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House: RA DP 7-0-0-0

SB 1334: advanced practice nurses; Compact

Sponsor: Senator Shamp, LD 29

House Engrossed

Overview

Adopts the Advanced Practice Registered Nurse Compact (Compact) to allow for multistate uniform licensure for advanced practice registered nurses (APRNs).

History

An *APRN* is a registered nurse who meets all prescribed licensure or certification requirements and who has undergone graduate-level education to practice advanced practice nursing ([American Nurses Association](#)). Currently, Arizona provides for licensure for four types of APRNs: 1) registered nurse practitioner; 2) certified nurse midwife; 3) clinical nurse specialist; and 4) certified registered nurse anesthetist ([A.R.S. Title 32, Chapter 15, Articles 1 and 2](#)). The Arizona State Board of Nursing (AZBN) is tasked with certifying APRN applicants in accordance with statutory requirements and AZBN rules ([AZBN](#)).

The Compact, a mutual recognition model of licensure for APRNs that allows an APRN to hold one multistate license with a privilege to practice in other Compact states, was adopted by the National Council of State Boards of Nursing (NCSBN) in 2002. The Compact went through several revisions. In 2020, NCSBN introduced the newly revised APRN Compact. This revised APRN Compact, including mandatory 2,080 practice hours among other uniform licensure requirements, was adopted at the 2020 NCSBN Delegate Assembly ([AZBN APRN Compact Survey](#)).

Provisions

Multistate APRN Uniform Licensure

1. Requires a party state to implement procedures for considering the criminal history records of applicants for initial APRN licensure or APRN licensure by endorsement, which must include submitting fingerprints or other biometric-based information to obtain such records from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that state's criminal records.
2. Outlines the APRN uniform licensure requirements for an applicant to obtain or retain a multistate license in the home state as follows:
 - a) meets the home state's qualifications for licensure or renewal and all applicable state laws;
 - b) completed either 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 a foreign APRN education program as outlined;
 - c) passed an English proficiency examination, if applicable;
 - d) passed a national certification exam that measures APRN, role and population-focused competencies;
 - e) maintains continued competence as evidenced by recertification in the role and population focus through the national certification program;

- f) holds an active, unencumbered license as a registered nurse and an active, unencumbered authorization to practice as an APRN;
 - g) passed an NCLEX-RN exam or recognized predecessor, as applicable;
 - h) practiced for at least 2,080 hours, not including hours obtained as part of enrollment in an APRN education program, as outlined;
 - i) submitted fingerprints or other biometric data to obtain criminal history records from the FBI and agency responsible for retaining the state or, if applicable, foreign country's criminal records;
 - j) has not been convicted or found guilty, or entered an agreed disposition of a felony offense under applicable state, federal or foreign criminal law, or a misdemeanor offense related to the practice of nursing as determined by rules adopted by the commission;
 - k) is not currently enrolled in an alternative program;
 - l) is subject to self-disclosure requirements regarding current participation in an alternative program; and
 - m) has a valid U.S. social security number.
3. Requires an APRN who is issued a multistate license to be licensed in an approved role and at least one approved population focus.
 4. Defines *population focus* as a family/individual across the lifespan, adult-gerontology, pediatrics, neonatal, women's health/gender-related or psych/mental health.
 5. Defines *role* as certified registered nurse anesthetists, certified nurse-midwives, clinical nurse specialists or certified nurse practitioners.
 6. Requires each party state to recognize an APRN multistate license 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.
 7. Specifies that the Compact does not affect the requirements established by a party state for issuing a single-state license, but an applicant's failure to opt for a single-state license may result in the issuance of a multistate license.
 8. Requires the issuance of a multistate license to include prescriptive authority for noncontrolled prescription drugs.
 9. Stipulates that an APRN seeking authority to prescribe controlled substances must satisfy all requirements imposed by the state in which the APRN seeks such authority.
 10. Authorizes an APRN issued a multistate license to assume responsibility and accountability for patient care independent of a supervisory or collaborative relationship.
 11. Authorizes all party states, in accordance with state due process laws, to take adverse action against an APRN's multistate licensure privileges, including revocation, suspension, probation or any other action that affects the multistate licensure privilege.
 12. Requires a party state that takes an adverse action to promptly notify the administrator of the Coordinated License Information System (System), who must promptly notify the home state.
 13. Defines the *System* as an integrated process for collecting, storing and sharing information on APRN licensure and enforcement activities related to APRN licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
 14. Requires an APRN practicing in a party state to comply with the state practice laws of the state in which the client is located at the time service is provided, except as otherwise expressly provided in the Compact.

