

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1816, Page 1, In the Title, Lines 2 and 3, by deleting the words "the
2 licensure of physicians" and inserting in lieu thereof the words "health care"; and

3
4 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line
5 the following:

6 *"195.030. 1. The department of health and senior services upon public notice and hearing
7 pursuant to this section and chapter 536 may promulgate rules and charge reasonable fees relating to
8 the registration and control of the manufacture, distribution and dispensing of controlled substances
9 within this state. The bureau of narcotics and dangerous drugs, upon public notice and hearing and
10 under the provisions of this section and chapter 536, may promulgate rules and charge and increase
11 any fees necessary to ensure the enforcement of controlled substances laws and regulations within
12 this state. Any fees charged by the bureau of narcotics and dangerous drugs shall only be used for
13 the purpose of enforcement activities including, but not limited to, the hiring of additional
14 enforcement personnel. No rule or portion of a rule promulgated pursuant to the authority of this
15 chapter shall become effective unless it has been promulgated pursuant to the provisions of section
16 536.024.

17 2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process
18 produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a
19 wholesaler shall supply the same, without having first obtained a registration issued by the
20 department of health and senior services in accordance with rules and regulations promulgated by it.
21 No registration shall be granted for a term exceeding three years.

22 3. Persons registered by the department of health and senior services pursuant to this chapter
23 to manufacture, distribute, or dispense or conduct research with controlled substances are authorized
24 to possess, manufacture, distribute or dispense such substances, including any such activity in the
25 conduct of research, to the extent authorized by their registration and in conformity with other
26 provisions of this chapter and chapter 579.

27 4. The following persons shall not be required to register and may lawfully possess
28 controlled substances pursuant to this chapter and chapter 579:

29 (1) An agent or employee, excluding physicians, dentists, optometrists, podiatrists or
30 veterinarians, of any registered manufacturer, distributor, or dispenser of any controlled substance if
31 such agent is acting in the usual course of his or her business or employment;

32 (2) A common or contract carrier or warehouseman, or an employee thereof, whose
33 possession of any controlled substance is in the usual course of business or employment;

34 (3) An ultimate user or a person in possession of any controlled substance pursuant to a
35 lawful order of a practitioner or in lawful possession of a Schedule V substance.

36 5. The department of health and senior services may, by regulation, waive the requirement

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1 for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the
2 public health and safety.

3 6. A separate registration shall be required at each principal place of business or
4 professional practice where the applicant manufactures, distributes, or dispenses controlled
5 substances.

6 7. The department of health and senior services is authorized to inspect the establishment of
7 a registrant or applicant in accordance with the provisions of this chapter.

8 195.030. 1. The department of health and senior services upon public notice and hearing
9 pursuant to this section and chapter 536 may promulgate rules and charge reasonable fees relating
10 to the registration and control of the manufacture, distribution and dispensing of controlled
11 substances within this state. The bureau of narcotics and dangerous drugs, upon public notice and
12 hearing and under the provisions of this section and chapter 536, may promulgate rules and charge
13 and increase any fees necessary to ensure the enforcement of controlled substances laws and
14 regulations within this state. Any fees charged by the bureau of narcotics and dangerous drugs shall
15 only be used for the purpose of enforcement activities including, but not limited to, the hiring of
16 additional enforcement personnel. No rule or portion of a rule promulgated pursuant to the
17 authority of this chapter shall become effective unless it has been promulgated pursuant to the
18 provisions of section 536.024.

19 2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process
20 produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a
21 wholesaler shall supply the same, without having first obtained a registration issued by the
22 department of health and senior services in accordance with rules and regulations promulgated by it.
23 No registration shall be granted for a term exceeding three years.

24 3. Persons registered by the department of health and senior services pursuant to sections
25 195.005 to 195.425 to manufacture, distribute, or dispense or conduct research with controlled
26 substances are authorized to possess, manufacture, distribute or dispense such substances, including
27 any such activity in the conduct of research, to the extent authorized by their registration and in
28 conformity with other provisions of sections 195.005 to 195.425.

