

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1465, Page 1, In the Title, Line 3, by
2 deleting the phrase "collaborative practice arrangements" and inserting in lieu thereof the phrase
3 "health care providers"; and
4

5 Further amend said bill, Page 10, Section 334.104, Line 156, by inserting immediately after all of
6 said section and line the following:
7

8 "335.300. 1. The party states find that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 335.305. As used in this compact, the following terms shall mean:

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

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Select Action Taken _____ Date _____

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

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

7 (4) "Current significant investigative information":

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

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

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

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

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

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

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

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

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

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

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

32 (12) "Remote state action":

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

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

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

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

45 (1) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a
46 state's laws which is imposed by a licensing board or other authority against a nurse, including
47 actions against an individual's license or multistate licensure privilege such as revocation,
48 suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other

1 encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease
 2 and desist action;

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

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

9 (4) "Current significant investigative information":

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

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

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

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

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

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

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

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

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

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

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

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

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

38 335.310. [1. A license to practice registered nursing issued by a home state to a resident in
 39 that state will be recognized by each party state as authorizing a multistate licensure privilege to
 40 practice as a registered nurse in such party state. A license to practice licensed practical/vocational
 41 nursing issued by a home state to a resident in that state will be recognized by each party state as
 42 authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in
 43 such party state. In order to obtain or retain a license, an applicant must meet the home state's
 44 qualifications for licensure and license renewal as well as all other applicable state laws.

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

1 system. The administrator of the coordinated licensure information system shall promptly notify the
2 home state of any such actions by remote states.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (8) Has not been convicted or found guilty, or has entered into an agreed disposition, of a

1 misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

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

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

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

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

13 5. A nurse practicing in a party state must comply with the state practice laws of the state in
14 which the client is located at the time service is provided. The practice of nursing is not limited to
15 patient care, but shall include all nursing practice as defined by the state practice laws of the party
16 state in which the client is located. The practice of nursing in a party state under a multistate
17 licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts, and the
18 laws of the party state in which the client is located at the time service is provided.

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

24 7. Any nurse holding a home state multistate license on the effective date of this Compact
25 may retain and renew the multistate license issued by the nurse's then-current home state, provided
26 that:

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

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

34 335.315. [1. Upon application for a license, the licensing board in a party state shall
35 ascertain, through the coordinated licensure information system, whether the applicant has ever
36 held, or is the holder of, a license issued by any other state, whether there are any restrictions on the
37 multistate licensure privilege, and whether any other adverse action by any state has been taken
38 against the license.

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

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

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

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

48 (2) Moving from a nonparty state to a party state, and obtains a license from the new home

1 state, the individual state license issued by the nonparty state is not affected and will remain in full
2 force if so provided by the laws of the nonparty state;

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

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

12 2. A nurse may hold a multistate license, issued by the home state, in only one party state at
13 a time.

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

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

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

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

24 335.320. [In addition to the general provisions described in article III of this compact, the
25 following provisions apply:

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

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

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

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

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

47 (6) Nothing in this compact shall override a party state's decision that participation in an
48 alternative program may be used in lieu of licensure action and that such participation shall remain

1 nonpublic if required by the party state's laws. Party states must require nurses who enter any
2 alternative programs to agree not to practice in any other party state during the term of the
3 alternative program without prior authorization from such other party state.]

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

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

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

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

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

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

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

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

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

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

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

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

46 335.325. [Notwithstanding any other powers, party state nurse licensing boards shall have
47 the authority to:

48 (1) If otherwise permitted by state law, recover from the affected nurse the costs of

1 investigations and disposition of cases resulting from any adverse action taken against that nurse;

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

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

12 (4) Promulgate uniform rules and regulations as provided for in subsection 3 of section
13 335.335.]

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

18 2. The Commission, in consultation with the administrator of the coordinated licensure
19 information system, shall formulate necessary and proper procedures for the identification,
20 collection, and exchange of information under this Compact.

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

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

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

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

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

40 8. The Compact administrator of each party state shall furnish a uniform data set to the
41 Compact administrator of each other party state, which shall include, at a minimum:

42 (1) Identifying information;

43 (2) Licensure data;

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

45 (4) Other information that may facilitate the administration of this Compact, as determined
46 by Commission rules.

47 9. The Compact administrator of a party state shall provide all investigative documents and
48 information requested by another party state.

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

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

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

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

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

19 6. Any information contributed to the coordinated licensure information system that is
20 subsequently required to be expunged by the laws of the party state contributing that information
21 shall also be expunged from the coordinated licensure information system.

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

25 1. The party states hereby create and establish a joint public entity known as the Interstate
26 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
41 provided 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
44 meetings 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 Article VIII.

