

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0634.01 Yelana Love x2295

HOUSE BILL 17-1121

HOUSE SPONSORSHIP

Buckner,

SENATE SPONSORSHIP

(None),

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CERTAIN HEALTH CARE PROFESSIONS REGULATED BY**
102 **THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN**
103 **CONNECTION THEREWITH, REQUIRING CRIMINAL HISTORY**
104 **RECORD CHECKS FOR INDIVIDUALS WITH PRESCRIPTIVE**
105 **AUTHORITY AND CERTIFIED NURSE AIDES, REPEALING THE**
106 **NURSE LICENSURE COMPACT, AND ENACTING THE ENHANCED**
107 **NURSE LICENSURE COMPACT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill requires applicants for initial licensure or certification, as well as current licensees and certificate holders, to submit to a fingerprint-based criminal history record check for:

- ! Podiatrists (**sections 1 and 2**);
- ! Dentists and dental hygienists (**sections 3 and 4**);
- ! Medical doctors, physician assistants, and anesthesiologists (**sections 5 and 6**);
- ! Nurses (**sections 7 and 8**);
- ! Certified nurse aides (**sections 10 and 11**);
- ! Optometrists (**sections 13 through 15**); and
- ! Veterinarians (**sections 16 through 18**).

Section 9 of the bill eliminates the nurse alternative to discipline program.

Section 12 of the bill requires an employer of a certified nurse aide (CNA) to report whenever a CNA is terminated from employment or resigns in lieu of termination, within 30 days after the termination or resignation. The state board of nursing is authorized to fine an employer that fails to report the termination or resignation.

Section 19 amends the "Medical Transparency Act of 2010" to include a person applying for nurse licensure under the "Enhanced Nurse Licensure Compact" within the definition of "applicant".

Section 20 of the bill repeals the current "Nurse Licensure Compact" and adopts the "Enhanced Nurse Licensure Compact".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-32-104, **amend**
3 (1) introductory portion, (1)(f), and (1)(g); and **add** (1)(h) as follows:

4 **12-32-104. Powers and duties of board.** (1) The Colorado
5 podiatry board shall regulate the practice of podiatry. The board shall
6 exercise, subject to ~~the provisions of this article~~ ARTICLE 32, the
7 following powers and duties:

8 (f) Approve or refuse to approve podiatric colleges; ~~and~~

9 (g) Adopt ~~regulations~~ RULES governing advertising by licensees
10 to prevent the use of advertising ~~which~~ THAT is misleading, deceptive, or
11 false; AND

1 (h) REQUIRE A LICENSEE APPLYING FOR LICENSE RENEWAL TO
2 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
3 MANNER DESCRIBED IN SECTION 12-32-108.1.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 12-32-108.1 as
5 follows:

6 **12-32-108.1. Requirement for criminal history record check**
7 **for all applicants.** (1) ON AND AFTER SEPTEMBER 1, 2017, WITH THE
8 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 32,
9 EACH APPLICANT SHALL SUBMIT A COMPLETE SET OF HIS OR HER
10 FINGERPRINTS TO THE COLORADO PODIATRY BOARD. THE BOARD SHALL
11 SUBMIT THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
12 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
13 HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION
14 SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF
15 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
16 CRIMINAL HISTORY RECORD CHECK. THE BOARD MAY ACQUIRE A
17 NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO
18 HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY
19 RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN
20 APPLICANT WHO HAS PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE OR
21 LOCAL LICENSING PURPOSES MAY REQUEST THE USE OF THE FINGERPRINTS
22 ON FILE. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
24 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
25 LICENSE PURSUANT TO THIS ARTICLE 32. THE BOARD MAY VERIFY THE
26 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE APPLICANT
27 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF
2 INVESTIGATION. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK
3 ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE
4 PUBLIC OR OTHER STATE LICENSING BOARDS.

5 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
6 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
7 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT
8 UNDER SECTION 12-32-107 (3) OR IF THE BOARD DETERMINES,
9 SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN
10 SUBSECTION (1) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED
11 OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED
12 SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF
13 WHETHER THE ACT WAS COMMITTED IN COLORADO:

14 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
15 16-22-102 (9);

16 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

17 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
18 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
19 CHANNEL OF DISTRIBUTION OR USE.

20 **SECTION 3.** In Colorado Revised Statutes, 12-35-107, **amend**
21 (1) introductory portion; and **add** (1)(j) as follows:

22 **12-35-107. Powers and duties of board.** (1) The board shall
23 exercise, in accordance with this ~~article~~ ARTICLE 35, the following powers
24 and duties:

25 (j) REQUIRE A LICENSEE APPLYING FOR LICENSE RENEWAL TO
26 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
27 MANNER DESCRIBED IN SECTION 12-35-123.5.

1 **SECTION 4.** In Colorado Revised Statutes, **add** 12-35-123.5 as
2 follows:

3 **12-35-123.5. Requirement for criminal history record check**
4 **for certain applicants.** (1) ON AND AFTER SEPTEMBER 1, 2017, WITH THE
5 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER SECTION
6 12-35-117, 12-35-117.5, 12-35-120, 12-35-121, OR 12-35-123, EACH
7 APPLICANT SHALL SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS
8 TO THE BOARD. THE BOARD SHALL SUBMIT THE FINGERPRINTS TO THE
9 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
10 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
11 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
12 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
13 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
14 RECORD CHECK. THE BOARD MAY ACQUIRE A NAME-BASED CRIMINAL
15 HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE SUBMITTED
16 TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
17 FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS PREVIOUSLY
18 SUBMITTED FINGERPRINTS FOR STATE OR LOCAL LICENSING PURPOSES MAY
19 REQUEST THE USE OF THE FINGERPRINTS ON FILE. THE BOARD SHALL USE
20 THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL
21 HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN
22 APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS ARTICLE
23 35. THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT IS
24 REQUIRED TO SUBMIT. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED
25 WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
26 COLORADO BUREAU OF INVESTIGATION. THE RESULTS OF THE CRIMINAL
27 HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT

1 RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING
2 BOARDS.

3 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
4 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
5 COMMITTED ANY ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER
6 SECTION 12-35-129 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE
7 CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (1) OF THIS
8 SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO
9 CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE
10 FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS
11 COMMITTED IN COLORADO:

12 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
13 16-22-102 (9);

14 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

15 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
16 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
17 CHANNEL OF DISTRIBUTION OR USE.

18 **SECTION 5.** In Colorado Revised Statutes, 12-36-104, **amend**
19 (1) introductory portion; and **add** (1)(f) as follows:

20 **12-36-104. Powers and duties of board.** (1) In addition to all
21 other powers and duties conferred and imposed upon the board by this
22 ~~article~~ ARTICLE 36, the board has the following powers and duties to:

23 (f) REQUIRE A LICENSEE APPLYING FOR LICENSE RENEWAL TO
24 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
25 MANNER DESCRIBED IN SECTION 12-36-111 (3).

26 **SECTION 6.** In Colorado Revised Statutes, 12-36-111, **add** (3)
27 and (4) as follows:

1 **12-36-111. Applications for license - criminal history record**

2 **check required.** (3) ON AND AFTER SEPTEMBER 1, 2017, WITH THE
3 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 36,
4 EACH APPLICANT SHALL SUBMIT A COMPLETE SET OF HIS OR HER
5 FINGERPRINTS TO THE BOARD. THE BOARD SHALL SUBMIT THE
6 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
7 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
8 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
9 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
10 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
11 HISTORY RECORD CHECK. THE BOARD MAY ACQUIRE A NAME-BASED
12 CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE
13 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
14 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS
15 PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE OR LOCAL LICENSING
16 PURPOSES MAY REQUEST THE USE OF THE FINGERPRINTS ON FILE. THE
17 BOARD SHALL USE THE INFORMATION RESULTING FROM THE
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
19 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
20 LICENSE PURSUANT TO THIS ARTICLE 36. THE BOARD MAY VERIFY THE
21 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE APPLICANT
22 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
23 CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF
24 INVESTIGATION. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK
25 ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE
26 PUBLIC OR OTHER STATE LICENSING BOARDS.

27 (4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
2 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT
3 UNDER SECTION 12-36-117 OR IF THE BOARD DETERMINES, SUBSEQUENT
4 TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (3)
5 OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY
6 OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY
7 OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS
8 COMMITTED IN COLORADO:

9 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
10 16-22-102 (9);

11 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

12 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
13 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
14 CHANNEL OF DISTRIBUTION OR USE.

