

IN THE SENATE

SENATE BILL NO. 1251

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE NURSE LICENSURE COMPACT; REPEALING SECTION 54-1418, IDAHO CODE, RELATING TO THE NURSE LICENSURE COMPACT; AMENDING CHAPTER 14, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1418, IDAHO CODE, TO ENACT THE NURSE LICENSURE COMPACT; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section [54-1418](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 14, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1418, Idaho Code, and to read as follows:

54-1418. NURSE LICENSURE COMPACT. The terms and conditions of the nurse licensure compact are hereby enacted in substantially the following form:

NURSE LICENSURE COMPACT

ARTICLE I

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;



1 h. "Multistate license" means a license to practice as a registered or a  
2 licensed practical/vocational nurse (LPN/VN) issued by a home state licens-  
3 ing board that authorizes the licensed nurse to practice in all party states  
4 under a multistate licensure privilege.

5 i. "Multistate licensure privilege" means a legal authorization asso-  
6 ciated with a multistate license permitting the practice of nursing as ei-  
7 ther a registered nurse (RN) or LPN/VN in a remote state.

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

10 k. "Party state" means any state that has adopted this compact.

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

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

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

17 o. "State practice laws" means a party state's laws, rules and regula-  
18 tions that govern the practice of nursing, define the scope of nursing prac-  
19 tice, and create the methods and grounds for imposing discipline. "State  
20 practice laws" do not include requirements necessary to obtain and retain a  
21 license, except for qualifications or requirements of the home state.

## 22 ARTICLE III

### 23 GENERAL PROVISIONS AND JURISDICTION

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

29 b. A state must implement procedures for considering the criminal  
30 history records of applicants for initial multistate license or licensure  
31 by endorsement. Such procedures shall include the submission of finger-  
32 prints or other biometric-based information by applicants for the purpose of  
33 obtaining an applicant's criminal history record information from the fed-  
34 eral bureau of investigation and the agency responsible for retaining that  
35 state's criminal records.

36 c. Each party state shall require the following for an applicant to ob-  
37 tain or retain a multistate license in the home state:

38 1. Meets the home state's qualifications for licensure or renewal of  
39 licensure, as well as all other applicable state laws;

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

42 (ii) Has graduated from a foreign RN or LPN/VN prelicensure educa-  
43 tion program that (a) has been approved by the authorized accred-  
44 iting body in the applicable country and (b) has been verified by  
45 an independent credentials review agency to be comparable to a li-  
46 censing board-approved prelicensure education program;

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

5 4. Has successfully passed an NCLEX-RN® or NCLEX-PN® examination or  
6 recognized predecessor, as applicable;

7 5. Is eligible for or holds an active, unencumbered license;

8 6. Has submitted, in connection with an application for initial licen-  
9 sure or licensure by endorsement, fingerprints or other biometric data  
10 for the purpose of obtaining criminal history record information from  
11 the federal bureau of investigation and the agency responsible for re-  
12 taining that state's criminal records;

13 7. Has not been convicted or found guilty, or has entered into an agreed  
14 disposition, of a felony offense under applicable state or federal  
15 criminal law;

16 8. Has not been convicted or found guilty, or has entered into an agreed  
17 disposition, of a misdemeanor offense related to the practice of nurs-  
18 ing as determined on a case-by-case basis;

19 9. Is not currently enrolled in an alternative program;

20 10. Is subject to self-disclosure requirements regarding current par-  
21 ticipation in an alternative program; and

22 11. Has a valid United States social security number.

23 d. All party states shall be authorized, in accordance with existing  
24 state due process law, to take adverse action against a nurse's multistate  
25 licensure privilege such as revocation, suspension, probation or any other  
26 action that affects a nurse's authorization to practice under a multistate  
27 licensure privilege, including cease and desist actions. If a party state  
28 takes such action, it shall promptly notify the administrator of the coord-  
29 inated licensure information system. The administrator of the coordinated  
30 licensure information system shall promptly notify the home state of any  
31 such actions by remote states.

32 e. A nurse practicing in a party state must comply with the state prac-  
33 tice laws of the state in which the client is located at the time service  
34 is provided. The practice of nursing is not limited to patient care, but  
35 shall include all nursing practice as defined by the state practice laws of  
36 the party state in which the client is located. The practice of nursing in  
37 a party state under a multistate licensure privilege will subject a nurse to  
38 the jurisdiction of the licensing board, the courts and the laws of the party  
39 state in which the client is located at the time service is provided.

