

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 608, Page 1,  
2 Section A, Line 2, by inserting immediately after all of said section and line the following:

3  
4 "192.2490. 1. After an investigation and a determination has been made to place a person's  
5 name on the employee disqualification list, that person shall be notified in writing mailed to his or  
6 her last known address that:

7 (1) An allegation has been made against the person, the substance of the allegation and that  
8 an investigation has been conducted which tends to substantiate the allegation;

9 (2) The person's name will be included in the employee disqualification list of the  
10 department;

11 (3) The consequences of being so listed including the length of time to be listed; and

12 (4) The person's rights and the procedure to challenge the allegation.

13 2. If no reply has been received within thirty days of mailing the notice, the department may  
14 include the name of such person on its list. The length of time the person's name shall appear on the  
15 employee disqualification list shall be determined by the director or the director's designee, based  
16 upon the criteria contained in subsection 9 of this section.

17 3. If the person so notified wishes to challenge the allegation, such person may file an  
18 application for a hearing with the department. The department shall grant the application within  
19 thirty days after receipt by the department and set the matter for hearing, or the department shall  
20 notify the applicant that, after review, the allegation has been held to be unfounded and the  
21 applicant's name will not be listed.

22 4. If a person's name is included on the employee disqualification list without the  
23 department providing notice as required under subsection 1 of this section, such person may file a  
24 request with the department for removal of the name or for a hearing. Within thirty days after  
25 receipt of the request, the department shall either remove the name from the list or grant a hearing  
26 and set a date therefor.

27 5. Any hearing shall be conducted in the county of the person's residence by the director of  
28 the department or the director's designee. The provisions of chapter 536 for a contested case except  
29 those provisions or amendments which are in conflict with this section shall apply to and govern the  
30 proceedings contained in this section and the rights and duties of the parties involved. The person  
31 appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter  
32 536, relevant to the allegations.

33 6. Upon the record made at the hearing, the director of the department or the director's  
34 designee shall determine all questions presented and shall determine whether the person shall be  
35 listed on the employee disqualification list. The director of the department or the director's designee  
36 shall clearly state the reasons for his or her decision and shall include a statement of findings of fact

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1 and conclusions of law pertinent to the questions in issue.

2 7. A person aggrieved by the decision following the hearing shall be informed of his or her  
3 right to seek judicial review as provided under chapter 536. If the person fails to appeal the  
4 director's findings, those findings shall constitute a final determination that the person shall be  
5 placed on the employee disqualification list.

6 8. A decision by the director shall be inadmissible in any civil action brought against a  
7 facility or the in-home services provider agency and arising out of the facts and circumstances  
8 which brought about the employment disqualification proceeding, unless the civil action is brought  
9 against the facility or the in-home services provider agency by the department of health and senior  
10 services or one of its divisions.

11 9. The length of time the person's name shall appear on the employee disqualification list  
12 shall be determined by the director of the department of health and senior services or the director's  
13 designee, based upon the following:

14 (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

15 (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the  
16 imminent danger to the health, safety or welfare of a resident or in-home services client;

17 (3) The degree of misappropriation of the property or funds, or falsification of any  
18 documents for service delivery of an in-home services client;

19 (4) Whether the person has previously been listed on the employee disqualification list;

20 (5) Any mitigating circumstances;

21 (6) Any aggravating circumstances; and

22 (7) Whether alternative sanctions resulting in conditions of continued employment are  
23 appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions  
24 of employment may include, but are not limited to, additional training and employee counseling.  
25 Conditional employment shall terminate upon the expiration of the designated length of time and  
26 the person's submitting documentation which fulfills the department of health and senior services'  
27 requirements.

28 10. The removal of any person's name from the list under this section shall not prevent the  
29 director from keeping records of all acts finally determined to have occurred under this section.

