

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1482

By: Representative Bentley
By: Senator E. Cheatham

For An Act To Be Entitled

AN ACT TO UPDATE THE INTERSTATE NURSE LICENSURE
COMPACT; AND FOR OTHER PURPOSES.

Subtitle

TO UPDATE THE INTERSTATE NURSE LICENSURE
COMPACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-87-601, concerning the text of the Nurse
Licensure Compact, is amended to read as follows:

17-87-601. Text of Compact.

The Interstate Nurse Licensure Compact is enacted into law and entered
into by this state with all states legally joining therein and in the form
substantially as follows:

NURSE LICENSURE COMPACT

ARTICLE I Findings and Declaration of Purpose

~~(a) The party states find that:~~

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

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

~~(3) The expanded mobility of nurses and the use of advanced~~



1 ~~communication technologies as part of our nation's healthcare delivery system~~
 2 ~~require greater coordination and cooperation among states in the areas of~~
 3 ~~nurse licensure and regulation;~~

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

6 ~~(5) The current system of duplicative licensure for nurses~~
 7 ~~practicing in multiple states is cumbersome and redundant to both nurses and~~
 8 ~~states.~~

9 ~~(b) The general purposes of this Compact are to:~~

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

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

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

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

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

22 ~~ARTICLE II Definitions~~

23
 24
 25 ~~As used in this Compact:~~

26 ~~(1) "Adverse action" means a home or remote state action;~~

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

29 ~~(3) "Coordinated Licensure Information System" means an~~
 30 ~~integrated process for collecting, storing, and sharing information on nurse~~
 31 ~~licensure and enforcement activities related to nurse licensure laws, which~~
 32 ~~is administered by a non-profit organization composed of and controlled by~~
 33 ~~state nurse licensing boards;~~

34 ~~(4) "Current significant investigative information" means:~~

35 ~~(A) Investigative information that a licensing board after~~
 36 ~~a preliminary inquiry that includes notification and an opportunity for the~~

1 nurse to respond if required by state law, has reason to believe is not
 2 groundless and, if proved true, would indicate more than a minor infraction;
 3 or

4 (B) ~~Investigative information that indicates that the~~
 5 nurse represents an immediate threat to public health and safety regardless
 6 of whether the nurse has been notified and had an opportunity to respond;

7 (5) ~~"Home state" means the party state which is the nurse's~~
 8 primary state of residence;

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

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

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

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

27 (10) ~~"Party state" means any state that has adopted this~~
 28 Compact;

29 (11) ~~"Remote state" means a party state, other than the home~~
 30 state;

31 (A) ~~Where the patient is located at the time nursing care~~
 32 is provided; or

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

36 (12) ~~"Remote state action" means:~~

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

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

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

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

~~ARTICLE III General Provisions and Jurisdiction~~

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

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

1 ~~of any such actions by remote states.~~

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

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

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

20 21 ~~ARTICLE IV Applications for Licensure in a Party State~~

22
23 ~~(a) Upon application for a license, the licensing board in a party~~
 24 ~~state shall ascertain, through the coordinated licensure information system,~~
 25 ~~whether the applicant has ever held, or is the holder of, a license issued by~~
 26 ~~any other state, whether there are any restrictions on the multistate~~
 27 ~~licensure privilege, and whether any other adverse action by any state has~~
 28 ~~been taken against the license.~~

29 ~~(b) A nurse in a party state shall hold licensure in only one (1)~~
 30 ~~party state at a time, issued by the home state.~~

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

36 ~~(d) When a nurse changes primary state of residence by:~~

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

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

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

ARTICLE V Adverse Actions

~~In addition to the General Provisions described in Article III, the following provisions apply:~~

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

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

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

~~(4) For purposes of imposing adverse action, the licensing board~~

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

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

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

15
16 ~~ARTICLE VI Additional Authorities Invested in Party State Nurse Licensing~~
17 ~~Boards~~

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

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

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

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

36 ~~(4) Promulgate uniform rules and regulations as provided for in~~

1 ~~Article VIII(c).~~

2
3 ~~ARTICLE VII Coordinated Licensure Information System~~

4
5 ~~(a) All party states shall participate in a cooperative effort to~~
6 ~~create a coordinated database of all licensed registered nurses and licensed~~
7 ~~practical/vocational nurses. This system will include information on the~~
8 ~~licensure and disciplinary history of each nurse, as contributed by party~~
9 ~~states, to assist in the coordination of nurse licensure and enforcement~~
10 ~~efforts.~~