29 4. The following persons shall not be required to register and may lawfully possess
30 controlled substances pursuant to sections 195.005 to 195.425:

31 (1) An agent or employee, excluding physicians, dentists, optometrists, podiatrists or
32 veterinarians, of any registered manufacturer, distributor, or dispenser of any controlled substance if
33 such agent is acting in the usual course of his or her business or employment;

34 (2) A common or contract carrier or warehouseman, or an employee thereof, whose
35 possession of any controlled substance is in the usual course of business or employment;

36 (3) An ultimate user or a person in possession of any controlled substance pursuant to a
37 lawful order of a practitioner or in lawful possession of a Schedule V substance.

38 5. The department of health and senior services may, by regulation, waive the requirement
39 for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the
40 public health and safety.

41 6. A separate registration shall be required at each principal place of business or
42 professional practice where the applicant manufactures, distributes, or dispenses controlled
43 substances.

44 7. The department of health and senior services is authorized to inspect the establishment of
45 a registrant or applicant in accordance with the provisions of sections 195.005 to 195.425."; and

46
47 Further amend said bill, Page 2, Section 334.285, Line 22, by inserting immediately after said
48 section and line the following:

1
2 "335.360. 1. The party states find that:

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

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

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

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

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

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

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

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

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

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

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

23 (5) Invest all party states with the authority to hold a nurse accountable for meeting all state
24 practice laws in the state in which the patient is located at the time care is rendered through the
25 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 licensure
28 requirements.

29 335.365. As used in this compact, the following terms shall mean:

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

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

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

42 (4) "Current significant investigative information":

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

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

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

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

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

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

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

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

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

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

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

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

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

23 335.370. 1. A multistate license to practice registered or licensed practical or vocational
24 nursing issued by a home state to a resident in that state shall be recognized by each party state as
25 authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational
26 nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.

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

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

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

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

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

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

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

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

48 (6) Has submitted, in connection with an application for initial licensure or licensure by

1 endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history
2 record information from the Federal Bureau of Investigation and the agency responsible for
3 retaining that state's criminal records;

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

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

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

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

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

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

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

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

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

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

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

41 335.375. 1. Upon application for a multistate license, the licensing board in the issuing
42 party state shall ascertain, through the coordinated licensure information system, whether the
43 applicant has ever held, or is the holder of, a license issued by any other state, whether there are any
44 encumbrances on any license or multistate licensure privilege held by the applicant, whether any
45 adverse action has been taken against any license or multistate licensure privilege held by the
46 applicant, and whether the applicant is currently participating in an alternative program.

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

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

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

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

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

11 335.380. 1. In addition to the other powers conferred by state law, a licensing board shall
12 have the authority to:

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

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

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

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

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

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

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

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

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

44 2. If adverse action is taken by the home state against a nurse's multistate license, the nurse's
45 multistate licensure privilege to practice in all other party states shall be deactivated until all
46 encumbrances have been removed from the multistate license. All home state disciplinary orders
47 that impose adverse action against a nurse's multistate license shall include a statement that the
48 nurse's multistate licensure privilege is deactivated in all party states during the pendency of the

1 order.

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

6 335.385. 1. All party states shall participate in a coordinated licensure information system
7 of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or
8 "VNs". This system shall include information on the licensure and disciplinary history of each
9 nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement
10 efforts.

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

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

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

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

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

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

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

35 (1) Identifying information;

36 (2) Licensure data;

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

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

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

42 335.390. 1. The party states hereby create and establish a joint public entity known as the
43 "Interstate Commission of Nurse Licensure Compact Administrators".

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

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

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

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

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

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

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

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

18 (a) Noncompliance of a party state with its obligations under this compact;

19 (b) The employment, compensation, discipline, or other personnel matters, practices, or
20 procedures related to specific employees, or other matters related to the commission's internal
21 personnel practices and procedures;

22 (c) Current, threatened, or reasonably anticipated litigation;

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

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

25 (f) Disclosure of trade secrets or commercial or financial information that is privileged or
26 confidential;

27 (g) Disclosure of information of a personal nature where disclosure would constitute a
28 clearly unwarranted invasion of personal privacy;

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

30 (i) Disclosure of information related to any reports prepared by or on behalf of the
31 commission for the purpose of investigation of compliance with this compact; or

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

33 (6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this
34 subsection, the commission's legal counsel or designee shall certify that the meeting shall be closed
35 and shall reference each relevant exempting provision. The commission shall keep minutes that
36 fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate
37 summary of actions taken, and the reasons therefor, including a description of the views expressed.
38 All documents considered in connection with an action shall be identified in such minutes. All
39 minutes and documents of a closed meeting shall remain under seal, subject to release by a majority
40 vote of the commission or order of a court of competent jurisdiction.

