

SECOND REGULAR SESSION

HOUSE BILL NO. 2043

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

5473H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, and 335.355, RSMo, and to enact in lieu thereof twelve new sections relating to the nurse licensure compact.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, and 335.355, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, and 335.355, to read as follows:

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; **and**
- (6) **Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 2. The general purposes of this compact are to:
- 16 (1) Facilitate the states' responsibility to protect the public's health and safety;
- 17 (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure
18 and regulation;
- 19 (3) Facilitate the exchange of information between party states in the areas of nurse
20 regulation, investigation, and adverse actions;
- 21 (4) Promote compliance with the laws governing the practice of nursing in each
22 jurisdiction;
- 23 (5) Invest all party states with the authority to hold a nurse accountable for meeting all
24 state practice laws in the state in which the patient is located at the time care is rendered through
25 the mutual recognition of party state licenses;
- 26 **(6) Decrease redundancies in the consideration and issuance of nurse licenses; and**
- 27 **(7) Provide opportunities for interstate practice by nurses who meet uniform**
28 **licensure requirements.**

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

- 2 (1) "Adverse action", a home or remote state action;
- 3 (2) "Alternative program", a voluntary, nondisciplinary monitoring program approved
4 by a nurse licensing 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, which is administered by a nonprofit organization composed of and controlled
8 by state nurse licensing boards;
- 9 (4) "Current significant investigative information":
- 10 (a) Investigative information that a licensing board, after a preliminary inquiry that
11 includes notification and an opportunity for the nurse to respond if required by state law, has
12 reason to believe is not groundless and, if proved true, would indicate more than a minor
13 infraction; or
- 14 (b) Investigative information that indicates that the nurse represents an immediate threat
15 to public health and safety regardless of whether the nurse has been notified and had an
16 opportunity to respond;
- 17 (5) "Home state", the party state that is the nurse's primary state of residence;
- 18 (6) "Home state action", any administrative, civil, equitable, or criminal action permitted
19 by the home state's laws that are imposed on a nurse by the home state's licensing board or other
20 authority including actions against an individual's license such as: revocation, suspension,
21 probation, or any other action affecting a nurse's authorization to practice;

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

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

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

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

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

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

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

36 (12) "Remote state action":

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

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

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

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

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

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

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

62 (4) **"Current significant investigative information":**

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

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

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

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

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

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

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

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

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

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

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

88 (14) **"State", a state, territory, or possession of the United States and the District**
89 **of Columbia;**

90 (15) **"State practice laws", a party state's laws, rules, and regulations that govern**
91 **the practice of nursing, define the scope of nursing practice, and create the methods and**
92 **grounds for imposing discipline. "State practice laws" do not include requirements**

93 **necessary to obtain and retain a license, except for qualifications or requirements of the**
94 **home state.**

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

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

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

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

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

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

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

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

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

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

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

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

54 **(4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or**
55 **recognized predecessor, as applicable;**

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

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

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

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

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

67 **(10) Is subject to self-disclosure requirements regarding current participation in**
68 **an alternative program; and**

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

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

77 **5. A nurse practicing in a party state must comply with the state practice laws of**
78 **the state in which the client is located at the time service is provided. The practice of**
79 **nursing is not limited to patient care, but shall include all nursing practice as defined by**
80 **the state practice laws of the party state in which the client is located. The practice of**
81 **nursing in a party state under a multistate licensure privilege will subject a nurse to the**
82 **jurisdiction of the licensing board, the courts, and the laws of the party state in which the**
83 **client is located at the time service is provided.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64 **2. If adverse action is taken by the home state against a nurse's multistate license,**
65 **the nurse's multistate licensure privilege to practice in all other party states shall be**
66 **deactivated until all encumbrances have been removed from the multistate license. All**
67 **home state disciplinary orders that impose adverse action against a nurse's multistate**

68 **license shall include a statement that the nurse's multistate licensure privilege is**
69 **deactivated in all party states during the pendency of the order.**

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

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

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

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

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

15 (4) Promulgate uniform rules and regulations as provided for in subsection 3 of section
16 335.335.]

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

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

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

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

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

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

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

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

47 **(1) Identifying information;**

48 **(2) Licensure data;**

49 **(3) Information related to alternative program participation; and**

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

52 **9. The Compact administrator of a party state shall provide all investigative**
53 **documents and information requested by another party state.**

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

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

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

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

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

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

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

27 **1. The party states hereby create and establish a joint public entity known as the**
28 **Interstate Commission of Nurse Licensure Compact Administrators.**

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

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

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

37 **2. (1) Each party state shall have and be limited to one administrator. The head**
38 **of the state licensing board or designee shall be the administrator of this Compact for each**
39 **party state. Any administrator may be removed or suspended from office as provided by**
40 **the law of the state from which the administrator is appointed. Any vacancy occurring in**
41 **the Commission shall be filled in accordance with the laws of the party state in which the**
42 **vacancy exists.**

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

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

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

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

54 **(a) Noncompliance of a party state with its obligations under this Compact;**

55 **(b) The employment, compensation, discipline, or other personnel matters,**
56 **practices, or procedures related to specific employees, or other matters related to the**
57 **Commission's internal personnel practices and procedures;**

