

COMMITTEE ON HEALTH
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.

1 NURSE'S AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A CEASE AND DESIST
2 ACTION.

3 B. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING PROGRAM
4 APPROVED BY A LICENSING BOARD.

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

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

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

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

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

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

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

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

29 I. "MULTISTATE LICENSURE PRIVILEGE" MEANS A LEGAL AUTHORIZATION
30 ASSOCIATED WITH A MULTISTATE LICENSE THAT ALLOWS THE PRACTICE OF NURSING AS
31 EITHER A REGISTERED NURSE OR A LICENSED PRACTICAL/VOCATIONAL NURSE IN A
32 REMOTE STATE.

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

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

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

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

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

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

17 ARTICLE III

18 GENERAL PROVISIONS AND JURISDICTION

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

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

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

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

6 2. EITHER:

7 (a) HAS GRADUATED OR IS ELIGIBLE TO GRADUATE FROM A LICENSING
8 BOARD-APPROVED REGISTERED NURSE OR LICENSED PRACTICAL/VOCATIONAL NURSE
9 PRELICENSURE EDUCATION PROGRAM.

10 (b) HAS GRADUATED FROM A FOREIGN REGISTERED NURSE OR LICENSED
11 PRACTICAL/VOCATIONAL NURSE PRELICENSURE EDUCATION PROGRAM THAT BOTH:

12 (i) HAS BEEN APPROVED BY THE AUTHORIZED ACCREDITING BODY IN THE
13 APPLICABLE COUNTRY.

14 (ii) HAS BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO
15 BE COMPARABLE TO A LICENSING BOARD-APPROVED PRELICENSURE EDUCATION PROGRAM.

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

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

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

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

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

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

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

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

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

8 D. ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE WITH EXISTING
9 STATE DUE PROCESS LAW, TO TAKE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE
10 LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION OR PROBATION OR ANY OTHER
11 ACTION THAT AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE UNDER A MULTISTATE
12 LICENSURE PRIVILEGE, INCLUDING CEASE AND DESIST ACTIONS. IF A PARTY STATE
13 TAKES SUCH AN ACTION, IT SHALL PROMPTLY NOTIFY THE ADMINISTRATOR OF THE
14 COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR OF THE
15 COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE
16 OF ANY SUCH ACTIONS BY REMOTE STATES.

17 E. A NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH THE STATE
18 PRACTICE LAWS OF THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE
19 IS PROVIDED. THE PRACTICE OF NURSING IS NOT LIMITED TO PATIENT CARE, BUT
20 SHALL INCLUDE ALL NURSING PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF
21 THE PARTY STATE IN WHICH THE CLIENT IS LOCATED. THE PRACTICE OF NURSING IN A
22 PARTY STATE UNDER A MULTISTATE LICENSURE PRIVILEGE WILL SUBJECT A NURSE TO
23 THE JURISDICTION OF THE LICENSING BOARD, THE COURTS AND THE LAWS OF THE PARTY
24 STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED.

25 F. INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE TO BE ABLE
26 TO APPLY FOR A PARTY STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER THE LAWS
27 OF EACH PARTY STATE. HOWEVER, THE SINGLE-STATE LICENSE GRANTED TO THESE
28 INDIVIDUALS WILL NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE
29 NURSING IN ANY OTHER PARTY STATE. THIS COMPACT DOES NOT AFFECT THE
30 REQUIREMENTS ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A SINGLE-STATE
31 LICENSE.

1 EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A PARTY STATE FOR THE
2 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
3 ANOTHER PARTY STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
4 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT COURT
5 APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING
6 AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES
7 REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH ANY WITNESS OR
8 EVIDENCE IS LOCATED.

9 5. OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT, FINGERPRINT
10 OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION
11 FOR CRIMINAL BACKGROUND CHECKS, RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF
12 INVESTIGATION RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE RESULTS
13 IN MAKING LICENSURE DECISIONS.

