

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

Offered By

1 AMEND House Bill No. 1466, Page 11, Section 324.001, Line 372, by inserting immediately after  
2 all of said section and line the following:

3  
4 "335.300. 1. The party states find that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 335.305. As used in this compact, the following terms shall mean:

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

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

35 (3) "Coordinated licensure information system", an integrated process for collecting,  
36 storing, and sharing information on nurse licensure and enforcement activities related to nurse

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 licensure laws, which is administered by a nonprofit organization composed of and controlled by  
2 state nurse licensing boards;

3 (4) "Current significant investigative information":

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

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

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

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

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

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

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

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

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

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

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

28 (12) "Remote state action":

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

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

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

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

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

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

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

5           (4) "Current significant investigative information":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47           3. Every nurse practicing in a party state must comply with the state practice laws of the  
 48 state in which the patient is located at the time care is rendered. In addition, the practice of nursing

1 is not limited to patient care, but shall include all nursing practice as defined by the state practice  
2 laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse  
3 licensing board and the courts, as well as the laws, in that party state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30           335.315. [1. Upon application for a license, the licensing board in a party state shall  
31 ascertain, through the coordinated licensure information system, whether the applicant has ever  
32 held, or is the holder of, a license issued by any other state, whether there are any restrictions on the  
33 multistate licensure privilege, and whether any other adverse action by any state has been taken  
34 against the license.

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

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

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

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

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

47           (3) Moving from a party state to a nonparty state, the license issued by the prior home state  
48 converts to an individual state license, valid only in the former home state, without the multistate

1 licensure privilege to practice in other party states.]

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

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

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

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

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

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

20 335.320. [In addition to the general provisions described in article III of this compact, the  
21 following provisions apply:

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

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

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

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

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

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

48 1. In addition to the other powers conferred by state law, a licensing board shall have the

1 authority to:

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

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

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

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

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

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

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

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

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

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

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

42 335.325. [Notwithstanding any other powers, party state nurse licensing boards shall have  
43 the authority to:

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

46 (2) Issue subpoenas for both hearings and investigations which require the attendance and  
47 testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing  
48 board in a party state for the attendance and testimony of witnesses, and/or the production of

1 evidence from another party state, shall be enforced in the latter state by any court of competent  
2 jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in  
3 proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,  
4 mileage, and other fees required by the service statutes of the state where the witnesses and evidence  
5 are located;

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

8 (4) Promulgate uniform rules and regulations as provided for in subsection 3 of section  
9 335.335.]

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

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

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

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

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

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

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

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

38 (1) Identifying information;

39 (2) Licensure data;

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

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

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

45 335.330. [1. All party states shall participate in a cooperative effort to create a coordinated  
46 database of all licensed registered nurses and licensed practical/vocational nurses. This system will  
47 include information on the licensure and disciplinary history of each nurse, as contributed by party  
48 states, to assist in the coordination of nurse licensure and enforcement efforts.

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

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

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

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

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

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

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

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

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

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

29           2. (1) Each party state shall have and be limited to one administrator. The head of the state  
30 licensing board or designee shall be the administrator of this Compact for each party state. Any  
31 administrator may be removed or suspended from office as provided by the law of the state from  
32 which the administrator is appointed. Any vacancy occurring in the Commission shall be filled in  
33 accordance with the laws of the party state in which the vacancy exists.

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

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

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

43           (5) The Commission may convene in a closed, nonpublic meeting if the Commission must  
44 discuss:

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

46           (b) The employment, compensation, discipline, or other personnel matters, practices, or  
47 procedures related to specific employees, or other matters related to the Commission's internal  
48 personnel practices and procedures;

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

1           7. The Commission shall have the following powers:

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

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

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

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

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

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

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

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

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

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

27           (11) To borrow money;

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

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

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

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

36           8. (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of  
37 its establishment, organization, and ongoing activities.

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

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

45           (4) The Commission shall keep accurate accounts of all receipts and disbursements. The  
46 receipts and disbursements of the Commission shall be subject to the audit and accounting  
47 procedures established under its bylaws. However, all receipts and disbursements of funds handled  
48 by the Commission shall be audited yearly by a certified or licensed public accountant, and the

1 report of the audit shall be included in and become part of the annual report of the Commission.

2 9. (1) The administrators, officers, executive director, employees, and representatives of the  
3 Commission shall be immune from suit and liability, either personally or in their official capacity,  
4 for any claim for damage to or loss of property, personal injury, or other civil liability caused by or  
5 arising out of any actual or alleged act, error, or omission that occurred, or that the person against  
6 whom the claim is made had a reasonable basis for believing occurred, within the scope of  
7 Commission employment, duties, or responsibilities; provided that, nothing in this paragraph shall  
8 be construed to protect any such person from suit or liability for any damage, loss, injury, or  
9 liability caused by the intentional, willful, or wanton misconduct of that person.

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

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

25 335.335. [1. The head of the nurse licensing board, or his/her designee, of each party state  
26 shall be the administrator of this compact for his/her state.

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

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

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

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

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

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

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

46 4. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41           335.340. [No party state or the officers or employees or agents of a party state's nurse  
42 licensing board who acts in accordance with the provisions of this compact shall be liable on  
43 account of any act or omission in good faith while engaged in the performance of their duties under  
44 this compact. Good faith in this article shall not include willful misconduct, gross negligence, or  
45 recklessness.]

46           1. (1) Each party state shall enforce this Compact and take all actions necessary and  
47 appropriate to effectuate this Compact's purposes and intent.

48           (2) The Commission shall be entitled to receive service of process in any proceeding that

1 may affect the powers, responsibilities, or actions of the Commission, and shall have standing to  
2 intervene in such a proceeding for all purposes. Failure to provide service of process in such  
3 proceeding to the Commission shall render a judgment or order void as to the Commission, this  
4 Compact, or promulgated rules.

5 2. (1) If the Commission determines that a party state has defaulted in the performance of  
6 its obligations or responsibilities under this Compact or the promulgated rules, the Commission  
7 shall:

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

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

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

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

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

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

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

31 3. (1) Upon request by a party state, the Commission shall attempt to resolve disputes  
32 related to the Compact that arise among party states and between party and non-party states.

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

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

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

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

42 4. (1) The Commission, in the reasonable exercise of its discretion, shall enforce the  
43 provisions and rules of this Compact.

44 (2) By majority vote, the Commission may initiate legal action in the U.S. District Court for  
45 the District of Columbia or the federal district in which the Commission has its principal offices  
46 against a party state that is in default to enforce compliance with the provisions of this Compact and  
47 its promulgated rules and bylaws. The relief sought may include both injunctive relief and  
48 damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all

1 costs of such litigation, including reasonable attorneys' fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 [5.] 4. This compact does not supercede existing state labor laws."; and

20  
21 Further amend said bill by amending the title, enacting clause, and intersectional references  
22 accordingly.