

Introduced by

Human Services Committee

(At the request of the State Board of Nursing)

1 A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century  
2 Code, relating to the advanced practice registered nurse licensure compact.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and  
5 enacted as follows:

6 **ARTICLE I - FINDINGS AND DECLARATION OF PURPOSE**

7 1. The party states find that:

8 a. The health and safety of the public are affected by the degree of compliance with  
9 advanced practice registered nurse licensure requirements and the effectiveness  
10 of enforcement activities related to state advanced practice registered nurse  
11 licensure laws;

12 b. Violations of advanced practice registered nurse licensure and other laws  
13 regulating the practice of nursing may result in injury or harm to the public;

14 c. The expanded mobility of advanced practice registered nurses and the use of  
15 advanced communication technologies as part of our nation's health care delivery  
16 system require greater coordination and cooperation among states in the areas  
17 of advanced practice registered nurse licensure and regulation;

18 d. New practice modalities and technology make compliance with individual state  
19 advanced practice registered nurse licensure laws difficult and complex;

20 e. The current system of duplicative advanced practice registered nurse licensure  
21 for advanced practice registered nurses practicing in multiple states is  
22 cumbersome and redundant for both advanced practice registered nurses and  
23 states;

- 1           f. Uniformity of advanced practice registered nurse licensure requirements  
2           throughout the states promotes public safety and public health benefits.
- 3        2. The general purposes of this compact are to:
- 4           a. Facilitate the states' responsibility to protect the public's health and safety;  
5           b. Ensure and encourage the cooperation of party states in the areas of advanced  
6           practice registered nurse licensure and regulation, including promotion of uniform  
7           licensure requirements;
- 8           c. Facilitate the exchange of information between party states in the areas of  
9           advanced practice registered nurse regulation, investigation, and adverse  
10          actions;
- 11          d. Promote compliance with the laws governing advanced practice registered nurse  
12          practice in each jurisdiction;
- 13          e. Invest all party states with the authority to hold an advanced practice registered  
14          nurse accountable for meeting all state practice laws in the state in which the  
15          patient is located at the time care is rendered through the mutual recognition of  
16          party state licenses;
- 17          f. Decrease redundancies in the consideration and issuance of advanced practice  
18          registered nurse licenses; and
- 19          g. Provide opportunities for interstate practice by advanced practice registered  
20          nurses who meet uniform licensure requirements.

## **ARTICLE II - DEFINITIONS**

22        As used in this compact:

- 23        1. "Advanced practice registered nurse" means a registered nurse who has gained  
24        additional specialized knowledge, skills, and experience through a program of study  
25        recognized or defined by the Interstate Commission of Advanced Practice Registered  
26        Nurse Compact Administrators ("commission"), and who is licensed to perform  
27        advanced nursing practice. An advanced practice registered nurse is licensed in an  
28        advanced practice registered nurse role that is congruent with an advanced practice  
29        registered nurse educational program, certification, and commission rules.

- 1       2. "Advanced practice registered nurse licensure" means the regulatory mechanism used  
2       by a party state to grant legal authority to practice as an advanced practice registered  
3       nurse.
- 4       3. "Advanced practice registered nurse uniform licensure requirements" means minimum  
5       uniform licensure, education, and examination requirements as adopted by the  
6       commission.
- 7       4. "Adverse action" means any administrative, civil, equitable, or criminal action  
8       permitted by a state's laws which is imposed by a licensing board or other authority  
9       against an advanced practice registered nurse, including actions against an  
10       individual's license or multistate licensure privilege such as revocation, suspension,  
11       probation, monitoring of the licensee, limitation on the licensee's practice, or any other  
12       encumbrance on licensure affecting an advanced practice registered nurse's  
13       authorization to practice, including the issuance of a cease and desist action.
- 14       5. "Alternative program" means a non-disciplinary monitoring program approved by a  
15       licensing board.
- 16       6. "Coordinated licensure information system" means an integrated process for  
17       collecting, storing, and sharing information on advanced practice registered nurse  
18       licensure and enforcement activities related to advanced practice registered nurse  
19       licensure laws which is administered by a nonprofit organization composed of and  
20       controlled by licensing boards.
- 21       7. "Current significant investigatory information" means:
- 22       a. Investigative information that a licensing board, after a preliminary inquiry that  
23       includes notification and an opportunity for the advanced practice registered  
24       nurse to respond, if required by state law, has reason to believe is not groundless  
25       and, if proved true, would indicate more than a minor infraction; or
- 26       b. Investigative information that indicates that the advanced practice registered  
27       nurse represents an immediate threat to public health and safety regardless of  
28       whether the advanced practice registered nurse has been notified and had an  
29       opportunity to respond.
- 30       8. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and  
31       unrestricted practice of nursing imposed by a licensing board.