58 **(c) Current, threatened, or reasonably anticipated litigation;**

59 **(d) Negotiation of contracts for the purchase or sale of goods, services, or real**
60 **estate;**

61 **(e) Accusing any person of a crime or formally censuring any person;**

62 **(f) Disclosure of trade secrets or commercial or financial information that is**
63 **privileged or confidential;**

64 **(g) Disclosure of information of a personal nature where disclosure would**
65 **constitute a clearly unwarranted invasion of personal privacy;**

66 **(h) Disclosure of investigatory records compiled for law enforcement purposes;**

67 **(i) Disclosure of information related to any reports prepared by or on behalf of the**
68 **Commission for the purpose of investigation of compliance with this Compact; or**

69 **(j) Matters specifically exempted from disclosure by federal or state statute.**

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

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

82 **(1) Establishing the fiscal year of the Commission;**

83 **(2) Providing reasonable standards and procedures:**

84 (a) For the establishment and meetings of other committees; and

85 (b) Governing any general or specific delegation of any authority or function of the
86 Commission;

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

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

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

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

104 4. The Commission shall publish its bylaws and rules, and any amendments thereto,
105 in a convenient form on the website of the Commission.

106 5. The Commission shall maintain its financial records in accordance with the
107 bylaws.

108 6. The Commission shall meet and take such actions as are consistent with the
109 provisions of this Compact and the bylaws.

110 7. The Commission shall have the following powers:

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

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

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

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

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

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

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

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

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

136 **(10) To establish a budget and make expenditures;**

137 **(11) To borrow money;**

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

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

143 **(14) To adopt and use an official seal; and**

144 **(15) To perform such other functions as may be necessary or appropriate to achieve**
145 **the purposes of this Compact consistent with the state regulation of nurse licensure and**
146 **practice.**

147 **8. (1) The Commission shall pay, or provide for the payment of, the reasonable**
148 **expenses of its establishment, organization, and ongoing activities.**

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

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

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

163 **9. (1) The administrators, officers, executive director, employees, and**
164 **representatives of the Commission shall be immune from suit and liability, either**
165 **personally or in their official capacity, for any claim for damage to or loss of property,**
166 **personal injury, or other civil liability caused by or arising out of any actual or alleged act,**
167 **error, or omission that occurred, or that the person against whom the claim is made had**
168 **a reasonable basis for believing occurred, within the scope of Commission employment,**
169 **duties, or responsibilities; provided that, nothing in this paragraph shall be construed to**
170 **protect any such person from suit or liability for any damage, loss, injury, or liability**
171 **caused by the intentional, willful, or wanton misconduct of that person.**

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

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

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

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

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

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

14 **2. Rules or amendments to the rules shall be adopted at a regular or special meeting**
15 **of the Commission.**

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

19 **(1) On the website of the Commission; and**

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

22 **4. The notice of proposed rulemaking shall include:**

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

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

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

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

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

33 **6. The Commission shall grant an opportunity for a public hearing before it adopts**
34 **a rule or amendment.**

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

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

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

43 **8. If no one appears at the public hearing, the Commission may proceed with**
44 **promulgation of the proposed rule.**

45 **9. Following the scheduled hearing date, or by the close of business on the**
46 **scheduled hearing date if the hearing was not held, the Commission shall consider all**
47 **written and oral comments received.**

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

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

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

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

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

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

335.340. [No party state or the officers or employees or agents of a party state's nurse
2 licensing board who acts in accordance with the provisions of this compact shall be liable on
3 account of any act or omission in good faith while engaged in the performance of their duties

4 under this compact. Good faith in this article shall not include willful misconduct, gross
5 negligence, or recklessness.]

6 **1. (1) Each party state shall enforce this Compact and take all actions necessary**
7 **and appropriate to effectuate this Compact's purposes and intent.**

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

13 **2. (1) If the Commission determines that a party state has defaulted in the**
14 **performance of its obligations or responsibilities under this Compact or the promulgated**
15 **rules, the Commission shall:**

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

19 **(b) Provide remedial training and specific technical assistance regarding the**
20 **default.**

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

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

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

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

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

40 **3. (1) Upon request by a party state, the Commission shall attempt to resolve**
41 **disputes related to the Compact that arise among party states and between party and**
42 **non-party states.**

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

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

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

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

52 **4. (1) The Commission, in the reasonable exercise of its discretion, shall enforce the**
53 **provisions and rules of this Compact.**

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

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

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

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

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

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

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

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

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

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

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

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

36 **7. Representatives of non-party states to this Compact shall be invited to**
37 **participate in the activities of the Commission on a nonvoting basis prior to the adoption**
38 **of this Compact by all states.**

 335.350. [1.] This compact shall be liberally construed so as to effectuate the purposes
2 thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence,
3 or provision of this compact is declared to be contrary to the constitution of any party state or of
4 the United States or the applicability thereof to any government, agency, person, or circumstance
5 is held invalid, the validity of the remainder of this compact and the applicability thereof to any
6 government, agency, person, or circumstance shall not be affected thereby. If this compact shall
7 be held contrary to the constitution of any [state party thereto, the] **party state, this** compact
8 shall remain in full force and effect as to the remaining party states and in full force and effect
9 as to the party state affected as to all severable matters.

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

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

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

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

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

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

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

13 [5.] 4. This compact does not supercede existing state labor laws.

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