15 **SECTION 7.** In Colorado Revised Statutes, 12-38-108, **add**
16 (1)(l)(I)(D), (1)(m), and (1)(n) as follows:

17 **12-38-108. Powers and duties of the board - rules.** (1) The
18 board has the following powers and duties:

19 (l) (I) (D) TO REQUIRE A LICENSEE APPLYING FOR LICENSE
20 RENEWAL TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM
21 AND MANNER DESCRIBED IN SECTION 12-38-115.5.

22 (m) TO FACILITATE THE LICENSURE OF NURSES UNDER THE
23 "ENHANCED NURSE LICENSURE COMPACT", PART 32 OF ARTICLE 60 OF
24 TITLE 24, AS FOLLOWS:

25 (I) APPOINT A QUALIFIED DELEGATE TO SERVE ON THE INTERSTATE
26 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS;

27 (II) PARTICIPATE IN THE COORDINATED LICENSURE INFORMATION

1 SYSTEM;

2 (III) OBTAIN A SET OF FINGERPRINTS FROM AN APPLICANT FOR
3 LICENSURE UNDER THE COMPACT AND FORWARD THE FINGERPRINTS TO
4 THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
5 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
6 UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, THE
7 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
8 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING
9 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE FEDERAL
10 BUREAU OF INVESTIGATION, OR OTHER APPROPRIATE FEDERAL AGENCY.
11 THE BOARD IS THE AUTHORIZED AGENCY TO RECEIVE INFORMATION
12 REGARDING THE RESULT OF A NATIONAL CRIMINAL HISTORY RECORD
13 CHECK. THE APPLICANT WHOSE FINGERPRINTS ARE CHECKED SHALL PAY
14 THE ACTUAL COSTS OF THE STATE AND NATIONAL FINGERPRINT-BASED
15 CRIMINAL HISTORY RECORD CHECK. THE RESULTS OF THE CRIMINAL
16 HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT
17 RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING
18 BOARDS.

19 (IV) NOTIFY THE COMPACT COMMISSION OF ANY ADVERSE ACTION
20 TAKEN BY THE BOARD;

21 (V) APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE COMPACT
22 COMMISSION TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF
23 THE COMMISSION AND ITS STAFF.

24 (n) TO FINE EMPLOYERS OF LICENSEES WHEN CONSISTENT WITH
25 THIS ARTICLE 38 AND THE RULES ADOPTED PURSUANT TO THIS ARTICLE 38.

26 **SECTION 8.** In Colorado Revised Statutes, **add** 12-38-115.5 as
27 follows:

1 **12-38-115.5. Requirement for criminal history record check**
2 **for certain applicants.** (1) ON AND AFTER SEPTEMBER 1, 2017, WITH THE
3 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 38,
4 EACH APPLICANT SHALL SUBMIT A COMPLETE SET OF HIS OR HER
5 FINGERPRINTS TO THE BOARD. THE BOARD SHALL SUBMIT THE
6 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
7 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
8 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
9 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
10 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
11 HISTORY RECORD CHECK. THE BOARD MAY ACQUIRE A NAME-BASED
12 CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE
13 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
14 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS
15 PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE OR LOCAL LICENSING
16 PURPOSES MAY REQUEST THE USE OF THE FINGERPRINTS ON FILE. THE
17 BOARD SHALL USE THE INFORMATION RESULTING FROM THE
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
19 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
20 LICENSE PURSUANT TO THIS ARTICLE 38. THE BOARD MAY VERIFY THE
21 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE APPLICANT
22 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
23 CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF
24 INVESTIGATION. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK
25 ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE
26 PUBLIC OR OTHER STATE LICENSING BOARDS.

27 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
2 COMMITTED ANY ACT THAT IS GROUNDS FOR DISCIPLINE UNDER SECTION
3 12-38-117 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE CRIMINAL
4 HISTORY RECORD CHECK REQUIRED IN SUBSECTION (1) OF THIS SECTION,
5 THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO
6 CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE
7 FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS
8 COMMITTED IN COLORADO:

9 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
10 16-22-102 (9);

11 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

12 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
13 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
14 CHANNEL OF DISTRIBUTION OR USE.

15 **SECTION 9.** In Colorado Revised Statutes, 12-38-131, **amend**
16 (1), (2)(b), (3)(a) introductory portion, (4), and (6) as follows:

17 **12-38-131. Nursing peer health assistance - fund - rules.** (1) As
18 a condition of licensure and for the purpose of supporting a nursing peer
19 health assistance program, ~~or a nurse alternative to discipline program,~~
20 every applicant for an initial license or to reinstate a license and any
21 person renewing a license issued pursuant to this ~~article~~ ARTICLE 38 shall
22 pay to the administering entity designated pursuant to ~~paragraph (c) of~~
23 ~~subsection (3)~~ SUBSECTION (3)(c) of this section a AN ANNUAL fee in an
24 amount set by the board, not to exceed twenty-five dollars; ~~per year,~~
25 except that the board may adjust ~~such~~ THE FEE amount each January 1 to
26 reflect changes in the United States department of labor's bureau of labor
27 statistics consumer price index, or its successor index, for the

1 Denver-Boulder consolidated metropolitan statistical area for the price of
2 goods paid by urban consumers.

3 (2) (b) ~~Moneys~~ MONEY in the fund shall be used to support a
4 nursing peer health assistance program ~~or nurse alternative to discipline~~
5 ~~program~~ in providing assistance to licensees needing help in dealing with
6 physical, emotional, psychiatric, psychological, drug abuse, or alcohol
7 abuse problems that may be detrimental to their ability to practice
8 nursing.

9 (3) (a) The board shall select one or more recognized peer health
10 assistance organizations ~~or nurse alternative to discipline programs~~ as
11 designated providers. For purposes of selecting designated providers, the
12 board shall use a competitive bidding process that encourages
13 participation from interested vendors. To be eligible for designation by
14 the board pursuant to this section, a peer health assistance organization ~~or~~
15 ~~nurse alternative to discipline program~~ shall:

16 (4) Notwithstanding sections 12-38-116.5 and 24-4-104, ~~C.R.S.~~,
17 the board may immediately suspend the license of any licensee who is
18 referred to a peer health assistance program ~~or nurse alternative to~~
19 ~~discipline program~~ by the board and who fails to attend or to complete the
20 program. If the licensee objects to the suspension, he or she may submit
21 a written request to the board for a formal hearing on the suspension
22 within ten days after receiving notice of the suspension, and the board
23 shall grant the request. In the hearing, the licensee ~~shall bear~~ BEARS the
24 burden of proving that his or her license should not be suspended.

25 (6) Nothing in this section ~~shall be construed to create~~ CREATES
26 any liability of the board, members of the board, or the state of Colorado
27 for the actions of the board in making awards to peer health assistance

1 organizations ~~or nurse alternative to discipline programs~~ or in designating
2 licensees to participate in the programs of such organizations. ~~No~~ A civil
3 action may NOT be brought or maintained against the board, its members,
4 or the state for an injury alleged to have been the result of an act or
5 omission of a licensee participating in or referred to a program provided
6 by a peer health assistance organization. ~~or to a nurse alternative to~~
7 ~~discipline program.~~ However, the state ~~shall remain~~ REMAINS liable under
8 the provisions of the "Colorado Governmental Immunity Act", article 10
9 of title 24, ~~C.R.S.~~, if an injury alleged to have been the result of an act or
10 omission of a licensee participating in or referred to a peer health
11 assistance diversion program ~~or nurse alternative to discipline program~~
12 occurred while ~~such~~ THE licensee was performing duties as an employee
13 of the state.

14 **SECTION 10.** In Colorado Revised Statutes, 12-38.1-103, **add**
15 (4.5) and (4.7) as follows:

16 **12-38.1-103. Certification - state board of nursing - rules.**

17 (4.5) THE BOARD MAY REQUIRE A CERTIFICATE HOLDER APPLYING FOR
18 CERTIFICATE RENEWAL TO SUBMIT TO A CRIMINAL HISTORY RECORD
19 CHECK IN THE FORM AND MANNER DESCRIBED IN SECTION 12-38.1-106.5.

20 (4.7) THE BOARD MAY FINE CERTIFICATE HOLDERS WHEN
21 CONSISTENT WITH THIS ARTICLE 38.1 AND THE RULES ADOPTED PURSUANT
22 TO THIS ARTICLE 38.1.

