moves to amend H.F. No. 220 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [148.2855] NURSE LICENSURE COMPACT.

The Nurse Licensure Compact is enacted into law and entered into with all other jurisdictions legally joining in it, in the form substantially as follows:

ARTICLE 1

FINDINGS AND DECLARATION OF PURPOSE

(a) The party states find that:

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

(2) violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

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

(4) new practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

(6) uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

(b) The general purposes of this Compact are to:

(1) facilitate the states' responsibility to protect the public's health and safety;

(2) ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions:

Section 1.
(4) promote compliance with the laws governing the practice of nursing in each jurisdiction;

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

(6) decrease redundancies in the consideration and issuance of nurse licenses; and

(7) provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE 2
DEFINITIONS

As used in this Compact:

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

(b) "Alternative program" means a non-disciplinary monitoring program approved by a licensing board.

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

(d) "Current significant investigative information" means:

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

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

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

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

(g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.
(h) "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

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

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

(k) "Party state" means any state that has adopted this Compact.

(l) "Remote state" means a party state, other than the home state.

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

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

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

ARTICLE 3
GENERAL PROVISIONS AND JURISDICTION

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

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

(c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:
(1) meets the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws;

(2) (i) has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or

(ii) has graduated from a foreign RN or LPN/VN prelicensure education program that;

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

and

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

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

(4) has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or recognized predecessor, as applicable;

(5) is eligible for or holds an active, unencumbered license;

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

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

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

(9) is not currently enrolled in an alternative program;

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

(11) has a valid United States Social Security number.

(d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
(c) A nurse practicing in a party state must comply with the state practice laws of the
state in which the client is located at the time service is provided. The practice of nursing
is not limited to patient care, but shall include all nursing practice as defined by the state
practice laws of the party state in which the client is located. The practice of nursing in a
party state under a multistate licensure privilege will subject a nurse to the jurisdiction of
the licensing board, the courts and the laws of the party state in which the client is located
at the time service is provided.

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

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

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

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

ARTICLE 4
APPLICATIONS FOR LICENSURE IN A PARTY STATE

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

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

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

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

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

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

ARTICLE 5

ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

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

(1) Take adverse action against a nurse's multistate licensure privilege to practice
within that party state,

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

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

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

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

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

(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other
biometric-based information to the Federal Bureau of Investigation for criminal
background checks, receive the results of the Federal Bureau of Investigation record
search on criminal background checks and use the results in making licensure decisions.

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

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

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

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

ARTICLE 6

COORDINATED LICENSURE INFORMATION SYSTEM AND
EXCHANGE OF INFORMATION

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

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

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

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

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

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

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

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

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

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

ARTICLE 7
ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE
LICENSURE COMPACT ADMINISTRATORS

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

(1) The Commission is an instrumentality of the party states.
(2) Venue is proper, and judicial proceedings by or against the Commission shall be
brought solely and exclusively, in a court of competent jurisdiction where the principal
office of the Commission is located. The Commission may waive venue and jurisdictional
defenses to the extent it adopts or consents to participate in alternative dispute resolution
proceedings.
(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting and Meetings

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

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

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

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

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

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

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

(iii) current, threatened or reasonably anticipated litigation;

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

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

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

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

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

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

(x) matters specifically exempted from disclosure by federal or state statute.

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

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

(1) establishing the fiscal year of the Commission;

(2) providing reasonable standards and procedures:

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

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

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

(4) establishing the titles, duties and authority and reasonable procedures for the
election of the officers of the Commission;

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

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

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

(e) The Commission shall maintain its financial records in accordance with the
bylaws.
(f) The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

(g) The Commission shall have the following powers:

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

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

(3) to purchase and maintain insurance and bonds;

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

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

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

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

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

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

(10) to establish a budget and make expenditures;

(11) to borrow money;

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

(13) to provide and receive information from, and to cooperate with, law enforcement agencies;

(14) to adopt and use an official seal; and
(15) to perform such other functions as may be necessary or appropriate to achieve
the purposes of this Compact consistent with the state regulation of nurse licensure and
practice.

(h) Financing of the Commission

(1) The Commission shall pay, or provide for the payment of, the reasonable
expenses of its establishment, organization and ongoing activities.

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

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

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

(i) Qualified Immunity, Defense and Indemnification

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

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

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

ARTICLE 8
RULEMAKING

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

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

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

(1) on the website of the Commission; and
(2) on the website of each licensing board or the publication in which each state
would otherwise publish proposed rules.
(d) The notice of proposed rulemaking shall include:

(1) the proposed time, date and location of the meeting in which the rule will
be considered and voted upon;
(2) the text of the proposed rule or amendment, and the reason for the proposed rule;
(3) a request for comments on the proposed rule from any interested person; and
(4) the manner in which interested persons may submit notice to the Commission of
their intention to attend the public hearing and any written comments.
(e) Prior to adoption of a proposed rule, the Commission shall allow persons to submit
written data, facts, opinions and arguments, which shall be made available to the public.
(f) The Commission shall grant an opportunity for a public hearing before it adopts a
rule or amendment.
(g) The Commission shall publish the place, time and date of the scheduled public hearing.

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

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

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

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

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

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

(1) meet an imminent threat to public health, safety or welfare;

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

(3) meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

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

ARTICLE 9
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight

(1) Each party state shall enforce this Compact and take all actions necessary and appropriate to effectuate this Compact's purposes and intent.

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

(b) Default, Technical Assistance and Termination

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

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

   (ii) provide remedial training and specific technical assistance regarding the default.

