



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

**REVISED**  
FACT SHEET FOR S.B. 1334

advanced practice nurses; compact

Purpose

Adopts the Advanced Practice Registered Nurse Compact (Compact), permitting advanced practice registered nurses (APRN) to obtain licensure in other Compact states. Establishes the Coordinated Licensure Information System (CLIS) and the Interstate Commission of APRN Compact Administrators (Commission) and outlines the Commission's purpose and CLIS and Commission requirements.

Background

Arizona licenses 4 APRN clinical categories: 1) certified registered nurse anesthetists; 2) certified nurse specialists; 3) certified nurse midwives; and 4) nurse practitioners. Nurses are licensed or certified by the Arizona State Board of Nursing (AZBN). Each licensee or certified nurse must meet outlined requirements including completing the appropriate program, filing an application with the AZBN, paying the prescribed fee and any additional requirements determined by the AZBN ([A.R.S. Title 32, Chapter 15, Article 1 and 2](#)).

The AZBN was established to protect and promote the welfare of the public by ensuring that each person holding a nursing license or certificate is competent to practice safely. The AZBN fulfills its mission through: 1) approving regulated training and educational programs; 2) establishing approval and reapproval processes for nursing and nursing assistant training programs; 3) preparing and maintaining a list of approved nursing programs; 4) examining qualified registered and practical nurse applicants; 5) licensing and renewing the licenses of qualified registered and practical nurse applicants and licensed nursing assistants; 6) adopting rules pertaining to the practice of nursing; 7) determining and administering appropriate disciplinary action against regulated parties who are found guilty of misconduct; and 8) enforcing fingerprint clearance card requirements ([A.R.S. § 32-1606](#)).

Arizona currently participates in the Nurse Licensure Compact (NLC), consisting of 39 member states, 9 states with pending NLC legislation and 1 awaiting implementation ([NLC](#)).

The APRN Compact, adopted August 12, 2020, allows an APRN to hold one multistate license with a privilege to practice in other compact states. The APRN Compact will be implemented when 7 states have enacted the APRN Compact legislation. Currently, 3 states have adopted the APRN Compact legislation, Utah, Delaware and North Dakota, with 7 more states pending ([APRN Compact](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Findings and Declaration of Purpose***

1. States that party states that adopt the Compact find that:
  - a) the public health and safety are affected by the degree of compliance with APRN licensure requirements and the effectiveness of enforcement activities related to state APRN licensure laws;
  - b) violations of APRN licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
  - c) the expanded mobility of APRNs and the use of advanced communication and intervention technologies as part the U.S.'s health care delivery system require greater coordination and cooperation among states in the areas of APRN licensure and regulation;
  - d) new practice modalities and technology make compliance with individual state APRN licensure laws difficult and complex;
  - e) the current system of duplicative APRN licensure for APRNs practicing in multiple states is cumbersome and redundant for health care delivery systems, payors, state licensing boards, regulators and APRNs; and
  - f) uniformity of APRN licensure requirements throughout the U.S. promotes public safety and public health benefits as well as providing a mechanism to increase access to care.
2. Specifies that the Compact's general purposes are to:
  - a) facilitate the states' responsibility to protect the public's health and safety;
  - b) ensure and encourage the cooperation of party states in the areas of APRN licensure and regulation, including promotion of uniform licensure requirements;
  - c) facilitate the information exchange between party states in the areas of APRN regulation, investigation and adverse actions;
  - d) promote compliance with the laws governing APRN practice in each jurisdiction;
  - e) invest all party states with the authority to hold an APRN accountable for meeting all state practice laws where the patient is located at the time care is rendered through the mutual recognition of party state privileges to practice;
  - f) decrease redundancies in the consideration and issuance of APRN licenses; and
  - g) provide opportunities for interstate practice by APRNs who meet uniform licensure requirements.

