicant's licensure status in any other state. Allows a nurse in a party state to be licensed only in one party state at a time. Establishes procedures to follow when a nurse changes primary state of residence.

**Article 5: Adverse Actions.** Requires the licensing board of a remote state to report to the coordinated licensure information system any actions taken by the remote state, along with any significant current investigative information yet to result in remote state action. Directs the home state to be promptly notified of such reports. Allows a remote state to take adverse action against a nurse's multistate licensure privilege within that state, and specifies that only the home state can take adverse action against the license issued by the home state. Also allows the home state to take adverse action based on findings made by a remote state. Specifies that this compact does not supersede a party state's decision to use participation in an alternative program in place of taking an adverse action.

**Article 6: Additional Authorities Invested in Party State Nurse Licensing Boards.** Lists other powers of party state nurse licensing boards, including recovering investigative and disposition costs from nurses who are disciplined, issuing subpoenas, issuing cease and desist orders, and adopting rules.

**Article 7: Coordinated Licensure Information System.** Requires party states to work together to create a coordinated database of all licensed registered nurses and licensed practical/vocational nurses. Specifies what the system must include. Requires all party state licensing boards to report adverse actions taken by the boards to the system. Allows current significant investigative information to be transmitted through the system only to party states. Allows party states to designate information that may not be shared with nonparty states or disclosed to others without the party state's consent. Prohibits the disclosure of personally identifying data obtained by a party state licensing board to nonparty states or other entities, except as allowed by the laws of the state that provided the information. Requires expungement of data from the system if the law of the party state contributing the information requires expungement. Directs the compact administrators to develop procedures for identifying, collecting, and exchanging information.

**Article 8: Compact Administration and Interchange of Information.** Designates the head of the nurse licensing board in each state as the administrator of the compact for that state. Lists information that the compact administrator in each state must supply to administrators in other party states. Authorizes compact administrators to develop uniform rules to coordinate implementation of the compact.

**Article 9: Immunity.** Grants immunity to party states and to the officers, employees, or agents of a party state's licensing board for acting in good faith while performing duties under the compact.

**Article 10: Entry Into Force, Withdrawal, and Amendment.** Specifies when the compact goes into effect in a state and when a withdrawal from the compact takes effect. Allows the compact to be amended by party states, but specifies that an amendment to the compact does not become effective on the party states until adopted by all party states.

**Article 11: Construction and Severability.** Directs the compact to be liberally construed, and makes the compact severable. If party states need to settle disputes under the compact, allows party states to submit the issues to an arbitration panel and makes a decision of the arbitration panel final and binding.

2 **Application of nurse licensure compact to existing laws.** Adds § 148.2856. Specifies how Minnesota laws apply to nurses from other party states practicing in Minnesota.

Nurses from other party states have the same obligations, privileges, and rights as nurses licensed in Minnesota.

Nurse employers are not relieved from complying with statutorily imposed obligations. The statute adopting the nurse licensure compact does not supersede existing state labor laws.

For purposes of the Data Practices Act, a nurse practicing under a multistate licensure privilege is a licensee of the board.

Uniform rules adopted by the compact administrators are exempted from the rulemaking provisions of chapter 14.

Proceedings against a multistate licensure privilege shall be adjudicated following the contested case procedures in chapter 14 and shall be subject to judicial review.

The listed reporting requirements apply to nurses practicing under a multistate licensure privilege.

The board is allowed to take action against a nurse's multistate licensure privilege based on the grounds for disciplinary action that apply to Minnesota licensed nurses, and is allowed to impose the disciplinary and corrective actions that may be imposed against Minnesota licensed nurses.

The immunity provisions and cooperation requirements that apply to Minnesota licensed nurses also apply to nurses practicing under a multistate licensure privilege.

A nurse practicing under a multistate licensure privilege cannot be prosecuted for practicing in Minnesota without a license.

Complaints must be handled according to chapter 214.

The board cannot report active investigative data regarding a complaint investigation to a remote state, unless the board is assured that the remote state will maintain the data with the same protections as provided in Minnesota, or unless failing to release the data would present a clear and present danger.

The provisions of the HIV/HBV/HCV prevention program apply to nurses practicing under a multistate licensure privilege

Nurses from remote states who are practicing in Minnesota must comply with any criminal background check requirements in other laws.

- 3 **Withdrawal from compact.** Adds § 148.2857. Allows the governor to withdraw the state from the compact if the board of nursing notifies the governor that a party state to the compact has change that state's requirements for nurse licensure, and that the state's new requirements are substantially lower than the licensure requirements in Minnesota.
- 4 **Miscellaneous provisions.** Adds § 148.2858. Defines the head of the nurse licensing board as the executive director of the board. Give the board of nursing authority to recover costs of investigations and discipline from a nurse practicing under a multistate licensure privilege. Allows the board to implement a system to identify individuals practicing under a multistate licensure privilege in Minnesota.
- 5 **Nurse licensure compact advisory committee.** Adds § 148.2859. Establishes a nurse licensure compact advisory committee to advise the compact administrator on implementation of the compact. Requires the board to appoint members to the advisory committee, and listed who must be represented on the advisory committee. Requires the advisory committee to be organized and administered under section 15.059.
- 6 **Effective date.** Makes sections 1 to 5 effective upon implementation of the coordinated licensure information system, but no sooner than July 1, 2002.

