

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

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[148.2855] NURSE LICENSURE COMPACT.**

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

1.6 ARTICLE 1

1.7 FINDINGS AND DECLARATION OF PURPOSE

1.8 (a) The party states find that:

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

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

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

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

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

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

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

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

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

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

2.1 (4) promote compliance with the laws governing the practice of nursing in each
2.2 jurisdiction;

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

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

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

2.9 ARTICLE 2

2.10 DEFINITIONS

2.11 As used in this Compact:

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

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

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

2.24 (d) "Current significant investigative information" means:

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

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

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

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

2.35 (g) "Licensing board" means a party state's regulatory body responsible for issuing
2.36 nurse licenses.

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

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

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

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

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

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

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

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

3.21 ARTICLE 3

3.22 GENERAL PROVISIONS AND JURISDICTION

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

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

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

4.1 (1) meets the home state's qualifications for licensure or renewal of licensure, as well
4.2 as, all other applicable state laws;

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

4.5 (ii) has graduated from a foreign RN or LPN/VN prelicensure education program that;
4.6 (A) has been approved by the authorized accrediting body in the applicable country;
4.7 and

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

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

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

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

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

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

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

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

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

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

4.30 (d) All party states shall be authorized, in accordance with existing state due
4.31 process law, to take adverse action against a nurse's multistate licensure privilege such as
4.32 revocation, suspension, probation or any other action that affects a nurse's authorization
4.33 to practice under a multistate licensure privilege, including cease and desist actions. If a
4.34 party state takes such action, it shall promptly notify the administrator of the coordinated
4.35 licensure information system. The administrator of the coordinated licensure information
4.36 system shall promptly notify the home state of any such actions by remote states.

5.1 (e) A nurse practicing in a party state must comply with the state practice laws of the
5.2 state in which the client is located at the time service is provided. The practice of nursing
5.3 is not limited to patient care, but shall include all nursing practice as defined by the state
5.4 practice laws of the party state in which the client is located. The practice of nursing in a
5.5 party state under a multistate licensure privilege will subject a nurse to the jurisdiction of
5.6 the licensing board, the courts and the laws of the party state in which the client is located
5.7 at the time service is provided.

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

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

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

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

5.24 ARTICLE 4

5.25 APPLICATIONS FOR LICENSURE IN A PARTY STATE

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

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

5.35 (c) If a nurse changes primary state of residence by moving between two party
5.36 states, the nurse must apply for licensure in the new home state, and the multistate license

6.1 issued by the prior home state will be deactivated in accordance with applicable rules
6.2 adopted by the Commission.

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

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

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

6.12 ARTICLE 5

6.13 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

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

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

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

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

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

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

6.32 (4) Issue subpoenas for both hearings and investigations that require the attendance
6.33 and testimony of witnesses, as well as, the production of evidence. Subpoenas issued by
6.34 a licensing board in a party state for the attendance and testimony of witnesses or the
6.35 production of evidence from another party state shall be enforced in the latter state by any
6.36 court of competent jurisdiction, according to the practice and procedure of that court

7.1 applicable to subpoenas issued in proceedings pending before it. The issuing authority
7.2 shall pay any witness fees, travel expenses, mileage and other fees required by the service
7.3 statutes of the state in which the witnesses or evidence are located.

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

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

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

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

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

7.23 ARTICLE 6

7.24 COORDINATED LICENSURE INFORMATION SYSTEM AND 7.25 EXCHANGE OF INFORMATION

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

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

7.34 (c) All licensing boards shall promptly report to the coordinated licensure
7.35 information system any adverse action, any current significant investigative information,
7.36 denials of applications (with the reasons for such denials) and nurse participation in

8.1 alternative programs known to the licensing board regardless of whether such participation
8.2 is deemed nonpublic or confidential under state law.

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

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

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

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

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

8.19 (1) identifying information;

8.20 (2) licensure data;

8.21 (3) information related to alternative program participation; and

8.22 (4) other information that may facilitate the administration of this Compact, as
8.23 determined by Commission rules.

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

8.26 ARTICLE 7

8.27 ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE

8.28 LICENSURE COMPACT ADMINISTRATORS

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

8.31 (1) The Commission is an instrumentality of the party states.

8.32 (2) Venue is proper, and judicial proceedings by or against the Commission shall be
8.33 brought solely and exclusively, in a court of competent jurisdiction where the principal
8.34 office of the Commission is located. The Commission may waive venue and jurisdictional
8.35 defenses to the extent it adopts or consents to participate in alternative dispute resolution
8.36 proceedings.

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

9.2 (b) Membership, Voting and Meetings

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

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

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

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

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

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

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

9.24 (iii) current, threatened or reasonably anticipated litigation;

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

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

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

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

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

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

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

9.35 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
9.36 Commission's legal counsel or designee shall certify that the meeting may be closed and

10.1 shall reference each relevant exempting provision. The Commission shall keep minutes
10.2 that fully and clearly describe all matters discussed in a meeting and shall provide a full
10.3 and accurate summary of actions taken, and the reasons therefor, including a description
10.4 of the views expressed. All documents considered in connection with an action shall be
10.5 identified in such minutes. All minutes and documents of a closed meeting shall remain
10.6 under seal, subject to release by a majority vote of the Commission or order of a court
10.7 of competent jurisdiction.

