State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1295

AN ACT

AMENDING TITLE 32, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.2; RELATING TO THE ARIZONA STATE BOARD OF NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 15, Arizona Revised Statutes, is amended by adding article 2.2, to read:

ARTICLE 2.2. ADVANCED PRACTICE REGISTERED NURSE COMPACT

32-1661. Advanced practice registered nurse compact

ARTICLE I

FINDINGS AND DECLARATION OF PURPOSE

A. THE PARTY STATES FIND THAT:

1. THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE DEGREE OF COMPLIANCE WITH APRN LICENSURE REQUIREMENTS AND THE EFFECTIVENESS OF ENFORCEMENT ACTIVITIES RELATED TO STATE APRN LICENSURE LAWS.

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

3. THE EXPANDED MOBILITY OF ADVANCED PRACTICE REGISTERED NURSES AND THE USE OF ADVANCED COMMUNICATION AND INTERVENTION TECHNOLOGIES AS PART OF OUR NATION'S HEALTH CARE DELIVERY SYSTEM REQUIRE GREATER COORDINATION AND COOPERATION AMONG STATES IN THE AREAS OF APRN LICENSURE AND REGULATION.

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

5. THE CURRENT SYSTEM OF DUPLICATIVE APRN LICENSURE FOR ADVANCED PRACTICE REGISTERED NURSES PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT FOR HEALTH CARE DELIVERY SYSTEMS, PAYORS, STATE LICENSING BOARDS, REGULATORS AND ADVANCED PRACTICE REGISTERED NURSES.

6. UNIFORMITY OF APRN LICENSURE REQUIREMENTS THROUGHOUT THE STATES PROMOTES PUBLIC SAFETY AND PUBLIC HEALTH BENEFITS AS WELL AS PROVIDING A MECHANISM TO INCREASE ACCESS TO CARE.

B. THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

1. FACILITATE THE STATES' RESPONSIBILITY TO PROTECT THE PUBLIC'S HEALTH AND SAFETY.

2. ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES IN THE AREAS OF APRN LICENSURE AND REGULATION, INCLUDING PROMOTION OF UNIFORM LICENSURE REQUIREMENTS.

3. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN PARTY STATES IN THE AREAS OF APRN REGULATION, INVESTIGATION AND ADVERSE ACTIONS.

4. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING APRN PRACTICE IN EACH JURISDICTION.

5. INVEST ALL PARTY STATES WITH THE AUTHORITY TO HOLD AN APRN 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 PRIVILEGES TO PRACTICE.

6. DECREASE REDUNDANCIES IN THE CONSIDERATION AND ISSUANCE OF APRN LICENSES.

7. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY ADVANCED PRACTICE REGISTERED NURSES WHO MEET UNIFORM LICENSURE REQUIREMENTS.
ARTICLE II
DEFINITIONS

AS USED IN THIS COMPACT:

1. "ADVANCED PRACTICE REGISTERED NURSE" OR "APRN" MEANS A
REGISTERED NURSE WHO HAS GAINED ADDITIONAL SPECIALIZED KNOWLEDGE, SKILLS
AND EXPERIENCE THROUGH A PROGRAM OF STUDY RECOGNIZED OR DEFINED BY THE
COMMISSION AND WHO IS LICENSED TO PERFORM ADVANCED NURSING PRACTICE. AN
ADVANCED PRACTICE REGISTERED NURSE IS LICENSED IN AN APRN ROLE THAT IS
CONGRUENT WITH AN APRN EDUCATIONAL PROGRAM, CERTIFICATION AND COMMISSION
RULES.

2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR
CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING
BOARD OR OTHER AUTHORITY AGAINST AN APRN, INCLUDING ACTIONS AGAINST AN
INDIVIDUAL'S LICENSE OR MULTISTATE LICENSURE PRIVILEGE SUCH AS REVOCATION,
SUSPENSION, PROBATION, MONITORING OF THE LICENSEE, LIMIT ON THE LICENSEE'S
PRACTICE, OR ANY OTHER ENCUMBRANCE ON LICENSURE AFFECTING AN APRN'S
AUTHORIZATION TO PRACTICE, INCLUDING THE ISSUANCE OF A CEASE AND DESIST
ACTION.

