



HOUSE OF REPRESENTATIVES

HB 2362

nurse licensure compact

Prime Sponsor: Representative Carter, LD 15

DPA/SE Committee on Health

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

HB 2362 enacts the enhanced Nurse Licensure Compact (Compact) and repeals the current nurse compact.

PROVISIONS

Findings and Declaration of Purpose

1. Explains the findings of the party states as follows:
 - a. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;
 - b. Violations of nurse licensure laws and other laws regulating the practice of nursing may result in injury or harm to the public;
 - c. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
 - d. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
 - e. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and
 - f. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.
2. States the general purpose of this Compact is to:
 - a. Facilitate the states' responsibility to protect the public's health and safety;
 - b. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
 - c. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;
 - d. Promote compliance with the laws governing the practice of nursing in each jurisdiction;
 - e. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;
 - f. Decrease redundancies in the consideration and issuance of nurse licenses; and
 - g. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

General Provisions and Jurisdiction

3. States that a multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse or as a licensed practical/vocational nurse, under a multistate licensure privilege in each party state.
4. Requires a state to implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such proceedings must include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.
5. Mandates each party state to require that, in order for an applicant to obtain or retain a multistate license in the home state, the applicant meets all of the following criteria:
 - a. Meets the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws;
 - b. Must have either graduated or is eligible to graduate from a licensing board-approved registered nurse or licensed practical/vocational nurse pre-licensure education program or has graduated from a foreign registered nurse or licensed practical/vocational nurse pre-licensure education program that both:
 - i. Have been approved by the authorized accrediting body in the applicable country; and
 - ii. Has been verified by an independent credentials review agency to be comparable to a licensing board-approved pre-licensure education program.
 - c. If a graduate of a foreign pre-licensure education program, not taught in English or if English is not the individual's native language, has successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;
 - d. Has successfully passed an NCLEX-RN® or NCLEX-PN® examination or recognized predecessor as applicable;
 - e. Is eligible for or holds an active, unencumbered license;
 - f. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;
 - g. Has not been convicted or found guilty, or has entered into an agreed disposition of a felony offense under applicable state or federal criminal law;
 - h. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;
 - i. Is not currently enrolled in an alternative program;
 - j. Is subject to self-disclosure requirements regarding current participation in an alternative program; and
 - k. Has a valid United States Social Security number.
6. Requires all party states to be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension or probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes action, it must promptly notify the administrator of the coordinated licensure

information system. The administrator of the coordinated licensure information system must promptly notify the home state of any such actions by remote states.

7. Mandates a nurse practicing in a party state to comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but must include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege must subject a nurse to the jurisdiction of the licensing board, the Courts and the laws of the party state in which the client is located at the time service is provided.
8. Requires individuals not residing in a party state to continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals must not be recognized as granting the privilege to practice nursing in any other state. This compact does not affect the requirements established by a party state for the issuance of a single-state license.
9. Permits any nurse holding a home state multistate license on the effective date of this Compact to retain and renew the multistate license issued by the nurse's then-current home state, provided that:
 - a. A nurse who changes the nurse's primary state of residence after this Compact's effective date must meet all applicable requirements to obtain a multistate license from a new home state; and
 - b. A nurse who fails to satisfy the multistate licensure requirements due to a disqualifying event occurring after this Compact's effective date must be ineligible to retain or renew a multistate license, and the nurse's multistate license must be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators (Commission).

Applications for Licensure in a Party State

10. Requires the licensing board in the issuing party state to ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.
11. Allows a nurse to hold a multistate license, issued by the home state, in only one party state at a time.
12. States that if a nurse changes the nurse's primary state of residence by moving between two party states, the nurse must apply for licensure as follows in the new home state and the multistate license issued by the prior home state will be deactivated in accordance with the applicable rules adopted by the commission:
 - a. The nurse may apply for licensure in advance of a change in primary state of residence; and
 - b. A multistate license must not be issued by the new home state until the nurse provides satisfactory evidence of a change in the nurse's primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

13. States that if a nurse changes the nurse's primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state must convert to a single-state license that is valid only in the former home state.