40 f. Individuals not residing in a party state shall continue to be able  
41 to apply for a party state's single-state license as provided under the laws  
42 of each party state. However, the single-state license granted to these in-  
43 dividuals will not be recognized as granting the privilege to practice nurs-  
44 ing in any other party state. Nothing in this compact shall affect the re-  
45 quirements established by a party state for the issuance of a single-state  
46 license.

47 g. Any nurse holding a home state multistate license, on the effective  
48 date of this compact, may retain and renew the multistate license issued by  
49 the nurse's then-current home state, provided that:

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

4 2. A nurse who fails to satisfy the multistate licensure requirements  
5 in article III.c. due to a disqualifying event occurring after this  
6 compact's effective date shall be ineligible to retain or renew a mul-  
7 tistate license, and the nurse's multistate license shall be revoked  
8 or deactivated in accordance with applicable rules adopted by the  
9 interstate commission of nurse licensure compact administrators ("com-  
10 mission").

#### 11 ARTICLE IV

##### 12 APPLICATIONS FOR LICENSURE IN A PARTY STATE

13 a. Upon application for a multistate license, the licensing board in  
14 the issuing party state shall ascertain, through the coordinated licensure  
15 information system, whether the applicant has ever held, or is the holder of,  
16 a license issued by any other state, whether there are any encumbrances on  
17 any license or multistate licensure privilege held by the applicant, whether  
18 any adverse action has been taken against any license or multistate licen-  
19 sure privilege held by the applicant, and whether the applicant is currently  
20 participating in an alternative program.

21 b. A nurse may hold a multistate license, issued by the home state, in  
22 only one (1) party state at a time.

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

27 1. The nurse may apply for licensure in advance of a change in primary  
28 state of residence.

29 2. A multistate license shall not be issued by the new home state until  
30 the nurse provides satisfactory evidence of a change in primary state  
31 of residence to the new home state and satisfies all applicable require-  
32 ments to obtain a multistate license from the new home state.

33 d. If a nurse changes primary state of residence by moving from a party  
34 state to a nonparty state, the multistate license issued by the prior home  
35 state will convert to a single-state license, valid only in the former home  
36 state.

#### 37 ARTICLE V

##### 38 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

39 a. In addition to the other powers conferred by state law, a licensing  
40 board shall have the authority to:

41 1. Take adverse action against a nurse's multistate licensure privi-  
42 lege to practice within that party state.

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

1           ii. For purposes of taking adverse action, the home state licens-  
2           ing board shall give the same priority and effect to reported con-  
3           duct received from a remote state as it would if such conduct had  
4           occurred within the home state. In so doing, the home state shall  
5           apply its own state laws to determine appropriate action.

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

8           3. Complete any pending investigations of a nurse who changes pri-  
9           mary state of residence during the course of such investigations. The  
10          licensing board shall also have the authority to take appropriate  
11          action(s) and shall promptly report the conclusions of such investi-  
12          gations to the administrator of the coordinated licensure information  
13          system. The administrator of the coordinated licensure information  
14          system shall promptly notify the new home state of any such actions.

15          4. Issue subpoenas for both hearings and investigations that require  
16          the attendance and testimony of witnesses, as well as the production of  
17          evidence. Subpoenas issued by a licensing board in a party state for  
18          the attendance and testimony of witnesses or the production of evidence  
19          from another party state shall be enforced in the latter state by any  
20          court of competent jurisdiction, according to the practice and proce-  
21          dure of that court applicable to subpoenas issued in proceedings pend-  
22          ing before it. The issuing authority shall pay any witness fees, travel  
23          expenses, mileage and other fees required by the service statutes of the  
24          state in which the witnesses or evidence are located.

25          5. Obtain and submit, for each nurse licensure applicant, fingerprint  
26          or other biometric-based information to the federal bureau of inves-  
27          tigation for criminal background checks, receive the results of the  
28          federal bureau of investigation record search on criminal background  
29          checks and use the results in making licensure decisions.

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

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

36          b. If adverse action is taken by the home state against a nurse's multi-  
37          state license, the nurse's multistate licensure privilege to practice in all  
38          other party states shall be deactivated until all encumbrances have been re-  
39          moved from the multistate license. All home state disciplinary orders that  
40          impose adverse action against a nurse's multistate license shall include a  
41          statement that the nurse's multistate licensure privilege is deactivated in  
42          all party states during the pendency of the order.