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

4. "APRN LICENSURE" MEANS THE REGULATORY MECHANISM USED BY A PARTY
STATE TO GRANT LEGAL AUTHORITY TO PRACTICE AS AN APRN.

5. "APRN UNIFORM LICENSURE REQUIREMENTS" MEANS THE MINIMUM UNIFORM
LICENSURE, EDUCATION AND EXAMINATION REQUIREMENTS SET FORTH IN ARTICLE
III, SUBSECTION B OF THIS COMPACT.

6. "COMMISSION" MEANS THE INTERSTATE COMMISSION OF APRN COMPACT
ADMINISTRATORS.

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

8. "CURRENT SIGNIFICANT INVESTIGATORY INFORMATION" MEANS EITHER:
(a) INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER A
PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE
APRN TO RESPOND, IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT
GROUNDLESS AND THAT, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR
INFRINGEMENT.

(b) INVESTIGATIVE INFORMATION THAT INDICATES THAT THE APRN
REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF
WHETHER THE APRN HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO RESPOND.

9. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR ANY LIMIT
ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING IMPOSED BY A LICENSING
BOARD IN CONNECTION WITH A DISCIPLINARY PROCEEDING.
10. "HOME STATE" MEANS THE PARTY STATE THAT IS THE APRN'S PRIMARY STATE OF RESIDENCE.

11. "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY BODY THAT IS RESPONSIBLE FOR REGULATING THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING.

12. "MULTISTATE LICENSE" MEANS AN APRN LICENSE TO PRACTICE AS AN APRN ISSUED BY A HOME STATE LICENSING BOARD THAT AUTHORIZES THE APRN TO PRACTICE AS AN APRN IN ALL PARTY STATES UNDER A MULTISTATE LICENSURE PRIVILEGE, IN THE SAME ROLE AND POPULATION FOCUS AS THE APRN IS LICENSED IN THE HOME STATE.

13. "MULTISTATE LICENSURE PRIVILEGE" MEANS A LEGAL AUTHORIZATION ASSOCIATED WITH AN APRN MULTISTATE LICENSE THAT ALLOWS AN APRN TO PRACTICE AS AN APRN IN A REMOTE STATE, IN THE SAME ROLE AND POPULATION FOCUS AS THE APRN IS LICENSED IN THE HOME STATE.

14. "NONCONTROLLED PRESCRIPTION DRUG":
   (a) MEANS A DEVICE OR DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS PROHIBITED UNDER STATE OR FEDERAL LAW FROM BEING DISPENSED WITHOUT A PRESCRIPTION.
   (b) INCLUDES A DEVICE OR DRUG THAT BEARS OR IS REQUIRED TO BEAR THE LEGEND "CAUTION: FEDERAL LAW PROHIBITS DISPENSING WITHOUT PRESCRIPTION" OR "PRESCRIPTION ONLY" OR ANOTHER LEGEND THAT COMPLIES WITH FEDERAL LAW.

15. "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS COMPACT.

16. "POPULATION FOCUS" MEANS ONE OF THE FOLLOWING SIX POPULATION FOCI:
   (a) FAMILY/INDIVIDUAL ACROSS THE LIFESPAN.
   (b) ADULT-GERONTOLOGY.
   (c) PEDIATRICS.
   (d) NEONATAL.
   (e) WOMEN'S HEALTH/GENDER-RELATED.
   (f) PSYCH/MENTAL HEALTH.

17. "PRESCRIPTIVE AUTHORITY" MEANS THE LEGAL AUTHORITY TO PRESCRIBE MEDICATIONS AND DEVICES AS DEFINED BY PARTY STATE LAWS.