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

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

20 B. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A NURSE'S
21 MULTISTATE LICENSE, THE NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN
22 ALL OTHER PARTY STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN
23 REMOVED FROM THE MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT
24 IMPOSE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSE SHALL INCLUDE A
25 STATEMENT THAT THE NURSE'S MULTISTATE LICENSURE PRIVILEGE IS DEACTIVATED IN
26 ALL PARTY STATES DURING THE PENDENCY OF THE ORDER.

27 C. THIS COMPACT DOES NOT OVERRIDE A PARTY STATE'S DECISION THAT
28 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
29 ACTION. THE HOME STATE LICENSING BOARD SHALL DEACTIVATE THE MULTISTATE
30 LICENSURE PRIVILEGE UNDER THE MULTISTATE LICENSE OF ANY NURSE FOR THE
31 DURATION OF THE NURSE'S PARTICIPATION IN AN ALTERNATIVE PROGRAM.

ARTICLE VI

COORDINATED LICENSURE INFORMATION SYSTEM
AND EXCHANGE OF INFORMATION

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4 A. ALL PARTY STATES SHALL PARTICIPATE IN A COORDINATED LICENSURE
5 INFORMATION SYSTEM OF ALL LICENSED REGISTERED NURSES AND LICENSED
6 PRACTICAL/VOCATIONAL NURSES. THIS SYSTEM WILL INCLUDE INFORMATION ON THE
7 LICENSURE AND DISCIPLINARY HISTORY OF EACH NURSE, AS SUBMITTED BY PARTY
8 STATES, TO ASSIST IN THE COORDINATION OF NURSE LICENSURE AND ENFORCEMENT
9 EFFORTS.

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

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

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

24 E. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY STATE
25 LICENSING BOARDS CONTRIBUTING INFORMATION TO THE COORDINATED LICENSURE
26 INFORMATION SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH
27 NONPARTY STATES OR DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT THE
28 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

29 F. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED FROM THE
30 COORDINATED LICENSURE INFORMATION SYSTEM BY A PARTY STATE LICENSING BOARD MAY
31 NOT BE SHARED WITH NONPARTY STATES OR DISCLOSED TO OTHER ENTITIES OR

1 INDIVIDUALS EXCEPT TO THE EXTENT PERMITTED BY THE LAWS OF THE PARTY STATE
2 CONTRIBUTING THE INFORMATION.

3 G. ANY INFORMATION CONTRIBUTED TO THE COORDINATED LICENSURE
4 INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS
5 OF THE PARTY STATE CONTRIBUTING THAT INFORMATION SHALL ALSO BE EXPUNGED FROM
6 THE COORDINATED LICENSURE INFORMATION SYSTEM.

7 H. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH A
8 UNIFORM DATA SET TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE THAT
9 INCLUDES, AT A MINIMUM:

- 10 1. IDENTIFYING INFORMATION.
- 11 2. LICENSURE DATA.
- 12 3. INFORMATION RELATED TO ALTERNATIVE PROGRAM PARTICIPATION.
- 13 4. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
14 COMPACT, AS DETERMINED BY COMMISSION RULES.

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

17 ARTICLE VII

18 ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE
19 LICENSURE COMPACT ADMINISTRATORS

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

- 23 1. THE COMMISSION IS AN INSTRUMENTALITY OF THE PARTY STATES.
- 24 2. VENUE IS PROPER, AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
25 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
26 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
27 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT
28 ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION
29 PROCEEDINGS.
- 30 3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A WAIVER OF
31 SOVEREIGN IMMUNITY.

32 B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

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

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

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

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

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

22 (a) NONCOMPLIANCE OF A PARTY STATE WITH ITS OBLIGATIONS UNDER THIS
23 COMPACT.

24 (b) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER PERSONNEL
25 MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER
26 MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND
27 PROCEDURES.

28 (c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

29 (d) NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS,
30 SERVICES OR REAL ESTATE.

31 (e) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON.

1 (f) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION
2 THAT IS PRIVILEGED OR CONFIDENTIAL.

3 (g) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE IF DISCLOSURE WOULD
4 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

5 (h) DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW ENFORCEMENT
6 PURPOSES.