11 ~~(b) Notwithstanding any other provision of law, all party states'~~
12 ~~licensing boards shall promptly report adverse actions, actions against~~
13 ~~multistate licensure privileges, any current significant investigative~~
14 ~~information yet to result in adverse action, denials of applications, and the~~
15 ~~reasons for such denials, to the coordinated licensure information system.~~

16 ~~(c) Current significant investigative information shall be transmitted~~
17 ~~through the coordinated licensure information system only to party state~~
18 ~~licensing boards.~~

19 ~~(d) Notwithstanding any other provision of law, all party states'~~
20 ~~licensing boards contributing information to the coordinated licensure~~
21 ~~information system may designate information that may not be shared with~~
22 ~~nonparty states or disclosed to other entities or individuals without the~~
23 ~~express permission of the contributing state.~~

24 ~~(e) Any personally identifiable information obtained by a party~~
25 ~~states' licensing board from the coordinated licensure information system may~~
26 ~~not be shared with nonparty states or disclosed to other entities or~~
27 ~~individuals except to the extent permitted by the laws of the party state~~
28 ~~contributing the information.~~

29 ~~(f) Any information contributed to the coordinated licensure~~
30 ~~information system that is subsequently required to be expunged by the laws~~
31 ~~of the party states contributing that information, shall also be expunged~~
32 ~~from the coordinated licensure information system.~~

33 ~~(g) The compact administrators, acting jointly with each other and in~~
34 ~~consultation with the administrator of the coordinated licensure information~~
35 ~~system, shall formulate necessary and proper procedures for the~~
36 ~~identification, collection, and exchange of information under this Compact.~~

~~ARTICLE VIII Compact Administration and Interchange of Information~~

~~(a) The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this Compact for his/her state.~~

~~(b) The compact administrator of each party state shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this Compact.~~

~~(c) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this Compact. These uniform rules shall be adopted by party states, under the authority invested under Article VI.~~

~~ARTICLE IX Immunity~~

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

~~ARTICLE X Entry into Force, Withdrawal and Amendment~~

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

~~(b) No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the Compact of any report of adverse action occurring prior to the withdrawal.~~

~~(c) Nothing contained in this Compact shall be construed to invalidate~~

1 ~~or prevent any nurse licensure agreement or other cooperative arrangement~~
 2 ~~between a party state and a nonparty state that is made in accordance with~~
 3 ~~the other provisions of this Compact.~~

4 ~~– (d) This Compact may be amended by the party states. No amendment to~~
 5 ~~this Compact shall become effective and binding upon the party states unless~~
 6 ~~and until it is enacted into the laws of all party states.~~

8 ~~ARTICLE XI Construction and Severability~~

10 ~~(a) This Compact shall be liberally construed so as to effectuate the~~
 11 ~~purposes thereof. The provisions of this Compact shall be severable and if~~
 12 ~~any phrase, clause, sentence, or provision of this Compact is declared to be~~
 13 ~~contrary to the constitution of any party state or of the United States or~~
 14 ~~the applicability thereof to any government, agency, person, or circumstance~~
 15 ~~is held invalid, the validity of the remainder of this Compact and the~~
 16 ~~applicability thereof to any government, agency, person, or circumstance~~
 17 ~~shall not be affected thereby. If this Compact shall be held contrary to the~~
 18 ~~constitution of any state party thereto, the Compact shall remain in full~~
 19 ~~force and effect as to the remaining party states and in full force and~~
 20 ~~effect as to the party state affected as to all severable matters.~~

21 ~~(b) In the event party states find a need for settling disputes~~
 22 ~~arising under this Compact.~~

23 ~~(1) The party states may submit the issues in dispute to an~~
 24 ~~arbitration panel which will be comprised of an individual appointed by the~~
 25 ~~compact administrator in the home state; an individual appointed by the~~
 26 ~~compact administrator in the remote state(s) involved; and an individual~~
 27 ~~mutually agreed upon by the compact administrators of all the party states~~
 28 ~~involved in the dispute; and~~

29 ~~(2) The decision of a majority of the arbitrators shall be final~~
 30 ~~and binding.~~

32 NURSE LICENSURE COMPACT

33 ARTICLE I

34 Findings and Declaration of Purpose

36 (a) The party states find that:

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

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

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

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

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

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

17 (b) The general purposes of this Compact are to:

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

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

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

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

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

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

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

34
35 ARTICLE II

36 Definitions

1
2 As used in this Compact:

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

11 (b) "Alternative program" means a non-disciplinary monitoring program
12 approved by a licensing board.