43          c. Nothing in this compact shall override a party state's decision that  
44          participation in an alternative program may be used in lieu of adverse ac-  
45          tion. The home state licensing board shall deactivate the multistate licen-  
46          sure privilege under the multistate license of any nurse for the duration of  
47          the nurse's participation in an alternative program.

## ARTICLE VI

## COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

1  
2  
3 a. All party states shall participate in a coordinated licensure infor-  
4 mation system of all licensed registered nurses (RNs) and licensed practi-  
5 cal/vocational nurses (LPNs/VNs). This system will include information on  
6 the licensure and disciplinary history of each nurse, as submitted by party  
7 states, to assist in the coordination of nurse licensure and enforcement ef-  
8 forts.

9 b. The commission, in consultation with the administrator of the coor-  
10 dinated licensure information system, shall formulate necessary and proper  
11 procedures for the identification, collection and exchange of information  
12 under this compact.

13 c. All licensing boards shall promptly report to the coordinated licen-  
14 sure information system any adverse action, any current significant inves-  
15 tigative information, denials of applications (with the reasons for such de-  
16 nials) and nurse participation in alternative programs known to the licens-  
17 ing board regardless of whether such participation is deemed nonpublic or  
18 confidential under state law.

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

23 e. Notwithstanding any other provision of law, all party state licens-  
24 ing boards contributing information to the coordinated licensure informa-  
25 tion system may designate information that may not be shared with nonparty  
26 states or disclosed to other entities or individuals without the express  
27 permission of the contributing state.

28 f. Any personally identifiable information obtained from the coordi-  
29 nated licensure information system by a party state licensing board shall  
30 not be shared with nonparty states or disclosed to other entities or individ-  
31 uals except to the extent permitted by the laws of the party state contribut-  
32 ing the information.

33 g. Any information contributed to the coordinated licensure informa-  
34 tion system that is subsequently required to be expunged by the laws of the  
35 party state contributing that information shall also be expunged from the  
36 coordinated licensure information system.

37 h. The compact administrator of each party state shall furnish a uni-  
38 form data set to the compact administrator of each other party state, which  
39 shall include, at a minimum:

- 40 1. Identifying information;
- 41 2. Licensure data;
- 42 3. Information related to alternative program participation; and
- 43 4. Other information that may facilitate the administration of this  
44 compact, as determined by commission rules.

45 i. The compact administrator of a party state shall provide all inves-  
46 tigative documents and information requested by another party state.

## ARTICLE VII

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 (1) 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 of this compact.

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;



- 1 v. Accusing any person of a crime or formally censuring any per-  
2 son;  
3 vi. Disclosure of trade secrets or commercial or financial infor-  
4 mation that is privileged or confidential;  
5 vii. Disclosure of information of a personal nature where disclo-  
6 sure would constitute a clearly unwarranted invasion of personal  
7 privacy;  
8 viii. Disclosure of investigatory records compiled for law en-  
9 forcement purposes;  
10 ix. Disclosure of information related to any reports prepared by  
11 or on behalf of the commission for the purpose of investigation of  
12 compliance with this compact; or  
13 x. Matters specifically exempted from disclosure by federal or  
14 state statute.

15 6. If a meeting, or portion of a meeting, is closed pursuant to this pro-  
16 vision, the commission's legal counsel or designee shall certify that  
17 the meeting may be closed and shall reference each relevant exempting  
18 provision. The commission shall keep minutes that fully and clearly de-  
19 scribe all matters discussed in a meeting and shall provide a full and  
20 accurate summary of actions taken, and the reasons therefor, including  
21 a description of the views expressed. All documents considered in con-  
22 nection with an action shall be identified in such minutes. All minutes  
23 and documents of a closed meeting shall remain under seal, subject to  
24 release by a majority vote of the commission or order of a court of com-  
25 petent jurisdiction.