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 this provision, the
 17 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
 18 reference each relevant exempting provision. The Commission shall keep minutes that fully and
 19 clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of
 20 actions taken, and the reasons therefor, including a description of the views expressed. All
 21 documents considered in connection with an action shall be identified in such minutes. All minutes
 22 and documents of a closed meeting shall remain under seal, subject to release by a majority vote of
 23 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
8 binding 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,
15 or 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.

29 335.335. [1. The head of the nurse licensing board, or his/her designee, of each party state
30 shall be the administrator of this compact for his/her state.

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

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

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

42 2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the
43 Commission.

44 3. Prior to promulgation and adoption of a final rule or rules by the Commission, and at
45 least sixty days in advance of the meeting at which the rule will be considered and voted upon, the
46 Commission shall file a notice of proposed rulemaking:

47 (1) On the website of the Commission; and

48 (2) On the website of each licensing board or the publication in which each state would

1 otherwise publish proposed rules.

2 4. The notice of proposed rulemaking shall include:

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

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

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

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

9 5. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
10 written data, facts, opinions, and arguments, which shall be made available to the public.

11 6. The Commission shall grant an opportunity for a public hearing before it adopts a rule or
12 amendment.

13 7. The Commission shall publish the place, time, and date of the scheduled public hearing.

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

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

19 8. If no one appears at the public hearing, the Commission may proceed with promulgation
20 of the proposed rule.

21 9. Following the scheduled hearing date, or by the close of business on the scheduled
22 hearing date if the hearing was not held, the Commission shall consider all written and oral
23 comments received.

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

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

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

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

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

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

45 335.340. [No party state or the officers or employees or agents of a party state's nurse
46 licensing board who acts in accordance with the provisions of this compact shall be liable on
47 account of any act or omission in good faith while engaged in the performance of their duties under
48 this compact. Good faith in this article shall not include willful misconduct, gross negligence, or

1 reckless.]

2 1. (1) Each party state shall enforce this Compact and take all actions necessary and
3 appropriate to effectuate this Compact's purposes and intent.

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

9 2. (1) If the Commission determines that a party state has defaulted in the performance of
10 its obligations or responsibilities under this Compact or the promulgated rules, the Commission
11 shall:

12 (a) Provide written notice to the defaulting state and other party states of the nature of the
13 default, the proposed means of curing the default, or any other action to be taken by the
14 Commission; and

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

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

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

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

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

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

35 3. (1) Upon request by a party state, the Commission shall attempt to resolve disputes
36 related to the Compact that arise among party states and between party and non-party states.

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

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

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

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

46 4. (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
47 provisions and rules of this Compact.

48 (2) By majority vote, the Commission may initiate legal action in the U.S. District Court for

1 the District of Columbia or the federal district in which the Commission has its principal offices
 2 against a party state that is in default to enforce compliance with the provisions of this Compact and
 3 its promulgated rules and bylaws. The relief sought may include both injunctive relief and
 4 damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all
 5 costs of such litigation, including reasonable attorneys' fees.

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

8 335.345. [1. This compact shall enter into force and become effective as to any state when
 9 it has been enacted into the laws of that state. Any party state may withdraw from this compact by
 10 enacting a statute repealing the same, but no such withdrawal shall take effect until six months after
 11 the withdrawing state has given notice of the withdrawal to the executive heads of all other party
 12 states.

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

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

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

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

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

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

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

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

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

41 7. Representatives of non-party states to this Compact shall be invited to participate in the
 42 activities of the Commission on a nonvoting basis prior to the adoption of this Compact by all
 43 states.

44 335.350. [1.] This compact shall be liberally construed so as to effectuate the purposes
 45 thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or
 46 provision of this compact is declared to be contrary to the constitution of any party state or of the
 47 United States or the applicability thereof to any government, agency, person, or circumstance is held
 48 invalid, the validity of the remainder of this compact and the applicability thereof to any

1 government, agency, person, or circumstance shall not be affected thereby. If this compact shall be
2 held contrary to the constitution of any [state party thereto, the] party state, this compact shall
3 remain in full force and effect as to the remaining party states and in full force and effect as to the
4 party state affected as to all severable matters.

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

6 (1) The party states may submit the issues in dispute to an arbitration panel which will be
7 comprised of an individual appointed by the compact administrator in the home state, an individual
8 appointed by the compact administrator in the remote states involved, and an individual mutually
9 agreed upon by the compact administrators of all the party states involved in the dispute;

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

11 335.355. 1. The term "head of the nurse licensing board" as referred to in article VIII of
12 this compact shall mean the executive director of the Missouri state board of nursing.

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

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

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

23 [5.] 4. This compact does not supercede existing state labor laws."; and

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.