Additional Authorities Invested in Party State Licensing Boards

14. Mandates a licensing board have the authority to:
 - a. Take adverse action against a nurse's multistate licensure privilege to practice within that party state as follows:
 - i. Only the home state must have the power to take adverse action against a nurse's license issued by the home state; and
 - ii. For purposes of taking adverse action, the home state licensing board must 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 must apply its own state laws to determine appropriate action.
 - b. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;
 - c. Complete any pending investigation of a nurse who changes the nurse's primary state of residence during the course of such an investigation. The licensing board must also have the authority to take any appropriate action and must promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system must promptly notify the new home state of any such actions;
 - d. 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 must 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 must pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which any witness or evidence is located;
 - e. 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;
 - f. Recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse, if otherwise permitted by state law; and
 - g. Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.
15. States that if adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states must be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license must include a statement that the nurse's multistate privilege is deactivated in all party states during the pendency of the order.
16. Clarifies this Compact does not override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board

must deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

Coordinated Licensure Information System and Exchange of Information

17. Requires all party states to participate in a coordinated licensure information system of all licensed registered nurses and licensed practical/vocational nurses. This system must include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.
18. Mandates the Commission, in consultation with the administrator of the coordinated licensure information system, to formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.
19. Requires all licensing boards to promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications with the reasons for such denials and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.
20. Specifies that current significant investigative information and participation in nonpublic or confidential alternative programs must be transmitted through the coordinated licensure information system only to party state licensing boards.
21. Permits all party state licensing boards contributing information to the coordinated licensure information system to designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.
22. States that any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the law of the party state contributing the information.
23. Specifies that any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information must also be expunged from the coordinated licensure information system.
24. Requires the Compact administrator of each party state to furnish a uniform data set to the Compact administrator of each other party state that includes, at a minimum:
 - a. Identifying information;
 - b. Licensure data;
 - c. Information related to alternative program participation; and
 - d. Other information that may facilitate the administration of this Compact, as determined by Commission rules.
25. Mandates the Compact administrator of a party state provide all investigative documents and information requested by another party state.

Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

26. Declares the party states hereby create and establish a joint public entity known as the Commission as follows:
 - a. The Commission is an instrumentality of the party states;

- b. Venue is proper, and judicial proceedings by or against the Commission must 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 alternate dispute resolution proceedings; and
- c. Nothing in this Compact must be construed to be a waiver of sovereign immunity.

27. Stipulates membership, voting and meetings are as follows:

- a. Each party state must have and be limited to one administrator. The head of the state licensing board or designee must 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 must be filled in accordance with the laws of the party state in which the vacancy occurs;
- b. Each administrator must be entitled to one vote with regard to the adoption of rules and creation of bylaws and must otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator must 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;
- c. The Commission must meet at least once during each calendar year. Additional meetings must be held as set forth in the bylaws or rules of the Commission;
- d. All meetings must be open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions of this Compact;
- e. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss any of the following:
 - i. Noncompliance of a party state with its obligations under this Compact;
 - ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - iii. Current, threatened or reasonably anticipated litigation;
 - iv. Negotiation of contracts for the purchase or sale of goods, services or real estate;
 - v. Accusing any person of a crime or formally censuring any person;
 - vi. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - vii. Disclosure of information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - viii. Disclosure of investigatory records compiled for law enforcement purposes;
 - ix. Disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigation of compliance with this Compact; and
 - x. Matters specifically exempted from disclosure by federal or state law.

28. States if a meeting or portion of a meeting is closed the Commission's legal counsel or designee must certify that the meeting may be closed and must reference each relevant exempting provision. The Commission must keep minutes that fully and clearly describe all matters discussed in a meeting and must provide a full and accurate summary of actions taken, and reasons therefore, including a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the Commission or an order of a court of competent jurisdiction.

29. Provides the Commission, by a majority vote of the administrators, must prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact including:
 - a. Establishing the fiscal year of the Commission;
 - b. Providing reasonable standards and procedures;
 - i. For the establishment and meetings of other committees; and
 - ii. Governing any general or specific delegation of any authority or function of the Commission.
 - c. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
 - d. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
 - e. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws must exclusively govern the personnel policies and programs of the Commission;
 - f. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus monies that may exist after the termination of this Compact after the payment or reserving of all of its debts and obligations.
30. Requires the Commission to publish its bylaws and rules, and any amendments, in a convenient form on the website of the Commission.
31. Mandates the Commission meet and take such actions as are consistent with the provisions of this Compact and the bylaws.
32. Bestows the following powers on the Commission;
 - a. Adopt uniform rules to facilitate and coordinate the implementation and administration of this Compact. The rules must have the force and effect of law and must be binding on all member states;
 - b. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standard of any licensing board to sue or be sued under applicable law must not be affected;
 - c. Purchase and maintain insurance and bonds;
 - d. Borrow, accept or contract for services of personnel, including employees of a party state or nonprofit organizations;
 - e. Cooperate with other organizations that administer state compacts related to the regulation of nursing, including sharing administrative or staff expenses, office space or other resources;
 - f. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact and establish the Commission's personnel policies and programs related to conflicts of interest, qualifications of personnel and other related personnel matters;

