

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2362

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 32, chapter 15, Arizona Revised Statutes, is amended  
3 by adding article 2.1, to read:

4 ARTICLE 2.1. NURSE LICENSURE COMPACT

5 32-1660. Nurse licensure compact

6 THE NURSE LICENSURE COMPACT IS ADOPTED AND ENACTED INTO LAW AS FOLLOWS:

7 ARTICLE I

8 FINDINGS AND DECLARATION OF PURPOSE

9 A. THE PARTY STATES FIND THAT:

10 1. THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE DEGREE OF  
11 COMPLIANCE WITH AND THE EFFECTIVENESS OF ENFORCEMENT ACTIVITIES RELATED TO  
12 STATE NURSE LICENSURE LAWS.

13 2. VIOLATIONS OF NURSE LICENSURE LAWS AND OTHER LAWS REGULATING THE  
14 PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM TO THE PUBLIC.

15 3. THE EXPANDED MOBILITY OF NURSES AND THE USE OF ADVANCED  
16 COMMUNICATION TECHNOLOGIES AS PART OF OUR NATION'S HEALTH CARE DELIVERY  
17 SYSTEM REQUIRE GREATER COORDINATION AND COOPERATION AMONG STATES IN THE AREAS  
18 OF NURSE LICENSURE AND REGULATION.

19 4. NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE COMPLIANCE WITH  
20 INDIVIDUAL STATE NURSE LICENSURE LAWS DIFFICULT AND COMPLEX.

21 5. THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES PRACTICING  
22 IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT FOR BOTH NURSES AND STATES.



1 C. "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN INTEGRATED  
2 PROCESS FOR COLLECTING, STORING AND SHARING INFORMATION ON NURSE LICENSURE  
3 AND ENFORCEMENT ACTIVITIES RELATED TO NURSE LICENSURE LAWS THAT IS  
4 ADMINISTERED BY A NONPROFIT ORGANIZATION COMPOSED OF AND CONTROLLED BY  
5 LICENSING BOARDS.

6 D. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS EITHER:

7 1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER A  
8 PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE  
9 NURSE TO RESPOND, IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT  
10 GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR INFRACTION.

11 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE NURSE REPRESENTS  
12 AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF WHETHER THE  
13 NURSE HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO RESPOND.

14 E. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR ANY  
15 LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING IMPOSED BY A  
16 LICENSING BOARD.

17 F. "HOME STATE" MEANS THE PARTY STATE THAT IS THE NURSE'S PRIMARY  
18 STATE OF RESIDENCE.

19 G. "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY BODY RESPONSIBLE  
20 FOR ISSUING NURSE LICENSES.

21 H. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A REGISTERED OR  
22 A LICENSED PRACTICAL/VOCATIONAL NURSE ISSUED BY A HOME STATE LICENSING BOARD  
23 THAT AUTHORIZES THE LICENSED NURSE TO PRACTICE IN ALL PARTY STATES UNDER A  
24 MULTISTATE LICENSURE PRIVILEGE.

25 I. "MULTISTATE LICENSURE PRIVILEGE" MEANS A LEGAL AUTHORIZATION  
26 ASSOCIATED WITH A MULTISTATE LICENSE THAT ALLOWS THE PRACTICE OF NURSING AS  
27 EITHER A REGISTERED NURSE OR A LICENSED PRACTICAL/VOCATIONAL NURSE IN A  
28 REMOTE STATE.

29 J. "NURSE" MEANS A REGISTERED NURSE OR A LICENSED PRACTICAL/VOCATIONAL  
30 NURSE, AS THOSE TERMS ARE DEFINED BY EACH PARTY STATE'S PRACTICE LAWS.

31 K. "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS COMPACT.

32 L. "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE HOME STATE.

1 M. "SINGLE-STATE LICENSE" MEANS A NURSE LICENSE ISSUED BY A PARTY  
2 STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING STATE AND DOES NOT  
3 INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN ANY OTHER PARTY  
4 STATE.