41 3. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules
42 to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the
43 powers of this compact including, but not limited to:

44 (1) Establishing the fiscal year of the commission;

45 (2) Providing reasonable standards and procedures:

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

47 (b) Governing any general or specific delegation of any authority or function of the
48 commission;

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

8 (4) Establishing the titles, duties, and authority and reasonable procedures for the election of
9 the officers of the commission;

10 (5) Providing reasonable standards and procedures for the establishment of the personnel
11 policies and programs of the commission. Notwithstanding any civil service or other similar laws
12 of any party state, the bylaws shall exclusively govern the personnel policies and programs of the
13 commission; and

14 (6) Providing a mechanism for winding up the operations of the commission and the
15 equitable disposition of any surplus funds that may exist after the termination of this compact after
16 the payment or reserving of all of its debts and obligations.

17 4. The commission shall publish its bylaws and rules, and any amendments thereto, in a
18 convenient form on the website of the commission.

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

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

22 7. The commission shall have the following powers:

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

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

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

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

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

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

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

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

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

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

48 (11) To borrow money;

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

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

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

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

9 8. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of
10 its establishment, organization, and ongoing activities.

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

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

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

23 9. (1) The administrators, officers, executive director, employees, and representatives of the
24 commission shall be immune from suit and liability, either personally or in their official capacity,
25 for any claim for damage to or loss of property, personal injury, or other civil liability caused by or
26 arising out of any actual or alleged act, error, or omission that occurred, or that the person against
27 whom the claim is made had a reasonable basis for believing occurred, within the scope of
28 commission employment, duties, or responsibilities; provided that, nothing in this paragraph shall
29 be construed to protect any such person from suit or liability for any damage, loss, injury, or
30 liability caused by the intentional, willful, or wanton misconduct of that person.

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

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

46 335.395. 1. The commission shall exercise its rulemaking powers pursuant to the criteria
47 set forth in this section and the rules adopted thereunder. Rules and amendments shall become
48 binding as of the date specified in each rule or amendment and shall have the same force and effect

1 as provisions of this compact.

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

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

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

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

10 4. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 12. The commission may direct revisions to a previously adopted rule or amendment for
46 purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical
47 errors. Public notice of any revisions shall be posted on the website of the commission. The
48 revision shall be subject to challenge by any person for a period of thirty days after posting. The

1 revision shall be challenged only on grounds that the revision results in a material change to a rule.
2 A challenge shall be made in writing and delivered to the commission prior to the end of the notice
3 period. If no challenge is made, the revision shall take effect without further action. If the revision
4 is challenged, the revision shall not take effect without the approval of the commission.

5 335.400. 1. (1) Each party state shall enforce this compact and take all actions necessary
6 and appropriate to effectuate this compact's purposes and intent.

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

12 2. (1) If the commission determines that a party state has defaulted in the performance of
13 its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

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

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

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

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

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

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

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

37 3. (1) Upon request by a party state, the commission shall attempt to resolve disputes
38 related to the compact that arise among party states and between party and non-party states.

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

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

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

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

48 4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the

1 provisions and rules of this compact.

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

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

10 335.405. 1. This compact shall become effective and binding on the earlier of the date of
11 legislative enactment of this compact into law by no less than twenty-six states or December 31,
12 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact
13 superseded by this compact "prior compact" shall be deemed to have withdrawn from said prior
14 compact within six months after the effective date of this compact.

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

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

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

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

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

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

32 335.410. This compact shall be liberally construed so as to effectuate the purposes thereof.
33 The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of
34 this compact is declared to be contrary to the constitution of any party state or of the United States
35 or the applicability thereof to any government, agency, person, or circumstance is held invalid, the
36 validity of the remainder of this compact and the applicability thereof to any government, agency,
37 person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the
38 constitution of any party state, this compact shall remain in full force and effect as to the remaining
39 party states and in full force and effect as to the party state affected as to all severable matters.