***General Provisions and Jurisdiction***

3. Requires a state to implement procedures for considering the criminal history records of applicants for initial APRN licensure or APRN licensure by endorsement.
4. Requires implemented procedures to include the submission of fingerprints or other biometric-based information by APRN applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

5. Requires each party state to require an applicant to meet the following APRN uniform licensure requirements to obtain or retain a multistate license in the home state:
  - a) meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;
  - b) if a foreign APRN education program graduate was not taught in English or if English is not the individual's native language, has successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;
  - c) has successfully passed a national certification examination that measures APRN, role and population-focused competencies and maintains continued competence as evidenced by recertification in the role and population focus through the national certification program;
  - d) holds an active, unencumbered license as a registered nurse and an active, unencumbered authorization to practice as an APRN;
  - e) has successfully passed an NCLEX-RN examination or recognized predecessor, as applicable;
  - f) has practiced for at least 2,080 hours as an APRN in a role and population focus that is congruent with the applicant's education and training;
  - g) has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information;
  - h) has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state, federal or foreign criminal law;
  - i) has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the nursing practice as determined by rules adopted by the Commission;
  - j) is not currently enrolled in an alternative program;
  - k) is subject to self-disclosure requirements regarding current participation in an alternative program;
  - l) has a valid U.S. Social Security Number; and
  - m) has completed either:
    - i. an accredited graduate-level education program that prepares the applicant for one of the four recognized roles and one of the six population foci; or
    - ii. a foreign APRN education program for one of the four recognized roles and one of the six population foci that has been approved by the authorized accrediting body in the applicable country and has been verified by an independent credentials review agency to be comparable to a licensing board approved APRN education program.
6. States that practice does not include hours obtained as part of enrollment in an APRN education program.
7. Requires an APRN multistate licensee to:
  - a) be licensed in an approved role and at least one approved population focus;
  - b) be recognized by each party state as authorizing the APRN to practice in each party state, under a multistate licensure privilege, in the same role and population focus as the APRN is licensed in the home state.

8. States that the Compact does not affect the requirements established by a party state for the issuance of a single-state license, except that an individual may apply for a single-state license, instead of a multistate license, even if the individual is otherwise qualified for the multistate license.
9. Stipulates that the failure of an individual to affirmatively opt for a single-state license may result in the issuance of a multistate license.
10. Requires the issuance of an APRN multistate license to include prescriptive authority for noncontrolled prescription drugs.
11. Requires the APRN, for each state in which an APRN seeks authority to prescribe controlled substances, to satisfy all requirements imposed by that state.
12. Allows an APRN who is issued a multistate license to assume responsibility and accountability for patient care independent of any supervisory or collaborative relationship.
13. Allows the independent responsibility to be exercised in the home state and in any remote state where the APRN exercises a multistate licensure privilege.
14. Requires all party states to be authorized, in accordance with state due process laws, to take adverse action against an APRN's multistate licensure privilege such as revocation, suspension, probation or any other action that affects an APRN's authorization to practice under a multistate licensure privilege, including cease and desist actions.
15. Requires, if a party state takes an adverse action, to promptly notify the Administrator of the CLIS (CLIS Administrator).
16. Requires the CLIS Administrator to promptly notify the home state of any adverse actions by remote states.
17. Requires an APRN who is practicing in a party state, except as otherwise stated, to comply with the state practice laws of the state where the client is located at the time of service.
18. States that APRN practice is not limited to patient care but must include all advanced nursing practice as defined by the laws of the party state where the client is located.
19. Subjects the APRN, in a party state under a multistate licensure privilege, to the jurisdiction of the licensing board, the courts and the laws of the party state where the client is located at time of service.
20. States that, except as otherwise stated, the Compact does not affect additional requirements imposed by states for APRNs.
21. Requires a multistate licensure privilege to practice registered nursing (RN) granted by a party state to be recognized by other party states so that any state law requirement for registered nurse licensure as a precondition for practice authorization is satisfied.