5 N. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE UNITED STATES  
6 AND THE DISTRICT OF COLUMBIA.

7 O. "STATE PRACTICE LAWS" MEANS A PARTY STATE'S LAWS, RULES AND  
8 REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE SCOPE OF NURSING  
9 PRACTICE AND ESTABLISH THE METHODS AND GROUNDS FOR IMPOSING DISCIPLINE.  
10 STATE PRACTICE LAWS DO NOT INCLUDE REQUIREMENTS NECESSARY TO OBTAIN AND  
11 RETAIN A LICENSE, EXCEPT FOR QUALIFICATIONS OR REQUIREMENTS OF THE HOME  
12 STATE.

13 ARTICLE III

14 GENERAL PROVISIONS AND JURISDICTION

15 A. A MULTISTATE LICENSE TO PRACTICE REGISTERED OR LICENSED  
16 PRACTICAL/VOCATIONAL NURSING ISSUED BY A HOME STATE TO A RESIDENT IN THAT  
17 STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS AUTHORIZING A NURSE TO  
18 PRACTICE AS A REGISTERED NURSE OR AS A LICENSED PRACTICAL/VOCATIONAL NURSE,  
19 UNDER A MULTISTATE LICENSURE PRIVILEGE, IN EACH PARTY STATE.

20 B. A STATE MUST IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL  
21 HISTORY RECORDS OF APPLICANTS FOR INITIAL MULTISTATE LICENSE OR LICENSURE BY  
22 ENDORSEMENT. SUCH PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR  
23 OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING  
24 AN APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF  
25 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL  
26 RECORDS.

27 C. EACH PARTY STATE SHALL REQUIRE THAT, IN ORDER FOR AN APPLICANT TO  
28 OBTAIN OR RETAIN A MULTISTATE LICENSE IN THE HOME STATE, THE APPLICANT MEETS  
29 ALL OF THE FOLLOWING CRITERIA:

30 1. MEETS THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR RENEWAL OF  
31 LICENSURE AS WELL AS ALL OTHER APPLICABLE STATE LAWS.

32 2. EITHER:

1           i. HAS GRADUATED OR IS ELIGIBLE TO GRADUATE FROM A LICENSING  
2 BOARD-APPROVED REGISTERED NURSE OR LICENSED PRACTICAL/VOCATIONAL NURSE  
3 PRELICENSURE EDUCATION PROGRAM.

4           ii. HAS GRADUATED FROM A FOREIGN REGISTERED NURSE OR LICENSED  
5 PRACTICAL/VOCATIONAL NURSE PRELICENSURE EDUCATION PROGRAM THAT BOTH:

6           (a) HAS BEEN APPROVED BY THE AUTHORIZED ACCREDITING BODY IN THE  
7 APPLICABLE COUNTRY.

8           (b) HAS BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO  
9 BE COMPARABLE TO A LICENSING BOARD-APPROVED PRELICENSURE EDUCATION PROGRAM.

10          3. IF A GRADUATE OF A FOREIGN PRELICENSURE EDUCATION PROGRAM NOT  
11 TAUGHT IN ENGLISH OR IF ENGLISH IS NOT THE INDIVIDUAL'S NATIVE LANGUAGE, HAS  
12 SUCCESSFULLY PASSED AN ENGLISH PROFICIENCY EXAMINATION THAT INCLUDES THE  
13 COMPONENTS OF READING, SPEAKING, WRITING AND LISTENING.

14          4. HAS SUCCESSFULLY PASSED AN NCLEX-RN® OR NCLEX-PN® EXAMINATION OR  
15 RECOGNIZED PREDECESSOR, AS APPLICABLE.

16          5. IS ELIGIBLE FOR OR HOLDS AN ACTIVE, UNENCUMBERED LICENSE.

17          6. HAS SUBMITTED, IN CONNECTION WITH AN APPLICATION FOR INITIAL  
18 LICENSURE OR LICENSURE BY ENDORSEMENT, FINGERPRINTS OR OTHER BIOMETRIC DATA  
19 FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY RECORD INFORMATION FROM THE  
20 FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT  
21 STATE'S CRIMINAL RECORDS.