- 1       9. "Home state" means the party state that is the advanced practice registered nurse's  
2       primary state of residence.
- 3       10. "Licensing board" means a party state's regulatory body responsible for regulating the  
4       practice of advanced practice registered nursing.
- 5       11. "Multistate license" means an advanced practice registered nurse license to practice  
6       as an advanced practice registered nurse issued by a home state licensing board  
7       which authorizes the advanced practice registered nurse to practice as an advanced  
8       practice registered nurse in all party states under a multistate licensure privilege, in the  
9       same role and population focus as the advanced practice registered nurse is licensed  
10      in the home state.
- 11      12. "Multistate licensure privilege" means a legal authorization associated with an  
12      advanced practice registered nurse multistate license which permits an advanced  
13      practice registered nurse to practice as an advanced practice registered nurse in a  
14      remote state, in the same role and population focus as the advanced practice  
15      registered nurse is licensed in the home state.
- 16      13. "Non-controlled prescription drug" means a device or drug that is not a controlled  
17      substance and is prohibited under state or federal law from being dispensed without a  
18      prescription. The term includes a device or drug that bears or is required to bear the  
19      legend "caution: federal law prohibits dispensing without prescription" or "prescription  
20      only" or other legend that complies with federal law.
- 21      14. "Party state" means any state that has adopted this compact.
- 22      15. "Population focus" means a specific patient population that is congruent with the  
23      advanced practice registered nurse educational program, certification, and  
24      commission rules.
- 25      16. "Prescriptive authority" means the legal authority to prescribe medications and devices  
26      as defined by party state laws.
- 27      17. "Remote state" means a party state that is not the home state.
- 28      18. "Single-state license" means an advanced practice registered nurse license issued by  
29      a party state which authorizes practice only within the issuing state and does not  
30      include a multistate licensure privilege to practice in any other party state.

1        19. "State" means a state, territory, or possession of the United States and the District of  
2        Columbia.

3        20. "State practice laws" means a party state's laws, rules, and regulations that govern  
4        advanced practice registered nurse practice, define the scope of advanced nursing  
5        practice, including prescriptive authority, and create the methods and grounds for  
6        imposing discipline. State practice laws do not include the requirements necessary to  
7        obtain and retain an advanced practice registered nurse license, except for  
8        qualifications or requirements of the home state.

9                    **ARTICLE III - GENERAL PROVISIONS AND JURISDICTION**

10        1. A state must implement procedures for considering the criminal history records of  
11        applicants for initial advanced practice registered nurse licensure or advanced practice  
12        registered nurse licensure by endorsement. Such procedures must include the  
13        submission of fingerprints or other biometric-based information by advanced practice  
14        registered nurse applicants for the purpose of obtaining an applicant's criminal history  
15        record information from the federal bureau of investigation and the agency responsible  
16        for retaining that state's criminal records.

17        2. By rule, the commission shall adopt the advanced practice registered nurse uniform  
18        licensure requirements . The uniform licensure requirements must provide the  
19        minimum requirements for advanced practice registered nurse multistate licensure in  
20        party states, if the commission may adopt rules whereby an advanced practice  
21        registered nurse, with an unencumbered license on the effective date of this compact,  
22        may obtain, by endorsement or otherwise, and retain a multistate license in a party  
23        state.

24        3. In order to obtain or retain a multistate license, an advanced practice registered nurse  
25        shall meet, in addition to the uniform licensure requirements, the home state's  
26        qualifications for licensure or renewal of licensure, as well as, all other applicable  
27        home state laws.

28        4. By rule, the commission shall identify the approved advanced practice registered  
29        nurse roles and population foci for licensure as an advanced practice registered nurse.  
30        An advanced practice registered nurse issued a multistate license must be licensed in

1           an approved advanced practice registered nurse role and at least one approved  
2           population focus.