22. Requires individuals who do not reside in a party state to continue to be able to apply for a party state's single-state APRN license as provided under the laws of each party state.
23. States that the single-state license granted to the APRN will not be recognized as granting the privilege to practice as an APRN in any other party state.

***Applications for APRN Licensure in a Party State***

24. Requires, on application for an APRN multistate license, the party state licensing board to ascertain through the CLIS, whether:
  - a) the applicant has ever held or is the holder of a licensed practical or vocational nursing license, a RN license or an APRN license issued by any other state;
  - b) there are any encumbrances on any license or multistate licensure privilege held by the applicant;
  - c) any adverse action has been taken against any license or multistate licensure privilege held by the applicant; and
  - d) the applicant is currently participating in an alternative program.
25. Allows an APRN to hold a multistate APRN license issued by the home state in only one party state at a time.
26. Stipulates that, if an APRN changes primary state of residence by moving between two party states, the APRN must apply for APRN licensure in the new home state and the multistate license issued by the prior home state must be deactivated in accordance with applicable Commission rules.
27. Allows the APRN to apply for licensure in advance of a residence change.
28. Prohibits a multistate APRN license from being issued by the new home state until the APRN provides satisfactory evidence of a residency change and satisfies all requirements to obtain a multistate APRN license from the new home state.
29. Stipulates that, if an APRN changes residence by moving from a party state to a nonparty state, the APRN multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

***Additional Authorities Invested in Party State Licensing Boards***

30. Requires a licensing board, in addition to other lawful powers, to have the authority to:
  - a) take adverse action against an APRN's multistate licensure privilege, subject to the following:
    - i. only the home state can have power to take adverse action against an APRN's home state license; and
    - ii. for purposes of taking adverse action, the home state licensing board must give the same priority and effect to reported conduct that occurred outside of the home state as if it happened within the home state and requires the home state to apply its own state laws to determine appropriate action;
  - b) issue cease and desist orders or impose an encumbrance on an APRN's authority to practice within that party state;

- c) complete any pending investigations of an APRN who changes primary state of residence during the investigation;
- d) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence;
- e) obtain and submit APRN licensure applicant, fingerprints or other biometric-based information for the purposes of conducting a criminal background check;
- f) receive the results of criminal background checks and use the results for licensure decisions;
- g) if otherwise allowed by state law, recover, from the affected APRN, the costs of investigations and disposition of cases resulting from any adverse action taken against that APRN; and
- h) take adverse action based on the factual findings of another party state, provided that the licensing board follows its own procedures for taking such adverse action.

31. Requires the licensing board to:

- a) have the authority to take appropriate action;
- b) promptly report the conclusions of investigations to the CLIS Administrator.

32. Requires the CLIS Administrator to promptly notify the new home state of any adverse actions.

33. Requires subpoenas issued by a party state licensing board for the attendance and testimony of witnesses and the production of evidence from another party state to be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings.

34. Requires the issuing licensing board to pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and evidence are located.

35. Stipulates that, if adverse action is taken by a home state against an APRN's multistate licensure, the privilege to practice in all other party states will be deactivated until all encumbrances have been removed from the APRN's multistate license.

36. Requires all home state disciplinary orders that impose adverse action against an APRN's multistate license to include a statement that the APRN's multistate licensure privilege is deactivated in all party states during the pendency of the order.

37. States that the compact does not override a party state's decision that participation in an alternative program can be used instead of adverse action.

38. Requires the home state licensing board to deactivate the multistate licensure privilege for the duration of the APRN's participation in an alternative program.

### ***CLIS and Information Exchange***

39. Requires all party states to participate in a CLIS of all APRNs, licensed RNs and licensed practical or vocational nurses.