23 **SECTION 11.** In Colorado Revised Statutes, **add** 12-38.1-106.5
24 as follows:

25 **12-38.1-106.5. Requirement for criminal history record check.**

26 (1) ON AND AFTER SEPTEMBER 1, 2017, IN ADDITION TO ALL OTHER
27 REQUIREMENTS SET FORTH IN THIS ARTICLE 38.1, WITH THE SUBMISSION OF

1 AN APPLICATION FOR A CERTIFICATE UNDER THIS ARTICLE 38.1, EACH
2 APPLICANT SHALL SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS
3 TO THE BOARD. THE BOARD SHALL SUBMIT THE FINGERPRINTS TO THE
4 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
5 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
6 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
7 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
8 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
9 RECORD CHECK. THE BOARD MAY ACQUIRE A NAME-BASED CRIMINAL
10 HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE SUBMITTED
11 TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
12 FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS PREVIOUSLY
13 SUBMITTED FINGERPRINTS FOR STATE OR LOCAL LICENSING PURPOSES MAY
14 REQUEST THE USE OF THE FINGERPRINTS ON FILE. THE BOARD SHALL USE
15 THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL
16 HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN
17 APPLICANT IS QUALIFIED TO HOLD A CERTIFICATE PURSUANT TO THIS
18 ARTICLE 38.1. THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT
19 IS REQUIRED TO SUBMIT. THE APPLICANT SHALL PAY THE COSTS
20 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
21 CHECK TO THE COLORADO BUREAU OF INVESTIGATION. THE RESULTS OF
22 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD
23 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE
24 LICENSING BOARDS.

25 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
26 CONTRARY, THE BOARD MAY DENY A CERTIFICATE IF THE APPLICANT HAS
27 COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINE UNDER

1 SECTION 12-38.1-111 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE
2 CRIMINAL HISTORY RECORD CHECK SPECIFIED IN SUBSECTION (1) OF THIS
3 SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO
4 CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE
5 FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS
6 COMMITTED IN COLORADO:

7 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
8 16-22-102 (9);

9 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

10 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
11 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
12 CHANNEL OF DISTRIBUTION OR USE.

13 **SECTION 12.** In Colorado Revised Statutes, 12-38.1-111, **add**
14 (5) as follows:

15 **12-38.1-111. Grounds for discipline.** (5) AN EMPLOYER SHALL
16 REPORT ANY ACTION THAT RESULTS IN A NURSE AIDE BEING TERMINATED
17 FROM EMPLOYMENT, INCLUDING RESIGNATION IN LIEU OF TERMINATION,
18 WITHIN THIRTY DAYS AFTER THE TERMINATION OR RESIGNATION. THE
19 BOARD MAY FINE AN EMPLOYER THAT FAILS TO REPORT AS REQUIRED BY
20 THIS SUBSECTION (5) NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT
21 MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION.

22 **SECTION 13.** In Colorado Revised Statutes, 12-40-107, **amend**
23 (1) introductory portion; and **add** (1)(o) as follows:

24 **12-40-107. Powers and duties of the board - rules.** (1) In
25 addition to all other powers and duties conferred upon the board by this
26 ~~article~~ ARTICLE 40, the board has the following powers and duties:

27 (o) TO REQUIRE A LICENSEE APPLYING FOR LICENSE RENEWAL TO

1 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
2 MANNER DESCRIBED IN SECTIONS 12-40-107.2 (2)(b)(V) AND 12-40-108
3 (4).

4 **SECTION 14.** In Colorado Revised Statutes, 12-40-107.2,
5 **amend** (2)(b)(III) and (2)(b)(IV); and **add** (2)(b)(V) and (7) as follows:

6 **12-40-107.2. Volunteer optometrist license.** (2) A person
7 applying for a license under this section:

8 (b) Shall:

9 (III) Maintain liability insurance as provided in section 12-40-126;
10 **and**

11 (IV) Comply with the continuing education requirements
12 established in section 12-40-113 (1)(f); except that the board may
13 establish lesser continuing education requirements for volunteer
14 licensees; AND

15 (V) ON AND AFTER SEPTEMBER 1, 2017, SUBMIT A COMPLETE SET
16 OF HIS OR HER FINGERPRINTS TO THE BOARD. THE BOARD SHALL SUBMIT
17 THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
18 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
19 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
20 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
21 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
22 HISTORY RECORD CHECK. THE BOARD MAY ACQUIRE A NAME-BASED
23 CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE
24 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
25 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS
26 PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE OR LOCAL LICENSING
27 PURPOSES MAY REQUEST THE USE OF THE FINGERPRINTS ON FILE. THE

1 BOARD SHALL USE THE INFORMATION RESULTING FROM THE
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
3 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
4 LICENSE PURSUANT TO THIS ARTICLE 40. THE BOARD MAY VERIFY THE
5 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE APPLICANT
6 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
7 CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF
8 INVESTIGATION. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK
9 ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE
10 PUBLIC OR OTHER STATE LICENSING BOARDS.

11 (7) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
12 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
13 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT
14 UNDER SECTION 12-40-118 OR IF THE BOARD DETERMINES, SUBSEQUENT
15 TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION
16 (2)(b)(V) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF,
17 PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED
18 SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF
19 WHETHER THE ACT WAS COMMITTED IN COLORADO:

20 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
21 16-22-102 (9);

22 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

23 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
24 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
25 CHANNEL OF DISTRIBUTION OR USE.

26 **SECTION 15.** In Colorado Revised Statutes, 12-40-108, **add** (4)
27 and (5) as follows:

1 **12-40-108. Application for license - licensure by endorsement.**

2 (4) ON AND AFTER SEPTEMBER 1, 2017, WITH THE SUBMISSION OF AN
3 APPLICATION FOR A LICENSE UNDER THIS SECTION, EACH APPLICANT SHALL
4 SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE BOARD. THE
5 BOARD SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO BUREAU OF
6 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
7 CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF
8 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL
9 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE BOARD MAY
11 ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN
12 APPLICANT WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED
13 CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE
14 UNCLASSIFIABLE. AN APPLICANT WHO HAS PREVIOUSLY SUBMITTED
15 FINGERPRINTS FOR STATE OR LOCAL LICENSING PURPOSES MAY REQUEST
16 THE USE OF THE FINGERPRINTS ON FILE. THE BOARD SHALL USE THE
17 INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL
18 HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN
19 APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS SECTION.
20 THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT IS REQUIRED TO
21 SUBMIT. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH THE
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
23 COLORADO BUREAU OF INVESTIGATION. THE RESULTS OF THE CRIMINAL
24 HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT
25 RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING
26 BOARDS.

27 (5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
2 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT
3 UNDER SECTION 12-40-118 OR IF THE BOARD DETERMINES, SUBSEQUENT
4 TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (4)
5 OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY
6 OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY
7 OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS
8 COMMITTED IN COLORADO:

9 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
10 16-22-102 (9);

11 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

12 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
13 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
14 CHANNEL OF DISTRIBUTION OR USE.

15 **SECTION 16.** In Colorado Revised Statutes, 12-64-105, **add**
16 (9)(n) as follows:

17 **12-64-105. Board of veterinary medicine - creation - powers.**

18 (9) The board has the power to:

19 (n) REQUIRE A LICENSEE APPLYING FOR LICENSE RENEWAL TO
20 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
21 MANNER DESCRIBED IN SECTION 12-64-110.3.

22 **SECTION 17.** In Colorado Revised Statutes, 12-64-107.5, **add**
23 (6) as follows:

24 **12-64-107.5. Academic license.** (6) NOTWITHSTANDING ANY
25 PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY DENY A LICENSE
26 IF THE APPLICANT HAS COMMITTED ANY ACT THAT IS DEFINED AS GROUNDS
27 FOR DISCIPLINE UNDER SECTION 12-64-111 OR IF THE BOARD DETERMINES,

1 SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN
2 SECTION 12-64-110.3, THAT THE APPLICANT WAS CONVICTED OF, PLED
3 GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE
4 TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT
5 WAS COMMITTED IN COLORADO:

6 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
7 16-22-102 (9);

8 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

9 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
10 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
11 CHANNEL OF DISTRIBUTION OR USE.

12 **SECTION 18.** In Colorado Revised Statutes, **add** 12-64-110.3 as
13 follows:

14 **12-64-110.3. Requirement for criminal history record check**
15 **for all applicants.** (1) ON AND AFTER SEPTEMBER 1, 2017, WITH THE
16 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 64,
17 EACH APPLICANT SHALL SUBMIT A COMPLETE SET OF HIS OR HER
18 FINGERPRINTS TO THE BOARD. THE BOARD SHALL SUBMIT THE
19 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
20 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
21 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
22 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
23 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
24 HISTORY RECORD CHECK. THE BOARD MAY ACQUIRE A NAME-BASED
25 CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE
26 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
27 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS

1 PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE OR LOCAL LICENSING
2 PURPOSES MAY REQUEST THE USE OF THE FINGERPRINTS ON FILE. THE
3 BOARD SHALL USE THE INFORMATION RESULTING FROM THE
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
5 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
6 LICENSE PURSUANT TO THIS ARTICLE 64. THE BOARD MAY VERIFY THE
7 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE APPLICANT
8 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
9 CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF
10 INVESTIGATION. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK
11 ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE
12 PUBLIC OR OTHER STATE LICENSING BOARDS.