18. "REMOTE STATE" MEANS A PARTY STATE THAT IS NOT THE HOME STATE.

19. "ROLE" MEANS ONE OF THE FOLLOWING FOUR RECOGNIZED ROLES:
   (a) CERTIFIED REGISTERED NURSE ANESTHETISTS.
   (b) CERTIFIED NURSE MIDWIVES.
   (c) CLINICAL NURSE SPECIALISTS.
   (d) CERTIFIED NURSE PRACTITIONERS (CNP).

20. "SINGLE-STATE LICENSE" MEANS AN APRN LICENSE ISSUED BY A PARTY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING STATE AND DOES NOT INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN ANY OTHER PARTY STATE.

21. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA.
22. "STATE PRACTICE LAWS":
(a) Means a party state's laws, rules and regulations that govern
APRN practice, define the scope of advanced nursing practice and create
the methods and grounds for imposing discipline, except that prescriptive
authority shall be treated in accordance with Article III, subsections F
and G of this compact.
(b) Does not include:
(i) A party state's laws, rules and regulations requiring
supervision or collaboration with a health care professional, except for
laws, rules and regulations regarding prescribing controlled substances.
(ii) The requirements necessary to obtain and retain an APRN
license, except for qualifications or requirements of the home state.

ARTICLE III
GENERAL PROVISIONS AND JURISDICTION
A. A state must implement procedures for considering the criminal
history records of applicants for initial APRN licensure or APRN licensure
by endorsement. Such procedures shall include the submission of
fingerprints or other biometric-based information by APRN 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.
B. Each party state shall require an applicant to satisfy the
following APRN uniform licensure requirements to obtain or retain a
multistate license in the home state:
1. Meets the home state's qualifications for licensure or renewal
of licensure, as well as all other applicable state laws.
2. Has completed either:
   (a) An accredited graduate-level education program that prepares
   the applicant for one of the four recognized roles and one of the six
   population foci.
   (b) A foreign APRN education program for one of the four recognized
   roles and one of the six population foci that has been approved by the
   authorized accrediting body in the applicable country and has been
   verified by an independent credentials review agency to be comparable to a
   licensing board-approved APRN education program.
3. If a graduate of a foreign APRN 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.
4. Has successfully passed a national certification examination
   that measures APRN, role and population-focused competencies and maintains
   continued competence as evidenced by recertification in the role and
   population focus through the national certification program.
5. HOLDS AN ACTIVE, UNENCUMBERED LICENSE AS A REGISTERED NURSE AND
AN ACTIVE, UNENCUMBERED AUTHORIZATION TO PRACTICE AS AN APRN.

6. HAS SUCCESSFULLY PASSED AN NCLEX-RN® EXAMINATION OR RECOGNIZED
PREDECESSOR, AS APPLICABLE.

7. HAS PRACTICED FOR AT LEAST TWO THOUSAND EIGHTY HOURS AS AN APRN
IN A ROLE AND POPULATION FOCUS CONGRUENT WITH THE APPLICANT'S EDUCATION
AND TRAINING. FOR THE PURPOSES OF THIS PARAGRAPH, PRACTICE DOES NOT
INCLUDE HOURS OBTAINED AS PART OF ENROLLMENT IN AN APRN EDUCATION PROGRAM.

8. 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 OR, IF APPLICABLE, FOREIGN COUNTRY'S CRIMINAL
RECORDS.

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

10. 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 BY FACTORS SET FORTH IN RULES ADOPTED BY THE
COMMISSION.

11. IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM.

12. IS SUBJECT TO SELF-DISCLOSURE REQUIREMENTS REGARDING CURRENT
PARTICIPATION IN AN ALTERNATIVE PROGRAM.

13. HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER.

C. AN APRN WHO IS ISSUED A MULTISTATE LICENSE SHALL BE LICENSED IN
AN APPROVED ROLE AND AT LEAST ONE APPROVED POPULATION FOCUS.