30 11. The department shall provide the list maintained pursuant to this section to other state  
31 departments upon request and to any person, corporation, organization, or association who:

32 (1) Is licensed as an operator under chapter 198;

33 (2) Provides in-home services under contract with the department of social services or its  
34 divisions;

35 (3) Employs [nurses and nursing assistants] health care providers as defined in section  
36 376.1350 for temporary or intermittent placement in health care facilities;

37 (4) Is approved by the department to issue certificates for nursing assistants training;

38 (5) Is an entity licensed under chapter 197;

39 (6) Is a recognized school of nursing, medicine, or other health profession for the purpose  
40 of determining whether students scheduled to participate in clinical rotations with entities described  
41 in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

42 (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that  
43 conducts employee background checks on behalf of entities listed in [subdivisions (1), (2), (5), or  
44 (6) of] this subsection. Such a consumer reporting agency shall conduct the employee  
45 disqualification list check only upon the initiative or request of an entity described in [subdivisions  
46 (1), (2), (5), or (6) of] this subsection when the entity is fulfilling its duties required under this  
47 section.  
48

The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 192.2400 required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee:

(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 192.2495;

(2) Was placed on the employee disqualification list under this section after the date of hire;

(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;

(4) Has a disqualifying finding under this section, section 192.2495, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 of section 192.2495.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

192.2495. 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

(1) Is licensed as an operator pursuant to chapter 198;

(2) Provides in-home services under contract with the department of social services or its divisions;

1 (3) Employs [nurses or nursing assistants] health care providers as defined in section  
2 376.1350 for temporary or intermittent placement in health care facilities;

3 (4) Is an entity licensed pursuant to chapter 197;

4 (5) Is a public or private facility, day program, residential facility or specialized service  
5 operated, funded or licensed by the department of mental health; or

6 (6) Is a licensed adult day care provider.

7 2. For the purpose of this section "patient or resident" has the same meaning as such term is  
8 defined in section 43.540.

9 3. Prior to allowing any person who has been hired as a full-time, part-time or temporary  
10 position to have contact with any patient or resident the provider shall, or in the case of temporary  
11 employees hired through or contracted for an employment agency, the employment agency shall  
12 prior to sending a temporary employee to a provider:

13 (1) Request a criminal background check as provided in section 43.540. Completion of an  
14 inquiry to the highway patrol for criminal records that are available for disclosure to a provider for  
15 the purpose of conducting an employee criminal records background check shall be deemed to  
16 fulfill the provider's duty to conduct employee criminal background checks pursuant to this section;  
17 except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a  
18 provider from further inquiry pursuant to common law requirements governing due diligence. If an  
19 applicant has not resided in this state for five consecutive years prior to the date of his or her  
20 application for employment, the provider shall request a nationwide check for the purpose of  
21 determining if the applicant has a prior criminal history in other states. The fingerprint cards and  
22 any required fees shall be sent to the highway patrol's central repository. The first set of fingerprints  
23 shall be used for searching the state repository of criminal history information. If no identification  
24 is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation,  
25 Identification Division, for the searching of the federal criminal history files. The patrol shall notify  
26 the submitting state agency of any criminal history information or lack of criminal history  
27 information discovered on the individual. The provisions relating to applicants for employment  
28 who have not resided in this state for five consecutive years shall apply only to persons who have no  
29 employment history with a licensed Missouri facility during that five-year period. Notwithstanding  
30 the provisions of section 610.120, all records related to any criminal history information discovered  
31 shall be accessible and available to the provider making the record request; and

32 (2) Make an inquiry to the department of health and senior services whether the person is  
33 listed on the employee disqualification list as provided in section 192.2490.

34 4. When the provider requests a criminal background check pursuant to section 43.540, the  
35 requesting entity may require that the applicant reimburse the provider for the cost of such record  
36 check. When a provider requests a nationwide criminal background check pursuant to subdivision  
37 (1) of subsection 3 of this section, the total cost to the provider of any background check required  
38 pursuant to this section shall not exceed five dollars which shall be paid to the state. State funding  
39 and the obligation of a provider to obtain a nationwide criminal background check shall be subject  
40 to the availability of appropriations.

41 5. An applicant for a position to have contact with patients or residents of a provider shall:

42 (1) Sign a consent form as required by section 43.540 so the provider may request a  
43 criminal records review;

44 (2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal  
45 history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall  
46 include any suspended imposition of sentence, any suspended execution of sentence or any period of  
47 probation or parole; [and]

48 (3) Disclose if the applicant is listed on the employee disqualification list as provided in

1 section 192.2490; and

2 (4) Disclose if the applicant is listed on any of the background checks in the family care  
 3 safety registry established under section 210.903. A provider not otherwise prohibited from  
 4 employing an individual listed on such background checks may deny employment to an individual  
 5 listed on any of the background checks in such registry.