13 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
14 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE BOARD DETERMINES,
15 SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN
16 SUBSECTION (1) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED
17 OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED
18 SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF
19 WHETHER THE ACT WAS COMMITTED IN COLORADO:

20 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
21 16-22-102 (9);

22 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

23 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
24 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
25 CHANNEL OF DISTRIBUTION OR USE.

26 **SECTION 19.** In Colorado Revised Statutes, 24-34-110, **amend**
27 (3)(a)(XI) as follows:

1 REGULATING THE PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM
2 TO THE PUBLIC;

3 3. THE EXPANDED MOBILITY OF NURSES AND THE USE OF
4 ADVANCED COMMUNICATION TECHNOLOGIES AS PART OF OUR NATION'S
5 HEALTH CARE DELIVERY SYSTEM REQUIRE GREATER COORDINATION AND
6 COOPERATION AMONG STATES IN THE AREAS OF NURSE LICENSURE AND
7 REGULATION;

8 4. NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE
9 COMPLIANCE WITH INDIVIDUAL STATE NURSE LICENSURE LAWS DIFFICULT
10 AND COMPLEX;

11 5. THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES
12 PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT FOR
13 BOTH NURSES AND STATES; AND

14 6. UNIFORMITY OF NURSE LICENSURE REQUIREMENTS
15 THROUGHOUT THE STATES PROMOTES PUBLIC SAFETY AND PUBLIC HEALTH
16 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
21 IN THE AREAS OF NURSE LICENSURE AND REGULATION;

22 3. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN PARTY
23 STATES IN THE AREAS OF NURSE REGULATION, INVESTIGATION AND
24 ADVERSE ACTIONS;

25 4. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING THE
26 PRACTICE OF NURSING IN EACH JURISDICTION;

27 5. INVEST ALL PARTY STATES WITH THE AUTHORITY TO HOLD A

1 NURSE ACCOUNTABLE FOR MEETING ALL STATE PRACTICE LAWS IN THE
2 STATE IN WHICH THE PATIENT IS LOCATED AT THE TIME CARE IS RENDERED
3 THROUGH THE MUTUAL RECOGNITION OF PARTY STATE LICENSES;

4 6. DECREASE REDUNDANCIES IN THE CONSIDERATION AND
5 ISSUANCE OF NURSE LICENSES; AND

6 7. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY NURSES
7 WHO MEET UNIFORM LICENSURE REQUIREMENTS.

8 **ARTICLE II**

9 **Definitions**

10 AS USED IN THIS COMPACT:

11 a. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
12 EQUITABLE OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS WHICH
13 IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY AGAINST A
14 NURSE, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR
15 MULTISTATE LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION,
16 PROBATION, MONITORING OF THE LICENSEE, LIMITATION OF THE LICENSEE'S
17 PRACTICE, OR ANY OTHER ENCUMBRANCE ON LICENSURE AFFECTING A
18 NURSE'S AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A CEASE
19 AND DESIST ACTION.

20 b. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY
21 MONITORING PROGRAM APPROVED BY A LICENSING BOARD.

22 c. "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN
23 INTEGRATED PROCESS FOR COLLECTING, STORING AND SHARING
24 INFORMATION ON NURSE LICENSURE AND ENFORCEMENT ACTIVITIES
25 RELATED TO NURSE LICENSURE LAWS THAT IS ADMINISTERED BY A
26 NONPROFIT ORGANIZATION COMPOSED OF AND CONTROLLED BY LICENSING
27 BOARDS.

1 d. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

2 1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER
3 A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN
4 OPPORTUNITY FOR THE NURSE TO RESPOND IF REQUIRED BY STATE LAW,
5 HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE,
6 WOULD INDICATE MORE THAN A MINOR INFRACTION; OR

7 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE NURSE
8 REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY
9 REGARDLESS OF WHETHER THE NURSE HAS BEEN NOTIFIED AND HAD AN
10 OPPORTUNITY TO RESPOND.

11 e. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR
12 ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING
13 IMPOSED BY A LICENSING BOARD.

14 f. "HOME STATE" MEANS THE PARTY STATE WHICH IS THE NURSE'S
15 PRIMARY STATE OF RESIDENCE.

16 g. "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY
17 BODY RESPONSIBLE FOR ISSUING NURSE LICENSES.

18 h. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A
19 REGISTERED OR A LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN)
20 ISSUED BY A HOME STATE LICENSING BOARD THAT AUTHORIZES THE
21 LICENSED NURSE TO PRACTICE IN ALL PARTY STATES UNDER A MULTISTATE
22 LICENSURE PRIVILEGE.

23 i. "MULTISTATE LICENSURE PRIVILEGE" MEANS A LEGAL
24 AUTHORIZATION ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING
25 THE PRACTICE OF NURSING AS EITHER A REGISTERED NURSE (RN) OR
26 LPN/VN IN A REMOTE STATE.

27 j. "NURSE" MEANS RN OR LPN/VN, AS THOSE TERMS ARE DEFINED

1 BY EACH PARTY STATE'S PRACTICE LAWS.

2 k. "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS
3 COMPACT.

4 l. "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE
5 HOME STATE.

6 m. "SINGLE-STATE LICENSE" MEANS A NURSE LICENSE ISSUED BY
7 A PARTY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING
8 STATE AND DOES NOT INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO
9 PRACTICE IN ANY OTHER PARTY STATE.

10 n. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE
11 UNITED STATES AND THE DISTRICT OF COLUMBIA.

12 o. "STATE PRACTICE LAWS" MEANS A PARTY STATE'S LAWS, RULES
13 AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE
14 SCOPE OF NURSING PRACTICE, AND CREATE THE METHODS AND GROUNDS
15 FOR IMPOSING DISCIPLINE. "STATE PRACTICE LAWS" DO NOT INCLUDE
16 REQUIREMENTS NECESSARY TO OBTAIN AND RETAIN A LICENSE, EXCEPT
17 FOR QUALIFICATIONS OR REQUIREMENTS OF THE HOME STATE.

18 **ARTICLE III**

19 **General Provisions and Jurisdiction**

20 a. A MULTISTATE LICENSE TO PRACTICE REGISTERED OR LICENSED
21 PRACTICAL/VOCATIONAL NURSING ISSUED BY A HOME STATE TO A
22 RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS
23 AUTHORIZING A NURSE TO PRACTICE AS A REGISTERED NURSE (RN) OR AS
24 A LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN), UNDER A
25 MULTISTATE LICENSURE PRIVILEGE, IN EACH PARTY STATE.

26 b. A STATE MUST IMPLEMENT PROCEDURES FOR CONSIDERING THE
27 CRIMINAL HISTORY RECORDS OF APPLICANTS FOR INITIAL MULTISTATE

1 LICENSE OR LICENSURE BY ENDORSEMENT. SUCH PROCEDURES SHALL
2 INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED
3 INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN
4 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE
5 FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
6 RETAINING THAT STATE'S CRIMINAL RECORDS.