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

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

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

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

(6) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
(c) Dispute Resolution

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

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

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

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

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

(d) Enforcement

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

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

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

ARTICLE 10

EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) This Compact shall become effective and binding on the earlier of the date of legislative enactment of this Compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this Compact, that also were parties to the prior Nurse Licensure Compact, superseded by this Compact, ("Prior Compact"), shall be deemed to have withdrawn from said Prior Compact within six (6) months after the effective date of this Compact.

(b) Each party state to this Compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the Prior Compact until such party state has withdrawn from the Prior Compact.
(c) Any party state may withdraw from this Compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

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

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

(f) This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

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

ARTICLE 11

CONSTRUCTION AND SEVERABILITY

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

Sec. 2. [148.2856] APPLICATION OF NURSE LICENSURE COMPACT TO EXISTING LAWS.

(a) A nurse practicing professional or practical nursing in Minnesota under the authority of section 148.2855 shall have the same obligations, privileges, and rights as if the nurse was licensed in Minnesota. Notwithstanding any contrary provisions in section 148.2855, the Board of Nursing shall comply with and follow all laws and rules with respect to registered and licensed practical nurses practicing professional or practical
nursing in Minnesota under the authority of section 148.2855, and all such individuals shall be governed and regulated as if they were licensed by the board.

(b) Section 148.2855 does not relieve employers of nurses from complying with statutorily imposed obligations.

(c) Section 148.2855 does not supersede existing state labor laws.

(d) For purposes of the Minnesota Government Data Practices Act, chapter 13, an individual not licensed as a nurse under sections 148.171 to 148.285 who practices professional or practical nursing in Minnesota under the authority of section 148.2855 is considered to be a licensee of the board.


(f) Proceedings brought against an individual’s multistate privilege shall be adjudicated following the procedures listed in sections 14.50 to 14.62 and shall be subject to judicial review as provided for in sections 14.63 to 14.69.

(g) For purposes of sections 62M.09, subdivision 2; 121A.22, subdivision 4; 144.051; 144.052; 145A.02, subdivision 18; 148.975; 151.37; 152.12; 154.04; 595.02, subdivision 1, paragraph (g); 604.20, subdivision 5; and 631.40, subdivision 2; and chapters 319B and 364, holders of a multistate privilege who are licensed as registered or licensed practical nurses in the home state shall be considered to be licensees in Minnesota. If any of the statutes listed in this paragraph are limited to registered nurses or the practice of professional nursing, then only holders of a multistate privilege who are licensed as registered nurses in the home state shall be considered licensees.

(h) The reporting requirements of sections 144.4175, 148.263, 626.52, 626.556, and 626.557 apply to individuals not licensed as registered or licensed practical nurses under sections 148.171 to 148.285 who practice professional or practical nursing in Minnesota under the authority of section 148.2855.

(i) The board may take action against an individual's multistate privilege based on the grounds listed in section 148.261, subdivision 1, and any other statute authorizing or requiring the board to take corrective or disciplinary action.

(j) The board may take all forms of disciplinary action provided for in section 148.262, subdivision 1, and corrective action provided for in section 214.103, subdivision 6, against an individual's multistate privilege.

(k) The immunity provisions of section 148.264, subdivision 1, apply to individuals who practice professional or practical nursing in Minnesota under the authority of section 148.2855.
(l) The cooperation requirements of section 148.265 apply to individuals who practice professional or practical nursing in Minnesota under the authority of section 148.2855.

(m) The provisions of section 148.283 shall not apply to individuals who practice professional or practical nursing in Minnesota under the authority of section 148.2855.

(n) Complaints against individuals who practice professional or practical nursing in Minnesota under the authority of section 148.2855 shall be handled as provided in sections 214.10 and 214.103.

(o) All provisions of section 148.2855 authorizing or requiring the board to provide data to party states are authorized by section 214.10, subdivision 8, paragraph (d).

(p) Except as provided in section 13.41, subdivision 6, the board shall not report to a remote state any active investigative data regarding a complaint investigation against a nurse licensed under sections 148.171 to 148.285, unless the board obtains reasonable assurances from the remote state that the data will be maintained with the same protections as provided in Minnesota law.

(q) The provisions of sections 214.17 to 214.25 apply to individuals who practice professional or practical nursing in Minnesota under the authority of section 148.2855 when the practice involves direct physical contact between the nurse and a patient.

(r) A nurse practicing professional or practical nursing in Minnesota under the authority of section 148.2855 must comply with any criminal background check required under Minnesota law.

(s) Uniform rules and amendments to the rules adopted by the commission to facilitate and implement the compact, shall not alter qualifications for a state license or the Minnesota Nurse Practice Act.

Sec. 3. [148.2857] WITHDRAWAL FROM COMPACT.

The governor may withdraw the state from the compact in section 148.2855 if the Board of Nursing notifies the governor that a party state to the compact changed the party state's requirements for nurse licensure after July 1, 2013, and that the party state's requirements, as changed, are substantially lower than the requirements for nurse licensure in this state.

Sec. 4. [148.2858] MISCELLANEOUS PROVISIONS.

(a) For the purposes of section 148.2855, "head of the Nurse Licensing Board" means the executive director of the Minnesota Board of Nursing.

(b) The Board of Nursing shall have the authority to recover from a nurse practicing professional or practical nursing in Minnesota under the authority of section 148.2855
the costs of investigation and disposition of cases resulting from any adverse action

taken against the nurse.

(c) The board may implement a system of identifying individuals who practice
professional or practical nursing in Minnesota under the authority of section 148.2855.

Sec. 5. APPROPRIATION.

$149,000 in fiscal year 2017 is appropriated from the state government special
revenue fund to the Board of Nursing for the purposes of this act. The state government
special revenue fund base appropriation is increased by $6,000 in fiscal years 2018 and
2019."