D. AN APRN MULTISTATE LICENSE ISSUED BY A HOME STATE TO A RESIDENT
IN THAT STATE SHALL BE RECOGNIZED BY EACH PARTY STATE AS AUTHORIZING THE
APRN TO PRACTICE AS AN APRN IN EACH PARTY STATE, UNDER A MULTISTATE
LICENSURE PRIVILEGE, IN THE SAME ROLE AND POPULATION FOCUS AS THE APRN IS
LICENSED IN THE HOME STATE.

E. THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A
PARTY STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE, EXCEPT THAT AN
INDIVIDUAL MAY APPLY FOR A SINGLE-STATE LICENSE, INSTEAD OF A MULTISTATE
LICENSE, EVEN IF OTHERWISE QUALIFIED FOR THE MULTISTATE LICENSE. THE
FAILURE OF SUCH AN INDIVIDUAL TO AFFIRMATIVELY OPT FOR A SINGLE-STATE
LICENSE MAY RESULT IN THE ISSUANCE OF A MULTISTATE LICENSE.

F. ISSUANCE OF AN APRN MULTISTATE LICENSE SHALL INCLUDE
PRESCRIPTIVE AUTHORITY FOR NONCONTROLLED PRESCRIPTION DRUGS.

G. FOR EACH STATE IN WHICH AN APRN SEEKS AUTHORITY TO PRESCRIBE
CONTROLLED SUBSTANCES, THE APRN SHALL SATISFY ALL REQUIREMENTS IMPOSED BY
THAT STATE IN GRANTING OR RENEWING SUCH AUTHORITY.

H. AN APRN WHO IS ISSUED A MULTISTATE LICENSE IS AUTHORIZED TO
ASSUME RESPONSIBILITY AND ACCOUNTABILITY FOR PATIENT CARE INDEPENDENT OF
ANY SUPERVISORY OR COLLABORATIVE RELATIONSHIP. THIS AUTHORITY MAY BE EXERCISED IN THE HOME STATE AND IN ANY REMOTE STATE IN WHICH THE APRN EXERCISES A MULTISTATE LICENSURE PRIVILEGE.

I. ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE WITH STATE DUE PROCESS LAWS, TO TAKE ADVERSE ACTION AGAINST AN APRN'S MULTISTATE LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION, PROBATION OR ANY OTHER ACTION THAT AFFECTS AN APRN'S AUTHORIZATION TO PRACTICE UNDER A MULTISTATE LICENSURE PRIVILEGE, INCLUDING CEASE AND DESIST ACTIONS. IF A PARTY STATE TAKES AN ADVERSE ACTION, IT SHALL PROMPTLY NOTIFY THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH ACTIONS BY REMOTE STATES.

J. EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS COMPACT, AN APRN WHO IS PRACTICING IN A PARTY STATE MUST COMPLY WITH THE STATE PRACTICE LAWS OF THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED. APRN PRACTICE IS NOT LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL ADVANCED NURSING PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF THE PARTY STATE IN WHICH THE CLIENT IS LOCATED. APRN PRACTICE IN A PARTY STATE UNDER A MULTISTATE LICENSURE PRIVILEGE WILL SUBJECT THE APRN 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.

K. EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS COMPACT, THIS COMPACT DOES NOT AFFECT ADDITIONAL REQUIREMENTS IMPOSED BY STATES FOR ADVANCED PRACTICE REGISTERED NURSING. HOWEVER, A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING GRANTED BY A PARTY STATE SHALL BE RECOGNIZED BY OTHER PARTY STATES AS SATISFYING ANY STATE LAW REQUIREMENT FOR REGISTERED NURSE LICENSURE AS A PRECONDITION FOR AUTHORIZATION TO PRACTICE AS AN APRN IN THAT STATE.