7 c. EACH PARTY STATE SHALL REQUIRE THE FOLLOWING FOR AN
8 APPLICANT TO OBTAIN OR RETAIN A MULTISTATE LICENSE IN THE HOME
9 STATE:

10 1. MEETS THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR
11 RENEWAL OF LICENSURE, AS WELL AS, ALL OTHER APPLICABLE STATE
12 LAWS;

13 2. i. HAS GRADUATED OR IS ELIGIBLE TO GRADUATE FROM A
14 LICENSING BOARD-APPROVED RN OR LPN/VN PRELICENSURE EDUCATION
15 PROGRAM; OR

16 ii. HAS GRADUATED FROM A FOREIGN RN OR LPN/VN
17 PRELICENSURE EDUCATION PROGRAM THAT (a) HAS BEEN APPROVED BY
18 THE AUTHORIZED ACCREDITING BODY IN THE APPLICABLE COUNTRY AND
19 (b) HAS BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW
20 AGENCY TO BE COMPARABLE TO A LICENSING BOARD-APPROVED
21 PRELICENSURE EDUCATION PROGRAM;

22 3. HAS, IF A GRADUATE OF A FOREIGN PRELICENSURE EDUCATION
23 PROGRAM NOT TAUGHT IN ENGLISH OR IF ENGLISH IS NOT THE
24 INDIVIDUAL'S NATIVE LANGUAGE, SUCCESSFULLY PASSED AN ENGLISH
25 PROFICIENCY EXAMINATION THAT INCLUDES THE COMPONENTS OF
26 READING, SPEAKING, WRITING, AND LISTENING;

27 4. HAS SUCCESSFULLY PASSED AN NCLEX-RN® OR NCLEX-PN®

1 EXAMINATION OR RECOGNIZED PREDECESSOR, AS APPLICABLE;

2 5. IS ELIGIBLE FOR OR HOLDS AN ACTIVE, UNENCUMBERED

3 LICENSE;

4 6. HAS SUBMITTED, IN CONNECTION WITH AN APPLICATION FOR

5 INITIAL LICENSURE OR LICENSURE BY ENDORSEMENT, FINGERPRINTS OR

6 OTHER BIOMETRIC DATA FOR THE PURPOSE OF OBTAINING CRIMINAL

7 HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF

8 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT

9 STATE'S CRIMINAL RECORDS;

10 7. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED

11 INTO AN AGREED DISPOSITION, OF A FELONY OFFENSE UNDER APPLICABLE

12 STATE OR FEDERAL CRIMINAL LAW;

13 8. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED

14 INTO AN AGREED DISPOSITION, OF A MISDEMEANOR OFFENSE RELATED TO

15 THE PRACTICE OF NURSING AS DETERMINED ON A CASE-BY-CASE BASIS;

16 9. IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM;

17 10. IS SUBJECT TO SELF-DISCLOSURE REQUIREMENTS REGARDING

18 CURRENT PARTICIPATION IN AN ALTERNATIVE PROGRAM; AND

19 11. HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER.

20 d. ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE

21 WITH EXISTING STATE DUE PROCESS LAW, TO TAKE ADVERSE ACTION

22 AGAINST A NURSE'S MULTISTATE LICENSURE PRIVILEGE SUCH AS

23 REVOCATION, SUSPENSION, PROBATION OR ANY OTHER ACTION THAT

24 AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE UNDER A MULTISTATE

25 LICENSURE PRIVILEGE, INCLUDING CEASE AND DESIST ACTIONS. IF A PARTY

26 STATE TAKES SUCH ACTION, IT SHALL PROMPTLY NOTIFY THE

27 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM.

1 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION
2 SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH ACTIONS
3 BY REMOTE STATES.

4 e. A NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH
5 THE STATE PRACTICE LAWS OF THE STATE IN WHICH THE CLIENT IS
6 LOCATED AT THE TIME SERVICE IS PROVIDED. THE PRACTICE OF NURSING
7 IS NOT LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL NURSING
8 PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF THE PARTY STATE
9 IN WHICH THE CLIENT IS LOCATED. THE PRACTICE OF NURSING IN A PARTY
10 STATE UNDER A MULTISTATE LICENSURE PRIVILEGE WILL SUBJECT A NURSE
11 TO THE JURISDICTION OF THE LICENSING BOARD, THE COURTS AND THE
12 LAWS OF THE PARTY STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME
13 SERVICE IS PROVIDED.

14 f. INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE
15 TO BE ABLE TO APPLY FOR A PARTY STATE'S SINGLE-STATE LICENSE AS
16 PROVIDED UNDER THE LAWS OF EACH PARTY STATE. HOWEVER, THE
17 SINGLE-STATE LICENSE GRANTED TO THESE INDIVIDUALS WILL NOT BE
18 RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE NURSING IN ANY
19 OTHER PARTY STATE. NOTHING IN THIS COMPACT SHALL AFFECT THE
20 REQUIREMENTS ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A
21 SINGLE-STATE LICENSE.

22 g. ANY NURSE HOLDING A HOME STATE MULTISTATE LICENSE, ON
23 THE EFFECTIVE DATE OF THIS COMPACT, MAY RETAIN AND RENEW THE
24 MULTISTATE LICENSE ISSUED BY THE NURSE'S THEN-CURRENT HOME
25 STATE, PROVIDED THAT:

26 1. A NURSE, WHO CHANGES PRIMARY STATE OF RESIDENCE AFTER
27 THIS COMPACT'S EFFECTIVE DATE, MUST MEET ALL APPLICABLE ARTICLE

1 III.c. REQUIREMENTS TO OBTAIN A MULTISTATE LICENSE FROM A NEW
2 HOME STATE.

3 2. A NURSE WHO FAILS TO SATISFY THE MULTISTATE LICENSURE
4 REQUIREMENTS IN ARTICLE III.c. DUE TO A DISQUALIFYING EVENT
5 OCCURRING AFTER THIS COMPACT'S EFFECTIVE DATE SHALL BE INELIGIBLE
6 TO RETAIN OR RENEW A MULTISTATE LICENSE, AND THE NURSE'S
7 MULTISTATE LICENSE SHALL BE REVOKED OR DEACTIVATED IN
8 ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE INTERSTATE
9 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS
10 ("COMMISSION").

11 **ARTICLE IV**

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

13 a. UPON APPLICATION FOR A MULTISTATE LICENSE, THE LICENSING
14 BOARD IN THE ISSUING PARTY STATE SHALL ASCERTAIN, THROUGH THE
15 COORDINATED LICENSURE INFORMATION SYSTEM, WHETHER THE
16 APPLICANT HAS EVER HELD, OR IS THE HOLDER OF, A LICENSE ISSUED BY
17 ANY OTHER STATE, WHETHER THERE ARE ANY ENCUMBRANCES ON ANY
18 LICENSE OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT,
19 WHETHER ANY ADVERSE ACTION HAS BEEN TAKEN AGAINST ANY LICENSE
20 OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT AND
21 WHETHER THE APPLICANT IS CURRENTLY IN AN ALTERNATIVE PROGRAM.

22 b. A NURSE MAY HOLD A MULTISTATE LICENSE, ISSUED BY THE
23 HOME STATE, IN ONLY ONE PARTY STATE AT A TIME.

24 c. IF A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY MOVING
25 BETWEEN TWO PARTY STATES, THE NURSE MUST APPLY FOR LICENSURE IN
26 THE NEW HOME STATE AND THE MULTISTATE LICENSE ISSUED BY THE
27 PRIOR HOME STATE WILL BE DEACTIVATED IN ACCORDANCE WITH

1 APPLICABLE RULES ADOPTED BY THE COMMISSION.

2 1. THE NURSE MAY APPLY FOR LICENSURE IN ADVANCE OF A
3 CHANGE IN PRIMARY STATE OF RESIDENCE.

4 2. A MULTISTATE LICENSE SHALL NOT BE ISSUED BY THE NEW
5 HOME STATE UNTIL THE NURSE PROVIDES SATISFACTORY EVIDENCE OF A
6 CHANGE IN PRIMARY STATE OF RESIDENCE TO THE NEW HOME STATE AND
7 SATISFIES ALL APPLICABLE REQUIREMENTS TO OBTAIN A MULTISTATE
8 LICENSE FROM THE NEW HOME STATE.

9 d. IF A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY MOVING
10 FROM A PARTY STATE TO A NON-PARTY STATE, THE MULTISTATE LICENSE
11 ISSUED BY THE PRIOR HOME STATE WILL CONVERT TO A SINGLE-STATE
12 LICENSE, VALID ONLY IN THE FORMER HOME STATE.

13 **ARTICLE V**

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

15 a. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW,
16 A LICENSING BOARD SHALL HAVE THE AUTHORITY TO:

17 1. TAKE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE
18 LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE.

19 i. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE
20 ADVERSE ACTION AGAINST A NURSE'S LICENSE ISSUED BY THE HOME
21 STATE.

22 ii. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE
23 LICENSING BOARD SHALL GIVE THE SAME PRIORITY AND EFFECT TO
24 REPORTED CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF
25 SUCH CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING,
26 THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE
27 APPROPRIATE ACTION.

1 2. ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE
2 ON A NURSE'S AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE.

3 3. COMPLETE ANY PENDING INVESTIGATIONS OF A NURSE WHO
4 CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF SUCH
5 INVESTIGATIONS. THE LICENSING BOARD SHALL ALSO HAVE THE
6 AUTHORITY TO TAKE APPROPRIATE ACTION(S) AND SHALL PROMPTLY
7 REPORT THE CONCLUSIONS OF SUCH INVESTIGATIONS TO THE
8 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM.
9 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION
10 SYSTEM SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH
11 ACTIONS.