40 335.415. 1. The term "head of the nurse licensing board" as referred to in section 335.390
41 of this compact shall mean the executive director of the Missouri state board of nursing.

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

44 3. This compact does not supersede existing state labor laws.

45 [335.300. 1. The party states find that:

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

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

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

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

9 (5) The current system of duplicative licensure for nurses practicing in
10 multiple states is cumbersome and redundant to both nurses and states.

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

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

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

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

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

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

23
24 [335.305. As used in this compact, the following terms shall mean:

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

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

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

32 (4) "Current significant investigative information":

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

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

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

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

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

48 (8) "Multistate licensing privilege", current, official authority from a remote

1 state permitting the practice of nursing as either a registered nurse or a licensed
 2 practical/vocational nurse in such party state. All party states have the authority, in
 3 accordance with existing state due process law, to take actions against the nurse's
 4 privilege such as: revocation, suspension, probation, or any other action that affects
 5 a nurse's authorization to practice;

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

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

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

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

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

13 (12) "Remote state action":

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

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

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

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

27
 28 [335.310. 1. A license to practice registered nursing issued by a home state
 29 to a resident in that state will be recognized by each party state as authorizing a
 30 multistate licensure privilege to practice as a registered nurse in such party state. A
 31 license to practice licensed practical/vocational nursing issued by a home state to a
 32 resident in that state will be recognized by each party state as authorizing a multistate
 33 licensure privilege to practice as a licensed practical/vocational nurse in such party
 34 state. In order to obtain or retain a license, an applicant must meet the home state's
 35 qualifications for licensure and license renewal as well as all other applicable state
 36 laws.

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

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

1 courts, as well as the laws, in that party state.

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

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

12
13 [335.315. 1. Upon application for a license, the licensing board in a party
14 state shall ascertain, through the coordinated licensure information system, whether
15 the applicant has ever held, or is the holder of, a license issued by any other state,
16 whether there are any restrictions on the multistate licensure privilege, and whether
17 any other adverse action by any state has been taken against the license.

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

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

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

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

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

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

33
34 [335.320. In addition to the general provisions described in article III of this
35 compact, the following provisions apply:

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

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

1 state of any such actions;

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

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

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

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

18
19 [335.325. Notwithstanding any other powers, party state nurse licensing
20 boards shall have the authority to:

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

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

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

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

37
38 [335.330. 1. All party states shall participate in a cooperative effort to create
39 a coordinated database of all licensed registered nurses and licensed
40 practical/vocational nurses. This system will include information on the licensure
41 and disciplinary history of each nurse, as contributed by party states, to assist in the
42 coordination of nurse licensure and enforcement efforts.

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

48 3. Current significant investigative information shall be transmitted through

1 the coordinated licensure information system only to party state licensing boards.

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

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

10 6. Any information contributed to the coordinated licensure information
11 system that is subsequently required to be expunged by the laws of the party state
12 contributing that information shall also be expunged from the coordinated licensure
13 information system.

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

18
19 [335.335. 1. The head of the nurse licensing board, or his/her designee, of
20 each party state shall be the administrator of this compact for his/her state.

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

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

30
31 [335.340. No party state or the officers or employees or agents of a party
32 state's nurse licensing board who acts in accordance with the provisions of this
33 compact shall be liable on account of any act or omission in good faith while
34 engaged in the performance of their duties under this compact. Good faith in this
35 article shall not include willful misconduct, gross negligence, or recklessness.]

36
37 [335.345. 1. This compact shall enter into force and become effective as to
38 any state when it has been enacted into the laws of that state. Any party state may
39 withdraw from this compact by enacting a statute repealing the same, but no such
40 withdrawal shall take effect until six months after the withdrawing state has given
41 notice of the withdrawal to the executive heads of all other party states.

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

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

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

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

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

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

22 (2) The decision of a majority of the arbitrators shall be final and binding.]
23

24 [335.355. 1. The term "head of the nurse licensing board" as referred to in
25 article VIII of this compact shall mean the executive director of the Missouri state
26 board of nursing.

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

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

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

39 5. This compact does not supercede existing state labor laws.]

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

45
46 Further amend said bill by amending the title, enacting clause, and intersectional references
47 accordingly.
48