L. INDIVIDUALS WHO DO NOT RESIDE IN A PARTY STATE SHALL CONTINUE TO BE ABLE TO APPLY FOR A PARTY STATE'S SINGLE-STATE APRN LICENSE AS PROVIDED UNDER THE LAWS OF EACH PARTY STATE. HOWEVER, THE SINGLE-STATE LICENSE GRANTED TO THESE INDIVIDUALS WILL NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE AS AN APRN IN ANY OTHER PARTY STATE.

ARTICLE IV
APPLICATIONS FOR APRN LICENSURE IN A PARTY STATE

A. ON APPLICATION FOR AN APRN MULTISTATE LICENSE, THE LICENSING BOARD IN THE ISSUING PARTY STATE SHALL ASCERTAIN, THROUGH THE COORDINATED LICENSURE INFORMATION SYSTEM, WHETHER THE APPLICANT HAS EVER HELD OR IS THE HOLDER OF A LICENSED PRACTICAL OR VOCATIONAL NURSING LICENSE, A REGISTERED NURSING LICENSE OR AN ADVANCED PRACTICE REGISTERED NURSE 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.
B. AN APRN MAY HOLD A MULTISTATE APRN LICENSE ISSUED BY THE HOME STATE IN ONLY ONE PARTY STATE AT A TIME.

C. IF AN APRN CHANGES PRIMARY STATE OF RESIDENCE BY MOVING BETWEEN TWO PARTY STATES, THE APRN MUST APPLY FOR APRN LICENSURE IN THE NEW HOME STATE, AND THE MULTISTATE LICENSE ISSUED BY THE PRIOR HOME STATE SHALL BE DEACTIVATED IN ACCORDANCE WITH APPLICABLE COMMISSION RULES, AS FOLLOWS:

1. THE APRN MAY APPLY FOR LICENSURE IN ADVANCE OF A CHANGE IN PRIMARY STATE OF RESIDENCE.

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

D. IF AN APRN CHANGES PRIMARY STATE OF RESIDENCE BY MOVING FROM A PARTY STATE TO A NONPARTY STATE, THE APRN MULTISTATE LICENSE ISSUED BY THE PRIOR HOME STATE WILL CONVERT TO A SINGLE-STATE LICENSE, VALID ONLY IN THE FORMER HOME STATE.

ARTICLE V
ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

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

1. TAKE ADVERSE ACTION AGAINST AN APRN’S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE, SUBJECT TO THE FOLLOWING:
   (a) ONLY THE HOME STATE SHALL HAVE POWER TO TAKE ADVERSE ACTION AGAINST AN APRN’S LICENSE ISSUED BY THE HOME STATE.
   (b) FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE LICENSING BOARD SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT THAT OCCURRED OUTSIDE OF THE HOME STATE AS IT WOULD IF SUCH CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.

2. ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE ON AN APRN’S AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE.

3. COMPLETE ANY PENDING INVESTIGATIONS OF AN APRN WHO CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF SUCH INVESTIGATIONS. THE LICENSING BOARD SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF SUCH INVESTIGATIONS TO THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH ACTIONS.

4. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A PARTY STATE LICENSING BOARD FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF EVIDENCE FROM ANOTHER PARTY STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THAT COURT’S PRACTICE AND PROCEDURE.
IN CONSIDERING SUBPOENAS ISSUED IN ITS OWN PROCEEDINGS. THE ISSUING LICENSING BOARD SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES AND EVIDENCE ARE LOCATED.

5. OBTAIN AND SUBMIT, FOR AN APRN LICENSURE APPLICANT, FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION FOR CRIMINAL BACKGROUND CHECKS, RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE RESULTS IN MAKING LICENSURE DECISIONS.

6. IF OTHERWISE ALLOWED BY STATE LAW, RECOVER FROM THE AFFECTED APRN THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT APRN.

7. TAKE ADVERSE ACTION BASED ON THE FACTUAL FINDINGS OF ANOTHER PARTY STATE, PROVIDED THAT THE LICENSING BOARD follows ITS OWN PROCEDURES FOR TAKING SUCH ADVERSE ACTION.