6 6. An applicant who knowingly fails to disclose his or her criminal history as required in  
 7 subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A  
 8 misdemeanor if the provider knowingly hires or retains a person to have contact with patients or  
 9 residents and the person has been found guilty in this state or any other state or has been found  
 10 guilty of a crime, which if committed in Missouri would be a class A or B felony violation of  
 11 chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020.

12 7. Any in-home services provider agency or home health agency shall be guilty of a class A  
 13 misdemeanor if such agency knowingly employs a person to provide in-home services or home  
 14 health services to any in-home services client or home health patient and such person either refuses  
 15 to register with the family care safety registry or is listed on any of the background check lists in the  
 16 family care safety registry pursuant to sections 210.900 to 210.937.

17 8. The highway patrol shall examine whether protocols can be developed to allow a  
 18 provider to request a statewide fingerprint criminal records review check through local law  
 19 enforcement agencies.

20 9. A provider may use a private investigatory agency rather than the highway patrol to do a  
 21 criminal history records review check, and alternatively, the applicant pays the private investigatory  
 22 agency such fees as the provider and such agency shall agree.

23 10. Except for the hiring restriction based on the department of health and senior services  
 24 employee disqualification list established pursuant to section 192.2490, the department of health and  
 25 senior services shall promulgate rules and regulations to waive the hiring restrictions pursuant to  
 26 this section for good cause. For purposes of this section, "good cause" means the department has  
 27 made a determination by examining the employee's prior work history and other relevant factors  
 28 that such employee does not present a risk to the health or safety of residents."; and

29  
 30 Further amend said bill, Page 4, Section 208.800, Line 3, by inserting immediately after all of said  
 31 section and line the following:

32  
 33 "335.360. 1. The party states find that:

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

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

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

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

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

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

47 2. The general purposes of this compact are to:

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

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

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

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

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

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

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

335.365. As used in this compact, the following terms shall mean:

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

(2) "Alternative program", a nondisciplinary monitoring program approved by a licensing board;

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

(4) "Current significant investigative information":

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

(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond;

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

(6) "Home state", the party state which is the nurse's primary state of residence;

(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

(8) "Multistate license", a license to practice as a registered nurse, "RN", or a licensed practical or vocational nurse, "LPN" or "VN", issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege;

(9) "Multistate licensure privilege", a legal authorization associated with a multistate license permitting the practice of nursing as either an RN, LPN, or VN in a remote state;

(10) "Nurse", an RN, LPN, or VN, as those terms are defined by each party state's practice laws;

(11) "Party state", any state that has adopted this compact;

(12) "Remote state", a party state, other than the home state;

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

(14) "State", a state, territory, or possession of the United States and the District of

1 Columbia;

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

6 335.370. 1. A multistate license to practice registered or licensed practical or vocational  
 7 nursing issued by a home state to a resident in that state shall be recognized by each party state as  
 8 authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational  
 9 nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.

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

15 3. Each party state shall require the following for an applicant to obtain or retain a  
 16 multistate license in the home state:

17 (1) Meets the home state's qualifications for licensure or renewal of licensure as well as all  
 18 other applicable state laws;

19 (2) (a) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN  
 20 or VN prelicensure education program; or

21 (b) Has graduated from a foreign RN or LPN or VN prelicensure education program that  
 22 has been approved by the authorized accrediting body in the applicable country and has been  
 23 verified by an independent credentials review agency to be comparable to a licensing board-  
 24 approved prelicensure education program;

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

28 (4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized  
 29 predecessor, as applicable;

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

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

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

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

39 (9) Is not currently enrolled in an alternative program;

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

42 (11) Has a valid United States Social Security number.

43 4. All party states shall be authorized, in accordance with existing state due process law, to  
 44 take adverse action against a nurse's multistate licensure privilege such as revocation, suspension,  
 45 probation, or any other action that affects a nurse's authorization to practice under a multistate  
 46 licensure privilege, including cease and desist actions. If a party state takes such action, it shall  
 47 promptly notify the administrator of the coordinated licensure information system. The  
 48 administrator of the coordinated licensure information system shall promptly notify the home state

1 of any such actions by remote states.

