

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 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 and the effectiveness of enforcement activities related to state nurse licensure
10 laws;

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

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

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

19 e. The current system of duplicative licensure for nurses practicing in multiple states
20 is cumbersome and redundant for both nurses and states; and

21 f. Uniformity of nurse licensure requirements throughout the states promotes public
22 safety and public health benefits.

23 2. The general purposes of this compact are to:

24 a. Facilitate the states' responsibility to protect the public's health and safety;

- 1 b. Ensure and encourage the cooperation of party states in the areas of nurse
- 2 licensure and regulation;
- 3 c. Facilitate the exchange of information between party states in the areas of nurse
- 4 regulation, investigation, and adverse actions;
- 5 d. Promote compliance with the laws governing the practice of nursing in each
- 6 jurisdiction;
- 7 e. Invest all party states with the authority to hold a nurse accountable for meeting
- 8 all state practice laws in the state in which the patient is located at the time care
- 9 is rendered through the mutual recognition of party state licenses;
- 10 f. Decrease redundancies in the consideration and issuance of nurse licenses; and
- 11 g. Provide opportunities for interstate practice by nurses who meet uniform
- 12 licensure requirements.

ARTICLE II - DEFINITIONS

14 As used in this compact:

- 15 1. "Adverse action" means any administrative, civil, equitable, or criminal action
- 16 permitted by a state's laws which is imposed by a licensing board or other authority
- 17 against a nurse, including actions against an individual's license or multistate licensure
- 18 privilege such as revocation, suspension, probation, monitoring of the licensee,
- 19 limitation on the licensee's practice, or any other encumbrance on licensure affecting a
- 20 nurse's authorization to practice, including issuance of a cease and desist action.
- 21 2. "Alternative program" means a nondisciplinary monitoring program approved by a
- 22 licensing board.
- 23 3. "Coordinated licensure information system" means an integrated process for
- 24 collecting, storing, and sharing information on nurse licensure and enforcement
- 25 activities related to nurse licensure laws which is administered by a nonprofit
- 26 organization composed of and controlled by licensing boards.
- 27 4. "Current significant investigative information" means:
- 28 a. Investigative information that a licensing board, after a preliminary inquiry that
- 29 includes notification and an opportunity for the nurse to respond, if required by
- 30 state law, has reason to believe is not groundless and, if proved true, would
- 31 indicate more than a minor infraction; or

- 1 b. Investigative information that indicates that the nurse represents an immediate
2 threat to public health and safety regardless of whether the nurse has been
3 notified and had an opportunity to respond.
- 4 5. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and
5 unrestricted practice of nursing imposed by a licensing board.
- 6 6. "Home state" means the party state that is the nurse's primary state of residence.
- 7 7. "Licensing board" means a party state's regulatory body responsible for issuing nurse
8 licenses.
- 9 8. "Multistate license" means a license to practice as a registered or a licensed
10 practical/vocational nurse issued by a home state licensing board which authorizes the
11 licensed nurse to practice in all party states under a multistate licensure privilege.
- 12 9. "Multistate licensure privilege" means a legal authorization associated with a multistate
13 license permitting the practice of nursing as either a registered nurse or licensed
14 practical/vocational nurse in a remote state.
- 15 10. "Nurse" means registered nurse or licensed practical/vocational nurse, as those terms
16 are defined by each party state's practice laws.
- 17 11. "Party state" means any state that has adopted this compact.
- 18 12. "Remote state" means a party state, other than the home state.
- 19 13. "Single-state license" means a nurse license issued by a party state which authorizes
20 practice only within the issuing state and does not include a multistate licensure
21 privilege to practice in any other party state.
- 22 14. "State" means a state, territory, or possession of the United States and the District of
23 Columbia.
- 24 15. "State practice laws" means a party state's laws, rules, and regulations that govern the
25 practice of nursing, define the scope of nursing practice, and create the methods and
26 grounds for imposing discipline. "State practice laws" do not include requirements
27 necessary to obtain and retain a license, except for qualifications or requirements of
28 the home state.