3           5. An advanced practice registered nurse multistate license issued by a home state to a  
4           resident in that state will be recognized by each party state as authorizing the  
5           advanced practice registered nurse to practice as an advanced practice registered  
6           nurse in each party state, under a multistate licensure privilege, in the same role and  
7           population focus as the advanced practice registered nurse is licensed in the home  
8           state. If an applicant does not qualify for a multistate license, a single-state license  
9           may be issued by a home state.

10          6. Issuance of an advanced practice registered nurse multistate license must include  
11          prescriptive authority for noncontrolled prescription drugs, unless the advanced  
12          practice registered nurse was licensed by the home state before the home state's  
13          adoption of this compact and has not previously held prescriptive authority.

14          a. An advanced practice registered nurse granted prescriptive authority for  
15          noncontrolled prescription drugs in the home state may exercise prescriptive  
16          authority for noncontrolled prescription drugs in any remote state while exercising  
17          a multistate licensure privilege under an advanced practice registered nurse  
18          multistate license; the advanced practice registered nurse may not be required to  
19          meet any additional eligibility requirements imposed by the remote state in  
20          exercising prescriptive authority for noncontrolled prescription drugs.

21          b. Prescriptive authority in the home state for an advanced practice registered nurse  
22          who was not granted prescriptive authority at the time of initial licensure by the  
23          home state, before the adoption of this compact, must be determined under  
24          home state law.

25          c. Prescriptive authority eligibility for an advanced practice registered nurse holding  
26          a single-state license must be determined under the law of the licensing state.

27          7. For each state in which an advanced practice registered nurse seeks authority to  
28          prescribe controlled substances, the advanced practice registered nurse shall satisfy  
29          all requirements imposed by such state in granting and/or renewing such authority.

30          8. An advanced practice registered nurse issued a multistate license may assume  
31          responsibility and accountability for patient care independent of a supervisory or

1 collaborative relationship with a physician. This authority may be exercised in the  
2 home state and in any remote state in which the advanced practice registered nurse  
3 exercises a multistate licensure privilege. For an advanced practice registered nurse  
4 issued a single-state license in a party state, the requirement for a supervisory or  
5 collaborative relationship with a physician must be determined under applicable party  
6 state law.

7 9. All party states are authorized, in accordance with state due process laws, to take  
8 adverse action against an advanced practice registered nurse's multistate licensure  
9 privilege such as revocation, suspension, probation, or any other action that affects an  
10 advanced practice registered nurse's authorization to practice under a multistate  
11 licensure privilege, including cease and desist actions. If a party state takes such  
12 action, it promptly shall notify the administrator of the coordinated licensure  
13 information system. The administrator of the coordinated licensure information system  
14 promptly shall notify the home state of any such actions by remote states.

15 10. An advanced practice registered nurse practicing in a party state shall comply with the  
16 state practice laws of the state in which the client is located at the time service is  
17 provided. Advanced practice registered nurse practice is not limited to patient care, but  
18 includes all advanced nursing practice as defined by the state practice laws of the  
19 party state in which the client is located. Advanced practice registered nurse practice  
20 in a party state under a multistate licensure privilege subjects the advanced practice  
21 registered nurse to the jurisdiction of the licensing board, the courts, and the laws of  
22 the party state in which the client is located at the time service is provided.

23 11. This compact does not affect additional requirements imposed by states for advanced  
24 practice registered nursing. However, a multistate licensure privilege to practice  
25 registered nursing granted by a party state must be recognized by other party states  
26 as satisfying any state law requirement for registered nurse licensure as a  
27 precondition for authorization to practice as an advanced practice registered nurse in  
28 that state.

29 12. Individuals not residing in a party state shall continue to be able to apply for a party  
30 state's single-state advanced practice registered nurse license as provided under the  
31 laws of each party state. However, the single-state license granted to these individuals