22          7. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED INTO AN  
23 AGREED DISPOSITION, OF A FELONY OFFENSE UNDER APPLICABLE STATE OR FEDERAL  
24 CRIMINAL LAW.

25          8. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED INTO AN  
26 AGREED DISPOSITION, OF A MISDEMEANOR OFFENSE RELATED TO THE PRACTICE OF  
27 NURSING AS DETERMINED ON A CASE-BY-CASE BASIS.

28          9. IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM.

29          10. IS SUBJECT TO SELF-DISCLOSURE REQUIREMENTS REGARDING CURRENT  
30 PARTICIPATION IN AN ALTERNATIVE PROGRAM.

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

32          D. ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE WITH EXISTING  
33 STATE DUE PROCESS LAW, TO TAKE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE

1 LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION OR PROBATION OR ANY OTHER  
2 ACTION THAT AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE UNDER A MULTISTATE  
3 LICENSURE PRIVILEGE, INCLUDING CEASE AND DESIST ACTIONS. IF A PARTY STATE  
4 TAKES SUCH AN ACTION, IT SHALL PROMPTLY NOTIFY THE ADMINISTRATOR OF THE  
5 COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR OF THE  
6 COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE  
7 OF ANY SUCH ACTIONS BY REMOTE STATES.

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

16 F. INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE TO BE ABLE  
17 TO APPLY FOR A PARTY STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER THE LAWS  
18 OF EACH PARTY STATE. HOWEVER, THE SINGLE-STATE LICENSE GRANTED TO THESE  
19 INDIVIDUALS WILL NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE  
20 NURSING IN ANY OTHER PARTY STATE. THIS COMPACT DOES NOT AFFECT THE  
21 REQUIREMENTS ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A SINGLE-STATE  
22 LICENSE.

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

26 1. A NURSE WHO CHANGES THE NURSE'S PRIMARY STATE OF RESIDENCE AFTER  
27 THIS COMPACT'S EFFECTIVE DATE MUST MEET ALL APPLICABLE REQUIREMENTS IN  
28 SUBSECTION C OF THIS ARTICLE TO OBTAIN A MULTISTATE LICENSE FROM A NEW HOME  
29 STATE.

30 2. A NURSE WHO FAILS TO SATISFY THE MULTISTATE LICENSURE REQUIREMENTS  
31 IN SUBSECTION C OF THIS ARTICLE DUE TO A DISQUALIFYING EVENT OCCURRING AFTER  
32 THIS COMPACT'S EFFECTIVE DATE SHALL BE INELIGIBLE TO RETAIN OR RENEW A  
33 MULTISTATE LICENSE, AND THE NURSE'S MULTISTATE LICENSE SHALL BE REVOKED OR

1 DEACTIVATED IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE INTERSTATE  
2 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS.

3 ARTICLE IV

4 APPLICATIONS FOR LICENSURE IN A PARTY STATE

5 A. ON APPLICATION FOR A MULTISTATE LICENSE, THE LICENSING BOARD IN THE  
6 ISSUING PARTY STATE SHALL ASCERTAIN, THROUGH THE COORDINATED LICENSURE  
7 INFORMATION SYSTEM, WHETHER THE APPLICANT HAS EVER HELD, OR IS THE HOLDER OF,  
8 A LICENSE ISSUED BY ANY OTHER STATE, WHETHER THERE ARE ANY ENCUMBRANCES ON  
9 ANY LICENSE OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT, WHETHER  
10 ANY ADVERSE ACTION HAS BEEN TAKEN AGAINST ANY LICENSE OR MULTISTATE LICENSURE  
11 PRIVILEGE HELD BY THE APPLICANT AND WHETHER THE APPLICANT IS CURRENTLY  
12 PARTICIPATING IN AN ALTERNATIVE PROGRAM.

