

Senate Bill 166

By: Senator Unterman of the 45th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 nurses, so as to enter into an interstate compact known as the "Nurse Licensure Compact";  
3 to authorize the Georgia Board of Nursing to exercise certain powers with respect to the  
4 compact; to provide for a short title; to provide for findings and declarations of purpose of  
5 the compact; to provide for definitions; to provide for general provisions and jurisdiction; to  
6 provide for applications for licensure in a party state; to provide for additional authorities  
7 invested in party state licensing boards; to provide for a coordinated licensure information  
8 system and exchange of information between the party states; to provide for the  
9 establishment of the Interstate Commission of Nurse Licensure Compact Administrators; to  
10 provide for rulemaking; to provide for oversight, dispute resolution, and enforcement; to  
11 provide for an effective date, withdrawal, and amendment of the compact; to provide for  
12 construction and severability; to provide for related matters; to repeal conflicting laws; and  
13 for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is  
17 amended by revising Code Section 43-26-5, relating to general powers and responsibilities  
18 of the Georgia Board of Nursing, as follows:

19 "43-26-5.

20 (a) The board shall:

21 (1) Be responsible for the enforcement of the provisions of this chapter and shall be  
22 specifically granted all of the necessary duties, powers, and authority to carry out this  
23 responsibility;

24 (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems  
25 necessary for the administration and enforcement of this chapter in the protection of  
26 public health, safety, and welfare;

- 27 (3) Enforce qualifications for licensure under this article or Article 2 or Article 4 of this  
28 chapter;
- 29 (4) Develop and enforce reasonable and uniform standards for nursing education and  
30 nursing practice;
- 31 (5) Periodically evaluate nursing education programs and approve such programs as meet  
32 the board's requirements;
- 33 (6) Deny or withdraw approval from noncompliant nursing education programs;
- 34 (7) License duly qualified applicants under this article or Article 2 of this chapter by  
35 examination, endorsement, or reinstatement;
- 36 (8) Be authorized to issue temporary permits;
- 37 (9) Renew licenses of registered professional nurses, licensed undergraduate nurses, and  
38 licensed practical nurses in accordance with this article or Article 2 of this chapter;
- 39 (10) Be authorized to set standards for competency of licensees under this article or  
40 Article 2 of this chapter continuing in or returning to practice;
- 41 (11) Set standards for and regulate advanced nursing practice;
- 42 (12) Be authorized to enact rules and regulations for registered professional nurses in  
43 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and  
44 enact rules and regulations for advanced practice registered nurses in performing acts as  
45 authorized in Code Section 43-34-25;
- 46 (13) Implement the disciplinary process;
- 47 (14) Be authorized to issue orders when a license under this article or Article 2 of this  
48 chapter is surrendered to the board while a complaint, investigation, or disciplinary action  
49 against such license is pending;
- 50 (15) Issue a limited license to practice nursing or licensed practical nursing subject to  
51 such terms and conditions as the board may impose;
- 52 (16) Provide consultation and conduct conferences, forums, studies, and research on  
53 nursing education and nursing practice;
- 54 (17) Approve the selection of a qualified person to serve as executive director;
- 55 (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and  
56 make recommendations to the board about issues and concerns and to facilitate  
57 communication amongst the board, licensees under this article or Article 2 of this chapter,  
58 and the community;
- 59 (19) Maintain membership in the national organization which develops and regulates the  
60 nursing licensing examination and the practical nursing licensing examination;
- 61 (20) Be authorized to collect data regarding existing nursing and licensed practical  
62 nursing resources in Georgia and coordinate planning for nursing education and nursing  
63 practice;

- 64 (21) Determine fees;
- 65 (22) Adopt a seal which shall be in the care of the executive director and shall be affixed  
66 only in such a manner as prescribed by the board; and
- 67 (23) Be authorized to enforce all investigative and disciplinary orders issued by the  
68 former Georgia Board of Examiners of Licensed Practical Nurses;
- 69 (24) Issue and renew multistate licenses pursuant to Article 4 of this chapter; and
- 70 (25) Take any action with respect to a multistate license issued by this state pursuant to  
71 Article 4 of this chapter and with respect to the privilege to practice in this state under a  
72 multistate license issued by another party state pursuant to the compact in Code Section  
73 43-26-61 in the same manner as is authorized with respect to a license issued pursuant  
74 to this article or Article 2 of this chapter.
- 75 (b) The board shall be the sole professional licensing board for determining if a registered  
76 professional nurse, licensed practical nurse, or any other person has engaged illegally in  
77 the practice of nursing. If a registered professional nurse or licensed practical nurse is  
78 charged with the unauthorized practice of any other health profession by any other board,  
79 such board shall notify the Georgia Board of Nursing before conducting any hearing.  
80 Nothing contained in this chapter shall be construed to limit any powers of any other board.
- 81 (c) Chapter 1 of this title is expressly adopted and incorporated by reference into this  
82 chapter as if all the provisions of such chapter were included in this chapter."