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

- 30 1. A multistate license to practice registered or licensed practical/vocational nursing
31 issued by a home state to a resident in that state will be recognized by each party

- 1 state as authorizing a nurse to practice as a registered nurse or as a licensed
2 practical/vocational nurse, under a multistate licensure privilege, in each party state.
- 3 2. A state shall implement procedures for considering the criminal history records of
4 applicants for initial multistate license or licensure by endorsement. Such procedures
5 shall include the submission of fingerprints or other biometric-based information by
6 applicants for the purpose of obtaining an applicant's criminal history record
7 information from the federal bureau of investigation and the agency responsible for
8 retaining that state's criminal records.
- 9 3. Each party state shall require the following for an applicant to obtain or retain a
10 multistate license in the home state:
- 11 a. Meets the home state's qualifications for licensure or renewal of licensure, as well
12 as, all other applicable state laws;
- 13 b. (1) Has graduated or is eligible to graduate from a licensing board-approved
14 registered nurse or licensed practical/vocational nurse prelicensure
15 education program; or
- 16 (2) Has graduated from a foreign registered nurse or licensed
17 practical/vocational nurse prelicensure education program that:
- 18 (a) Has been approved by the authorized accrediting body in the
19 applicable country; and
- 20 (b) Has been verified by an independent credentials review agency to be
21 comparable to a licensing board-approved prelicensure education
22 program;
- 23 c. Has, if a graduate of a foreign prelicensure education program not taught in
24 English or if English is not the individual's native language, successfully passed
25 an English proficiency examination that includes the components of reading,
26 speaking, writing, and listening;
- 27 d. Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or
28 recognized predecessor, as applicable;
- 29 e. Is eligible for or holds an active, unencumbered license;
- 30 f. Has submitted, in connection with an application for initial licensure or licensure
31 by endorsement, fingerprints or other biometric data for the purpose of obtaining

- 1 criminal history record information from the federal bureau of investigation and
2 the agency responsible for retaining that state's criminal records;
- 3 g. Has not been convicted or found guilty, or has entered an agreed disposition, of a
4 felony offense under applicable state or federal criminal law;
- 5 h. Has not been convicted or found guilty, or has entered an agreed disposition, of a
6 misdemeanor offense related to the practice of nursing as determined on a case-
7 by-case basis;
- 8 i. Is not currently enrolled in an alternative program;
- 9 j. Is subject to self-disclosure requirements regarding current participation in an
10 alternative program; and
- 11 k. Has a valid United States social security number.
- 12 4. All party states may, in accordance with existing state due process law, to take
13 adverse action against a nurse's multistate licensure privilege such as revocation,
14 suspension, probation, or any other action that affects a nurse's authorization to
15 practice under a multistate licensure privilege, including cease and desist actions. If a
16 party state takes such action, it promptly shall notify the administrator of the
17 coordinated licensure information system. The administrator of the coordinated
18 licensure information system promptly shall notify the home state of any such actions
19 by remote states.
- 20 5. A nurse practicing in a party state shall comply with the state practice laws of the state
21 in which the client is located at the time service is provided. The practice of nursing is
22 not limited to patient care, but includes all nursing practice as defined by the state
23 practice laws of the party state in which the client is located. The practice of nursing in
24 a party state under a multistate licensure privilege will subject a nurse to the
25 jurisdiction of the licensing board, the courts, and the laws of the party state in which
26 the client is located at the time service is provided.
- 27 6. Individuals not residing in a party state continue to be able to apply for a party state's
28 single-state license as provided under the laws of each party state. However, the
29 single-state license granted to these individuals will not be recognized as granting the
30 privilege to practice nursing in any other party state. This compact does not affect the
31 requirements established by a party state for the issuance of a single-state license.

- 1 7. Any nurse holding a home state multistate license, on the effective date of this
2 compact, may retain and renew the multistate license issued by the nurse's then-
3 current home state, provided that:
- 4 a. A nurse, who changes primary state of residence after this compact's effective
5 date, shall meet all applicable requirements of subsection 3 of article III to obtain
6 a multistate license from a new home state.
- 7 b. A nurse who fails to satisfy the multistate licensure requirements in subsection 3
8 of article III due to a disqualifying event occurring after this compact's effective
9 date is ineligible to retain or renew a multistate license, and the nurse's multistate
10 license must be revoked or deactivated in accordance with applicable rules
11 adopted by the Interstate Commission of Nurse Licensure compact
12 Administrators ("commission").