13 (c) "Coordinated licensure information system" means an integrated
14 process for collecting, storing, and sharing information on nurse licensure
15 and enforcement activities related to nurse licensure laws that is
16 administered by a nonprofit organization composed of and controlled by
17 licensing boards.

18 (d) "Current significant investigative information" means:

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

24 (2) Investigative information that indicates that the nurse
25 represents an immediate threat to public health and safety regardless of
26 whether the nurse has been notified and had an opportunity to respond.

27 (e) "Encumbrance" means a revocation or suspension of, or any
28 limitation on, the full and unrestricted practice of nursing imposed by a
29 licensing board.

30 (f) "Home state" means the party state which is the nurse's primary
31 state of residence.

32 (g) "Licensing board" means a party state's regulatory body
33 responsible for issuing nurse licenses.

34 (h) "Multistate license" means a license to practice as a registered
35 or a licensed practical/vocational nurse (LPN/VN) issued by a home state
36 licensing board that authorizes the licensed nurse to practice in all party

1 states under a multistate licensure privilege.

2 (i) "Multistate licensure privilege" means a legal authorization
3 associated with a multistate license permitting the practice of nursing as
4 either a registered nurse or a licensed practical/vocational nurse in a
5 remote state.

6 (j) "Nurse" means a RN or LPN/VN, as those terms are defined by each
7 party's state practice laws.

8 (k) "Party state" means any state that has adopted this Compact.

9 (l) "Remote state" means a party state, other than the home state.

10 (m) "Single-state license" means a nurse license issued by a party
11 state that authorizes practice only within the issuing state and does not
12 include a multistate licensure privilege to practice in any other party
13 state.

14 (n) "State" means a state, territory, or possession of the United
15 States and the District of Columbia.

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

22 ARTICLE III

23 General Provisions and Jurisdiction

25 (a) A multistate license to practice registered nurse or licensed
26 practical/vocational nursing issued by a home state to a resident in that
27 state will be recognized by each party state as authorizing a nurse to
28 practice as a registered nurse (RN) or as a licensed practical/vocational
29 nurse (LPN/VN), under a multistate licensure privilege, in each party state.

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

1 (c) Each party state shall require the following for an applicant to
 2 obtain or retain a multistate license in the home state:

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

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

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

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

16 (4) Has successfully passed an NCLEX-RN® or NCLEX-PN®
 17 Examination or recognized predecessor, as applicable;

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

19 (6) Has submitted, in connection with an application for initial
 20 licensure or licensure by endorsement, fingerprints or other biometric data
 21 for the purposes of obtaining criminal history record information from the
 22 Federal Bureau of Investigation and the agency responsible for retaining that
 23 state's criminal records;

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

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

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

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

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

34 (d) All party states shall be authorized, in accordance with existing
 35 state due process law, to take adverse action against a nurse's multistate
 36 licensure privilege such as revocation, suspension, probation or any other

1 action that affects a nurse's authorization to practice under a multistate
2 licensure privilege, including cease and desist actions. If a party state
3 takes such action, it shall promptly notify the administrator of the
4 coordinated licensure information system. The administrator of the
5 coordinated licensure information system shall promptly notify the home state
6 of any such actions by remote states.

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

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

22 (g) Any nurse holding a home state multistate license, on the
23 effective date of this Compact, may retain and renew the multistate license
24 issued by the nurse's then-current home state, provided that:

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

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

34 35 ARTICLE IV

36 Applications for Licensure in a Party State

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

10 (b) A nurse may hold a multistate license, issued by the home state,
11 in only one party state at a time.

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

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

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

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

26 27 ARTICLE V

28 Additional Authorities Invested in Party State Licensing Boards

29
30 (a) In addition to the other powers conferred by state law, a
31 licensing board shall have the authority to:

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

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

36 (ii) For purposes of taking adverse action, the home state

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

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

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

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

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

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

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

35 (b) If an adverse action is taken by the home state against a nurse's
36 multistate license, the nurse's multistate licensure privilege to practice in

1 all other party states shall be deactivated until all encumbrances have been
 2 removed from the multistate license. All home state disciplinary orders that
 3 impose adverse action against a nurse's multistate license shall include a
 4 statement that the nurse's multistate licensure privilege is deactivated in
 5 all party states during the pendency of the order.