40. Requires the CLIS to include information on the licensure and disciplinary history of each APRN, as submitted by party states, to assist in the coordinated administration of APRN licensure and enforcement efforts.
41. Requires the Commission, in consultation with the CLIS Administrator, to formulate necessary and proper procedures for the identification, collection and exchange of information under the Compact.
42. Requires all licensing boards to promptly report to the CLIS:
  - a) any adverse action;
  - b) any current significant investigative information;
  - c) denials of applications, with the reasons for denials; and
  - d) APRN participation in alternative programs regardless of whether such participation is deemed nonpublic or confidential under state law.
43. Allows all party state licensing boards contributing information to the CLIS, notwithstanding any other provision of law, to designate information that may not be shared with nonparty states, or disclosed to other entities or individuals, without the express permission of the contributing state.
44. Prohibits any obtained personally identifiable information from being shared with nonparty states or disclosed to other entities or individuals except to the extent allowed by the laws of the party state contributing the information.
45. Requires any information contributed to the CLIS that is required to be expunged by the laws of the party state contributing the information to be removed from the CLIS.
46. Requires the Compact Administrator of each party state to furnish a uniform data set to the Compact Administrator of each other party state that includes, at a minimum:
  - a) identifying information;
  - b) licensure data;
  - c) information related to alternative program participation; and
  - d) other information that may facilitate the Compact administration, as determined by Commission rules.
47. Requires the Compact Administrator of a party state to provide all investigative documents and information requested by another party state.

#### *Establishment of the Commission*

48. Establishes, by the party states, a joint public agency known as the Commission.
49. States that the Commission is an instrumentality of the party states.
50. Requires the venue to be proper and judicial proceedings by or against the Commission must be brought solely and exclusively in a court of competent jurisdiction where the Commission principal office is located.

51. Allows the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
52. States that the Compact is not a waiver of sovereign immunity.
53. Outlines membership, voting and meeting requirements to include that:
  - a) each party state must have and be limited to one Compact Administrator;
  - b) each Compact Administrator is entitled to one vote regarding the adoption and creation of rules and bylaws and must otherwise have an opportunity to participate in Commission business and affairs;
  - c) the Commission must meet at least once during each calendar year;
  - d) all meetings must be open to the public and public notice of meetings must be given in the same manner as required under the Compact rulemaking requirements;
  - e) the Commission may convene in a closed nonpublic meeting if the Commission must discuss:
    - i. noncompliance of a party state with its Compact obligations;
    - ii. the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
    - iii. current, threatened or reasonably anticipated litigation;
    - iv. negotiation of contracts for the purchase or sale of goods, services or real estate;
    - v. accusing any person of a crime or formally censuring any person;
    - vi. the disclosure of trade secrets or commercial or financial information that is privileged or confidential;
    - vii. the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
    - viii. the disclosure of investigatory records compiled for law enforcement purposes;
    - ix. the disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigating Compact compliance; or
    - x. matters specifically exempted from disclosure by federal or state statute; and
  - f) if a meeting or portion of a meeting is closed, the Commission's legal counsel or designee must certify that the meeting may be closed and must reference each relevant exempting provision.
54. Requires the head of the state licensing board or that person's designee to be the Compact Administrator for each party state.
55. Allows any Compact Administrator to be removed or suspended from office as provided by the law of the home state.
56. Requires any Commission vacancy to be filled in accordance with the laws of the home party state.
57. Requires a Compact Administrator to vote in person or by such other means as provided in the bylaws.
58. Allows the bylaws to provide for a Compact Administrator 's participation in meetings by telephone or other means of communication.