83 **SECTION 2.**

84 Said chapter is further amended by adding a new article to read as follows:

85 "ARTICLE 4

86 43-26-60.

87 This article shall be known and may be cited as the 'Nurse Licensure Compact.'

88 43-26-61.

89 The Nurse Licensure Compact is enacted into law and entered into by the State of Georgia  
90 with any and all other states legally joining therein in the form substantially as follows:

91 ARTICLE I

92 Findings and Declaration of Purpose

93 (a) The party states find that:

- 94 (1) The health and safety of the public are affected by the degree of compliance with  
 95 and the effectiveness of enforcement activities related to state nurse licensure laws;  
 96 (2) Violations of nurse licensure and other laws regulating the practice of nursing may  
 97 result in injury or harm to the public;  
 98 (3) The expanded mobility of nurses and the use of advanced communication  
 99 technologies as part of our nation's health care delivery system require greater  
 100 coordination and cooperation among states in the areas of nurse licensure and  
 101 regulation;  
 102 (4) New practice modalities and technology make compliance with individual state  
 103 nurse licensure laws difficult and complex;  
 104 (5) The current system of duplicative licensure for nurses practicing in multiple states  
 105 is cumbersome and redundant for both nurses and states; and  
 106 (6) Uniformity of nurse licensure requirements throughout the states promotes public  
 107 safety and public health benefits.
- 108 (b) The general purposes of this Compact are to:
- 109 (1) Facilitate the states' responsibility to protect the public's health and safety;  
 110 (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure  
 111 and regulation;  
 112 (3) Facilitate the exchange of information between party states in the areas of nurse  
 113 regulation, investigation and adverse actions;  
 114 (4) Promote compliance with the laws governing the practice of nursing in each  
 115 jurisdiction;  
 116 (5) Invest all party states with the authority to hold a nurse accountable for meeting all  
 117 state practice laws in the state in which the patient is located at the time care is rendered  
 118 through the mutual recognition of party state licenses;  
 119 (6) Decrease redundancies in the consideration and issuance of nurse licenses; and  
 120 (7) Provide opportunities for interstate practice by nurses who meet uniform licensure  
 121 requirements.

## 122 ARTICLE II

### 123 Definitions

124 As used in this Compact:

- 125 (a) 'Adverse action' means any administrative, civil, equitable or criminal action  
 126 permitted by a state's laws which is imposed by a licensing board or other authority  
 127 against a nurse, including actions against an individual's license or multistate licensure  
 128 privilege such as revocation, suspension, probation, monitoring of the licensee, limitation