12 4. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS
13 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AS WELL
14 AS, THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING
15 BOARD IN A PARTY STATE FOR THE ATTENDANCE AND TESTIMONY OF
16 WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER PARTY
17 STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
18 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE
19 OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
20 PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS
21 FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE
22 SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE
23 ARE LOCATED.

24 5. OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT,
25 FINGERPRINT OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL
26 BUREAU OF INVESTIGATION FOR CRIMINAL BACKGROUND CHECKS,
27 RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION

1 RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE
2 RESULTS IN MAKING LICENSURE DECISIONS.

3 6. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE
4 AFFECTED NURSE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF
5 CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT
6 NURSE.

7 7. TAKE ADVERSE ACTION BASED ON THE FACTUAL FINDINGS OF
8 THE REMOTE STATE, PROVIDED THAT THE LICENSING BOARD FOLLOWS ITS
9 OWN PROCEDURES FOR TAKING SUCH ADVERSE ACTION.

10 b. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A
11 NURSE'S MULTISTATE LICENSE, THE NURSE'S MULTISTATE LICENSURE
12 PRIVILEGE TO PRACTICE IN ALL OTHER PARTY STATES SHALL BE
13 DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE
14 MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT
15 IMPOSE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSE SHALL
16 INCLUDE A STATEMENT THAT THE NURSE'S MULTISTATE LICENSURE
17 PRIVILEGE IS DEACTIVATED IN ALL PARTY STATES DURING THE PENDENCY
18 OF THE ORDER.

19 c. NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S
20 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE
21 USED IN LIEU OF ADVERSE ACTION. THE HOME STATE LICENSING BOARD
22 SHALL DEACTIVATE THE MULTISTATE LICENSURE PRIVILEGE UNDER THE
23 MULTISTATE LICENSE OF ANY NURSE FOR THE DURATION OF THE NURSE'S
24 PARTICIPATION IN AN ALTERNATIVE PROGRAM.

25 **ARTICLE VI**

26 **Coordinated Licensure Information**
27 **System and Exchange of Information**

1 a. ALL PARTY STATES SHALL PARTICIPATE IN A COORDINATED
2 LICENSURE INFORMATION SYSTEM OF ALL LICENSED REGISTERED NURSES
3 (RNs) AND LICENSED PRACTICAL/VOCATIONAL NURSES (LPNs/VNs). THIS
4 SYSTEM WILL INCLUDE INFORMATION ON THE LICENSURE AND
5 DISCIPLINARY HISTORY OF EACH NURSE, AS SUBMITTED BY PARTY STATES,
6 TO ASSIST IN THE COORDINATION OF NURSE LICENSURE AND ENFORCEMENT
7 EFFORTS.

8 b. THE COMMISSION, IN CONSULTATION WITH THE ADMINISTRATOR
9 OF THE COORDINATED LICENSURE INFORMATION SYSTEM, SHALL
10 FORMULATE NECESSARY AND PROPER PROCEDURES FOR THE
11 IDENTIFICATION, COLLECTION AND EXCHANGE OF INFORMATION UNDER
12 THIS COMPACT.

13 c. ALL LICENSING BOARDS SHALL PROMPTLY REPORT TO THE
14 COORDINATED LICENSURE INFORMATION SYSTEM ANY ADVERSE ACTION,
15 ANY CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION, DENIALS OF
16 APPLICATIONS (WITH THE REASONS FOR SUCH DENIALS) AND NURSE
17 PARTICIPATION IN ALTERNATIVE PROGRAMS KNOWN TO THE LICENSING
18 BOARD REGARDLESS OF WHETHER SUCH PARTICIPATION IS DEEMED
19 NONPUBLIC OR CONFIDENTIAL UNDER STATE LAW.

20 d. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION AND
21 PARTICIPATION IN NONPUBLIC OR CONFIDENTIAL ALTERNATIVE PROGRAMS
22 SHALL BE TRANSMITTED THROUGH THE COORDINATED LICENSURE
23 INFORMATION SYSTEM ONLY TO PARTY STATE LICENSING BOARDS.

24 e. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY
25 STATE LICENSING BOARDS CONTRIBUTING INFORMATION TO THE
26 COORDINATED LICENSURE INFORMATION SYSTEM MAY DESIGNATE
27 INFORMATION THAT MAY NOT BE SHARED WITH NONPARTY STATES OR

1 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT THE EXPRESS
2 PERMISSION OF THE CONTRIBUTING STATE.

3 f. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED FROM
4 THE COORDINATED LICENSURE INFORMATION SYSTEM BY A PARTY STATE
5 LICENSING BOARD SHALL NOT BE SHARED WITH NONPARTY STATES OR
6 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS EXCEPT TO THE EXTENT
7 PERMITTED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THE
8 INFORMATION.

9 g. ANY INFORMATION CONTRIBUTED TO THE COORDINATED
10 LICENSURE INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO
11 BE EXPUNGED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THAT
12 INFORMATION, SHALL ALSO BE EXPUNGED FROM THE COORDINATED
13 LICENSURE INFORMATION SYSTEM.

14 h. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL
15 FURNISH A UNIFORM DATA SET TO THE COMPACT ADMINISTRATOR OF EACH
16 OTHER PARTY STATE, WHICH SHALL INCLUDE, AT A MINIMUM:

- 17 1. IDENTIFYING INFORMATION;
- 18 2. LICENSURE DATA;
- 19 3. INFORMATION RELATED TO ALTERNATIVE PROGRAM
20 PARTICIPATION; AND
- 21 4. OTHER INFORMATION THAT MAY FACILITATE THE
22 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY COMMISSION
23 RULES.

24 i. THE COMPACT ADMINISTRATOR OF A PARTY STATE SHALL
25 PROVIDE ALL INVESTIGATIVE DOCUMENTS AND INFORMATION REQUESTED
26 BY ANOTHER PARTY STATE.

27 **ARTICLE VII**

1 **Establishment of the Interstate Commission**
2 **of Nurse Licensure Compact Administrators**

3 a. THE PARTY STATES HEREBY CREATE AND ESTABLISH A JOINT
4 PUBLIC ENTITY KNOWN AS THE INTERSTATE COMMISSION OF NURSE
5 LICENSURE COMPACT ADMINISTRATORS.

6 1. THE COMMISSION IS AN INSTRUMENTALITY OF THE PARTY
7 STATES.

8 2. VENUE IS PROPER, AND JUDICIAL PROCEEDINGS BY OR AGAINST
9 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY, IN A
10 COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE
11 COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND
12 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO
13 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

14 3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
15 WAIVER OF SOVEREIGN IMMUNITY.

16 b. MEMBERSHIP, VOTING AND MEETINGS

17 1. EACH PARTY STATE SHALL HAVE AND BE LIMITED TO ONE
18 ADMINISTRATOR. THE HEAD OF THE STATE LICENSING BOARD OR DESIGNEE
19 SHALL BE THE ADMINISTRATOR OF THIS COMPACT FOR EACH PARTY STATE.
20 ANY ADMINISTRATOR MAY BE REMOVED OR SUSPENDED FROM OFFICE AS
21 PROVIDED BY THE LAW OF THE STATE FROM WHICH THE ADMINISTRATOR
22 IS APPOINTED. ANY VACANCY OCCURRING IN THE COMMISSION SHALL BE
23 FILLED IN ACCORDANCE WITH THE LAWS OF THE PARTY STATE IN WHICH
24 THE VACANCY EXISTS.

25 2. EACH ADMINISTRATOR SHALL BE ENTITLED TO ONE (1) VOTE
26 WITH REGARD TO THE PROMULGATION OF RULES AND CREATION OF
27 BYLAWS AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE

1 IN THE BUSINESS AND AFFAIRS OF THE COMMISSION. AN ADMINISTRATOR
2 SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE
3 BYLAWS. THE BYLAWS MAY PROVIDE FOR AN ADMINISTRATOR'S
4 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
5 COMMUNICATION.

6 3. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH
7 CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN
8 THE BYLAWS OR RULES OF THE COMMISSION.

9 4. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC
10 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED
11 UNDER THE RULEMAKING PROVISIONS IN ARTICLE VIII.