13 B. A NURSE MAY HOLD A MULTISTATE LICENSE, ISSUED BY THE HOME STATE, IN  
14 ONLY ONE PARTY STATE AT A TIME.

15 C. IF A NURSE CHANGES THE NURSE'S PRIMARY STATE OF RESIDENCE BY MOVING  
16 BETWEEN TWO PARTY STATES, THE NURSE MUST APPLY FOR LICENSURE AS FOLLOWS IN  
17 THE NEW HOME STATE AND THE MULTISTATE LICENSE ISSUED BY THE PRIOR HOME STATE  
18 WILL BE DEACTIVATED IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE  
19 COMMISSION:

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

22 2. A MULTISTATE LICENSE SHALL NOT BE ISSUED BY THE NEW HOME STATE  
23 UNTIL THE NURSE PROVIDES SATISFACTORY EVIDENCE OF A CHANGE IN THE NURSE'S  
24 PRIMARY STATE OF RESIDENCE TO THE NEW HOME STATE AND SATISFIES ALL APPLICABLE  
25 REQUIREMENTS TO OBTAIN A MULTISTATE LICENSE FROM THE NEW HOME STATE.

26 D. IF A NURSE CHANGES THE NURSE'S PRIMARY STATE OF RESIDENCE BY MOVING  
27 FROM A PARTY STATE TO A NONPARTY STATE, THE MULTISTATE LICENSE ISSUED BY THE  
28 PRIOR HOME STATE WILL CONVERT TO A SINGLE-STATE LICENSE THAT IS VALID ONLY IN  
29 THE FORMER HOME STATE.

30 ARTICLE V

31 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

32 A. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A LICENSING  
33 BOARD SHALL HAVE THE AUTHORITY TO:

1           1. TAKE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSURE  
2 PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE AS FOLLOWS:

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

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

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

12          3. COMPLETE ANY PENDING INVESTIGATION OF A NURSE WHO CHANGES THE  
13 NURSE'S PRIMARY STATE OF RESIDENCE DURING THE COURSE OF SUCH AN  
14 INVESTIGATION. THE LICENSING BOARD SHALL ALSO HAVE THE AUTHORITY TO TAKE ANY  
15 APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF SUCH  
16 INVESTIGATIONS TO THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION  
17 SYSTEM. THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM  
18 SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH ACTIONS.

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

29          5. OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT, FINGERPRINT  
30 OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION  
31 FOR CRIMINAL BACKGROUND CHECKS, RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF  
32 INVESTIGATION RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE RESULTS  
33 IN MAKING LICENSURE DECISIONS.



1 INVESTIGATIVE INFORMATION, DENIALS OF APPLICATIONS WITH THE REASONS FOR SUCH  
2 DENIALS AND NURSE PARTICIPATION IN ALTERNATIVE PROGRAMS KNOWN TO THE  
3 LICENSING BOARD REGARDLESS OF WHETHER SUCH PARTICIPATION IS DEEMED NONPUBLIC  
4 OR CONFIDENTIAL UNDER STATE LAW.

5 D. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION AND PARTICIPATION IN  
6 NONPUBLIC OR CONFIDENTIAL ALTERNATIVE PROGRAMS SHALL BE TRANSMITTED THROUGH  
7 THE COORDINATED LICENSURE INFORMATION SYSTEM ONLY TO PARTY STATE LICENSING  
8 BOARDS.

9 E. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY STATE  
10 LICENSING BOARDS CONTRIBUTING INFORMATION TO THE COORDINATED LICENSURE  
11 INFORMATION SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH  
12 NONPARTY STATES OR DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT THE  
13 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

14 F. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED FROM THE  
15 COORDINATED LICENSURE INFORMATION SYSTEM BY A PARTY STATE LICENSING BOARD MAY  
16 NOT BE SHARED WITH NONPARTY STATES OR DISCLOSED TO OTHER ENTITIES OR  
17 INDIVIDUALS EXCEPT TO THE EXTENT PERMITTED BY THE LAWS OF THE PARTY STATE  
18 CONTRIBUTING THE INFORMATION.

19 G. ANY INFORMATION CONTRIBUTED TO THE COORDINATED LICENSURE  
20 INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS  
21 OF THE PARTY STATE CONTRIBUTING THAT INFORMATION SHALL ALSO BE EXPUNGED FROM  
22 THE COORDINATED LICENSURE INFORMATION SYSTEM.