- 1       2. The commission, in consultation with the administrator of the coordinated licensure  
2       information system, shall formulate necessary and proper procedures for the  
3       identification, collection, and exchange of information under this compact.
- 4       3. All licensing boards promptly shall report to the coordinated licensure information  
5       system any adverse action, any current significant investigative information, denials of  
6       applications (with the reasons for such denials), and advanced practice registered  
7       nurse participation in alternative programs known to the licensing board regardless of  
8       whether such participation is deemed nonpublic and/or confidential under state law.
- 9       4. Current significant investigative information and participation in nonpublic or  
10       confidential alternative programs must be transmitted through the coordinated  
11       licensure information system only to party state licensing boards.
- 12       5. Notwithstanding any other provision of law, all party state licensing boards contributing  
13       information to the coordinated licensure information system may designate information  
14       that may not be shared with nonparty states or disclosed to other entities or individuals  
15       without the express permission of the contributing state.
- 16       6. Any personally identifiable information obtained from the coordinated licensure  
17       information system by a party state licensing board may not be shared with nonparty  
18       states or disclosed to other entities or individuals except to the extent permitted by the  
19       laws of the party state contributing the information.
- 20       7. Any information contributed to the coordinated licensure information system which is  
21       subsequently required to be expunged by the laws of the party state contributing the  
22       information must be removed from the coordinated licensure information system.
- 23       8. The compact administrator of each party state shall furnish a uniform data set to the  
24       compact administrator of each other party state, which must include, at a minimum:
  - 25       a. Identifying information;
  - 26       b. Licensure data;
  - 27       c. Information related to alternative program participation information; and
  - 28       d. Other information that may facilitate the administration of this compact, as  
29       determined by commission rules.
- 30       9. The compact administrator of a party state shall provide all investigative documents  
31       and information requested by another party state.

1       **ARTICLE VII - ESTABLISHMENT OF THE INTERSTATE COMMISSION OF ADVANCED**  
2                   **PRACTICE REGISTERED NURSE COMPACT ADMINISTRATORS**

3       1. The party states hereby create and establish a joint public agency known as the  
4           interstate commission of advanced practice registered nurse compact administrators.

5           a. The commission is an instrumentality of the party states.

6           b. Venue is proper, and judicial proceedings by or against the commission must be  
7           brought solely and exclusively, in a court of competent jurisdiction where the  
8           principal office of the commission is located. The commission may waive venue  
9           and jurisdictional defenses to the extent it adopts or consents to participate in  
10          alternative dispute resolution proceedings.

11          c. This compact may not be construed to be a waiver of sovereign immunity.

12       2. Membership, voting, and meetings.

13          a. Each party state must have and be limited to one administrator. The head of the  
14          state licensing board or designee is the administrator of this compact for each  
15          party state. Any administrator may be removed or suspended from office as  
16          provided by the law of the state from which the administrator is appointed. Any  
17          vacancy occurring in the commission must be filled in accordance with the laws  
18          of the party state in which the vacancy exists.

19          b. Each administrator is entitled to one vote with regard to the promulgation of rules  
20          and creation of bylaws and otherwise must have an opportunity to participate in  
21          the business and affairs of the commission. An administrator shall vote in person  
22          or by such other means as provided in the bylaws. The bylaws may provide for  
23          an administrator's participation in meetings by telephone or other means of  
24          communication.

25          c. The commission shall meet at least once during each calendar year. Additional  
26          meetings must be held as set forth in the bylaws or rules of the commission.

27          d. All meetings are open to the public, and public notice of meetings must be given  
28          in the same manner as required under the rulemaking provisions in article VIII.

29          e. The commission may convene in a closed, nonpublic meeting if the commission  
30          must discuss:

31           (1) Noncompliance of a party state with its obligations under this compact;

- 1           (2) The employment, compensation, discipline, or other personnel matters,
- 2                     practices, or procedures related to specific employees or other matters
- 3                     related to the commission's internal personnel practices and procedures:
- 4           (3) Current, threatened, or reasonably anticipated litigation;
- 5           (4) Negotiation of contracts for the purchase or sale of goods, services, or real
- 6                     estate;
- 7           (5) Accusing any person of a crime or formally censuring any person;
- 8           (6) Disclosure of trade secrets or commercial or financial information that is
- 9                     privileged or confidential;
- 10          (7) Disclosure of information of a personal nature if disclosure would constitute
- 11                     a clearly unwarranted invasion of personal privacy;
- 12          (8) Disclosure of investigatory records compiled for law enforcement purposes;
- 13          (9) Disclosure of information related to any reports prepared by or on behalf of
- 14                     the commission for the purpose of investigation of compliance with this
- 15                     compact; or
- 16          (10) Matters specifically exempted from disclosure by federal or state statute.
- 17          f. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
- 18                     commission's legal counsel or designee shall certify that the meeting may be
- 19                     closed and shall reference each relevant exempting provision. The commission
- 20                     shall keep minutes that fully and clearly describe all matters discussed in a
- 21                     meeting and shall provide a full and accurate summary of actions taken, and the
- 22                     reasons for those actions, including a description of the views expressed. All
- 23                     documents considered in connection with an action must be identified in such
- 24                     minutes. All minutes and documents of a closed meeting must remain under seal,
- 25                     subject to release by a majority vote of the commission or order of a court of
- 26                     competent jurisdiction.
- 27          3. By a majority vote of the administrators, the commission shall prescribe bylaws or
- 28                     rules to govern its conduct as may be necessary or appropriate to carry out the
- 29                     purposes and exercise the powers of this compact, including:
- 30                  a. Establishing the fiscal year of the commission;
- 31                  b. Providing reasonable standards and procedures:

- 1                   (1) For the establishment and meetings of other committees; and
- 2                   (2) Governing any general or specific delegation of any authority or function of
- 3                         the commission.
- 4           c. Providing reasonable procedures for calling and conducting meetings of the
- 5                   commission, ensuring reasonable advance notice of all meetings, and providing
- 6                   an opportunity for attendance of such meetings by interested parties, with
- 7                   enumerated exceptions designed to protect the public's interest, the privacy of
- 8                   individuals, and proprietary information, including trade secrets. The commission
- 9                   may meet in closed session only after a majority of the administrators vote to
- 10                  close a meeting in whole or in part. As soon as practicable, the commission shall
- 11                  make public a copy of the vote to close the meeting revealing the vote of each
- 12                  administrator, with no proxy votes allowed;
- 13           d. Establishing the titles, duties, and authority and reasonable procedures for the
- 14                   election of the officers of the commission;
- 15           e. Providing reasonable standards and procedures for the establishment of the
- 16                   personnel policies and programs of the commission. Notwithstanding any civil
- 17                   service or other similar laws of any party state, the bylaws exclusively govern the
- 18                   personnel policies and programs of the commission; and
- 19           f. Providing a mechanism for winding up the operations of the commission and the
- 20                   equitable disposition of any surplus funds that may exist after the termination of
- 21                   this compact after the payment and/or reserving of all of its debts and obligations.
- 22           4. The commission shall publish its bylaws and rules, and any amendments to the
- 23                   bylaws and rules, in a convenient form on the website of the commission.
- 24           5. The commission shall maintain its financial records in accordance with the bylaws.
- 25           6. The commission shall meet and take such actions as are consistent with the
- 26                   provisions of this compact and the bylaws.
- 27           7. The commission may:
- 28                   a. Promulgate uniform rules to facilitate and coordinate implementation and
- 29                   administration of this compact. The rules have the force and effect of law and are
- 30                   binding in all party states;

- 1            b. Bring and prosecute legal proceedings or actions in the name of the commission.  
2            However, the standing of any licensing board to sue or be sued under applicable  
3            law may not be affected;
- 4            c. Purchase and maintain insurance and bonds;
- 5            d. Borrow, accept, or contract for services of personnel, including employees of a  
6            party state or nonprofit organizations;
- 7            e. Cooperate with other organizations that administer state compacts related to the  
8            regulation of nursing, including sharing administrative or staff expenses, office  
9            space, or other resources;
- 10           f. Hire employees, elect or appoint officers, fix compensation, define duties, grant  
11           such individuals appropriate authority to carry out the purposes of this compact,  
12           and to establish the commission's personnel policies and programs relating to  
13           conflicts of interest, qualifications of personnel, and other related personnel  
14           matters;
- 15           g. Accept any and all appropriate donations, grants, and gifts of money, equipment,  
16           supplies, materials, and services, and to receive, utilize, and dispose of the  
17           same. However, at all times the commission shall strive to avoid any appearance  
18           of impropriety and/or conflict of interest;
- 19           h. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
20           hold, improve, or use, any property, whether real, personal, or mixed. However, at  
21           all times the commission shall strive to avoid any appearance of impropriety;
- 22           i. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
23           of any property, whether real, personal, or mixed;
- 24           j. Establish a budget and make expenditures;
- 25           k. Borrow money;
- 26           l. Appoint committees, including advisory committees comprised of administrators,  
27           state nursing regulators, state legislators, or their representatives, and consumer  
28           representatives, and other such interested persons;
- 29           m. Provide and receive information from, and to cooperate with, law enforcement  
30           agencies;
- 31           n. Adopt and use an official seal; and