2 5. A nurse practicing in a party state shall comply with the state practice laws of the state in  
 3 which the client is located at the time service is provided. The practice of nursing is not limited to  
 4 patient care, but shall include all nursing practice as defined by the state practice laws of the party  
 5 state in which the client is located. The practice of nursing in a party state under a multistate  
 6 licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the  
 7 laws of the party state in which the client is located at the time service is provided.

8 6. Individuals not residing in a party state shall continue to be able to apply for a party  
 9 state's single-state license as provided under the laws of each party state. However, the single-state  
 10 license granted to these individuals shall not be recognized as granting the privilege to practice  
 11 nursing in any other party state. Nothing in this compact shall affect the requirements established  
 12 by a party state for the issuance of a single-state license.

13 7. Any nurse holding a home state multistate license on the effective date of this compact  
 14 may retain and renew the multistate license issued by the nurse's then current home state, provided  
 15 that:

16 (1) A nurse who changes primary state of residence after this compact's effective date shall  
 17 meet all applicable requirements as provided in subsection 3 of this section to obtain a multistate  
 18 license from a new home state;

19 (2) A nurse who fails to satisfy the multistate licensure requirements in subsection 3 of this  
 20 section due to a disqualifying event occurring after this compact's effective date shall be ineligible  
 21 to retain or renew a multistate license, and the nurse's multistate license shall be revoked or  
 22 deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse  
 23 Licensure Compact Administrators, commission.

24 335.375. 1. Upon application for a multistate license, the licensing board in the issuing  
 25 party state shall ascertain, through the coordinated licensure information system, whether the  
 26 applicant has ever held, or is the holder of, a license issued by any other state, whether there are any  
 27 encumbrances on any license or multistate licensure privilege held by the applicant, whether any  
 28 adverse action has been taken against any license or multistate licensure privilege held by the  
 29 applicant, and whether the applicant is currently participating in an alternative program.

30 2. A nurse shall hold a multistate license, issued by the home state, in only one party state at  
 31 a time.

32 3. If a nurse changes primary state of residence by moving between two party states, the  
 33 nurse shall apply for licensure in the new home state, and the multistate license issued by the prior  
 34 home state shall be deactivated in accordance with applicable rules adopted by the commission.

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

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

39 4. If a nurse changes primary state of residence by moving from a party state to a non-party  
 40 state, the multistate license issued by the prior home state shall convert to a single-state license,  
 41 valid only in the former home state.

42 335.380. 1. In addition to the other powers conferred by state law, a licensing board shall  
 43 have the authority to:

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

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

48 (b) For purposes of taking adverse action, the home state licensing board shall give the same



1 priority and effect to reported conduct received from a remote state as it would if such conduct had  
 2 occurred within the home state. In so doing, the home state shall apply its own state laws to  
 3 determine appropriate action;

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

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

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

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

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

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

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

33 3. Nothing in this compact shall override a party state's decision that participation in an  
 34 alternative program may be used in lieu of adverse action. The home state licensing board shall  
 35 deactivate the multistate licensure privilege under the multistate license of any nurse for the duration  
 36 of the nurse's participation in an alternative program.

37 335.385. 1. All party states shall participate in a coordinated licensure information system  
 38 of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or  
 39 "VNs". This system shall include information on the licensure and disciplinary history of each  
 40 nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement  
 41 efforts.

42 2. The commission, in consultation with the administrator of the coordinated licensure  
 43 information system, shall formulate necessary and proper procedures for the identification,  
 44 collection, and exchange of information under this compact.

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

1 state law.

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

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

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

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

16 8. The compact administrator of each party state shall furnish a uniform data set to the  
 17 compact administrator of each other party state, which shall include, at a minimum:

18 (1) Identifying information;

19 (2) Licensure data;

20 (3) Information related to alternative program participation; and

21 (4) Other information that may facilitate the administration of this compact, as determined  
 22 by commission rules.

23 9. The compact administrator of a party state shall provide all investigative documents and  
 24 information requested by another party state.

25 335.390. 1. The party states hereby create and establish a joint public entity known as the  
 26 "Interstate Commission of Nurse Licensure Compact Administrators".

27 (1) The commission is an instrumentality of the party states.