- 129 on the licensee's practice, or any other encumbrance on licensure affecting a nurse's  
130 authorization to practice, including issuance of a cease and desist action.
- 131 (b) 'Alternative program' means a non-disciplinary monitoring program approved by a  
132 licensing board.
- 133 (c) 'Coordinated licensure information system' means an integrated process for  
134 collecting, storing and sharing information on nurse licensure and enforcement activities  
135 related to nurse licensure laws that is administered by a nonprofit organization composed  
136 of and controlled by licensing boards.
- 137 (d) 'Current significant investigative information' means:
- 138 (1) Investigative information that a licensing board, after a preliminary inquiry that  
139 includes notification and an opportunity for the nurse to respond, if required by state  
140 law, has reason to believe is not groundless and, if proved true, would indicate more  
141 than a minor infraction, or
- 142 (2) Investigative information that indicates that the nurse represents an immediate  
143 threat to public health and safety regardless of whether the nurse has been notified and  
144 had an opportunity to respond.
- 145 (e) 'Encumbrance' means a revocation or suspension of, or any limitation on, the full and  
146 unrestricted practice of nursing imposed by a licensing board.
- 147 (f) 'Home state' means the party state which is the nurse's primary state of residence.
- 148 (g) 'Licensing board' means a party state's regulatory body responsible for issuing nurse  
149 licenses.
- 150 (h) 'Multistate license' means a license to practice as a registered professional nurse or  
151 a licensed practical nurse issued by a home state licensing board that authorizes the  
152 licensed nurse to practice in all party states under a multistate licensure privilege.
- 153 (i) 'Multistate licensure privilege' means a legal authorization associated with a multistate  
154 license permitting the practice of nursing as either a registered professional nurse or a  
155 licensed practical nurse in a remote state.
- 156 (j) 'Nurse' means a registered professional nurse or licensed practical nurse, as those  
157 terms are defined by each party state's practice laws.
- 158 (k) 'Party state' means any state that has adopted this Compact.
- 159 (l) 'Remote state' means a party state, other than the home state.
- 160 (m) 'Single-state license' means a nurse license issued by a party state that authorizes  
161 practice only within the issuing state and does not include a multistate licensure privilege  
162 to practice in any other party state.
- 163 (n) 'State' means a state, territory or possession of the United States and the District of  
164 Columbia.

165 (o) 'State practice laws' means a party state's laws, rules and regulations that govern the  
 166 practice of nursing, define the scope of nursing practice, and create the methods and  
 167 grounds for imposing discipline. 'State practice laws' do not include requirements  
 168 necessary to obtain and retain a license, except for qualifications or requirements of the  
 169 home state.

### 170 ARTICLE III

#### 171 General Provisions and Jurisdiction

172 (a) A multistate license to practice as a registered professional nurse or a licensed  
 173 practical nurse issued by a home state to a resident in that state will be recognized by  
 174 each party state as authorizing a nurse to practice as a registered professional nurse or a  
 175 licensed practical nurse, under a multistate licensure privilege, in each party state.

176 (b) A state must implement procedures for considering the criminal history records of  
 177 applicants for initial multistate license or licensure by endorsement. Such procedures  
 178 shall include the submission of fingerprints or other biometric-based information by  
 179 applicants for the purpose of obtaining an applicant's criminal history record information  
 180 from the Federal Bureau of Investigation and the agency responsible for retaining that  
 181 state's criminal records.

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

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

186 (2)(i) Has graduated or is eligible to graduate from a licensing board-approved  
 187 registered professional nurse or licensed practical nurse prelicensure education  
 188 program; or

189 (ii) Has graduated from a foreign registered professional nurse or licensed practical  
 190 nurse prelicensure education program that (a) has been approved by the authorized  
 191 accrediting body in the applicable country and (b) has been verified by an  
 192 independent credentials review agency to be comparable to a licensing  
 193 board-approved prelicensure education program;

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

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

- 200 (5) Is eligible for or holds an active, unencumbered license;  
201 (6) Has submitted, in connection with an application for initial licensure or licensure  
202 by endorsement, fingerprints or other biometric data for the purpose of obtaining  
203 criminal history record information from the Federal Bureau of Investigation and the  
204 agency responsible for retaining that state's criminal records;  
205 (7) Has not been convicted or found guilty, or has entered into an agreed disposition,  
206 of a felony offense under applicable state or federal criminal law;  
207 (8) Has not been convicted or found guilty, or has entered into an agreed disposition,  
208 of a misdemeanor offense related to the practice of nursing as determined on a  
209 case-by-case basis;  
210 (9) Is not currently enrolled in an alternative program;  
211 (10) Is subject to self-disclosure requirements regarding current participation in an  
212 alternative program; and  
213 (11) Has a valid United States Social Security number.
- 214 (d) All party states shall be authorized, in accordance with existing state due process law,  
215 to take adverse action against a nurse's multistate licensure privilege to practice such as  
216 revocation, suspension, probation or any other action that affects a nurse's authorization  
217 to practice under a multistate licensure privilege, including cease and desist actions. If  
218 a party state takes such action, it shall promptly notify the administrator of the  
219 coordinated licensure information system. The administrator of the coordinated licensure  
220 information system shall promptly notify the home state of any such actions by remote  
221 states.
- 222 (e) A nurse practicing in a party state must comply with the state practice laws of the  
223 state in which the client is located at the time service is provided. The practice of nursing  
224 is not limited to patient care, but shall include all nursing practice as defined by the state  
225 practice laws of the party state in which the client is located. The practice of nursing in  
226 a party state under a multistate licensure privilege will subject a nurse to the jurisdiction  
227 of the licensing board, the courts and the laws of the party state in which the client is  
228 located at the time service is provided.
- 229 (f) Individuals not residing in a party state shall continue to be able to apply for a party  
230 state's single-state license as provided under the laws of each party state. However, the  
231 single-state license granted to these individuals will not be recognized as granting the  
232 privilege to practice nursing in any other party state. Nothing in this Compact shall affect  
233 the requirements established by a party state for the issuance of a single-state license.
- 234 (g) Any nurse holding a home state multistate license, on the effective date of this  
235 Compact, may retain and renew the multistate license issued by the nurse's then-current  
236 home state, provided that:

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

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

#### 245 ARTICLE IV

##### 246 Applications for Licensure in a Party State

247 (a) Upon application for a multistate license, the licensing board in the issuing party state  
 248 shall ascertain, through the coordinated licensure information system, whether the  
 249 applicant has ever held, or is the holder of, a license issued by any other state, whether  
 250 there are any encumbrances on any license or multistate licensure privilege held by the  
 251 applicant, whether any adverse action has been taken against any license or multistate  
 252 licensure privilege held by the applicant and whether the applicant is currently  
 253 participating in an alternative program.

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

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

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

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

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

ARTICLE VAdditional Authorities Invested in  
Party State Licensing Boards

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

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

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

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

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

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

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

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

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

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

307 (b) If adverse action is taken by the home state against a nurse's multistate license, the  
308 nurse's multistate licensure privilege to practice in all other party states shall be  
309 deactivated until all encumbrances have been removed from the multistate license. All  
310 home state disciplinary orders that impose adverse action against a nurse's multistate  
311 license shall include a statement that the nurse's multistate licensure privilege is  
312 deactivated in all party states during the pendency of the order.

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

## 317 ARTICLE VI

### 318 Coordinated Licensure Information System

#### 319 and Exchange of Information

320 (a) All party states shall participate in a coordinated licensure information system of all  
321 registered professional nurses and licensed practical nurses. This system will include  
322 information on the licensure and disciplinary history of each nurse, as submitted by party  
323 states, to assist in the coordination of nurse licensure and enforcement efforts.

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

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

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

335 (e) Notwithstanding any other provision of law, all party state licensing boards  
336 contributing information to the coordinated licensure information system may designate  
337 information that may not be shared with non-party states or disclosed to other entities or  
338 individuals without the express permission of the contributing state.

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

343 (g) Any information contributed to the coordinated licensure information system that is  
 344 subsequently required to be expunged by the laws of the party state contributing that  
 345 information shall also be expunged from the coordinated licensure information system.

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

348 (1) Identifying information;

349 (2) Licensure data;

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

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

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

## 355 ARTICLE VII

### 356 Establishment of the Interstate Commission of

### 357 Nurse Licensure Compact Administrators

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

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

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

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

367 (b) Membership, Voting and Meetings

368 (1) Each party state shall have and be limited to one administrator. The head of the  
 369 state licensing board or designee shall be the administrator of this Compact for each  
 370 party state. Any administrator may be removed or suspended from office as provided  
 371 by the law of the state from which the Administrator is appointed. Any vacancy  
 372 occurring in the Commission shall be filled in accordance with the laws of the party  
 373 state in which the vacancy exists.

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

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

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

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

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

387 (ii) The employment, compensation, discipline or other personnel matters, practices  
388 or procedures related to specific employees or other matters related to the  
389 Commission's internal personnel practices and procedures;

390 (iii) Current, threatened or reasonably anticipated litigation;

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

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

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

395 (vii) Disclosure of information of a personal nature where disclosure would constitute  
396 a clearly unwarranted invasion of personal privacy;