6 (c) Nothing in this Compact shall override a party state's decision
 7 that participation in an alternative program may be used in lieu of adverse
 8 action. The home state licensing board shall deactivate the multistate
 9 licensure privilege under the multistate license of any nurse for the
 10 duration of the nurse's participation in an alternative program.

11 ARTICLE VI

12 Coordinated Licensure Information System and Exchange of Information

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

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

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

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

33 (e) Notwithstanding any other provision of law, all party state
 34 licensing boards contributing information to the coordinated licensure
 35 information system shall ensure that the information is accurate and
 36 complete.

1 information system may designate information that may not be shared with non-
 2 party states or disclosed to other entities or individuals without the
 3 express permission of the contributing state.

4 (f) Any personally identifiable information obtained from the
 5 coordinated licensure information system by a party state licensing board
 6 shall not be shared with non-party states or disclosed to other entities or
 7 individuals except to the extent permitted by the laws of the party state
 8 contributing the information.

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

13 (h) The Compact administrator of each party state shall furnish a
 14 uniform data set to the Compact administrator of each other party state,
 15 which shall include, at a minimum:

16 (1) Identifying information;

17 (2) Licensure data;

18 (3) Information related to alternative program participation;

19 and

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

22 (i) The Compact administrator of a party state shall provide all
 23 investigative documents and information requested by another party state.

24 ARTICLE VII

25 Establishment of the Interstate Commission of Nurse Licensure Compact 26 Administrators

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

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

30 (2) Venue is proper, and judicial proceedings by or against the
 31 Commission shall be brought solely and exclusively, in a court of competent
 32 jurisdiction where the principal office of the Commission is located. The
 33 Commission may waive venue and jurisdictional defenses to the extent it
 34 adopts or consents to participate in alternative dispute resolution
 35

1 proceedings.

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

4 (b) Membership, Voting and Meetings

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

12 (2) Each administrator shall be entitled to one (1) vote with
13 regard to the promulgation of rules and creation of bylaws and shall
14 otherwise have an opportunity to participate in the business and affairs of
15 the Commission. An administrator shall vote in person or by such other means
16 as provided in the bylaws. The bylaws may provide for an administrator's
17 participation in meetings by telephone or other means of communication.

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

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

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

26 (i) Noncompliance of a party state with its obligations
27 under this Compact;

28 (ii) The employment, compensation, discipline or other
29 personnel matters, practices or procedures related to specific employees or
30 other matters related to the Commission's internal personnel practices and
31 procedures;

32 (iii) Current, threatened or reasonably anticipated
33 litigation;

34 (iv) Negotiation of contracts for the purchase or sale of
35 goods, services or real estate;

36 (v) Accusing any person of a crime or formally censuring

1 any person;

2 (vi) Disclosure of trade secrets or commercial or
3 financial information that is privileged or confidential;

4 (vii) Disclosure of information of a personal nature where
5 disclosure would constitute a clearly unwarranted invasion of personal
6 privacy;

7 (viii) Disclosure of investigatory records compiled for
8 law enforcement purposes;

9 (ix) Disclosure of information related to any reports
10 prepared by or on behalf of the Commission for the purpose of investigation
11 of compliance with this Compact; or

12 (x) Matters specifically exempted from disclosure by
13 federal or state statute.

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

24 (c) The Commission shall, by majority vote of the administrators,
25 prescribe bylaws or rules to govern its conduct as may be necessary or
26 appropriate to carry out the purposes and exercise the powers of this
27 Compact, including but not limited to:

28 (1) Establishing the fiscal year of the Commission;

29 (2) Providing reasonable standards and procedures;

30 (i) For the establishment and meetings of other
31 committees; and

32 (ii) Governing any general or specific delegation of any
33 authority or function of the Commission;

34 (3) Providing reasonable procedures for calling and conducting
35 meetings of the Commission, ensuring reasonable advance notice of all
36 meetings and providing an opportunity for attendance of such meetings by

1 interested parties, with enumerated exceptions designed to protect the
 2 public's interest, the privacy of individuals, and proprietary information,
 3 including trade secrets. The Commission may meet in closed session only after
 4 a majority of the administrators vote to close a meeting in whole or in part.
 5 As soon as practicable, the Commission must make public a copy of the vote to
 6 close the meeting revealing the vote of each administrator, with no proxy
 7 votes allowed;

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

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

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

19 (d) The Commission shall publish its bylaws and rules, and any
 20 amendments thereto, in a convenient form on the website of the Commission.