59. Requires additional meetings to be held as set forth in the Commission bylaws or rules.
60. Requires the Commission to keep minutes that fully and clearly describe all matters discussed in a meeting and to provide a full and accurate summary of actions taken and said reasons of actions taken, including a description of the views expressed.
61. Requires all documents considered in connection with an action to be identified in the minutes.
62. Requires all minutes and documents of a closed meeting to remain under seal, subject to release by a Commission majority vote or order of a court of competent jurisdiction.
63. Requires the Commission, by a majority vote, to prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the Compact powers, including but not limited to:
  - a) establishing the Commission fiscal year;
  - b) providing reasonable procedures for calling and conducting Commission meetings, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals and proprietary information, including trade secrets;
  - c) establishing the titles, duties and authority and reasonable procedures for electing the Commission Officers;
  - d) providing reasonable standards and procedures for establishing the Commission personnel policies and programs;
  - e) providing a mechanism for winding up the Commission operations and the equitable disposition of any surplus monies that may exist after Compact termination, after the payment and reserving of all of its debts and obligations; and
  - f) providing reasonable standards and procedures for both the establishment and meetings of other committees and governing any general or specific delegation of any Commission authority or function.
64. Allows the Commission to meet in closed session only after a majority of the Compact Administrators vote to close a meeting in whole or in part.
65. Requires the Commission, as soon as practicable, to make public a copy of the vote to close the meeting revealing the vote of each Compact Administrator, with no proxy votes allowed.
66. Requires the bylaws, notwithstanding any civil service or other similar laws of any party state, to exclusively govern the Commission personnel policies and programs.
67. Requires the Commission to:
  - a) publish its bylaws and rules, and any bylaw or rule amendments, in a convenient form on the Commission website;
  - b) maintain its financial records in accordance with the bylaws; and
  - c) to meet and take such actions as are consistent with the Compact and bylaws.
68. Requires the Commission to have the power to:
  - a) promote uniform rules to facilitate and coordinate Compact implementation and administration;

- b) bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any licensing board to sue or be sued under applicable law cannot be affected;
  - c) purchase and maintain insurance and bonds;
  - d) borrow, accept or contract for services of personnel, including employees of a party state or nonprofit organizations;
  - e) cooperate with other organizations that administer state compacts related to the regulation of nursing, including sharing administrative or staff expenses, office space or other resources;
  - f) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the Compact purposes;
  - g) establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
  - h) accept appropriate donations, grants and gifts of monies, equipment, supplies, materials and services and receive, use and dispose of the same;
  - i) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use any property, whether real, personal or mixed;
  - j) sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;
  - k) establish a budget and make expenditures;
  - l) borrow monies;
  - m) appoint committees, including advisory committees composed of Compact Administrators, state nursing regulators, state legislators or their representatives, consumer representatives, and other such interested persons;
  - n) issue advisory opinions;
  - o) provide and receive information from law enforcement agencies;
  - p) cooperate with law enforcement agencies;
  - q) adopt and use an official seal; and
  - r) perform other functions as may be necessary or appropriate to achieve the Compact purposes consistent with the state regulation of APRN licensure and practice.
69. Requires the rules to have the force and effect of law and to be binding in all party states.
70. Requires, at all times, the Commission to strive to avoid any appearance of impropriety or conflict of interest.
71. Outlines the Commission financing, including that the Commission:
- a) must pay the reasonable expenses of its establishment, organization and ongoing activities;
  - b) may levy on and collect an annual assessment from each party state to cover its operations, activities and staff cost in its annual budget;
  - c) may not incur obligations of any kind before securing the monies adequate to meet the obligations and may not pledge the credit of any party state, except by, and with the authority of, such party state; and
  - d) must keep accurate accounts of all receipts and disbursements.
72. Subjects the Commission receipts and disbursements to the audit and accounting procedures established under its bylaws.

73. Requires the aggregate annual assessment amount, if any, to be allocated based on a Commission-determined formula which must promote a binding rule to all party states.
74. Requires all receipts and disbursements of monies handled by the Commission to be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the Commission annual report.
75. Outlines qualified immunity, defense and indemnification to include that the:
- a) Compact Administrators, officers, the executive director, employees and Commission representatives are immune from suit and liability, either personally or in their official capacity, for any claim arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties or responsibilities;
  - b) Commission must defend any Compact Administrator, officer, executive director, employee or Commission representative in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that happened within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; and
  - c) Commission must indemnify and hold harmless any administrator, officer, executive director, employee or Commission representative for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Commission employment, duties or responsibilities if the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.
76. States that the immunity from suit or liability does not protect a person from suit or liability for any damage, loss, injury or liability caused by that person's intentional, willful or wanton misconduct.
77. States that the Commission defending outlined individuals does not prohibit the individuals from retaining their own counsel.