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

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

33 2. (1) Each party state shall have and be limited to one administrator. The head of the state  
 34 licensing board or designee shall be the administrator of this compact for each party state. Any  
 35 administrator may be removed or suspended from office as provided by the law of the state from  
 36 which the administrator is appointed. Any vacancy occurring in the commission shall be filled in  
 37 accordance with the laws of the party state in which the vacancy exists.

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

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

45 (4) All meetings shall be open to the public, and public notice of meetings shall be given in  
 46 the same manner as required under the rulemaking provisions in section 335.395.

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

- 1 (a) Noncompliance of a party state with its obligations under this compact;
- 2 (b) The employment, compensation, discipline, or other personnel matters, practices, or
- 3 procedures related to specific employees, or other matters related to the commission's internal
- 4 personnel practices and procedures;
- 5 (c) Current, threatened, or reasonably anticipated litigation;
- 6 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- 7 (e) Accusing any person of a crime or formally censuring any person;
- 8 (f) Disclosure of trade secrets or commercial or financial information that is privileged or
- 9 confidential;
- 10 (g) Disclosure of information of a personal nature where disclosure would constitute a
- 11 clearly unwarranted invasion of personal privacy;
- 12 (h) Disclosure of investigatory records compiled for law enforcement purposes;
- 13 (i) Disclosure of information related to any reports prepared by or on behalf of the
- 14 commission for the purpose of investigation of compliance with this compact; or
- 15 (j) Matters specifically exempted from disclosure by federal or state statute.
- 16 (6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this
- 17 subsection, the commission's legal counsel or designee shall certify that the meeting shall be closed
- 18 and shall reference each relevant exempting provision. The commission shall keep minutes that
- 19 fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate
- 20 summary of actions taken, and the reasons therefor, including a description of the views expressed.
- 21 All documents considered in connection with an action shall be identified in such minutes. All
- 22 minutes and documents of a closed meeting shall remain under seal, subject to release by a majority
- 23 vote of the commission or order of a court of competent jurisdiction.
- 24 3. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules
- 25 to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the
- 26 powers of this compact including, but not limited to:
- 27 (1) Establishing the fiscal year of the commission;
- 28 (2) Providing reasonable standards and procedures:
- 29 (a) For the establishment and meetings of other committees; and
- 30 (b) Governing any general or specific delegation of any authority or function of the
- 31 commission;
- 32 (3) Providing reasonable procedures for calling and conducting meetings of the
- 33 commission, ensuring reasonable advance notice of all meetings and providing an opportunity for
- 34 attendance of such meetings by interested parties, with enumerated exceptions designed to protect
- 35 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.
- 36 The commission may meet in closed session only after a majority of the administrators vote to close
- 37 a meeting in whole or in part. As soon as practicable, the commission must make public a copy of
- 38 the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
- 39 (4) Establishing the titles, duties, and authority and reasonable procedures for the election of
- 40 the officers of the commission;
- 41 (5) Providing reasonable standards and procedures for the establishment of the personnel
- 42 policies and programs of the commission. Notwithstanding any civil service or other similar laws
- 43 of any party state, the bylaws shall exclusively govern the personnel policies and programs of the
- 44 commission; and
- 45 (6) Providing a mechanism for winding up the operations of the commission and the
- 46 equitable disposition of any surplus funds that may exist after the termination of this compact after
- 47 the payment or reserving of all of its debts and obligations.
- 48 4. The commission shall publish its bylaws and rules, and any amendments thereto, in a

1 convenient form on the website of the commission.

2 5. The commission shall maintain its financial records in accordance with the bylaws.

3 6. The commission shall meet and take such actions as are consistent with the provisions of  
4 this compact and the bylaws.

5 7. The commission shall have the following powers:

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

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

12 (3) To purchase and maintain insurance and bonds;

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

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

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

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

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

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

30 (10) To establish a budget and make expenditures;

31 (11) To borrow money;

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

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

37 (14) To adopt and use an official seal; and

38 (15) To perform such other functions as may be necessary or appropriate to achieve the  
39 purposes of this compact consistent with the state regulation of nurse licensure and practice.

40 8. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of  
41 its establishment, organization, and ongoing activities.

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

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

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

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

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

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

29       335.395. 1. The commission shall exercise its rulemaking powers pursuant to the criteria  
30 set forth in this section and the rules adopted thereunder. Rules and amendments shall become  
31 binding as of the date specified in each rule or amendment and shall have the same force and effect  
32 as provisions of this compact.