15. Specifies that APRN practice includes all advanced nursing practice as defined by the state practice laws of the party state.
16. Specifies that APRN practice in a party state subjects the APRN to the jurisdiction of the licensing board, courts and laws of the party state in which the client is located at the time service is provided.
17. Stipulates that the Compact does not affect additional requirements imposed by states for advanced practice registered nursing, except as otherwise specified, but requires party states to recognize multistate licensure as satisfying any state law requirement for registered nurse (RN) licensure as a precondition for authorization to practice as an APRN in that state.
18. Allows individuals who do not reside in party states to continue to apply for a single-state APRN license as provided under the laws of that party state and specifies such a license will not be recognized as granting the privilege to practice as an APRN in any other party state.

Application

19. Requires the licensing board in the issuing party state, on application for a license, to ascertain through the System whether:
 - a) the applicant has ever held or is the holder of a licensed practical or vocational nursing, RN or APRN license issued by another 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.
20. Permits an APRN to hold a multistate APRN license issued by the home state in only one party state at a time.
21. Requires an APRN who moves between party states to apply for APRN licensure in the new home state of residence and specifies the license issued by the prior home state must be deactivated in accordance with applicable rules of the Interstate Commission of APRN Compact Administrators (Commission).
22. Allows an APRN to apply for licensure in advance of a change in primary state of residence.
23. Prohibits a license from being issued by the new home state until the APRN:
 - a) provides satisfactory evidence of a change in primary state of residence; and
 - b) satisfies all applicable requirements to obtain a license from the new home state.
24. Specifies that if an APRN moves from a party state to a nonparty state, the APRN multistate license converts to a single-state license valid only in the former home state.

Licensing Boards

Authorizes a licensing board to:

- a) take adverse action against an APRN's multistate licensure privilege to practice in that party state, subject to specified limitations below;
- 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 an investigation and take action, then promptly report the conclusions of the investigation to System administrator, who must promptly notify the new home state of any such actions;
- d) issue subpoenas for hearings and investigations that require attendance and testimony of witnesses and production of evidence;

- e) obtain and submit applicant fingerprints or other biometric-based information for criminal background checks, receive the results and use them in making licensure decisions;
 - f) recover from the affected APRN, if allowed by state law, the costs of investigations and disposition of cases resulting from any adverse action taken against that APRN; and
 - g) take adverse action based on the factual findings of another party state if the licensing board follows its own procedures for taking such adverse action.
25. Specifies that only the home state has the power to take adverse action against an APRN's license issued by the home state.
 26. Requires, for purposes of taking adverse action, the home state licensing board to give the same priority and effect to reported conduct that occurred outside the home state as it would have if the conduct occurred within the home state and directs the home state to apply its own state laws to determine the appropriate action.
 27. Prescribes the requirements for issuance of subpoenas by a party state licensing board.
 28. Directs the issuing licensing board to pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses and evidence are located.
 29. Requires multistate licensure privilege to be deactivated if adverse action is taken by a home state against an APRN's license until all encumbrances have been removed.
 30. States that all home state disciplinary orders that impose adverse action against a license to include a statement that the APRN's licensure privilege is deactivated in all party states during the pendency of the order.
 31. Specifies that the Compact does not override a party state's decision that participation in an alternative program may be used in lieu of adverse action.
 32. Requires the home state licensing board to deactivate the multistate licensure privilege of any APRN for the duration of the APRN's participation in an alternative program.

System

33. Requires party states to participate in a System of all APRNs, licensed RNs and practical or vocational nurses, including information on the license and disciplinary history of each APRN submitted by party states, to assist in the coordinated administration of APRN licensure and enforcement efforts.
34. Requires the Commission, in coordination with the System administrator, to formulate procedures to identify, collect and exchange information under the Compact.
35. Stipulates that all licensing boards must promptly report the following to the System:
 - a) any adverse action and current significant investigative information;
 - b) denials of applications with the reasons for the denial; and
 - c) APRN participation in alternative programs known to the board, regardless of whether such participation is deemed nonpublic or confidential under state law.
36. Allows all party state licensing boards contributing information to the System to designate information that may not be shared with nonparty states or disclosed to others without the express permission of the contributing state.
37. Prohibits any personally identifiable information obtained from the System by a party state licensing board from being shared with nonparty states or disclosed to others except to the extent allowed by the laws of the party state contributing the information.

38. Requires any information subsequently required to be expunged by the laws of the party state contributing the information to be removed from the System.
39. Requires the Compact administrator of each party state to furnish a uniform data set to the administrator of each party state that includes at least the following:
 - a) identifying information;
 - b) licensure data;
 - c) information related to alternative program participation; and
 - d) other information that may facilitate the administration of the Compact, as determined by commission rules.
40. Requires the Compact administrator of a party state to provide all investigative documents and information requested by another party state.