21 (e) The Commission shall maintain its financial records in accordance
 22 with the bylaws.

23 (f) The Commission shall meet and take such actions as are consistent
 24 with the provisions of this Compact and the bylaws.

25 (g) The Commission shall have the following powers:

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

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

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

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

36 (5) To cooperate with other organizations that administer state

1 compacts related to the regulation of nursing, including but not limited to
2 sharing administrative or staff expenses, office space or other resources;

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

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

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

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

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

19 (11) To borrow money;

20 (12) To appoint committees, including advisory committees
21 comprised of administrators, state nursing regulators, state legislators or
22 their representatives, and consumer representatives, and other such
23 interested persons;

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

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

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

30 (h) Financing of the Commission

31 (1) The Commission shall pay, or provide for the payment of, the
32 reasonable expenses of its establishment, organization and ongoing
33 activities.

34 (2) The Commission may also levy on and collect an annual
35 assessment from each party state to cover the cost of its operations,
36 activities and staff in its annual budget as approved each year. The

1 aggregate annual assessment amount, if any, shall be allocated based upon a
2 formula to be determined by the Commission, which shall promulgate a rule
3 that is binding upon all party states.

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

8 (4) The Commission shall keep accurate accounts of all receipts
9 and disbursements. The receipts and disbursements of the Commission shall be
10 subject to the audit and accounting procedures established under its bylaws.
11 However, all receipts and disbursements of funds handled by the Commission
12 shall be audited yearly by a certified or licensed public accountant, and the
13 report of the audit shall be included in and become part of the annual report
14 of the Commission.

15 (i) Qualified Immunity, Defense and Indemnification

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

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

1 (3) The Commission shall indemnify and hold harmless any
2 administrator, officer, executive director, employee or representative of the
3 Commission for the amount of any settlement or judgment obtained against that
4 person arising out of any actual or alleged act, error or omission that
5 occurred within the scope of Commission employment, duties or
6 responsibilities, or that such person had a reasonable basis for believing
7 occurred within the scope of Commission employment, duties or
8 responsibilities, provided that the actual or alleged act, error or omission
9 did not result from the intentional, willful or wanton misconduct of that
10 person.

11
12 ARTICLE VIII

13 Rulemaking
14

15 (a) The Commission shall exercise its rulemaking powers pursuant to
16 the criteria set forth in this Article and rules adopted thereunder. Rules
17 and amendments shall become binding as of the date specified in each rule or
18 amendment and shall have the same force and effect as provisions of this
19 Compact.

20 (b) Rules or amendments to the rules shall be adopted at a regular or
21 special meeting of the Commission.

22 (c) Prior to promulgation and adoption of a final rule or rules by the
23 Commission, and at least sixty (60) days in advance of the meeting at which
24 the rule will be considered and voted upon, the Commission shall file a
25 notice of proposed rulemaking:

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

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

29 (d) The notice of proposed rulemaking shall include:

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

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

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

36 (4) The manner in which interested persons may submit notice to

1 the Commission of their intention to attend the public hearing and any
2 written comments.

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

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

8 (g) The Commission shall publish the place, time and date of the
9 scheduled public hearing.

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

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

17 (h) If no one appears at the public hearing, the Commission may
18 proceed with promulgation of the proposed rule.

19 (i) Following the scheduled hearing date, or by close of business on
20 the scheduled hearing date if the hearing was not held, the Commission shall
21 consider all written and oral comments received.

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

26 (k) Upon determination that an emergency exists, the Commission may
27 consider and adopt an emergency rule without prior notice, opportunity for
28 comment or hearing, provided that the usual rulemaking procedures provided in
29 this Compact and in this section shall be retroactively applied to the rule
30 as soon as reasonably possible, in no event later than ninety (90) days after
31 the effective date of the rule. For the purposes of this provision, an
32 emergency rule is one that must be adopted immediately in order to:

33 (1) Meet an imminent threat to public health, safety or welfare;
34 (2) Prevent a loss of Commission or party state funds; or
35 (3) Meet a deadline for the promulgation of an administrative
36 rule that is required by federal law or rule.