- g. To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same if at all times the Commission avoids any appearance of impropriety or conflict of interest;
 - h. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, whether real, personal or mixed if at all times the Commission avoids any appearance of impropriety;
 - i. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;
 - j. To establish a budget and make expenditures;
 - k. To borrow money;
 - l. To appoint committees, including advisory committees composed of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives and other such interested persons;
 - m. To provide and receive from, and to cooperate with, law enforcement agencies;
 - n. To adopt and use an official seal; and
 - o. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact, consistent with the state regulation of nurse licensure and practice.
33. Provides for financing of the Commission as follows:
- a. The Commission must pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities;
 - b. The Commission may levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, must be allocated based on a formula to be determined by the Commission, which must adopt a rule that is binding on all party states;
 - c. The Commission, may not incur obligations of any kind before securing the monies adequate to meet the same or pledge the credit of any of the party states, except by, and with the authority of, such party state; and
 - d. The Commission must keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission must be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of monies handled by the Commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the Commission.
34. Outlines qualified immunity, defense and indemnification as follows:
- a. The administrators, officers, executive director, employees and representatives of the Commission must be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties or responsibilities. This paragraph does not protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, wilful or wanton misconduct of that person;
 - b. The Commission must defend any administrator, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising

out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities. This paragraph does not prohibit that person from retaining that person's own legal counsel if the actual or alleged act, error or omission did not result from that person's intentional, wilful or wanton misconduct; and

- c. The Commission must indemnify and hold harmless any administrator, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities if the actual or alleged act, error or omission did not result from the intentional, wilful or wanton misconduct of that person.

Rulemaking

- 35. Requires the Commission to exercise its rulemaking powers pursuant to the criteria set forth and in conjunction with the adopted rules. Rules and amendments must become binding as of the date specified in each rule or amendment and must have the same force and effect as other provisions of this Compact.
- 36. Provides rules or amendments to the rules must be adopted at a regular or special meeting of the Commission.
- 37. States before adoption of a final rule or rules by the Commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted on, the Commission must file a notice of proposed rulemaking both:
 - a. On the website of the Commission; and
 - b. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.
- 38. States the notice of proposed rulemaking must include all of the following:
 - a. The proposed time, date and location of the meeting in which the rule will be considered and voted on;
 - b. The text of the proposed rule or amendment and the reason for the proposed rule;
 - c. A request for comments on the proposed rule from any interested person; and
 - d. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- 39. Requires, the Commission before the adoption of a proposed rule, to allow persons to submit written data, facts, opinions and arguments that must be made available to the public.
- 40. Provides that the Commission must grant an opportunity for public hearing before it adopts a rule or amendment.
- 41. Mandates the Commission to publish the place, time and date of the scheduled public hearing. The following apply to hearings:
 - a. Hearings must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings must be recorded and a copy must be made available on request; and

- b. A separate hearing is not required on each rule. Rules may be grouped for the convenience of the Commission at required hearings.
- 42. States, following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission must consider all written and oral comments received.
- 43. Requires the Commission, by a majority vote of all administrators, to take final action on the proposed rule and must determine the effective date of the rule, if any, based on the rulemaking record and full text of the rule.
- 44. Stipulates that if it is determined that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice or an opportunity for comment or hearing, provided the usual rulemaking procedures provided in this Compact and the section relating to rulemaking must be retroactively applied to the rule as soon as reasonably practicable, but not later than 90 days after the effective date of the rule. An emergency rule is one that must be adopted immediately in order to do any of the following:
 - a. Meet an imminent threat to public health, safety or welfare;
 - b. Prevent a loss of Commission or party state funds; and
 - c. Meet a deadline for the adoption of an administrative rule that is required by federal law or rule.
- 45. Allows the Commission to direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the website of the Commission. The revision must be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing, and delivered to the Commission before the end of the notice period. If no challenge is made the revision must take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Oversight, Dispute Resolution and Enforcement

- 46. Provides oversight as follows:
 - a. Each party state must enforce this Compact and take all actions necessary and appropriate to effectuate this Compact's purposes and intent; and
 - b. The Commission is entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the Commission and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the Commission must render a judgment or order void as to the Commission, this Compact or adopted rules.
- 47. Outlines default, technical assistance and termination are as follows:
 - a. If the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission must do both of the following:
 - i. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the Commission; and
 - ii. Provide remedial training and specific technical assistance regarding the default.