26 c. The commission shall, by a majority vote of the administrators, pre-  
27 scribe bylaws or rules to govern its conduct as may be necessary or appropri-  
28 ate to carry out the purposes and exercise the powers of this compact includ-  
29 ing, but not limited to:

- 30 1. Establishing the fiscal year of the commission;  
31 2. Providing reasonable standards and procedures:  
32 i. For the establishment and meetings of other committees; and  
33 ii. Governing any general or specific delegation of any authority  
34 or function of the commission;  
35 3. Providing reasonable procedures for calling and conducting meetings  
36 of the commission, ensuring reasonable advance notice of all meetings  
37 and providing an opportunity for attendance of such meetings by inter-  
38 ested parties, with enumerated exceptions designed to protect the pub-  
39 lic's interest, the privacy of individuals, and proprietary informa-  
40 tion, including trade secrets. The commission may meet in closed ses-  
41 sion only after a majority of the administrators vote to close a meeting  
42 in whole or in part. As soon as practicable, the commission must make  
43 public a copy of the vote to close the meeting revealing the vote of each  
44 administrator, with no proxy votes allowed;  
45 4. Establishing the titles, duties and authority and reasonable proce-  
46 dures for the election of the officers of the commission;  
47 5. Providing reasonable standards and procedures for the establishment  
48 of the personnel policies and programs of the commission. Notwith-  
49 standing any civil service or other similar laws of any party state, the

1 bylaws shall exclusively govern the personnel policies and programs of  
2 the commission; and

3 6. Providing a mechanism for winding up the operations of the commis-  
4 sion and the equitable disposition of any surplus funds that may exist  
5 after the termination of this compact after the payment or reserving of  
6 all of its debts and obligations;

7 d. The commission shall publish its bylaws and rules, and any amend-  
8 ments thereto, in a convenient form on the website of the commission.

9 e. The commission shall maintain its financial records in accordance  
10 with the bylaws.

11 f. The commission shall meet and take such actions as are consistent  
12 with the provisions of this compact and the bylaws.

13 g. The commission shall have the following powers:

14 1. To promulgate uniform rules to facilitate and coordinate implemen-  
15 tation and administration of this compact. The rules shall have the  
16 force and effect of law and shall be binding in all party states;

17 2. To bring and prosecute legal proceedings or actions in the name of  
18 the commission, provided that the standing of any licensing board to sue  
19 or be sued under applicable law shall not be affected;

20 3. To purchase and maintain insurance and bonds;

21 4. To borrow, accept or contract for services of personnel including,  
22 but not limited to, employees of a party state or nonprofit organiza-  
23 tions;

24 5. To cooperate with other organizations that administer state com-  
25 pacts related to the regulation of nursing including, but not limited  
26 to, sharing administrative or staff expenses, office space or other  
27 resources;

28 6. To hire employees, elect or appoint officers, fix compensation, de-  
29 fine duties, grant such individuals appropriate authority to carry out  
30 the purposes of this compact, and to establish the commission's person-  
31 nel policies and programs relating to conflicts of interest, qualifica-  
32 tions of personnel and other related personnel matters;

33 7. To accept any and all appropriate donations, grants and gifts of  
34 money, equipment, supplies, materials and services, and to receive,  
35 utilize and dispose of the same; provided that at all times the commis-  
36 sion shall avoid any appearance of impropriety or conflict of interest;

37 8. To lease, purchase, accept appropriate gifts or donations of, or  
38 otherwise to own, hold, improve or use, any property, whether real, per-  
39 sonal or mixed; provided that at all times the commission shall avoid  
40 any appearance of impropriety;

41 9. To sell, convey, mortgage, pledge, lease, exchange, abandon or oth-  
42 erwise dispose of any property, whether real, personal or mixed;

43 10. To establish a budget and make expenditures;

44 11. To borrow money;

45 12. To appoint committees, including advisory committees comprised of  
46 administrators, state nursing regulators, state legislators or their  
47 representatives, and consumer representatives, and other such inter-  
48 ested persons;

49 13. To provide and receive information from, and to cooperate with, law  
50 enforcement agencies;

1 14. To adopt and use an official seal; and

2 15. To perform such other functions as may be necessary or appropriate  
3 to achieve the purposes of this compact consistent with the state regu-  
4 lation of nurse licensure and practice.

5 h. Financing of the commission.

6 1. The commission shall pay, or provide for the payment of, the rea-  
7 sonable expenses of its establishment, organization and ongoing activ-  
8 ities.

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

15 3. The commission shall not incur obligations of any kind prior to se-  
16 curing the funds adequate to meet the same; nor shall the commission  
17 pledge the credit of any of the party states, except by, and with the  
18 authority of, such party state.

19 4. The commission shall keep accurate accounts of all receipts and dis-  
20 bursements. The receipts and disbursements of the commission shall be  
21 subject to the audit and accounting procedures established under its  
22 bylaws. However, all receipts and disbursements of funds handled by the  
23 commission shall be audited yearly by a certified or licensed public  
24 accountant, and the report of the audit shall be included in and become  
25 part of the annual report of the commission.