Commission

41. Establishes the Commission as an instrumentality of the party states.
42. Requires judicial proceedings by or against the Commission be brought in a court of competent jurisdiction where the principal office of the Commission is located.
43. Allows the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
44. States that the Compact is not a waiver of sovereign immunity.
45. Limits each party state to one Compact administrator who is the head of the state licensing board or that person's designee.
46. Allows the administrator to be suspended, removed from office or replaced as allowed by state law.
47. Entitles each administrator to one vote related to rules and bylaws.
48. Requires the Commission to meet at least once during each calendar year.
49. Requires meetings to be open to the public and with public notice.
50. Allows a closed nonpublic meeting to discuss:
 - a) noncompliance of a party state with Compact obligations;
 - b) personnel matters as specified;
 - c) current, threatened or reasonably anticipated litigation;
 - d) negotiation of contracts to purchase or sell goods, service or real estate;
 - e) accusing any person of a crime or formally censuring any person;
 - f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - g) disclosure of personal information that would constitute a clearly unwarranted invasion of personal privacy;
 - h) disclosure of information related to reports prepared by or on behalf of the Commission to investigate Compact compliance; and
 - i) matters specifically exempt from disclosure by federal or state statute.
51. Outlines requirements for certifying closed meetings, referencing the relevant exemption and keeping minutes.
52. Requires the Commission to prescribe bylaws and rules, including:
 - a) establishing a fiscal year;
 - b) providing reasonable standards and procedures for establishing other committees and delegating Commission authority or function;

- c) providing reasonable procedures for calling and conducting meetings, including public participation and closed meetings;
 - d) establishing titles, duties and authority and reasonable procedures for electing officers;
 - e) providing reasonable standards and procedures for establishing personnel policies and Commission programs; and
 - f) providing a mechanism for winding up the operations and equitable disposition of surplus monies after paying and reserving all debts and obligations.
53. Requires the Commission to publish its bylaws, rules and amendments in a convenient form on its website.
54. Requires the Commission to maintain its financial records in accordance with its bylaws.
55. Authorizes the Commission to:
- a) create uniform rules for the Compact, which have the force and effect of law and are binding in all party states;
 - b) bring and prosecute legal actions provided that the standing of any licensing board to sue or be sued under applicable law is not affected;
 - c) purchase and maintain insurance and bonds;
 - d) borrow, accept or contract for personnel, including employees of a party state or nonprofit organizations;
 - e) cooperate with other organizations that administer state Compacts regarding nursing, as outlined;
 - f) hire employees, elect or appoint officers, fix compensation, define duties, grant authority and establish policies regarding conflicts of interest, qualifications of personnel and other related personnel matters;
 - g) accept appropriate donations, grants and gifts of monies, equipment, supplies, materials and services, striving to avoid any appearance of impropriety or conflict of interest;
 - h) lease, purchase, accept appropriate gifts or donations of property, whether real, personal or mixed, striving to avoid any appearance of impropriety;
 - i) sell, convey or otherwise dispose of any property, whether real, personal or mixed;
 - j) establish a budget and make expenditures;
 - k) borrow monies;
 - l) appoint committees as specified;
 - m) issue advisory opinions;
 - n) provide and receive information from, and cooperate with, law enforcement agencies;
 - o) adopt and use an official seal; and
 - p) perform other functions as necessary to achieve the purposes of the Compact consistent with state regulation of APRN licensure and practice.
56. Requires the Commission to pay or provide for the payment of reasonable expenses of its establishment, organization and ongoing activities.
57. Allows the Commission to levy and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year.
58. Requires the aggregate annual assessment amount to be allocated based on a formula to be determined by the Commission by rule.
59. Prohibits the Commission from incurring obligations before securing the monies adequate to meet those obligations or pledging the credit of any party state except by and with the authority of such party state.
60. Requires the Commission to keep accurate accounts of all receipts and disbursements, which are subject to the audit and accounting procedures under its bylaws and requires a yearly

audit by a certified or licensed public accountant and the report to be included in the Commission's annual report.

61. Details immunity from claims of civil liability as outlined for specified Commission-related individuals.
62. Requires the Commission to defend specified Commission-related individuals in any civil liability action arising out of prescribed circumstances.
63. Requires the Commission to indemnify and hold harmless any specified Commission-related individual for any settlement or judgment obtained against that person as outlined if the actual or alleged act, error or omission did not result from the intentional, wilful or wanton misconduct of that person.