12 5. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC
13 MEETING IF THE COMMISSION MUST DISCUSS:

14 i. NONCOMPLIANCE OF A PARTY STATE WITH ITS OBLIGATIONS
15 UNDER THIS COMPACT;

16 ii. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER
17 PERSONNEL MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC
18 EMPLOYEES OR OTHER MATTERS RELATED TO THE COMMISSION'S
19 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

20 iii. CURRENT, THREATENED OR REASONABLY ANTICIPATED
21 LITIGATION;

22 iv. NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF
23 GOODS, SERVICES OR REAL ESTATE;

24 v. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING
25 ANY PERSON;

26 vi. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
27 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

1 vii. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
2 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
3 PERSONAL PRIVACY;

4 viii. DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW
5 ENFORCEMENT PURPOSES;

6 ix. DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS
7 PREPARED BY OR ON BEHALF OF THE COMMISSION FOR THE PURPOSE OF
8 INVESTIGATION OF COMPLIANCE WITH THIS COMPACT; OR

9 x. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
10 FEDERAL OR STATE STATUTE.

11 6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT
12 TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE
13 SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL
14 REFERENCE EACH RELEVANT EXEMPTING PROVISION. THE COMMISSION
15 SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS
16 DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE
17 SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFOR, INCLUDING
18 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED
19 IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.
20 ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN
21 UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE
22 COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.

23 c. THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE
24 ADMINISTRATORS, PRESCRIBE BYLAWS OR RULES TO GOVERN ITS CONDUCT
25 AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES
26 AND EXERCISE THE POWERS OF THIS COMPACT, INCLUDING BUT NOT
27 LIMITED TO:

- 1 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;
- 2 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:
- 3 i. FOR THE ESTABLISHMENT AND MEETINGS OF OTHER
- 4 COMMITTEES; AND
- 5 ii. GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY
- 6 AUTHORITY OR FUNCTION OF THE COMMISSION;
- 7 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND
- 8 CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE
- 9 ADVANCE NOTICE OF ALL MEETINGS AND PROVIDING AN OPPORTUNITY FOR
- 10 ATTENDANCE OF SUCH MEETINGS BY INTERESTED PARTIES, WITH
- 11 ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S INTEREST,
- 12 THE PRIVACY OF INDIVIDUALS, AND PROPRIETARY INFORMATION,
- 13 INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED
- 14 SESSION ONLY AFTER A MAJORITY OF THE ADMINISTRATORS VOTE TO
- 15 CLOSE A MEETING IN WHOLE OR IN PART. AS SOON AS PRACTICABLE, THE
- 16 COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO CLOSE THE
- 17 MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY
- 18 VOTES ALLOWED;
- 19 4. ESTABLISHING THE TITLES, DUTIES AND AUTHORITY AND
- 20 REASONABLE PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE
- 21 COMMISSION;
- 22 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR
- 23 THE ESTABLISHMENT OF THE PERSONNEL POLICIES AND PROGRAMS OF THE
- 24 COMMISSION. NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR
- 25 LAWS OF ANY PARTY STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN
- 26 THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION; AND
- 27 6. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF

1 THE COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS
2 FUNDS THAT MAY EXIST AFTER THE TERMINATION OF THIS COMPACT
3 AFTER THE PAYMENT OR RESERVING OF ALL OF ITS DEBTS AND
4 OBLIGATIONS;

5 d. THE COMMISSION SHALL PUBLISH ITS BYLAWS AND RULES, AND
6 ANY AMENDMENTS THERETO, IN A CONVENIENT FORM ON THE WEBSITE OF
7 THE COMMISSION.

8 e. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN
9 ACCORDANCE WITH THE BYLAWS.

10 f. THE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS ARE
11 CONSISTENT WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

12 g. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

13 1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND
14 COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.
15 THE RULES SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE
16 BINDING IN ALL PARTY STATES;

17 2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN
18 THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY
19 LICENSING BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT
20 BE AFFECTED;

21 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

22 4. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF
23 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A PARTY
24 STATE OR NONPROFIT ORGANIZATIONS;

25 5. TO COOPERATE WITH OTHER ORGANIZATIONS THAT ADMINISTER
26 STATE COMPACTS RELATED TO THE REGULATION OF NURSING, INCLUDING
27 BUT NOT LIMITED TO SHARING ADMINISTRATIVE OR STAFF EXPENSES,

1 OFFICE SPACE OR OTHER RESOURCES;

2 6. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
3 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE
4 AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT, AND TO
5 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS
6 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL
7 AND OTHER RELATED PERSONNEL MATTERS;

8 7. TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS, GRANTS
9 AND GIFTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES,
10 AND TO RECEIVE, UTILIZE AND DISPOSE OF THE SAME; PROVIDED THAT AT
11 ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF
12 IMPROPRIETY OR CONFLICT OF INTEREST;

13 8. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR
14 DONATIONS OF, OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY
15 PROPERTY, WHETHER REAL, PERSONAL OR MIXED; PROVIDED THAT AT ALL
16 TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;

17 9. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
18 ABANDON OR OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL,
19 PERSONAL OR MIXED;

20 10. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

21 11. TO BORROW MONEY;

22 12. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES
23 COMPRISED OF ADMINISTRATORS, STATE NURSING REGULATORS, STATE
24 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER
25 REPRESENTATIVES, AND OTHER SUCH INTERESTED PERSONS;

26 13. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO
27 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

1 14. TO ADOPT AND USE AN OFFICIAL SEAL; AND

2 15. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
3 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT
4 CONSISTENT WITH THE STATE REGULATION OF NURSE LICENSURE AND
5 PRACTICE.

6 h. FINANCING OF THE COMMISSION

7 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
8 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION
9 AND ONGOING ACTIVITIES.

10 2. THE COMMISSION MAY ALSO LEVY ON AND COLLECT AN ANNUAL
11 ASSESSMENT FROM EACH PARTY STATE TO COVER THE COST OF ITS
12 OPERATIONS, ACTIVITIES AND STAFF IN ITS ANNUAL BUDGET AS APPROVED
13 EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT, IF ANY,
14 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE
15 COMMISSION, WHICH SHALL PROMULGATE A RULE THAT IS BINDING UPON
16 ALL PARTY STATES.

17 3. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
18 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL
19 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE PARTY STATES,
20 EXCEPT BY, AND WITH THE AUTHORITY OF, SUCH PARTY STATE.

21 4. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
22 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF
23 THE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING
24 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS
25 AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE
26 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND
27 THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF

1 THE ANNUAL REPORT OF THE COMMISSION.

2 i. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION

3 1. THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR,
4 EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION SHALL BE
5 IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR
6 OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF
7 PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
8 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
9 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD
10 A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF
11 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES; PROVIDED THAT
12 NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY
13 SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR
14 LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR WANTON
15 MISCONDUCT OF THAT PERSON.

16 2. THE COMMISSION SHALL DEFEND ANY ADMINISTRATOR,
17 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE
18 COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING
19 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
20 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
21 RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS
22 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
23 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES;
24 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT
25 PERSON FROM RETAINING HIS OR HER OWN COUNSEL; AND PROVIDED
26 FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID
27 NOT RESULT FROM THAT PERSON'S INTENTIONAL, WILLFUL OR WANTON

1 MISCONDUCT.

2 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY
3 ADMINISTRATOR, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR
4 REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY
5 SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING
6 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
7 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
8 RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR
9 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
10 DUTIES OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED
11 ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL,
12 WILLFUL, OR WANTON MISCONDUCT OF THAT PERSON.

13 **ARTICLE VIII**

14 **Rulemaking**

15 a. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
16 PURSUANT TO THE CRITERIA SET FORTH IN THIS ARTICLE AND THE RULES
17 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME
18 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT AND
19 SHALL HAVE THE SAME FORCE AND EFFECT AS PROVISIONS OF THIS
20 COMPACT.

21 b. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT
22 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

23 c. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR
24 RULES BY THE COMMISSION, AND AT LEAST SIXTY (60) DAYS IN ADVANCE
25 OF THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED
26 UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING:

27 1. ON THE WEBSITE OF THE COMMISSION; AND

1 2. ON THE WEBSITE OF EACH LICENSING BOARD OR THE
2 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH
3 PROPOSED RULES.

4 d. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

5 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN
6 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;

7 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT, AND THE
8 REASON FOR THE PROPOSED RULE;

9 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY
10 INTERESTED PERSON; AND

11 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
12 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC
13 HEARING AND ANY WRITTEN COMMENTS.

14 e. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION
15 SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND
16 ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

17 f. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC
18 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT.

19 g. THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE
20 OF THE SCHEDULED PUBLIC HEARING.