- 1           o. Perform such other functions as may be necessary or appropriate to achieve the  
2                   purposes of this compact consistent with the state regulation of advanced  
3                   practice registered nurse licensure and practice.
- 4       8. Financing of the commission.
- 5           a. The commission shall pay, or provide for the payment of, the reasonable  
6                   expenses of its establishment, organization, and ongoing activities.
- 7           b. The commission may levy on and collect an annual assessment from each party  
8                   state to cover the cost of the operations and activities of the interstate  
9                   commission and its staff which must be in a total amount sufficient to cover its  
10                  annual budget as approved each year. The aggregate annual assessment  
11                  amount must be allocated based upon a formula to be determined by the  
12                  commission, which shall promulgate a rule that is binding upon all party states.
- 13          c. The commission may not incur obligations of any kind before securing the funds  
14                  adequate to meet the same, nor may the commission pledge the credit of any of  
15                  the party states, except by, and with the authority of, such party state.
- 16          d. The commission shall keep accurate accounts of all receipts and disbursements.  
17                  The receipts and disbursements of the commission are subject to the audit and  
18                  accounting procedures established under its bylaws. However, all receipts and  
19                  disbursements of funds handled by the commission must be audited yearly by a  
20                  certified or licensed public accountant, and the report of the audit must be  
21                  included in and become part of the annual report of the commission.
- 22       9. Qualified immunity, defense, and indemnification.
- 23           a. The administrators, officers, executive director, employees, and representatives  
24                  of the commission are immune from suit and liability, either personally or in their  
25                  official capacity, for any claim for damage to or loss of property or personal injury  
26                  or other civil liability caused by or arising out of any actual or alleged act, error, or  
27                  omission that occurred, or that the person against which the claim is made had a  
28                  reasonable basis for believing occurred, within the scope of commission  
29                  employment, duties, or responsibilities. However, this subdivision may not be  
30                  construed to protect any such person from suit and/or liability for any damage.



1           loss, injury, or liability caused by the intentional, willful, or wanton misconduct of  
2           that person.

3           b. The commission shall defend any administrator, officer, executive director,  
4           employee, or representative of the commission in any civil action seeking to  
5           impose liability arising out of any actual or alleged act, error, or omission that  
6           occurred within the scope of commission employment, duties, or responsibilities,  
7           or that the person against which the claim is made had a reasonable basis for  
8           believing occurred within the scope of commission employment, duties, or  
9           responsibilities, provided that nothing herein may be construed to prohibit that  
10           person from retaining that person's own counsel and the actual or alleged act,  
11           error, or omission may not result from that person's intentional, willful, or wanton  
12           misconduct.

13           c. The commission shall indemnify and hold harmless any administrator, officer,  
14           executive director, employee, or representative of the commission for the amount  
15           of any settlement or judgment obtained against that person arising out of any  
16           actual or alleged act, error, or omission that occurred within the scope of  
17           commission employment, duties, or responsibilities, or that such person had a  
18           reasonable basis for believing occurred within the scope of commission  
19           employment, duties, or responsibilities, if the actual or alleged act, error, or  
20           omission did not result from the intentional, willful, or wanton misconduct of that  
21           person.

#### **ARTICLE VIII - RULEMAKING**

23           1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth  
24           in this article and the rules adopted thereunder. Rules and amendments become  
25           binding as of the date specified in each rule or amendment and have the same force  
26           and effect as provisions of this compact.

27           2. Rules or amendments to the rules must be adopted at a regular or special meeting of  
28           the commission.

29           3. Before promulgation and adoption of a final rule or rules by the commission, and at  
30           least sixty days in advance of the meeting at which the rule will be considered and  
31           voted upon, the commission shall file a notice of proposed rulemaking:

- 1           a. On the website of the commission; and
- 2           b. On the website of each licensing board or the publication in which each state
- 3                 would otherwise publish proposed rules.
- 4       4. The notice of proposed rulemaking must include:
- 5           a. The proposed time, date, and location of the meeting at which the rule will be
- 6                 considered and voted upon;
- 7           b. The text of the proposed rule or amendment, and the reason for the proposed
- 8                 rule;
- 9           c. A request for comments on the proposed rule from any interested person; and
- 10          d. The manner in which interested persons may submit notice to the commission of
- 11                 their intention to attend the public hearing and any written comments.
- 12       5. Before adoption of a proposed rule, the commission shall allow persons to submit
- 13                 written data, facts, opinions, and arguments, which must be made available to the
- 14                 public.
- 15       6. The commission shall grant an opportunity for a public hearing before it adopts a rule
- 16                 or amendment.
- 17       7. The commission shall publish the place, time, and date of the scheduled public
- 18                 hearing.
- 19           a. Hearings must be conducted in a manner providing each person that wishes to
- 20                 comment a fair and reasonable opportunity to comment orally or in writing. All
- 21                 hearings must be recorded, and a copy must be made available upon request.
- 22           b. This section may not be construed as requiring a separate hearing on each rule.
- 23                 Rules may be grouped for the convenience of the commission at hearings
- 24                 required by this section.
- 25       8. If no one appears at the public hearing, the commission may proceed with
- 26                 promulgation of the proposed rule.
- 27       9. Following the scheduled hearing date, or by the close of business on the scheduled
- 28                 hearing date if the hearing was not held, the commission shall consider all written and
- 29                 oral comments received.

- 1        10. By majority vote of all administrators, the commission shall take final action on the  
2            proposed rule and shall determine the effective date of the rule, if any, based on the  
3            rulemaking record and the full text of the rule.
- 4        11. Upon determination that an emergency exists, the commission may consider and  
5            adopt an emergency rule without prior notice, opportunity for comment, or hearing.  
6            However, the usual rulemaking procedures provided in this compact and in this section  
7            must be retroactively applied to the rule as soon as reasonably possible, in no event  
8            later than ninety days after the effective date of the rule. For the purposes of this  
9            provision, an emergency rule is one that must be adopted immediately in order to:
- 10           a. Meet an imminent threat to public health, safety, or welfare;  
11           b. Prevent a loss of commission or party state funds; or  
12           c. Meet a deadline for the promulgation of an administrative rule that is established  
13            by federal law or rule.
- 14        12. The commission may direct revisions to a previously adopted rule or amendment for  
15            purposes of correcting typographical errors, errors in format, errors in consistency, or  
16            grammatical errors. Public notice of any revisions must be posted on the website of  
17            the commission. The revision may be subject to challenge by any person for a period  
18            of thirty days after posting. The revision may be challenged only on grounds that the  
19            revision results in a material change to a rule. A challenge must be made in writing,  
20            and delivered to the commission, before the end of the notice period. If no challenge is  
21            made, the revision will take effect without further action. If the revision is challenged,  
22            the revision may not take effect without the approval of the commission.

23        **ARTICLE IX - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

- 24        1. Oversight.
- 25            a. Each party state shall enforce this compact and take all actions necessary and  
26            appropriate to effectuate this compact's purposes and intent.
- 27            b. The commission is entitled to receive service of process in any proceeding that  
28            may affect the powers, responsibilities, or actions of the commission, and has  
29            standing to intervene in such a proceeding for all purposes. Failure to provide  
30            service of process to the commission renders a judgment or order void as to the  
31            commission, this compact, or promulgated rules.

- 1       2. Default, technical assistance, and termination.
- 2           a. If the commission determines that a party state has defaulted in the performance
- 3               of its obligations or responsibilities under this compact or the promulgated rules,
- 4               the commission shall:
- 5               (1) Provide written notice to the defaulting state and other party states of the
- 6                       nature of the default, the proposed means of curing the default and/or any
- 7                       other action to be taken by the commission; and
- 8               (2) Provide remedial training and specific technical assistance regarding the
- 9                       default.
- 10          b. If a state in default fails to cure the default, the defaulting state's membership in
- 11               this compact may be terminated upon an affirmative vote of a majority of the
- 12               administrators, and all rights, privileges, and benefits conferred by this compact
- 13               may be terminated on the effective date of termination. A cure of the default does
- 14               not relieve the offending state of obligations or liabilities incurred during the
- 15               period of default.
- 16          c. Termination of membership in this compact must be imposed only after all other
- 17               means of securing compliance have been exhausted. Notice of intent to suspend
- 18               or terminate must be given by the commission to the governor of the defaulting
- 19               state and to the executive officer of the defaulting state's licensing board, the
- 20               defaulting state's licensing board, and each of the party states.
- 21          d. A state whose membership in this compact has been terminated is responsible
- 22               for all assessments, obligations, and liabilities incurred through the effective date
- 23               of termination, including obligations that extend beyond the effective date of
- 24               termination.
- 25          e. The commission may not bear any costs related to a state that is found to be in
- 26               default or whose membership in this compact has been terminated, unless
- 27               agreed upon in writing between the commission and the defaulting state.
- 28          f. The defaulting state may appeal the action of the commission by petitioning the
- 29               United States district court for the District of Columbia or the federal district in
- 30               which the commission has its principal offices. The prevailing party must be
- 31               awarded all costs of such litigation, including reasonable attorneys' fees.