33       2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
34 commission.

35       3. Prior to promulgation and adoption of a final rule or rules by the commission, and at least  
36 sixty days in advance of the meeting at which the rule shall be considered and voted upon, the  
37 commission shall file a notice of proposed rulemaking:

38       (1) On the website of the commission; and

39       (2) On the website of each licensing board or the publication in which each state would  
40 otherwise publish proposed rules.

41       4. The notice of proposed rulemaking shall include:

42       (1) The proposed time, date, and location of the meeting in which the rule shall be  
43 considered and voted upon;

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

45       (3) A request for comments on the proposed rule from any interested person;

46       (4) The manner in which interested persons may submit notice to the commission of their  
47 intention to attend the public hearing and any written comments.

48       5. Prior to adoption of a proposed rule, the commission shall allow persons to submit

1 written data, facts, opinions, and arguments, which shall be made available to the public.

2 6. The commission shall grant an opportunity for a public hearing before it adopts a rule or  
 3 amendment.

4 7. The commission shall publish the place, time, and date of the scheduled public hearing.

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

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

10 8. If no one appears at the public hearing, the commission may proceed with promulgation  
 11 of the proposed rule.

12 9. Following the scheduled hearing date, or by the close of business on the scheduled  
 13 hearing date if the hearing was not held, the commission shall consider all written and oral  
 14 comments received.

15 10. The commission shall, by majority vote of all administrators, take final action on the  
 16 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
 17 record and the full text of the rule.

18 11. Upon determination that an emergency exists, the commission may consider and adopt  
 19 an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the  
 20 usual rulemaking procedures provided in this compact and in this section shall be retroactively  
 21 applied to the rule as soon as reasonably possible, in no event later than ninety days after the  
 22 effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be  
 23 adopted immediately in order to:

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

25 (2) Prevent a loss of commission or party state funds; or

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

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

36 335.400. 1. (1) Each party state shall enforce this compact and take all actions necessary  
 37 and appropriate to effectuate this compact's purposes and intent.

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

43 2. (1) If the commission determines that a party state has defaulted in the performance of  
 44 its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

45 (a) Provide written notice to the defaulting state and other party states of the nature of the  
 46 default, the proposed means of curing the default, or any other action to be taken by the  
 47 commission; and

48 (b) Provide remedial training and specific technical assistance regarding the default.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.

3. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.

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

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

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

7. Representatives of non-party states to this compact shall be invited to participate in the activities of the commission on a nonvoting basis prior to the adoption of this compact by all states.

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

335.415. 1. The term "head of the nurse licensing board" as referred to in section 335.390 of this compact shall mean the executive director of the Missouri state board of nursing.

2. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

3. This compact does not supersede existing state labor laws."; and

"[335.300. 1. 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 to both nurses and states.

2. The general purposes of this compact are to:

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

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

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



1 (4) Promote compliance with the laws governing the practice of nursing in  
2 each jurisdiction;

3 (5) Invest all party states with the authority to hold a nurse accountable for  
4 meeting all state practice laws in the state in which the patient is located at the time  
5 care is rendered through the mutual recognition of party state licenses.]  
6

7 [335.305. As used in this compact, the following terms shall mean:

8 (1) "Adverse action", a home or remote state action;

9 (2) "Alternative program", a voluntary, nondisciplinary monitoring program  
10 approved by a nurse licensing board;

11 (3) "Coordinated licensure information system", an integrated process for  
12 collecting, storing, and sharing information on nurse licensure and enforcement  
13 activities related to nurse licensure laws, which is administered by a nonprofit  
14 organization composed of and controlled by state nurse licensing boards;

15 (4) "Current significant investigative information":

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

20 (b) Investigative information that indicates that the nurse represents an  
21 immediate threat to public health and safety regardless of whether the nurse has been  
22 notified and had an opportunity to respond;

23 (5) "Home state", the party state that is the nurse's primary state of residence;

24 (6) "Home state action", any administrative, civil, equitable, or criminal  
25 action permitted by the home state's laws that are imposed on a nurse by the home  
26 state's licensing board or other authority including actions against an individual's  
27 license such as: revocation, suspension, probation, or any other action affecting a  
28 nurse's authorization to practice;