23 H. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH A  
24 UNIFORM DATA SET TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE THAT  
25 INCLUDES, AT A MINIMUM:

- 26 1. IDENTIFYING INFORMATION.
- 27 2. LICENSURE DATA.
- 28 3. INFORMATION RELATED TO ALTERNATIVE PROGRAM PARTICIPATION.
- 29 4. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS  
30 COMPACT, AS DETERMINED BY COMMISSION RULES.

31 I. THE COMPACT ADMINISTRATOR OF A PARTY STATE SHALL PROVIDE ALL  
32 INVESTIGATIVE DOCUMENTS AND INFORMATION REQUESTED BY ANOTHER PARTY STATE.

ARTICLE VII

ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE

LICENSURE COMPACT ADMINISTRATORS

A. THE PARTY STATES HEREBY CREATE AND ESTABLISH A JOINT PUBLIC ENTITY KNOWN AS THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS AS FOLLOWS:

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

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

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

B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

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

2. EACH ADMINISTRATOR SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE ADOPTION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION. AN ADMINISTRATOR SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR AN ADMINISTRATOR'S PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.

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

1           4. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF  
2 MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING  
3 PROVISIONS IN ARTICLE VIII OF THIS COMPACT.

4           5. THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE  
5 COMMISSION MUST DISCUSS ANY OF THE FOLLOWING:

6           i. NONCOMPLIANCE OF A PARTY STATE WITH ITS OBLIGATIONS UNDER THIS  
7 COMPACT.

8           ii. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER PERSONNEL  
9 MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER  
10 MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND  
11 PROCEDURES.

12           iii. CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

13           iv. NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS,  
14 SERVICES OR REAL ESTATE.

15           v. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON.

16           vi. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION  
17 THAT IS PRIVILEGED OR CONFIDENTIAL.

18           vii. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE IF DISCLOSURE  
19 WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

20           viii. DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW ENFORCEMENT  
21 PURPOSES.

22           ix. DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS PREPARED BY OR ON  
23 BEHALF OF THE COMMISSION FOR THE PURPOSE OF INVESTIGATION OF COMPLIANCE WITH  
24 THIS COMPACT.

25           x. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR STATE  
26 STATUTE.

27           6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO THIS  
28 ARTICLE, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE  
29 MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION.  
30 THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS  
31 DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF  
32 ACTIONS TAKEN, AND THE REASONS THEREFOR, INCLUDING A DESCRIPTION OF THE VIEWS  
33 EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE

1 IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING  
2 SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE  
3 COMMISSION OR AN ORDER OF A COURT OF COMPETENT JURISDICTION.

4 C. THE COMMISSION, BY A MAJORITY VOTE OF THE ADMINISTRATORS, SHALL  
5 PRESCRIBE BYLAWS OR RULES TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR  
6 APPROPRIATE TO CARRY OUT THE PURPOSES AND EXERCISE THE POWERS OF THIS  
7 COMPACT, INCLUDING:

8 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION.

9 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:

10 i. FOR THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES.

11 ii. GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR  
12 FUNCTION OF THE COMMISSION.

13 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS  
14 OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL MEETINGS AND  
15 PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY INTERESTED  
16 PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S  
17 INTEREST, THE PRIVACY OF INDIVIDUALS AND PROPRIETARY INFORMATION, INCLUDING  
18 TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED SESSION ONLY AFTER A  
19 MAJORITY OF THE ADMINISTRATORS VOTE TO CLOSE A MEETING IN WHOLE OR IN PART.  
20 AS SOON AS PRACTICABLE, THE COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO  
21 CLOSE THE MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY  
22 VOTES ALLOWED.

23 4. ESTABLISHING THE TITLES, DUTIES AND AUTHORITY AND REASONABLE  
24 PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE COMMISSION.

25 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR THE ESTABLISHMENT  
26 OF THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION. NOTWITHSTANDING  
27 ANY CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY PARTY STATE, THE BYLAWS SHALL  
28 EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION.