Rulemaking

64. Specifies that rules and amendments have the same force and effect as the Compact.
65. Requires rules or amendments to be adopted at a regular or special Commission meeting.
66. Requires the Commission to file a notice of proposed rulemaking on the Commission's website and the website of each licensing board or as each state would otherwise publish proposed rules before promulgation and adoption of a final rule and at least 60 days before the meeting at which the rule will be considered and voted on.
67. Details what must be included in the notice of proposed rulemaking.
68. Requires the Commission to allow persons to submit written data, facts, opinions and arguments, which must be made available to the public, before adopting a rule.
69. Requires the Commission to publish information about the public hearing and to allow public comment orally or in writing.
70. Requires all hearings to be recorded, with a copy made available on request.
71. Allows rules to be grouped at hearings.
72. Requires the Commission to consider all written and oral comments as specified.
73. Requires the Commission to take final action on the proposed rule by majority vote of all administrators and to determine its effective date.
74. Allows emergency rules as outlined under specified circumstances but requires the usual procedures to be followed as soon as reasonably possible but not later than 90 days after the rule's effective date.
75. Permits the Commission to direct revisions to a rule or amendment to correct typographical or formatting errors, errors in consistency or grammatical errors, with public notice and subject to challenge.

Oversight, Dispute Resolution and Enforcement

76. Requires each party state to enforce the Compact and take actions necessary and appropriate to effectuate the Compact's purposes and intent.
77. Entitles the Commission to receive service of process in proceedings that may affect the powers, responsibilities or actions of the Commission and specifies that the Commission has standing to intervene in such a proceeding.
78. States that failing to provide service of process to the Commission renders a judgment or order void as to the Commission, the Compact or rules.

79. Specifies the Commission shall provide the following if it determines that a party state has defaulted in performing its obligations or responsibilities under the Compact or rules:
 - a) written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default and any other action to be taken by the Commission; and
 - b) remedial training and specific technical assistance regarding the default.
80. Allows the defaulting state's membership in the Compact to be terminated if the state fails to cure the default, on the affirmative vote of a majority of the administrators and all rights, privileges and benefits conferred by the Compact to be terminated on the effective date of the termination.
81. Specifies that a cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
82. Allows termination of membership to be imposed only after all other means of securing compliance have been exhausted.
83. Requires the Commission to give notice of intent to suspend or terminate to the governor of the defaulting state and to the executive officers of the licensing board, the licensing board and each of the party states.
84. Specifies that a terminated state 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.
85. Prohibits the Commission from bearing any costs related to a state found to be in default or whose membership has been terminated unless agreed in writing.
86. Outlines requirements for a defaulting state to appeal.
87. Requires the Commission, on request by a party state, to attempt to resolve Compact disputes that arise among party states and between party and nonparty states.
88. Requires the Commission to adopt a rule providing for mediation and binding dispute resolution for disputes, as appropriate.
89. Outlines requirements if the Commission cannot resolve disputes, including for arbitration.
90. Requires the Commission, in the reasonable exercise of its discretion, to enforce the Compact and related rules and specifies requirements for legal action.
91. Stipulates the remedies in the Compact are not the exclusive remedies of the Commission, which may pursue other remedies available under federal or state law.

Effective Date, Withdrawal and Amendment

92. Specifies that the Compact comes into limited effect when it is enacted in seven party states for the sole purpose of establishing and convening the Commission to adopt rules relating to its operation.
93. Subjects any state that joins the Compact after the Commission's initial adoption of the APRN uniform licensure requirements to all Commission rules that were previously adopted.
94. Allows a party state to withdraw from the Compact by repealing the Compact but prohibits the withdrawal from taking effect until six months after enactment of the repealing statute.
95. Prohibits a party state's withdrawal or termination from affecting the continuing requirement of that state's licensing board to report adverse actions and significant investigations occurring before the effective date of the withdrawal or termination.

96. Specifies 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.
97. Allows the Compact to be amended by the party states, which becomes effective and binding after enactment into law by all party states.
98. Permits representatives of nonparty states to be invited to participate in Commission activities on a nonvoting basis before the adoption of the Compact by all states.

Miscellaneous

99. Specifies that the Compact does not supersede state law related to the applicable APRN scope of practice or related rules and does not alter the scope of practice.
100. Requires APRNs practicing in this state to comply with the applicable scope of practice pursuant to state law.
101. Specifies that the Commission does not have the authority to alter the scope of practice for APRNs practicing in this state.
102. Allows the Governor to withdraw the state from the Compact if:
 - a) the Commission adopts a rule to change the scope of practice of APRNs in this state;
 - and
 - b) a law is enacted that repeals the Compact.
103. Outlines findings and purposes related to uniform APRN regulation and licensure.
104. Requires the Compact to be liberally construed to effectuate its purposes.
105. Contains a severability clause.
106. Defines pertinent terms.