7 (i) DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS PREPARED BY OR ON
8 BEHALF OF THE COMMISSION FOR THE PURPOSE OF INVESTIGATION OF COMPLIANCE WITH
9 THIS COMPACT.

10 (j) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR STATE
11 STATUTE.

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

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

26 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION.

27 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:

28 (a) FOR THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES.

29 (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR
30 FUNCTION OF THE COMMISSION.

31 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS
32 OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL MEETINGS AND

1 PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY INTERESTED
2 PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S
3 INTEREST, THE PRIVACY OF INDIVIDUALS AND PROPRIETARY INFORMATION, INCLUDING
4 TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED SESSION ONLY AFTER A
5 MAJORITY OF THE ADMINISTRATORS VOTE TO CLOSE A MEETING IN WHOLE OR IN PART.
6 AS SOON AS PRACTICABLE, THE COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO
7 CLOSE THE MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY
8 VOTES ALLOWED.

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

11 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR THE ESTABLISHMENT
12 OF THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION. NOTWITHSTANDING
13 ANY CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY PARTY STATE, THE BYLAWS SHALL
14 EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION.

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

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

21 E. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE
22 WITH THE BYLAWS.

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

25 G. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

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

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

32 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

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

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

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

18 9. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
19 OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL, 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 COMPOSED OF
23 ADMINISTRATORS, STATE NURSING REGULATORS, STATE LEGISLATORS OR THEIR
24 REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND OTHER SUCH INTERESTED
25 PERSONS.

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

28 14. TO ADOPT AND USE AN OFFICIAL SEAL.

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

32 H. FINANCING OF THE COMMISSION IS AS FOLLOWS:

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

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

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

12 4. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
13 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE
14 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS.
15 HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE COMMISSION
16 SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
17 REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT
18 OF THE COMMISSION.

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

20 1. THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
21 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,
22 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO
23 OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
24 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR
25 THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
26 BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
27 RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT ANY SUCH PERSON FROM SUIT
28 OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE
29 INTENTIONAL, WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

30 2. THE COMMISSION SHALL DEFEND ANY ADMINISTRATOR, OFFICER, EXECUTIVE
31 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
32 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR

1 OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES
2 OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
3 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
4 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROHIBIT
5 THAT PERSON FROM RETAINING THAT PERSON'S OWN COUNSEL IF THE ACTUAL OR ALLEGED
6 ACT, ERROR OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL, WILFUL
7 OR WANTON MISCONDUCT.

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

17 ARTICLE VIII

18 RULEMAKING

19 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO THE
20 CRITERIA SET FORTH IN THIS ARTICLE AND THE RULES ADOPTED THEREUNDER. RULES
21 AND AMENDMENTS SHALL BECOME BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR
22 AMENDMENT AND SHALL HAVE THE SAME FORCE AND EFFECT AS OTHER PROVISIONS OF
23 THIS COMPACT.

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

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

30 1. ON THE WEBSITE OF THE COMMISSION.

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

1 D. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
2 FOLLOWING:

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

5 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR THE
6 PROPOSED RULE.

7 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
8 PERSON.

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

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

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

17 G. THE COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE
18 SCHEDULED PUBLIC HEARING. THE FOLLOWING APPLY TO HEARINGS UNDER THIS
19 SUBSECTION:

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

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

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

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

1 J. THE COMMISSION, BY MAJORITY VOTE OF ALL ADMINISTRATORS, SHALL TAKE
2 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE OF
3 THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE
4 RULE.

5 K. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
6 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE OR AN OPPORTUNITY
7 FOR COMMENT OR HEARING, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
8 PROVIDED IN THIS COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED
9 TO THE RULE AS SOON AS REASONABLY PRACTICABLE, BUT NOT LATER THAN NINETY DAYS
10 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION,
11 AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO DO ANY
12 OF THE FOLLOWING:

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

17 L. THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR
18 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT,
19 ERRORS IN CONSISTENCY OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS
20 SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE
21 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING.
22 THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A
23 MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING, AND
24 DELIVERED TO THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF NO
25 CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF
26 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
27 APPROVAL OF THE COMMISSION.