29 6. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF THE  
30 COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS MONIES THAT MAY EXIST  
31 AFTER THE TERMINATION OF THIS COMPACT AFTER THE PAYMENT OR RESERVING OF ALL  
32 OF ITS DEBTS AND OBLIGATIONS.

1           D. THE COMMISSION SHALL PUBLISH ITS BYLAWS AND RULES, AND ANY  
2 AMENDMENTS THERETO, IN A CONVENIENT FORM ON THE WEBSITE OF THE COMMISSION.

3           E. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE  
4 WITH THE BYLAWS.

5           F. THE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT  
6 WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

7           G. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

8           1. TO ADOPT UNIFORM RULES TO FACILITATE AND COORDINATE THE  
9 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE THE  
10 FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL PARTY STATES.

11           2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF  
12 THE COMMISSION, PROVIDED THAT THE STANDING OF ANY LICENSING BOARD TO SUE OR  
13 BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED.

14           3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

15           4. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING  
16 EMPLOYEES OF A PARTY STATE OR NONPROFIT ORGANIZATIONS.

17           5. TO COOPERATE WITH OTHER ORGANIZATIONS THAT ADMINISTER STATE  
18 COMPACTS RELATED TO THE REGULATION OF NURSING, INCLUDING SHARING  
19 ADMINISTRATIVE OR STAFF EXPENSES, OFFICE SPACE OR OTHER RESOURCES.

20           6. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,  
21 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT THE  
22 PURPOSES OF THIS COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL POLICIES  
23 AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL  
24 AND OTHER RELATED PERSONNEL MATTERS.

25           7. TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS, GRANTS AND GIFTS OF  
26 MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE  
27 AND DISPOSE OF THE SAME IF AT ALL TIMES THE COMMISSION AVOIDS ANY APPEARANCE  
28 OF IMPROPRIETY OR CONFLICT OF INTEREST.

29           8. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR  
30 OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, WHETHER REAL, PERSONAL  
31 OR MIXED IF AT ALL TIMES THE COMMISSION AVOIDS ANY APPEARANCE OF IMPROPRIETY.

32           9. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR  
33 OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL, PERSONAL OR MIXED.

1           10. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

2           11. TO BORROW MONEY.

3           12. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES COMPOSED OF  
4 ADMINISTRATORS, STATE NURSING REGULATORS, STATE LEGISLATORS OR THEIR  
5 REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND OTHER SUCH INTERESTED  
6 PERSONS.

7           13. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO COOPERATE WITH,  
8 LAW ENFORCEMENT AGENCIES.

9           14. TO ADOPT AND USE AN OFFICIAL SEAL.

10          15. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE  
11 TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE REGULATION  
12 OF NURSE LICENSURE AND PRACTICE.

13          H. FINANCING OF THE COMMISSION IS AS FOLLOWS:

14           1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE  
15 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING  
16 ACTIVITIES.

17           2. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM  
18 EACH PARTY STATE TO COVER THE COST OF ITS OPERATIONS, ACTIVITIES AND STAFF IN  
19 ITS ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT  
20 AMOUNT, IF ANY, SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE  
21 COMMISSION, WHICH SHALL ADOPT A RULE THAT IS BINDING ON ALL PARTY STATES.

22           3. THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND BEFORE  
23 SECURING THE MONIES ADEQUATE TO MEET THE SAME OR PLEDGE THE CREDIT OF ANY OF  
24 THE PARTY STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, SUCH PARTY STATE.

25           4. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND  
26 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE  
27 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS.  
28 HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE COMMISSION  
29 SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE  
30 REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT  
31 OF THE COMMISSION.

32          I. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:



1 AND AMENDMENTS SHALL BECOME BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR  
2 AMENDMENT AND SHALL HAVE THE SAME FORCE AND EFFECT AS OTHER PROVISIONS OF  
3 THIS COMPACT.

4 B. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A REGULAR OR  
5 SPECIAL MEETING OF THE COMMISSION.

6 C. BEFORE THE ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION, AND  
7 AT LEAST SIXTY DAYS IN ADVANCE OF THE MEETING AT WHICH THE RULE WILL BE  
8 CONSIDERED AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED  
9 RULEMAKING BOTH:

10 1. ON THE WEBSITE OF THE COMMISSION.