21 1. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH
22 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE
23 OPPORTUNITY TO COMMENT ORALLY OR IN WRITING. ALL HEARINGS WILL
24 BE RECORDED, AND A COPY WILL BE MADE AVAILABLE UPON REQUEST.

25 2. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING
26 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE
27 CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS

1 SECTION.

2 h. IF NO ONE APPEARS AT THE PUBLIC HEARING, THE COMMISSION
3 MAY PROCEED WITH PROMULGATION OF THE PROPOSED RULE.

4 i. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE
5 OF BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT
6 HELD, THE COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL
7 COMMENTS RECEIVED.

8 j. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL
9 ADMINISTRATORS, TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL
10 DETERMINE THE EFFECTIVE DATE OF THE RULE, IF ANY, BASED ON THE
11 RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

12 k. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
13 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT
14 PRIOR NOTICE, OPPORTUNITY FOR COMMENT OR HEARING, PROVIDED THAT
15 THE USUAL RULEMAKING PROCEDURES PROVIDED IN THIS COMPACT AND
16 IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON
17 AS REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS
18 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
19 PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED
20 IMMEDIATELY IN ORDER TO:

21 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR
22 WELFARE;

23 2. PREVENT A LOSS OF COMMISSION OR PARTY STATE FUNDS; OR

24 3. MEET A DEADLINE FOR THE PROMULGATION OF AN
25 ADMINISTRATIVE RULE THAT IS REQUIRED BY FEDERAL LAW OR RULE.

26 1. THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY
27 ADOPTED RULE OR AMENDMENT FOR PURPOSES OF CORRECTING

1 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
2 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE
3 POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE
4 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY (30)
5 DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON
6 GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE.
7 A CHALLENGE SHALL BE MADE IN WRITING, AND DELIVERED TO THE
8 COMMISSION, PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE
9 IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF
10 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT
11 WITHOUT THE APPROVAL OF THE COMMISSION.

12 **ARTICLE IX**

13 **Oversight, Dispute Resolution and Enforcement**

14 a. OVERSIGHT

15 1. EACH PARTY STATE SHALL ENFORCE THIS COMPACT AND TAKE
16 ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS
17 COMPACT'S PURPOSES AND INTENT.

18 2. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF
19 PROCESS IN ANY PROCEEDING THAT MAY AFFECT THE POWERS,
20 RESPONSIBILITIES OR ACTIONS OF THE COMMISSION, AND SHALL HAVE
21 STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES.
22 FAILURE TO PROVIDE SERVICE OF PROCESS IN SUCH PROCEEDING TO THE
23 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE
24 COMMISSION, THIS COMPACT OR PROMULGATED RULES.

25 b. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION

26 1. IF THE COMMISSION DETERMINES THAT A PARTY STATE HAS
27 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR

1 RESPONSIBILITIES UNDER THIS COMPACT OR THE PROMULGATED RULES,
2 THE COMMISSION SHALL:

3 i. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
4 OTHER PARTY STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED
5 MEANS OF CURING THE DEFAULT OR ANY OTHER ACTION TO BE TAKEN BY
6 THE COMMISSION; AND

7 ii. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
8 ASSISTANCE REGARDING THE DEFAULT.

9 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
10 DEFAULTING STATE'S MEMBERSHIP IN THIS COMPACT MAY BE TERMINATED
11 UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ADMINISTRATORS,
12 AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY THIS
13 COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF TERMINATION.
14 A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF
15 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

16 3. TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE
17 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE
18 BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL
19 BE GIVEN BY THE COMMISSION TO THE GOVERNOR OF THE DEFAULTING
20 STATE AND TO THE EXECUTIVE OFFICER OF THE DEFAULTING STATE'S
21 LICENSING BOARD AND EACH OF THE PARTY STATES.

22 4. A STATE WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN
23 TERMINATED IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS AND
24 LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION,
25 INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE DATE OF
26 TERMINATION.

27 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A

1 STATE THAT IS FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS
2 COMPACT HAS BEEN TERMINATED UNLESS AGREED UPON IN WRITING
3 BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

4 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
5 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE DISTRICT
6 OF COLUMBIA OR THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS
7 ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL
8 COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS' FEES.

9 c. DISPUTE RESOLUTION

10 1. UPON REQUEST BY A PARTY STATE, THE COMMISSION SHALL
11 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE
12 AMONG PARTY STATES AND BETWEEN PARTY AND NON-PARTY STATES.

13 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
14 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES, AS
15 APPROPRIATE.

16 3. IN THE EVENT THE COMMISSION CANNOT RESOLVE DISPUTES
17 AMONG PARTY STATES ARISING UNDER THIS COMPACT:

18 i. THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN
19 ARBITRATION PANEL, WHICH WILL BE COMPRISED OF INDIVIDUALS
20 APPOINTED BY THE COMPACT ADMINISTRATOR IN EACH OF THE AFFECTED
21 PARTY STATES AND AN INDIVIDUAL MUTUALLY AGREED UPON BY THE
22 COMPACT ADMINISTRATORS OF ALL THE PARTY STATES INVOLVED IN THE
23 DISPUTE.

24 ii. THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE
25 FINAL AND BINDING.

26 d. ENFORCEMENT

27 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS

1 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS
2 COMPACT.

3 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
4 ACTION IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR
5 THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL
6 OFFICES AGAINST A PARTY STATE THAT IS IN DEFAULT TO ENFORCE
7 COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND ITS
8 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE
9 BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
10 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED
11 ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS'
12 FEES.

13 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES
14 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER
15 REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.

16 **ARTICLE X**

17 **Effective Date, Withdrawal and Amendment**

18 a. THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING ON THE
19 EARLIER OF THE DATE OF LEGISLATIVE ENACTMENT OF THIS COMPACT
20 INTO LAW BY NO LESS THAN TWENTY-SIX (26) STATES OR DECEMBER 31,
21 2018. ALL PARTY STATES TO THIS COMPACT, THAT ALSO WERE PARTIES TO
22 THE PRIOR NURSE LICENSURE COMPACT, SUPERSEDED BY THIS COMPACT,
23 ("PRIOR COMPACT"), SHALL BE DEEMED TO HAVE WITHDRAWN FROM SAID
24 PRIOR COMPACT WITHIN SIX (6) MONTHS AFTER THE EFFECTIVE DATE OF
25 THIS COMPACT.

26 b. EACH PARTY STATE TO THIS COMPACT SHALL CONTINUE TO
27 RECOGNIZE A NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN

1 THAT PARTY STATE ISSUED UNDER THE PRIOR COMPACT UNTIL SUCH
2 PARTY STATE HAS WITHDRAWN FROM THE PRIOR COMPACT.

3 c. ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY
4 ENACTING A STATUTE REPEALING THE SAME. A PARTY STATE'S
5 WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL SIX (6) MONTHS AFTER
6 ENACTMENT OF THE REPEALING STATUTE.

7 d. A PARTY STATE'S WITHDRAWAL OR TERMINATION SHALL NOT
8 AFFECT THE CONTINUING REQUIREMENT OF THE WITHDRAWING OR
9 TERMINATED STATE'S LICENSING BOARD TO REPORT ADVERSE ACTIONS
10 AND SIGNIFICANT INVESTIGATIONS OCCURRING PRIOR TO THE EFFECTIVE
11 DATE OF SUCH WITHDRAWAL OR TERMINATION.

12 e. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED
13 TO INVALIDATE OR PREVENT ANY NURSE LICENSURE AGREEMENT OR
14 OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A
15 NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER
16 PROVISIONS OF THIS COMPACT.

17 f. THIS COMPACT MAY BE AMENDED BY THE PARTY STATES. NO
18 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING
19 UPON THE PARTY STATES UNLESS AND UNTIL IT IS ENACTED INTO THE LAWS
20 OF ALL PARTY STATES.

21 g. REPRESENTATIVES OF NONPARTY STATES TO THIS COMPACT
22 SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE
23 COMMISSION, ON A NONVOTING BASIS, PRIOR TO THE ADOPTION OF THIS
24 COMPACT BY ALL STATES.

25 **ARTICLE XI**

26 **Construction and Severability**

27 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO

1 EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT
2 SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR
3 PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE
4 CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES, OR IF THE
5 APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR
6 CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF
7 THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
8 AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.
9 IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION
10 OF ANY PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE AND
11 EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND
12 EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE
13 MATTERS.

14 **SECTION 21. Effective date.** This act takes effect September 1,
15 2017; except that section 20 of this act takes effect January 1, 2018.

16 **SECTION 22. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.