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

10.11 (1) establishing the fiscal year of the Commission;

10.12 (2) providing reasonable standards and procedures:

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

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

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

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

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

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

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

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

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

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

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

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

11.10 (3) to purchase and maintain insurance and bonds;

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

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

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

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

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

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

11.29 (10) to establish a budget and make expenditures;

11.30 (11) to borrow money;

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

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

11.36 (14) to adopt and use an official seal; and

12.1 (15) to perform such other functions as may be necessary or appropriate to achieve
12.2 the purposes of this Compact consistent with the state regulation of nurse licensure and
12.3 practice.

12.4 (h) Financing of the Commission

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

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

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

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

12.21 (i) Qualified Immunity, Defense and Indemnification

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

12.31 (2) The Commission shall defend any administrator, officer, executive director,
12.32 employee or representative of the Commission in any civil action seeking to impose
12.33 liability arising out of any actual or alleged act, error or omission that occurred within the
12.34 scope of Commission employment, duties or responsibilities, or that the person against
12.35 whom the claim is made had a reasonable basis for believing occurred within the scope of
12.36 Commission employment, duties or responsibilities; provided that nothing herein shall

13.1 be construed to prohibit that person from retaining his or her own counsel; and provided
13.2 further that the actual or alleged act, error or omission did not result from that person's
13.3 intentional, willful or wanton misconduct.

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

13.12 ARTICLE 8

13.13 RULEMAKING

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

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

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

13.23 (1) on the website of the Commission; and

13.24 (2) on the website of each licensing board or the publication in which each state
13.25 would otherwise publish proposed rules.

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

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

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

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

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

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

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

14.1 (g) The Commission shall publish the place, time and date of the scheduled public
14.2 hearing.

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

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

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

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

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

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

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

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

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

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

14.36

ARTICLE 9

15.1 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

15.2 (a) Oversight

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

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

15.10 (b) Default, Technical Assistance and Termination

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

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

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

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

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

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

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

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

16.1 (c) Dispute Resolution

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

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

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

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

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

16.13 (d) Enforcement

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

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

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

16.25 ARTICLE 10

16.26 EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

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

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

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

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

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

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

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

17.17 ARTICLE 11

17.18 CONSTRUCTION AND SEVERABILITY

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

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

17.30 (a) A nurse practicing professional or practical nursing in Minnesota under the
17.31 authority of section 148.2855 shall have the same obligations, privileges, and rights as if
17.32 the nurse was licensed in Minnesota. Notwithstanding any contrary provisions in section
17.33 148.2855, the Board of Nursing shall comply with and follow all laws and rules with
17.34 respect to registered and licensed practical nurses practicing professional or practical

18.1 nursing in Minnesota under the authority of section 148.2855, and all such individuals
18.2 shall be governed and regulated as if they were licensed by the board.

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

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

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

18.10 (e) Uniform rules developed by the compact administrators shall not be subject
18.11 to the provisions of sections 14.05 to 14.389, except for sections 14.07, 14.08, 14.101,
18.12 14.131, 14.18, 14.22, 14.23, 14.27, 14.28, 14.365, 14.366, 14.37, and 14.38.

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

18.16 (g) For purposes of sections 62M.09, subdivision 2; 121A.22, subdivision 4;
18.17 144.051; 144.052; 145A.02, subdivision 18; 148.975; 151.37; 152.12; 154.04; 595.02,
18.18 subdivision 1, paragraph (g); 604.20, subdivision 5; and 631.40, subdivision 2; and
18.19 chapters 319B and 364, holders of a multistate privilege who are licensed as registered
18.20 or licensed practical nurses in the home state shall be considered to be licensees in
18.21 Minnesota. If any of the statutes listed in this paragraph are limited to registered nurses or
18.22 the practice of professional nursing, then only holders of a multistate privilege who are
18.23 licensed as registered nurses in the home state shall be considered licensees.

18.24 (h) The reporting requirements of sections 144.4175, 148.263, 626.52, 626.556, and
18.25 626.557 apply to individuals not licensed as registered or licensed practical nurses under
18.26 sections 148.171 to 148.285 who practice professional or practical nursing in Minnesota
18.27 under the authority of section 148.2855.

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

18.31 (j) The board may take all forms of disciplinary action provided for in section
18.32 148.262, subdivision 1, and corrective action provided for in section 214.103, subdivision
18.33 6, against an individual's multistate privilege.

18.34 (k) The immunity provisions of section 148.264, subdivision 1, apply to individuals
18.35 who practice professional or practical nursing in Minnesota under the authority of section
18.36 148.2855.

19.1 (l) The cooperation requirements of section 148.265 apply to individuals who practice
19.2 professional or practical nursing in Minnesota under the authority of section 148.2855.

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

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

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

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

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

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

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

19.24 **Sec. 3. [148.2857] WITHDRAWAL FROM COMPACT.**

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

19.30 **Sec. 4. [148.2858] MISCELLANEOUS PROVISIONS.**

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

19.33 (b) The Board of Nursing shall have the authority to recover from a nurse practicing
19.34 professional or practical nursing in Minnesota under the authority of section 148.2855

20.1 the costs of investigation and disposition of cases resulting from any adverse action
20.2 taken against the nurse.

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

20.5 Sec. 5. **APPROPRIATION.**

20.6 \$149,000 in fiscal year 2017 is appropriated from the state government special
20.7 revenue fund to the Board of Nursing for the purposes of this act. The state government
20.8 special revenue fund base appropriation is increased by \$6,000 in fiscal years 2018 and
20.9 2019."