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

13 D. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE  
14 FOLLOWING:

15 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN WHICH THE  
16 RULE WILL BE CONSIDERED AND VOTED ON.

17 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR THE  
18 PROPOSED RULE.

19 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED  
20 PERSON.

21 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE  
22 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN  
23 COMMENTS.

24 E. BEFORE THE ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL ALLOW  
25 PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH SHALL BE  
26 MADE AVAILABLE TO THE PUBLIC.

27 F. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING  
28 BEFORE IT ADOPTS A RULE OR AMENDMENT.

29 G. THE COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE  
30 SCHEDULED PUBLIC HEARING. THE FOLLOWING APPLY TO HEARINGS UNDER THIS  
31 SUBSECTION:

32 1. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON WHO  
33 WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN

1 WRITING. ALL HEARINGS WILL BE RECORDED, AND A COPY WILL BE MADE AVAILABLE ON  
2 REQUEST.

3 2. THIS SUBSECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH RULE.  
4 RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS  
5 REQUIRED BY THIS SECTION.

6 H. IF NO ONE APPEARS AT THE PUBLIC HEARING, THE COMMISSION MAY PROCEED  
7 WITH THE ADOPTION OF THE PROPOSED RULE.

8 I. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF BUSINESS  
9 ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE COMMISSION  
10 SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

11 J. THE COMMISSION, BY MAJORITY VOTE OF ALL ADMINISTRATORS, SHALL TAKE  
12 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE OF  
13 THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE  
14 RULE.

15 K. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY  
16 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE OR AN OPPORTUNITY  
17 FOR COMMENT OR HEARING, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES  
18 PROVIDED IN THIS COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED  
19 TO THE RULE AS SOON AS REASONABLY PRACTICABLE, BUT NOT LATER THAN NINETY DAYS  
20 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION,  
21 AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO DO ANY  
22 OF THE FOLLOWING:

- 23 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.  
24 2. PREVENT A LOSS OF COMMISSION OR PARTY STATE FUNDS.  
25 3. MEET A DEADLINE FOR THE ADOPTION OF AN ADMINISTRATIVE RULE THAT IS  
26 REQUIRED BY FEDERAL LAW OR RULE.

27 L. THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR  
28 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT,  
29 ERRORS IN CONSISTENCY OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS  
30 SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE  
31 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING.  
32 THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A  
33 MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING, AND

1 DELIVERED TO THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF NO  
2 CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF  
3 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE  
4 APPROVAL OF THE COMMISSION.

5 ARTICLE IX

6 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

7 A. OVERSIGHT IS AS FOLLOWS:

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

10 2. THE COMMISSION IS ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY  
11 PROCEEDING THAT MAY AFFECT THE POWERS, RESPONSIBILITIES OR ACTIONS OF THE  
12 COMMISSION AND HAS STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL  
13 PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS IN SUCH PROCEEDING TO THE  
14 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS  
15 COMPACT OR ADOPTED RULES.

16 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION ARE AS FOLLOWS:

17 1. IF THE COMMISSION DETERMINES THAT A PARTY STATE HAS DEFAULTED IN  
18 THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT OR  
19 THE PROMULGATED RULES, THE COMMISSION SHALL DO BOTH OF THE FOLLOWING:

20 i. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER PARTY  
21 STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT  
22 OR ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION.

23 ii. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE  
24 REGARDING THE DEFAULT.

25 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING  
26 STATE'S MEMBERSHIP IN THIS COMPACT MAY BE TERMINATED ON AN AFFIRMATIVE VOTE  
27 OF A MAJORITY OF THE ADMINISTRATORS, AND ALL RIGHTS, PRIVILEGES AND BENEFITS  
28 CONFERRED BY THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF  
29 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF  
30 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

31 3. TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE IMPOSED ONLY  
32 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF  
33 INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO THE

1 GOVERNOR OF THE DEFAULTING STATE AND TO THE EXECUTIVE OFFICER OF THE  
2 DEFAULTING STATE'S LICENSING BOARD AND EACH OF THE PARTY STATES.