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

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

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

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

- 410 (c) The Commission shall, by a majority vote of the administrators, prescribe bylaws or  
411 rules to govern its conduct as may be necessary or appropriate to carry out the purposes  
412 and exercise the powers of this Compact, including but not limited to:
- 413 (1) Establishing the fiscal year of the Commission;  
414 (2) Providing reasonable standards and procedures:  
415 (i) For the establishment and meetings of other committees, and  
416 (ii) Governing any general or specific delegation of any authority or function of the  
417 Commission;
- 418 (3) Providing reasonable procedures for calling and conducting meetings of the  
419 Commission, ensuring reasonable advance notice of all meetings and providing an  
420 opportunity for attendance of such meetings by interested parties, with enumerated  
421 exceptions designed to protect the public's interest, the privacy of individuals, and  
422 proprietary information, including trade secrets. The Commission may meet in closed  
423 session only after a majority of the administrators vote to close a meeting in whole or  
424 in part. As soon as practicable, the Commission must make public a copy of the vote  
425 to close the meeting revealing the vote of each administrator, with no proxy votes  
426 allowed;
- 427 (4) Establishing the titles, duties and authority and reasonable procedures for the  
428 election of the officers of the Commission;
- 429 (5) Providing reasonable standards and procedures for the establishment of the  
430 personnel policies and programs of the Commission. Notwithstanding any civil service  
431 or other similar laws of any party state, the bylaws shall exclusively govern the  
432 personnel policies and programs of the Commission; and
- 433 (6) Providing a mechanism for winding up the operations of the Commission and the  
434 equitable disposition of any surplus funds that may exist after the termination of this  
435 Compact after the payment or reserving of all of its debts and obligations;
- 436 (d) The Commission shall publish its bylaws and rules, and any amendments thereto, in  
437 a convenient form on the website of the Commission.
- 438 (e) The Commission shall maintain its financial records in accordance with the bylaws.
- 439 (f) The Commission shall meet and take such actions as are consistent with the  
440 provisions of this Compact and the bylaws.
- 441 (g) The Commission shall have the following powers:
- 442 (1) To promulgate uniform rules to facilitate and coordinate implementation and  
443 administration of this Compact. The rules shall have the force and effect of law and  
444 shall be binding in all party states;

- 445 (2) To bring and prosecute legal proceedings or actions in the name of the  
 446 Commission, provided that the standing of any licensing board to sue or be sued under  
 447 applicable law shall not be affected;
- 448 (3) To purchase and maintain insurance and bonds;
- 449 (4) To borrow, accept or contract for services of personnel, including, but not limited  
 450 to, employees of a party state or nonprofit organizations;
- 451 (5) To cooperate with other organizations that administer state compacts related to the  
 452 regulation of nursing, including but not limited to sharing administrative or staff  
 453 expenses, office space or other resources;
- 454 (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant  
 455 such individuals appropriate authority to carry out the purposes of this Compact, and  
 456 to establish the Commission's personnel policies and programs relating to conflicts of  
 457 interest, qualifications of personnel and other related personnel matters;
- 458 (7) To accept any and all appropriate donations, grants and gifts of money, equipment,  
 459 supplies, materials and services, and to receive, utilize and dispose of the same;  
 460 provided that at all times the Commission shall avoid any appearance of impropriety  
 461 or conflict of interest;
- 462 (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
 463 hold, improve or use, any property, whether real, personal or mixed; provided that at  
 464 all times the Commission shall avoid any appearance of impropriety;
- 465 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose  
 466 of any property, whether real, personal or mixed;
- 467 (10) To establish a budget and make expenditures;
- 468 (11) To borrow money;
- 469 (12) To appoint committees, including advisory committees comprised of  
 470 administrators, state nursing regulators, state legislators or their representatives, and  
 471 consumer representatives, and other such interested persons;
- 472 (13) To provide and receive information from, and to cooperate with, law enforcement  
 473 agencies;
- 474 (14) To adopt and use an official seal; and
- 475 (15) To perform such other functions as may be necessary or appropriate to achieve the  
 476 purposes of this Compact consistent with the state regulation of nurse licensure and  
 477 practice.
- 478 (h) Financing of the Commission
- 479 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses  
 480 of its establishment, organization and ongoing activities.

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

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

489 (4) The Commission shall keep accurate accounts of all receipts and disbursements.  
490 The receipts and disbursements of the Commission shall be subject to the audit and  
491 accounting procedures established under its bylaws. However, all receipts and  
492 disbursements of funds handled by the Commission shall be audited yearly by a  
493 certified or licensed public accountant, and the report of the audit shall be included in  
494 and become part of the annual report of the Commission.