### ***Rulemaking***

78. Requires the Commission to exercise its rulemaking powers in accordance with outlined criteria and adopted rules.
79. States that the rules and amendments become binding as of the date specified in each rule or amendment and have the same force and effect as Compact rules.
80. Requires rules or amendments to the rules to be adopted at a regular or special Commission meeting.

81. Requires the Commission, before promulgation and adoption of a final rule or rules by the Commission, and at least 60 days before the meeting where the rule will be considered and voted on, to file a notice of proposed rulemaking on the:
  - a) Commission website; and
  - b) website of each licensing board or the publication in which each state would otherwise publish proposed rules.
82. Requires the notice to include:
  - a) the proposed time, date and location of the meeting where the rule will be considered and voted on;
  - b) the text of the proposed rule or amendment and the reason for the proposed rule;
  - c) a request for comments from any interested person; and
  - d) the way interested persons may submit notice to the Commission of their intention to attend the public hearing as well as any written comments.
83. Requires, before adoption of a proposed rule, the Commission to allow persons to submit written data, facts, opinions and arguments, which must be made available to the public.
84. Requires the Commission to:
  - a) grant an opportunity for a public hearing before it adopts a rule or amendment; and
  - b) publish the place, time and date of the scheduled public hearing.
85. Requires hearings to be:
  - a) conducted in a manner that allows each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing; and
  - b) recorded, with copies made available on request.
86. States that a separate hearing on each rule is not required.
87. Allows rules to be grouped for the convenience of the Commission at required hearings.
88. Allows, if no one appears at the public hearing, the Commission to proceed with promulgation of the proposed rule.
89. Requires the Commission:
  - a) following the scheduled hearing date or by the close of business on the scheduled hearing date if the hearing was not held, to consider all written and oral comments received;
  - b) by majority vote of all Compact Administrators, to take final action on the proposed rule; and
  - c) to determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
90. Allows the Commission, on a determination that an emergency exists, to consider and adopt an emergency rule without prior notice, opportunity for comment or a hearing.
91. Requires the usual rulemaking procedures provided in the Compact to be retroactively applied to the rule as soon as reasonably possible, but not later than 90 days after the effective date of the rule.

92. States that an emergency rule is one that must be adopted immediately to:
  - a) meet an imminent threat to public health, safety or welfare;
  - b) prevent a loss of Commission or party state monies; and
  - c) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.
93. Allows the Commission to direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors.
94. Requires public notice of any revisions to be posted on the Commission website.
95. Subjects the revision to challenge by any person for a period of 30 days after posting.
96. Allows the revision to be challenged only on grounds that the revision results in a material change to a rule.
97. Requires a revision challenge to be made in writing and delivered to the Commission before the end of the notice period.
98. Stipulates that, if:
  - a) no challenge is made, the revision will take effect without further action; and
  - b) the revision is challenged, the revision may not take effect without Commission approval.

#### ***Oversight, Dispute Resolution and Enforcement***

99. Requires each party state to enforce the Compact and take all actions necessary and appropriate to put into operation the Compact's purposes and intent.
100. Entitles the Commission to receive service of process in any proceeding that may affect the Commission powers, responsibilities or actions and has standing to intervene in such a proceeding for all purposes.
101. States that failure to provide service of process to the Commission renders a judgment or order void as to the Commission, the Compact or promoted rules.
102. Outlines default, technical assistance and termination procedures to include that:
  - a) if the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under the Compact or the promoted rules, the Commission must provide:
    - i. written notice to the defaulting state and other party states of the nature of the default;
    - ii. the proposed means of curing the default;
    - iii. any other action to be taken by the Commission; and
    - iv. remedial training and specific technical assistance regarding the default;
  - b) if a state in default fails to cure the default, the state's membership in the Compact may be terminated on an affirmative majority vote of the Compact Administrators, and all rights, privileges and benefits conferred by the Compact may be terminated on the effective date of termination;