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

7 5. THE COMMISSION MAY NOT BEAR ANY COSTS RELATED TO A STATE THAT IS  
8 FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN  
9 TERMINATED UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE  
10 DEFAULTING STATE.

11 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY  
12 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR  
13 THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL OFFICES. THE  
14 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING  
15 REASONABLE ATTORNEY FEES.

16 C. DISPUTE RESOLUTION IS AS FOLLOWS:

17 1. ON REQUEST BY A PARTY STATE, THE COMMISSION SHALL ATTEMPT TO  
18 RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG PARTY STATES AND  
19 BETWEEN PARTY AND NONPARTY STATES.

20 2. THE COMMISSION SHALL ADOPT A RULE PROVIDING FOR BOTH MEDIATION AND  
21 BINDING DISPUTE RESOLUTION FOR DISPUTES, AS APPROPRIATE.

22 3. IF THE COMMISSION CANNOT RESOLVE DISPUTES AMONG PARTY STATES  
23 ARISING UNDER THIS COMPACT:

24 i. THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN ARBITRATION  
25 PANEL THAT IS COMPOSED OF INDIVIDUALS APPOINTED BY THE COMPACT ADMINISTRATOR  
26 IN EACH OF THE AFFECTED PARTY STATES AND AN INDIVIDUAL WHO IS MUTUALLY AGREED  
27 ON BY THE COMPACT ADMINISTRATORS OF ALL THE PARTY STATES INVOLVED IN THE  
28 DISPUTE.

29 ii. THE DECISION OF A MAJORITY OF THE ARBITRATORS IS FINAL AND  
30 BINDING.

31 D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:

32 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL  
33 ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.



1 NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER PROVISIONS OF THIS  
2 COMPACT.

3 F. THIS COMPACT MAY BE AMENDED BY THE PARTY STATES. AN AMENDMENT TO  
4 THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON THE PARTY STATES UNTIL  
5 IT IS ENACTED INTO THE LAWS OF ALL PARTY STATES.

6 G. REPRESENTATIVES OF NONPARTY STATES TO THIS COMPACT SHALL BE INVITED  
7 TO PARTICIPATE IN THE ACTIVITIES OF THE COMMISSION, ON A NONVOTING BASIS,  
8 BEFORE THE ADOPTION OF THIS COMPACT BY ALL STATES.

9 ARTICLE XI

10 CONSTRUCTION AND SEVERABILITY

11 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE  
12 PURPOSES OF THE COMPACT. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE,  
13 AND IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED  
14 TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED  
15 STATES, OR IF THE APPLICABILITY OF THE COMPACT TO ANY GOVERNMENT, AGENCY,  
16 PERSON OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS  
17 COMPACT AND THE APPLICABILITY OF THE COMPACT TO ANY GOVERNMENT, AGENCY,  
18 PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF THIS COMPACT IS  
19 HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE, THIS COMPACT  
20 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN  
21 FULL FORCE AND EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE  
22 MATTERS.

23 Sec. 2. Repeal

24 Sections 32-1668 and 32-1669, Arizona Revised Statutes, are repealed.

25 Sec. 3. Conforming legislation

26 The legislative council staff shall prepare proposed legislation  
27 conforming the Arizona Revised Statutes to the provisions of this act for  
28 consideration by the legislature.

29 Sec. 4. Conditional enactment; notice

30 A. Title 32, chapter 15, article 2.1, Arizona Revised Statutes, as  
31 added by this act, and the repeal of sections 32-1668 and 32-1669, Arizona  
32 Revised Statutes, by this act, become effective on the earlier of:

- 33 1. December 31, 2018.

1           2. The legislative enactment into law of the nurse licensure compact  
2           pursuant to title 32, chapter 15, article 2.1, Arizona Revised Statutes, by  
3           at least twenty-six other states.

4           B. The Arizona state board of nursing shall notify in writing the  
5           director of the Arizona legislative council on or before January 15, 2019 of  
6           the date on which the condition was met."

7 Amend title to conform

HEATHER CARTER

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