26 i. Qualified immunity, defense and indemnification.

27 1. The administrators, officers, executive director, employees and  
28 representatives of the commission shall be immune from suit and lia-  
29 bility, either personally or in their official capacity, for any claim  
30 for damage to or loss of property or personal injury or other civil li-  
31 ability caused by or arising out of any actual or alleged act, error or  
32 omission that occurred, or that the person against whom the claim is  
33 made had a reasonable basis for believing occurred, within the scope  
34 of commission employment, duties or responsibilities; provided that  
35 nothing in this paragraph shall be construed to protect any such person  
36 from suit or liability for any damage, loss, injury or liability caused  
37 by the intentional, willful or wanton misconduct of that person.

38 2. The commission shall defend any administrator, officer, executive  
39 director, employee or representative of the commission in any civil  
40 action seeking to impose liability arising out of any actual or alleged  
41 act, error or omission that occurred within the scope of commission em-  
42 ployment, duties or responsibilities, or that the person against whom  
43 the claim is made had a reasonable basis for believing occurred within  
44 the scope of commission employment, duties or responsibilities; pro-  
45 vided that nothing herein shall be construed to prohibit that person  
46 from retaining his or her own counsel; and provided further that the ac-  
47 tual or alleged act, error or omission did not result from that person's  
48 intentional, willful or wanton misconduct.

49 3. The commission shall indemnify and hold harmless any administrator,  
50 officer, executive director, employee or representative of the commis-

1 sion for the amount of any settlement or judgment obtained against that  
2 person arising out of any actual or alleged act, error or omission that  
3 occurred within the scope of commission employment, duties or responsi-  
4 bilities, or that such person had a reasonable basis for believing oc-  
5 curred within the scope of commission employment, duties or responsi-  
6 bilities, provided that the actual or alleged act, error or omission did  
7 not result from the intentional, willful or wanton misconduct of that  
8 person.

9 ARTICLE VIII

10 RULEMAKING

11 a. The commission shall exercise its rulemaking powers pursuant to the  
12 criteria set forth in this article and the rules adopted thereunder. Rules  
13 and amendments shall become binding as of the date specified in each rule or  
14 amendment and shall have the same force and effect as provisions of this com-  
15 pact.

16 b. Rules or amendments to the rules shall be adopted at a regular or spe-  
17 cial meeting of the commission.

18 c. Prior to promulgation and adoption of a final rule or rules by the  
19 commission, and at least sixty (60) days in advance of the meeting at which  
20 the rule will be considered and voted upon, the commission shall file a no-  
21 tice of proposed rulemaking:

22 1. On the website of the commission; and

23 2. On the website of each licensing board or the publication in which  
24 each state would otherwise publish proposed rules.

25 d. The notice of proposed rulemaking shall include:

26 1. The proposed time, date and location of the meeting in which the rule  
27 will be considered and voted upon;

28 2. The text of the proposed rule or amendment, and the reason for the  
29 proposed rule;

30 3. A request for comments on the proposed rule from any interested per-  
31 son; and

32 4. The manner in which interested persons may submit notice to the com-  
33 mission of their intention to attend the public hearing and any written  
34 comments.

35 e. Prior to adoption of a proposed rule, the commission shall allow per-  
36 sons to submit written data, facts, opinions and arguments, which shall be  
37 made available to the public.

38 f. The commission shall grant an opportunity for a public hearing be-  
39 fore it adopts a rule or amendment.

40 g. The commission shall publish the place, time and date of the sched-  
41 uled public hearing.

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



1 1. If the commission determines that a party state has defaulted in the  
2 performance of its obligations or responsibilities under this compact  
3 or the promulgated rules, the commission shall:

- 4 i. Provide written notice to the defaulting state and other party  
5 states of the nature of the default, the proposed means of curing  
6 the default or any other action to be taken by the commission; and  
7 ii. Provide remedial training and specific technical assistance  
8 regarding the default.

9 2. If a state in default fails to cure the default, the defaulting  
10 state's membership in this compact may be terminated upon an affirma-  
11 tive vote of a majority of the administrators, and all rights, privi-  
12 leges and benefits conferred by this compact may be terminated on the  
13 effective date of termination. A cure of the default does not relieve  
14 the offending state of obligations or liabilities incurred during the  
15 period of default.