B. IF ADVERSE ACTION IS TAKEN BY A HOME STATE AGAINST AN APRN’S MULTISTATE LICENSURE, THE PRIVILEGE TO PRACTICE IN ALL OTHER PARTY STATES UNDER A MULTISTATE LICENSURE PRIVILEGE SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE APRN’S MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION AGAINST AN APRN’S MULTISTATE LICENSE SHALL INCLUDE A STATEMENT THAT THE APRN’S MULTISTATE LICENSURE PRIVILEGE IS DEACTIVATED IN ALL PARTY STATES DURING THE PENDENCY OF THE ORDER.

C. 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 SHALL DEACTIVATE THE MULTISTATE LICENSURE PRIVILEGE UNDER THE MULTISTATE LICENSE OF ANY APRN FOR THE DURATION OF THE APRN’S PARTICIPATION IN AN ALTERNATIVE PROGRAM.

ARTICLE VI
COORDINATED LICENSURE INFORMATION SYSTEM
AND EXCHANGE OF INFORMATION

A. ALL PARTY STATES SHALL PARTICIPATE IN A COORDINATED LICENSURE INFORMATION SYSTEM OF ALL APRNS, LICENSED REGISTERED NURSES AND LICENSED PRACTICAL OR VOCATIONAL NURSES. THIS SYSTEM SHALL INCLUDE INFORMATION ON THE LICENSURE AND DISCIPLINARY HISTORY OF EACH APRN, AS SUBMITTED BY PARTY STATES, TO ASSIST IN THE COORDINATED ADMINISTRATION OF APRN LICENSURE AND ENFORCEMENT EFFORTS.

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

C. ALL LICENSING BOARDS SHALL 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 APRN PARTICIPATION IN ALTERNATIVE PROGRAMS KNOWN TO THE
LICENSING BOARD REGARDLESS OF WHETHER SUCH PARTICIPATION IS DEEMED
NONPUBLIC OR CONFIDENTIAL UNDER STATE LAW.

D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY STATE
LICENSING BOARDS CONTRIBUTING INFORMATION TO THE COORDINATED LICENSURE
INFORMATION SYSTEM MAY 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.

E. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED FROM THE
COORDINATED LICENSURE INFORMATION SYSTEM BY A PARTY STATE LICENSING BOARD
SHALL NOT BE SHARED WITH NONPARTY STATES OR DISCLOSED TO OTHER ENTITIES OR
INDIVIDUALS EXCEPT TO THE EXTENT ALLOWED BY THE LAWS OF THE PARTY STATE
CONTRIBUTING THE INFORMATION.

F. ANY INFORMATION CONTRIBUTED TO THE COORDINATED LICENSURE
INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE
LAWS OF THE PARTY STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM
THE COORDINATED LICENSURE INFORMATION SYSTEM.

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

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

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

ARTICLE VII

ESTABLISHMENT OF THE INTERSTATE COMMISSION OF
APRN COMPACT ADMINISTRATORS

A. THE PARTY STATES HEREBY CREATE AND ESTABLISH A JOINT PUBLIC
AGENCY KNOWN AS THE INTERSTATE COMMISSION OF APRN COMPACT ADMINISTRATORS.
THE COMMISSION IS AN INSTRUMENTALITY OF THE PARTY STATES. 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.
THIS COMPACT IS NOT 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 THAT PERSON'S 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 LAW 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 IS ENTITLED TO ONE VOTE WITH REGARD TO THE PROMULGATION 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.

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

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

(a) NONCOMPLIANCE OF A PARTY STATE WITH ITS OBLIGATIONS UNDER THIS COMPACT.
(b) 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.
(c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.
(d) NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS, SERVICES OR REAL ESTATE.
(e) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON.
(f) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.
(g) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.
(h) DISCLOSURE OF INVESTIGATORY RECORDS COMPiled FOR LAW ENFORCEMENT PURPOSES.
(i) DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS PREPARED BY OR ON BEHALF OF THE COMMISSION FOR THE PURPOSE OF INVESTIGATING COMPLIANCE WITH THIS COMPACT.
(j) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR STATE STATUTE.