28 ARTICLE IX

29 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

30 A. OVERSIGHT IS AS FOLLOWS:

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

1 2. THE COMMISSION IS ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY
2 PROCEEDING THAT MAY AFFECT THE POWERS, RESPONSIBILITIES OR ACTIONS OF THE
3 COMMISSION AND HAS STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL
4 PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS IN SUCH PROCEEDING TO THE
5 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS
6 COMPACT OR ADOPTED RULES.

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

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

11 (a) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER PARTY
12 STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT
13 OR ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION.

14 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
15 REGARDING THE DEFAULT.

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

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

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

31 5. THE COMMISSION MAY NOT BEAR ANY COSTS RELATED TO A STATE THAT IS
32 FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN

1 TERMINATED UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE
2 DEFAULTING STATE.

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

8 C. DISPUTE RESOLUTION IS AS FOLLOWS:

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

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

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

16 (a) THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN
17 ARBITRATION PANEL THAT IS COMPOSED OF INDIVIDUALS APPOINTED BY THE COMPACT
18 ADMINISTRATOR IN EACH OF THE AFFECTED PARTY STATES AND AN INDIVIDUAL WHO IS
19 MUTUALLY AGREED ON BY THE COMPACT ADMINISTRATORS OF ALL THE PARTY STATES
20 INVOLVED IN THE DISPUTE.

21 (b) THE DECISION OF A MAJORITY OF THE ARBITRATORS IS FINAL AND
22 BINDING.

23 D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:

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

26 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN THE
27 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL
28 DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL OFFICES AGAINST A PARTY
29 STATE THAT IS IN DEFAULT TO ENFORCE COMPLIANCE WITH THIS COMPACT AND ITS
30 ADOPTED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE
31 RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING

1 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
2 ATTORNEYS' FEES.

3 3. THE REMEDIES IN THIS COMPACT ARE NOT THE EXCLUSIVE REMEDIES OF THE
4 COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER
5 FEDERAL OR STATE LAW.

6 ARTICLE X

7 EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

8 A. THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING ON THE EARLIER OF
9 THE DATE OF LEGISLATIVE ENACTMENT OF THIS COMPACT INTO LAW BY AT LEAST
10 TWENTY-SIX STATES OR DECEMBER 31, 2018. ALL PARTY STATES TO THIS COMPACT
11 THAT ALSO WERE PARTIES TO THE PRIOR NURSE LICENSURE COMPACT, SUPERSEDED BY
12 THIS COMPACT, SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE PRIOR COMPACT WITHIN
13 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS COMPACT.

14 B. EACH PARTY STATE TO THIS COMPACT SHALL CONTINUE TO RECOGNIZE A
15 NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN THAT PARTY STATE ISSUED
16 UNDER THE PRIOR COMPACT UNTIL THAT PARTY STATE HAS WITHDRAWN FROM THE PRIOR
17 COMPACT.

18 C. ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A
19 STATUTE REPEALING THE COMPACT. A PARTY STATE'S WITHDRAWAL SHALL NOT TAKE
20 EFFECT UNTIL SIX MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

21 D. A PARTY STATE'S WITHDRAWAL OR TERMINATION SHALL NOT AFFECT THE
22 CONTINUING REQUIREMENT OF THE WITHDRAWING OR TERMINATED STATE'S LICENSING
23 BOARD TO REPORT ADVERSE ACTIONS AND SIGNIFICANT INVESTIGATIONS OCCURRING
24 BEFORE THE EFFECTIVE DATE OF SUCH A WITHDRAWAL OR TERMINATION.

25 E. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY NURSE LICENSURE
26 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A
27 NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER PROVISIONS OF THIS
28 COMPACT.

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

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

4 Amend title to conform
and, as so amended, it do pass

HEATHER CARTER
Chairman

2362HEALTH
02/02/2016
04:13 PM
H: mjh/rca

2362hc.doc
01/29/2016
01:58 PM
C: mjh