16 3. Termination of membership in this compact shall be imposed only af-  
17 ter all other means of securing compliance have been exhausted. Notice  
18 of intent to suspend or terminate shall be given by the commission to the  
19 governor of the defaulting state and to the executive officer of the de-  
20 faulting state's licensing board and each of the party states.

21 4. A state whose membership in this compact has been terminated is re-  
22 sponsible for all assessments, obligations and liabilities incurred  
23 through the effective date of termination, including obligations that  
24 extend beyond the effective date of termination.

25 5. The commission shall not bear any costs related to a state that is  
26 found to be in default or whose membership in this compact has been ter-  
27 minated unless agreed upon in writing between the commission and the de-  
28 faulting state.

29 6. The defaulting state may appeal the action of the commission by pe-  
30 titioning the U.S. district court for the District of Columbia or the  
31 federal district in which the commission has its principal offices. The  
32 prevailing party shall be awarded all costs of such litigation, includ-  
33 ing reasonable attorneys' fees.

34 c. Dispute resolution.

35 1. Upon request by a party state, the commission shall attempt to re-  
36 solve disputes related to the compact that arise among party states and  
37 between party and nonparty states.

38 2. The commission shall promulgate a rule providing for both mediation  
39 and binding dispute resolution for disputes, as appropriate.

40 3. In the event the commission cannot resolve disputes among party  
41 states arising under this compact:

- 42 i. The party states may submit the issues in dispute to an arbi-  
43 tration panel, which will be comprised of individuals appointed by  
44 the compact administrator in each of the affected party states and  
45 an individual mutually agreed upon by the compact administrators  
46 of all the party states involved in the dispute.

- 47 ii. The decision of a majority of the arbitrators shall be final  
48 and binding.

49 d. Enforcement.

1 1. The commission, in the reasonable exercise of its discretion, shall  
2 enforce the provisions and rules of this compact.

3 2. By majority vote, the commission may initiate legal action in the  
4 U.S. district court for the District of Columbia or the federal district  
5 in which the commission has its principal offices against a party state  
6 that is in default to enforce compliance with the provisions of this  
7 compact and its promulgated rules and bylaws. The relief sought may  
8 include both injunctive relief and damages. In the event judicial en-  
9 forcement is necessary, the prevailing party shall be awarded all costs  
10 of such litigation, including reasonable attorneys' fees.

11 3. The remedies herein shall not be the exclusive remedies of the com-  
12 mission. The commission may pursue any other remedies available under  
13 federal or state law.

#### 14 ARTICLE X

##### 15 EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

16 a. This compact shall become effective and binding on the earlier of  
17 the date of legislative enactment of this compact into law by no less than  
18 twenty-six (26) states or December 31, 2018. All party states to this com-  
19 pact, that also were parties to the prior nurse licensure compact, super-  
20 seded by this compact, ("prior compact"), shall be deemed to have withdrawn  
21 from said prior compact within six (6) months after the effective date of  
22 this compact.

23 b. Each party state to this compact shall continue to recognize a  
24 nurse's multistate licensure privilege to practice in that party state is-  
25 sued under the prior compact until such party state has withdrawn from the  
26 prior compact.

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

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

34 e. Nothing contained in this compact shall be construed to invalidate  
35 or prevent any nurse licensure agreement or other cooperative arrangement  
36 between a party state and a nonparty state that is made in accordance with the  
37 other provisions of this compact.

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

41 g. Representatives of nonparty states to this compact shall be invited  
42 to participate in the activities of the commission, on a nonvoting basis,  
43 prior to the adoption of this compact by all states.

## 1 ARTICLE XI

## 2 CONSTRUCTION AND SEVERABILITY

3 This compact shall be liberally construed so as to effectuate the pur-  
4 poses thereof. The provisions of this compact shall be severable, and if any  
5 phrase, clause, sentence or provision of this compact is declared to be con-  
6 trary to the constitution of any party state or of the United States, or if  
7 the applicability thereof to any government, agency, person or circumstance  
8 is held invalid, the validity of the remainder of this compact and the appli-  
9 cability thereof to any government, agency, person or circumstance shall not  
10 be affected thereby. If this compact shall be held to be contrary to the con-  
11 stitution of any party state, this compact shall remain in full force and ef-  
12 fect as to the remaining party states and in full force and effect as to the  
13 party state affected as to all severable matters.

14 SECTION 3. This act shall be in full force and effect on and after the  
15 date on which the executive director of the State Board of Nursing certifies  
16 to the Secretary of State that twenty-five (25) other states have enacted the  
17 Nurse Licensure Compact.