6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO PARAGRAPH 5 OF THIS SUBSECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFOR, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS
CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN THE
MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER
SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF
A COURT OF COMPETENT JURISDICTION.

C. THE COMMISSION, BY A MAJORITY VOTE OF THE ADMINISTRATORS, SHALL
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 BUT NOT LIMITED TO:

1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION.
2. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR BOTH:
   (a) THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES.
   (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY
       OR FUNCTION OF THE COMMISSION.
3. 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.
4. ESTABLISHING THE TITLES, DUTIES AND AUTHORITY AND REASONABLE
   PROCEDURES FOR ELECTING THE OFFICERS OF THE COMMISSION.
5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR ESTABLISHING
   THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION. NOTWITHSTANDING
   ANY CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY PARTY STATE, THE BYLAWS
   SHALL EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE
   COMMISSION.
6. 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 AND
   RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS.
D. THE COMMISSION SHALL PUBLISH ITS BYLAWS AND RULES, AND ANY
   AMENDMENTS THERETO, IN A CONVENIENT FORM ON THE WEBSITE OF THE COMMISSION.
E. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN
   ACCORDANCE WITH THE BYLAWS.
F. THE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS ARE
   CONSISTENT WITH THIS COMPACT AND THE BYLAWS.
G. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:
   1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE
      IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE
      THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL PARTY STATES.
2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected.

3. To purchase and maintain insurance and bonds.

4. To borrow, accept or contract for services of personnel, including employees of a party state or nonprofit organizations.

5. To 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.

6. To 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 relating to conflicts of interest, qualifications of personnel and other related personnel matters.

7. To accept any and all appropriate donations, grants and gifts of monies, equipment, supplies, materials and services, and receive, use and dispose of the same. At all times the Commission shall strive to avoid any appearance of impropriety or conflict of interest.

8. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, whether real, personal or mixed. At all times the Commission shall strive to avoid any appearance of impropriety.

9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed.

10. To establish a budget and make expenditures.

11. To borrow monies.

12. To appoint committees, including advisory committees composed of administrators, state nursing regulators, state legislators or their representatives, consumer representatives, and other such interested persons.

13. To issue advisory opinions.

14. To provide and receive information from, and to cooperate with, law enforcement agencies.

15. To adopt and use an official seal.

16. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of APRN licensure and practice.

H. Financing of the Commission is as follows:

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

2. 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, shall be allocated based on a formula to be
DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE THAT IS BINDING ON ALL PARTY STATES.

3. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS AND SHALL NOT PLEDGE THE CREDIT OF ANY PARTY STATE, EXCEPT BY, AND WITH THE AUTHORITY OF, SUCH PARTY STATE.


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

1. THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION ARE 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 THAT PERSON'S INTENTIONAL, WILFUL OR WANTON MISCONDUCT.

2. THE COMMISSION SHALL 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 HIS OR HER OWN COUNSEL; AND PROVIDED FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL, WILFUL OR WANTON MISCONDUCT.

3. THE COMMISSION SHALL 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.
ARTICLE VIII
RULEMAKING

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

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

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

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

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

1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN WHICH THE
RULE WILL BE CONSIDERED AND VOTED ON.
2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR
THE PROPOSED RULE.
3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
PERSON.
4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE
COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN
COMMENTS.

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

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

G. THE COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE
SCHEDULED PUBLIC HEARING. HEARINGS SHALL 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 SHALL BE
RECORDED, AND A COPY MUST BE MADE AVAILABLE ON REQUEST.