1 (1) The Commission may direct revisions to a previously adopted rule
2 or amendment for purposes of correcting typographical errors, errors in
3 format, errors in consistency or grammatical errors. Public notice of any
4 revisions shall be posted on the website of the Commission. The revision
5 shall be subject to challenge by any person for a period of thirty (30) days
6 after posting. The revision may be challenged only on grounds that the
7 revision results in a material change to a rule. A challenge shall be made in
8 writing, and delivered to the Commission, prior to the end of the notice
9 period. If no challenge is made, the revision will take effect without
10 further action. If the revision is challenged, the revision may not take
11 effect without the approval of the Commission.

14 ARTICLE IX

15 Oversight, Dispute Resolution and Enforcement

17 (a) Oversight

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

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

27 (b) Default, Technical Assistance and Termination

28 (1) If the Commission determines that a party state has
29 defaulted in the performance of its obligations or responsibilities under
30 this Compact or the promulgated rules, the Commission shall:

31 (i) Provide written notice to the defaulting state and
32 other party states of the nature of the default, the proposed means of curing
33 the default or any other action to be taken by the Commission; and

34 (ii) Provide remedial training and specific technical
35 assistance regarding the default.

36 (2) If a state in default fails to cure the default, the

1 defaulting state's membership in this Compact may be terminated upon an
2 affirmative vote of a majority of the administrators, and all rights,
3 privileges and benefits conferred by this Compact may be terminated on the
4 effective date of termination. A cure of the default does not relieve the
5 offending state of obligations or liabilities incurred during the period of
6 default.

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

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

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

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

25 (c) Dispute Resolution

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

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

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

33 (i) The party states may submit the issues in dispute to
34 an arbitration panel, which will be comprised of individuals appointed by the
35 Compact administrator in each of the affected party states and an individual
36 mutually agreed upon by the Compact administrators of all the party states

1 involved in the dispute.

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

4 (d) Enforcement

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

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

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

18
19 ARTICLE X

20 Effective Date, Withdrawal and Amendment

21
22 (a) This Compact shall become effective and binding on the earlier of
23 the date of legislative enactment of this Compact into law by no less than
24 twenty-six (26) states or December 31, 2018. All party states to this
25 Compact, that also were parties to the prior Nurse Licensure Compact,
26 superseded by this Compact, ("Prior Compact"), shall be deemed to have
27 withdrawn from said Prior Compact within six (6) Months after the effective
28 date of this Compact.

29 (b) Each party state to this Compact shall continue to recognize a
30 nurse's multistate licensure privilege to practice in that party state issued
31 under the Prior Compact until such party state has withdrawn from the Prior
32 Compact.

33 (c) Any party state may withdraw from this Compact by enacting a
34 statute repealing the same. A party state's withdrawal shall not take effect
35 until six (6) months after the enactment of the repealing statute.

36 (d) A party state's withdrawal or termination shall not affect the

1 continuing requirement of the withdrawing or terminated state's licensing
 2 board to report adverse actions and significant investigations occurring
 3 prior to the effective date of such withdrawal or termination.

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

8 (f) This Compact may be amended by the party states. No amendment to
 9 this Compact shall become effective and binding upon the party states unless
 10 and until it is enacted into the laws of all party states.

11 (g) Representatives of non-party states to this Compact shall be
 12 invited to participate in the activities of the Commission, on a nonvoting
 13 basis, prior to the adoption of this Compact by all states.

14 ARTICLE XI

15 Construction and Severability

16
 17
 18 This Compact shall be liberally construed so as to effectuate the purposes
 19 thereof. The provisions of this Compact shall be severable, and if any
 20 phrase, clause, sentence or provision of this Compact is declared to be
 21 contrary to the constitution of any party state or of the United States, or
 22 the applicability thereof to any government, agency, person or circumstance
 23 is held invalid, the validity of the remainder of this Compact and the
 24 applicability thereof to any government, agency, person or circumstance shall
 25 not be affected thereby. If this Compact shall be held to be contrary to the
 26 constitution of any party state, the Compact shall remain in full force and
 27 effect as to the remaining party states and in full force and effect as to
 28 the party state affected as to all severable matters.

29 SECTION 2. DO NOT CODIFY. CONTINGENT EFFECTIVE DATE.

30 Section 1 of this act shall not become effective until the earlier of:

31 (1) The date that the Arkansas State Board of Nursing determines
 32 that the Interstate Nurse Licensure Compact has been legislatively enacted by
 33 twenty-six (26) states; or

34 (2) On and after December 31, 2018.

35 **APPROVED: 03/13/2017**