- c) termination of membership in the Compact must be imposed only after all other means of securing compliance have been exhausted;
  - d) a state, whose membership in the Compact has been terminated, is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination;
  - e) the Commission must not bear any costs related to a state that is found to be in default or whose membership in the Compact has been terminated, unless agreed on in writing between the Commission and the defaulting state; and
  - f) the defaulting state may appeal the Commission action by petitioning the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices.
103. Requires the prevailing party to be awarded all costs of such litigation, including reasonable attorney fees.
104. States that a cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
105. Requires the notice of intent to suspend or terminate to be given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board, the defaulting state's licensing board and each of the party states.
106. Requires on request by a party state, the Commission to attempt to resolve disputes related to the Compact that arise among party states and between party and nonparty states.
107. Requires the Commission to promote a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.
108. Stipulates that if the Commission cannot resolve disputes among party states arising under the Compact, the:
- a) party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact Administrator in each of the affected party states and an individual mutually agreed on by the Compact Administrators of all the party states involved in the dispute; and
  - b) decision of a majority of the arbitrators is final and binding.
109. Requires the Commission, in the reasonable exercise of its discretion, to enforce Compact provisions and rules.
110. Allows the Commission, by majority vote, to initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices against a party state that is in default to enforce compliance with the Compact and its promulgated rules and bylaws.
111. Specifies that the remedies in the Compact are not the exclusive remedies of the Commission.
112. Allows the Commission to pursue any other remedies available under federal or state law.
113. Allows the relief sought to include both injunctive relief and damages.

114. Stipulates that, if judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

***Effective Date, Withdrawal and Amendment***

115. Requires the Compact to come into limited effect when the Compact has been enacted into law in seven party states for the sole purpose of establishing and convening the Commission to adopt rules relating to its operation.
116. Requires any state that joins the Compact after the Commission's initial adoption of the APRN uniform licensure requirements to be subject to all rules that have been previously adopted by the Commission.
117. Allows any party state to withdraw from the Compact by enacting a statute repealing it.
118. Prohibits a party state's withdrawal from taking effect until six months after enactment of the repealing statute.
119. Prohibits a party state's withdrawal or termination from affecting the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring before the effective date of withdrawal or termination.
120. States that the Compact does not invalidate or prevent any APRN licensure agreement or other cooperative arrangement between a party state and a nonparty state that does not conflict with the Compact.
121. Allows the Compact to be amended by the party states.
122. States that an amendment to the Compact does not become effective and binding on any party state until it is enacted into the laws of all party states.
123. Requires representatives of nonparty states to the Compact to be invited to participate in the Commission activities, on a nonvoting basis, before the Compact adoption by all states.

***Construction and Severability***

124. Requires the Compact to be liberally construed to effectuate its purposes.
125. Declares Compact provisions to be severable, and if any phrase, clause, sentence or provision of the Compact is declared to be contrary to the constitution of any party state or of the U.S., or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of the Compact and the Compact applicability to any government, agency, person or circumstance is not affected.
126. Stipulates that, if the Compact is held to be contrary to the constitution of any party state, the Compact must remain in full force and effect in the remaining party states and the affected state as to all severable matters.

*Miscellaneous*

127. Defines *advanced practice registered nurse* or *APRN* to mean a registered nurse who has gained additional specialized knowledge, skills and experience through a program of study recognized or defined by the Commission and who is licensed to perform advanced nursing practice.
128. States that an APRN is licensed in an APRN role that is congruent with an APRN educational program, certification and Commission rules.
129. Defines *party state* to mean any state that has adopted the Compact.
130. Defines terms.
131. Becomes effective on the general effective date.

Revised

- Corrects the APRN clinical categories in the background section and updates background information relating to the NLC and the Compact.

Prepared by Senate Research

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MM/MC/slp