- b. If a state in default fails to cure the default, the defaulting state's membership in this Compact may be terminated on an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default;
- c. Termination of membership in this Compact must be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states;
- d. A state whose membership in this Compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date or termination;
- e. The Commission may not bear any costs related to a state that is found to be in default or whose membership in this Compact has been terminated unless agreed on in writing between the Commission and the defaulting state; and
- f. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the Federal District in which the Commission has its principal offices. The prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

48. Delineates dispute resolution as follows:

- a. On request by a party state, the Commission must attempt to resolve disputes related to the Compact that arise among party states and between party and nonparty states;
- b. The Commission must adopt a rule providing for both mediation and binding dispute resolution for disputes, as appropriate;
- c. If the Commission cannot resolve disputes among party states arising under this Compact:
 - i. The party states may submit the issues in dispute to an arbitration panel that is composed of individuals appointed by the Compact administrator in each of the affected party states and an individual who is mutually agreed on by the Compact administrators of all party states involved in the dispute; and
 - ii. The decision of a majority of the arbitrators is final and binding.

49. Outlines enforcement provisions as follows:

- a. The Commission, in the reasonable exercise of its discretion, must enforce the provisions and rules of the Compact;
- b. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the Federal District in which the Commission has its principal offices against a party state that is in default to enforce compliance with this Compact and its adopted rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorneys' fees; and
- c. The remedies in this Compact are not the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

Effective Date, Withdrawal and Amendment

- 50. Requires this Compact be effective and binding on the earlier of the date of legislative enactment of this Compact into law by at least 26 states or December 31, 2018. All party states to this Compact that also were parties to the prior nurse compact, superseded by this

Compact, must be deemed to have withdrawn from the prior compact within six months after the effective date of this Compact.

51. Stipulates each party state to this Compact must continue to recognize a nurses' multistate licensure privilege to participate in that party state issued under the prior compact until the party state has withdrawn from the prior compact.
52. Provides that any party state may withdraw from this Compact by enacting a statute repealing the Compact. A party state's withdrawal must not take effect until six months after enactment of the repealing statute.
53. States that a party state's withdrawal or termination must not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring before the effective date of such withdrawal or termination.
54. Stipulates this Compact does not invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this Compact.
55. Allows this Compact to be amended by the party states. An amendment to this Compact does not become effective and binding on the party states until it is enacted into the laws of all party states.
56. Specifies that representatives of nonparty states to this Compact must be invited to participate in the activities of the Commission, on a nonvoting basis, before the adoption of the Compact by all states.

Construction and Severability

57. Requires this Compact to be liberally construed so as to effectuate the purposes of the Compact. The provisions of this Compact must be severable, and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the Constitution of any party state or the United States, or if the applicability of the Compact to any government, agency person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability of the Compact to any government, agency, person or circumstance must not be affected. If this Compact is held to be contrary to the constitution of any party state, this Compact must remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Other

58. States the Compact does not alter the scope of practice of a registered nurse practicing in this state. A registered nurse must comply with Arizona's scope of practice.
59. Specifies the Commission created by the Compact does not have the authority to alter the scope of practice for registered nurses practicing in Arizona. The Governor may withdraw this state from the Compact if the Arizona State Board of Nursing (Board) notifies the Governor that the Commission has adopted a rule to change the scope of practice for registered nurses in this state and a law is enacted that repeals the Compact.
60. Requires the Commission's legal counsel or designee, if an open meeting or a portion of a meeting is closed, to certify that the meeting may be closed and must reference each relevant exempting provision.

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61. Requires the Board to post on their website within 30 days after a Commission action, any action that may affect a nurse's license.
62. Repeals the current existing nurse compact at A.R.S. §§ 32-1668 and 32-1669.
63. Requires legislative staff to prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration by the legislature.
64. Contains a conditional enactment of the Compact as added by this act, and the repeal of A.R.S. §§ 32-1668 and 32-1669 become effective on the earlier of:
 - a. December 31, 2018; or
 - b. The legislative enactment into law of the Compact by at least 26 other states.
65. Requires the Board to notify in writing the director of the Arizona Legislative Council on or before January 15, 2019 of the date on which the condition was met.
66. Defines terms.

CURRENT LAW

A.R.S. §§ 32-1668 and 32-1669 contain the current nurse compact.

ADDITIONAL INFORMATION

The National Council of State Nursing Boards has published information regarding the Compact [NCSBN](#).