29 (7) "Licensing board", a party state's regulatory body responsible for issuing  
30 nurse licenses;

31 (8) "Multistate licensing privilege", current, official authority from a remote  
32 state permitting the practice of nursing as either a registered nurse or a licensed  
33 practical/vocational nurse in such party state. All party states have the authority, in  
34 accordance with existing state due process law, to take actions against the nurse's  
35 privilege such as: revocation, suspension, probation, or any other action that affects  
36 a nurse's authorization to practice;

37 (9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms  
38 are defined by each state's practice laws;

39 (10) "Party state", any state that has adopted this compact;

40 (11) "Remote state", a party state, other than the home state:

41 (a) Where a patient is located at the time nursing care is provided; or

42 (b) In the case of the practice of nursing not involving a patient, in such party  
43 state where the recipient of nursing practice is located;

44 (12) "Remote state action":

45 (a) Any administrative, civil, equitable, or criminal action permitted by a  
46 remote state's laws which are imposed on a nurse by the remote state's licensing  
47 board or other authority including actions against an individual's multistate licensure  
48 privilege to practice in the remote state; and

(b) Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof;

(13) "State", a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(14) "State practice laws", those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.]

[335.310. 1. A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

3. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

5. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.]

[335.315. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

2. A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

3. A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

4. When a nurse changes primary state of residence by:

(1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state;

(3) Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.]

[335.320. In addition to the general provisions described in article III of this compact, the following provisions apply:

(1) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports;

(2) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate actions, and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state;

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

(5) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action;

(6) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.]

1  
2 [335.325. Notwithstanding any other powers, party state nurse licensing  
3 boards shall have the authority to:

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

7 (2) Issue subpoenas for both hearings and investigations which require the  
8 attendance and testimony of witnesses, and the production of evidence. Subpoenas  
9 issued by a nurse licensing board in a party state for the attendance and testimony of  
10 witnesses, and/or the production of evidence from another party state, shall be  
11 enforced in the latter state by any court of competent jurisdiction, according to the  
12 practice and procedure of that court applicable to subpoenas issued in proceedings  
13 pending before it. The issuing authority shall pay any witness fees, travel expenses,  
14 mileage, and other fees required by the service statutes of the state where the  
15 witnesses and evidence are located;

16 (3) Issue cease and desist orders to limit or revoke a nurse's authority to  
17 practice in their state;

18 (4) Promulgate uniform rules and regulations as provided for in subsection 3  
19 of section 335.335.]  
20

21 [335.330. 1. All party states shall participate in a cooperative effort to create  
22 a coordinated database of all licensed registered nurses and licensed  
23 practical/vocational nurses. This system will include information on the licensure  
24 and disciplinary history of each nurse, as contributed by party states, to assist in the  
25 coordination of nurse licensure and enforcement efforts.

26 2. Notwithstanding any other provision of law, all party states' licensing  
27 boards shall promptly report adverse actions, actions against multistate licensure  
28 privileges, any current significant investigative information yet to result in adverse  
29 action, denials of applications, and the reasons for such denials to the coordinated  
30 licensure information system.

31 3. Current significant investigative information shall be transmitted through  
32 the coordinated licensure information system only to party state licensing boards.

33 4. Notwithstanding any other provision of law, all party states' licensing  
34 boards contributing information to the coordinated licensure information system may  
35 designate information that may not be shared with nonparty states or disclosed to  
36 other entities or individuals without the express permission of the contributing state.

37 5. Any personally identifiable information obtained by a party state's  
38 licensing board from the coordinated licensure information system may not be shared  
39 with nonparty states or disclosed to other entities or individuals except to the extent  
40 permitted by the laws of the party state contributing the information.

41 6. Any information contributed to the coordinated licensure information  
42 system that is subsequently required to be expunged by the laws of the party state  
43 contributing that information shall also be expunged from the coordinated licensure  
44 information system.

45 7. The compact administrators, acting jointly with each other and in  
46 consultation with the administrator of the coordinated licensure information system,  
47 shall formulate necessary and proper procedures for the identification, collection, and  
48 exchange of information under this compact.]

1  
2 [335.335. 1. The head of the nurse licensing board, or his/her designee, of  
3 each party state shall be the administrator of this compact for his/her state.