495 (i) Qualified Immunity, Defense and Indemnification

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

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

514 (3) The Commission shall indemnify and hold harmless any administrator, officer,  
515 executive director, employee or representative of the Commission for the amount of any  
516 settlement or judgment obtained against that person arising out of any actual or alleged  
517 act, error or omission that occurred within the scope of Commission employment.

518 duties or responsibilities, or that such person had a reasonable basis for believing  
 519 occurred within the scope of Commission employment, duties or responsibilities,  
 520 provided that the actual or alleged act, error or omission did not result from the  
 521 intentional, willful or wanton misconduct of that person.

522 ARTICLE VIII

523 Rulemaking

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

573 (l) The Commission may direct revisions to a previously adopted rule or amendment for  
 574 purposes of correcting typographical errors, errors in format, errors in consistency or  
 575 grammatical errors. Public notice of any revisions shall be posted on the website of the  
 576 Commission. The revision shall be subject to challenge by any person for a period of  
 577 thirty (30) days after posting. The revision may be challenged only on grounds that the  
 578 revision results in a material change to a rule. A challenge shall be made in writing, and  
 579 delivered to the Commission, prior to the end of the notice period. If no challenge is  
 580 made, the revision will take effect without further action. If the revision is challenged,  
 581 the revision may not take effect without the approval of the Commission.

## 582 ARTICLE IX

### 583 Oversight, Dispute Resolution and Enforcement

584 (a) Oversight

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

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

592 (b) Default, Technical Assistance and Termination

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

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

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

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

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

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

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

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

621 (c) Dispute Resolution

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

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

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

629 (i) The party states may submit the issues in dispute to an arbitration panel, which  
 630 will be comprised of individuals appointed by the Compact administrator in each of  
 631 the affected party states and an individual mutually agreed upon by the Compact  
 632 administrators of all the party states involved in the dispute.

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

634 (d) Enforcement

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

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

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

646 ARTICLE X647 Effective Date, Withdrawal and Amendment

648 (a) This Compact shall become effective and binding on the earlier of the date of  
 649 legislative enactment of this Compact into law by no less than twenty-six (26) states or  
 650 December 31, 2018. All party states to this Compact, that also were parties to the prior  
 651 Nurse Licensure Compact, superseded by this Compact, ('Prior Compact'), shall be  
 652 deemed to have withdrawn from said Prior Compact within six (6) months after the  
 653 effective date of this Compact.

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

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

660 (d) A party state's withdrawal or termination shall not affect the continuing requirement  
 661 of the withdrawing or terminated state's licensing board to report adverse actions and  
 662 significant investigations occurring prior to the effective date of such withdrawal or  
 663 termination.

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

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

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

## 673 ARTICLE XI

### 674 Construction and Severability

675 This Compact shall be liberally construed so as to effectuate the purposes thereof. The  
 676 provisions of this Compact shall be severable, and if any phrase, clause, sentence or  
 677 provision of this Compact is declared to be contrary to the constitution of any party state  
 678 or of the United States, or if the applicability thereof to any government, agency, person  
 679 or circumstance is held invalid, the validity of the remainder of this Compact and the  
 680 applicability thereof to any government, agency, person or circumstance shall not be  
 681 affected thereby. If this Compact shall be held to be contrary to the constitution of any  
 682 party state, this Compact shall remain in full force and effect as to the remaining party  
 683 states and in full force and effect as to the party state affected as to all severable matters.

684 43-26-62.

685 The Georgia Board of Nursing shall be authorized to promulgate rules and regulations to  
 686 implement the provisions of this article.

687 43-26-63.

688 The executive director of the Georgia Board of Nursing shall serve as the Nurse Licensure  
689 Compact administrator for this state.

690 43-26-64.

691 A registered professional nurse or licensed practical nurse practicing in this state under a  
692 multistate license issued by another party state shall be subject to all requirements and  
693 duties applicable to registered professional nurses or licensed practical nurses who are  
694 licensed pursuant to Article 1 or Article 2 of this chapter, respectively.

695 43-26-65.

696 This article shall only be applicable to registered professional nurses and licensed practical  
697 nurses whose home states are determined by the Georgia Board of Nursing to have  
698 licensure requirements that are substantially equivalent to or more stringent than those of  
699 this state."

700

### **SECTION 3.**

701 All laws and parts of laws in conflict with this Act are repealed.