- 1       3. Dispute resolution.
- 2           a. Upon request by a party state, the commission shall attempt to resolve disputes
- 3               related to the compact that arise among party states and between party and
- 4               nonparty states.
- 5           b. The commission shall promulgate a rule providing for both mediation and binding
- 6               dispute resolution for disputes, as appropriate.
- 7           c. If the commission cannot resolve disputes among party states arising under this
- 8               compact:
- 9               (1) The party states may submit the issues in dispute to an arbitration panel,
- 10               which will be comprised of individuals appointed by the compact
- 11               administrator in each of the affected party states and an individual mutually
- 12               agreed upon by the compact administrators of all the party states involved in
- 13               the dispute.
- 14               (2) The decision of a majority of the arbitrators is final and binding.
- 15       4. Enforcement.
- 16           a. The commission, in the reasonable exercise of its discretion, shall enforce the
- 17               provisions and rules of this compact.
- 18           b. By majority vote, the commission may initiate legal action in the United States
- 19               district court for the District of Columbia or the federal district in which the
- 20               commission has its principal offices against a party state that is in default to
- 21               enforce compliance with the provisions of this compact and its promulgated rules
- 22               and bylaws. The relief sought may include both injunctive relief and damages. If
- 23               judicial enforcement is necessary, the prevailing party must be awarded all costs
- 24               of such litigation, including reasonable attorneys' fees.
- 25           c. The remedies herein are not the exclusive remedies of the commission. The
- 26               commission may pursue any other remedies available under federal or state law.

27       **ARTICLE X - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 28       1. This compact comes into limited effect at such time as this compact has been enacted
- 29           into law in ten party states for the sole purpose of establishing and convening the
- 30           commission to adopt rules relating to its operation and the advanced practice
- 31           registered nurse uniform licensure requirements.

- 1       2. On the date of the commission's adoption of the advanced practice registered nurse  
2       uniform licensure requirements, all remaining provisions of this compact, and rules  
3       adopted by the commission, come into full force and effect in all party states.
- 4       3. Any state that joins this compact after the commission's initial adoption of the  
5       advanced practice registered nurse uniform licensure requirements are subject to all  
6       rules that have been previously adopted by the commission.
- 7       4. Any party state may withdraw from this compact by enacting a statute repealing the  
8       same. A party state's withdrawal does not take effect until six months after enactment  
9       of the repealing statute.
- 10      5. A party state's withdrawal or termination does not affect the continuing requirement of  
11      the withdrawing or terminated state's licensing board to report adverse actions and  
12      significant investigations occurring before the effective date of such withdrawal or  
13      termination.
- 14      6. This compact may not be construed to invalidate or prevent any advanced practice  
15      registered nurse licensure agreement or other cooperative arrangement between a  
16      party state and a nonparty state that does not conflict with the provisions of this  
17      compact.
- 18      7. This compact may be amended by the party states. An amendment to this compact  
19      does not become effective and binding upon any party state until it is enacted into the  
20      laws of all party states.
- 21      8. Representatives of nonparty states to this compact must be invited to participate in the  
22      activities of the commission, on a nonvoting basis, before the adoption of this compact  
23      by all states.

#### 24                   **ARTICLE XI - CONSTRUCTION AND SEVERABILITY**

25       This compact must be liberally construed so as to effectuate the purposes of this compact.  
26       The provisions of this compact are severable, and if any phrase, clause, sentence, or provision  
27       of this compact is declared to be contrary to the constitution of any party state or of the United  
28       States, or if the applicability thereof to any government, agency, person, or circumstance is held  
29       invalid, the validity of the remainder of this compact and the applicability thereof to any  
30       government, agency, person, or circumstance is not affected thereby. If this compact is held to  
31       be contrary to the constitution of any party state, this compact remains in full force and effect as

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- 1 to the remaining party states and in full force and effect as to the party state affected as to all
- 2 severable matters.