4 2. The compact administrator of each party shall furnish to the compact  
5 administrator of each other party state any information and documents including, but  
6 not limited to, a uniform data set of investigations, identifying information, licensure  
7 data, and disclosable alternative program participation information to facilitate the  
8 administration of this compact.

9 3. Compact administrators shall have the authority to develop uniform rules  
10 to facilitate and coordinate implementation of this compact. These uniform rules  
11 shall be adopted by party states, under the authority invested under subsection 4 of  
12 section 335.325.]

13  
14 [335.340. No party state or the officers or employees or agents of a party  
15 state's nurse licensing board who acts in accordance with the provisions of this  
16 compact shall be liable on account of any act or omission in good faith while  
17 engaged in the performance of their duties under this compact. Good faith in this  
18 article shall not include willful misconduct, gross negligence, or recklessness.]

19  
20 [335.345. 1. This compact shall enter into force and become effective as to  
21 any state when it has been enacted into the laws of that state. Any party state may  
22 withdraw from this compact by enacting a statute repealing the same, but no such  
23 withdrawal shall take effect until six months after the withdrawing state has given  
24 notice of the withdrawal to the executive heads of all other party states.

25 2. No withdrawal shall affect the validity or applicability by the licensing  
26 boards of states remaining party to the compact of any report of adverse action  
27 occurring prior to the withdrawal.

28 3. Nothing contained in this compact shall be construed to invalidate or  
29 prevent any nurse licensure agreement or other cooperative arrangement between a  
30 party state and a non-party state that is made in accordance with the other provisions  
31 of this compact.

32 4. This compact may be amended by the party states. No amendment to this  
33 compact shall become effective and binding upon the party states unless and until it  
34 is enacted into the laws of all party states.]

35  
36 [335.350. 1. This compact shall be liberally construed so as to effectuate the  
37 purposes thereof. The provisions of this compact shall be severable and if any  
38 phrase, clause, sentence, or provision of this compact is declared to be contrary to the  
39 constitution of any party state or of the United States or the applicability thereof to  
40 any government, agency, person, or circumstance is held invalid, the validity of the  
41 remainder of this compact and the applicability thereof to any government, agency,  
42 person, or circumstance shall not be affected thereby. If this compact shall be held  
43 contrary to the constitution of any state party thereto, the compact shall remain in full  
44 force and effect as to the remaining party states and in full force and effect as to the  
45 party state affected as to all severable matters.

46 2. In the event party states find a need for settling disputes arising under this  
47 compact:

48 (1) The party states may submit the issues in dispute to an arbitration panel

1 which will be comprised of an individual appointed by the compact administrator in  
2 the home state, an individual appointed by the compact administrator in the remote  
3 states involved, and an individual mutually agreed upon by the compact  
4 administrators of all the party states involved in the dispute;

5 (2) The decision of a majority of the arbitrators shall be final and binding.]  
6

7 [335.355. 1. The term "head of the nurse licensing board" as referred to in  
8 article VIII of this compact shall mean the executive director of the Missouri state  
9 board of nursing.

10 2. A person who is extended the privilege to practice in this state pursuant to  
11 the nurse licensure compact is subject to discipline by the board, as set forth in this  
12 chapter, for violation of this chapter or the rules and regulations promulgated herein.  
13 A person extended the privilege to practice in this state pursuant to the nurse  
14 licensure compact shall be subject to adhere to all requirements of this chapter, as if  
15 such person were originally licensed in this state.

16 3. Sections 335.300 to 335.355 are applicable only to nurses whose home  
17 states are determined by the Missouri state board of nursing to have licensure  
18 requirements that are substantially equivalent or more stringent than those of  
19 Missouri.

20 4. This compact is designed to facilitate the regulation of nurses, and does  
21 not relieve employers from complying with statutorily imposed obligations.

22 5. This compact does not supercede existing state labor laws.]; and

23 Section B. The repeal of sections 335.300 to 335.355 and the enactment of sections 335.360  
24 to 335.415 of this act shall become effective on December 31, 2018, or upon the enactment of  
25 sections 335.360 to 335.415 of this act by no less than twenty-six states and notification of such  
26 enactment to the revisor of statutes by the Interstate Commission of Nurse Licensure Compact  
27 Administrators, whichever occurs first."; and  
28

29 Further amend said bill by amending the title, enacting clause, and intersectional references  
30 accordingly.  
31