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

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

J. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF
BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE
COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.
K. The Commission, by majority vote of all administrators, shall take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. On a determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or a hearing. The usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, but not later than ninety days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to do any of the following:

1. Meet an imminent threat to public health, safety or welfare.
2. Prevent a loss of Commission or party state monies.
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The Commission may 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 shall be posted on the website of the Commission. The revision is subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE IX
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight is as follows:
1. Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.
2. 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 to the Commission renders a judgment or order void as to the Commission, this compact or promulgated rules.

B. Default, technical assistance and termination are as follows:
1. 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 shall provide both:
(a) Written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission.

(b) Remedial training and specific technical assistance regarding the default.

2. 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.

3. Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board, the defaulting state's licensing board and each of the party states.

4. 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 of termination.

5. The commission shall 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.

6. 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 shall be awarded all costs of such litigation, including reasonable attorney fees.

C. Dispute resolution is as follows:

1. On request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

3. If the commission cannot resolve disputes among party states arising under this compact:

   (a) The party states may submit the issues in dispute to an arbitration panel, which will be composed of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed on by the compact administrators of all the party states involved in the dispute.

   (b) The decision of a majority of the arbitrators is final and binding.
D. ENFORCEMENT IS AS FOLLOWS:

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

2. 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 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

3. 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.

ARTICLE X

EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

A. THIS COMPACT SHALL COME INTO LIMITED EFFECT AT SUCH TIME AS THIS COMPACT HAS BEEN ENACTED INTO LAW IN SEVEN PARTY STATES FOR THE SOLE PURPOSE OF ESTABLISHING AND CONVENING THE COMMISSION TO ADOPT RULES RELATING TO ITS OPERATION.

B. ANY STATE THAT JOINS THIS COMPACT AFTER THE COMMISSION’S INITIAL ADOPTION OF THE APRN UNIFORM LICENSURE REQUIREMENTS SHALL BE SUBJECT TO ALL RULES THAT HAVE BEEN PREVIOUSLY ADOPTED BY THE COMMISSION.

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

D. A PARTY STATE’S WITHDRAWAL OR TERMINATION SHALL 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.

E. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY APRN LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A NONPARTY STATE THAT DOES NOT CONFLICT WITH THIS COMPACT.

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

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

ARTICLE XI

CONSTRUCTION AND SEVERABILITY

THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL 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 OF THE UNITED
STATES, OR IF THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE, THIS COMPACT SHALL 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.

32-1661.01. Applicability of compact; scope of practice; notification; withdrawal from compact

A. NOTWITHSTANDING SECTION 32-1661, SECTION 32-1661 DOES NOT SUPERSEDE STATE LAW RELATED TO THE APPLICABLE ADVANCED PRACTICE REGISTERED NURSE SCOPE OF PRACTICE PRESCRIBED IN SECTION 32-1601, PARAGRAPHS 5, 8, 9 AND 23 OR THE RULES ADOPTED PURSUANT TO THIS CHAPTER.

B. THE COMPACT ADOPTED BY SECTION 32-1661 DOES NOT ALTER THE SCOPE OF PRACTICE OF AN ADVANCED PRACTICE REGISTERED NURSE PRACTICING IN THIS STATE. AN ADVANCED PRACTICE REGISTERED NURSE PRACTICING IN THIS STATE SHALL COMPLY WITH THE APPLICABLE SCOPE OF PRACTICE PRESCRIBED IN SECTION 32-1601, PARAGRAPHS 5, 8, 9 AND 23 AND THE RULES ADOPTED PURSUANT TO THIS CHAPTER.

C. THE COMMISSION ESTABLISHED BY THE COMPACT ADOPTED BY SECTION 32-1661 DOES NOT HAVE THE AUTHORITY TO ALTER THE SCOPE OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSES PRACTICING IN THIS STATE. THE GOVERNOR MAY WITHDRAW THIS STATE FROM THE COMPACT ADOPTED BY SECTION 32-1661 IF THE COMMISSION ADOPTS A RULE TO CHANGE THE SCOPE OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSES IN THIS STATE AND A LAW IS ENACTED THAT REPEALS THE COMPACT.