13 **ARTICLE IV - APPLICATIONS FOR LICENSURE IN A PARTY STATE**

- 14 1. Upon application for a multistate license, the licensing board in the issuing party state
15 shall ascertain, through the coordinated licensure information system, whether the
16 applicant has ever held, or is the holder of, a license issued by any other state,
17 whether there are any encumbrances on any license or multistate licensure privilege
18 held by the applicant, whether any adverse action has been taken against any license
19 or multistate licensure privilege held by the applicant, and whether the applicant is
20 currently participating in an alternative program.
- 21 2. A nurse may hold a multistate license, issued by the home state, in only one party
22 state at a time.
- 23 3. If a nurse changes primary state of residence by moving between two party states, the
24 nurse shall apply for licensure in the new home state, and the multistate license issued
25 by the prior home state will be deactivated in accordance with applicable rules
26 adopted by the commission.
- 27 a. The nurse may apply for licensure in advance of a change in primary state of
28 residence.
- 29 b. A multistate license may not be issued by the new home state until the nurse
30 provides satisfactory evidence of a change in primary state of residence to the

- 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 nurse participation in alternative
7 programs known to the licensing board regardless of whether such participation is
8 deemed nonpublic 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 that
22 information also must be expunged 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; 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 NURSE**

2 **LICENSURE COMPACT ADMINISTRATORS**

3 1. The party states hereby create and establish a joint public entity known as the
4 Interstate Commission of Nurse Licensure 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 has an opportunity to participate in the
21 business and affairs of the commission. An administrator shall vote in person or
22 by such other means as provided in the bylaws. The bylaws may provide for an
23 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 discusses:

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 or the actions taken, 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 must
- 18 govern the 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 or reserving of all of its debts and obligations;
- 22 4. The commission shall publish its bylaws and rules, and any amendments thereto, in a
- 23 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 provided that the standing of any licensing board to sue or be sued under
3 applicable law may not be affected;
- 4 c. Purchase and maintain insurance and bonds;
- 5 d. Borrow, accept, or contract for services of personnel, including, but not limited to,
6 employees of a 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 same
17 if at all times the commission avoids any appearance of impropriety or conflict of
18 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 if at all times
21 the commission avoids 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, 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 nurse licensure
3 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 also levy on and collect an annual assessment from each
8 party state to cover the cost of its operations, activities, and staff in its annual
9 budget as approved each year. The aggregate annual assessment amount, if
10 any, must be allocated based upon a formula to be determined by the
11 commission, which shall promulgate a rule that is binding upon all party states.
- 12 c. The commission may not incur obligations of any kind before securing the funds
13 adequate to meet the same, nor may the commission pledge the credit of any of
14 the party states, except by, and with the authority of, such party state.
- 15 d. The commission shall keep accurate accounts of all receipts and disbursements.
16 The receipts and disbursements of the commission are subject to the audit and
17 accounting procedures established under its bylaws. However, all receipts and
18 disbursements of funds handled by the commission must be audited yearly by a
19 certified or licensed public accountant, and the report of the audit must be
20 included in and become part of the annual report of the commission.
- 21 9. Qualified immunity, defense, and indemnification.
- 22 a. The administrators, officers, executive director, employees, and representatives
23 of the commission are immune from suit and liability, either personally or in their
24 official capacity, for any claim for damage to or loss of property or personal injury
25 or other civil liability caused by or arising out of any actual or alleged act, error, or
26 omission that occurred, or that the person against which the claim is made had a
27 reasonable basis for believing occurred, within the scope of commission
28 employment, duties or responsibilities. However, this subdivision may not be
29 construed to protect any such person from suit or liability for any damage, loss,
30 injury, or liability caused by the intentional, willful, or wanton misconduct of that
31 person.

1 b. The commission shall defend any administrator, officer, executive director,
2 employee, or representative of the commission in any civil action seeking to
3 impose liability arising out of any actual or alleged act, error, or omission that
4 occurred within the scope of commission employment, duties, or responsibilities,
5 or that the person against which the claim is made had a reasonable basis for
6 believing occurred within the scope of commission employment, duties, or
7 responsibilities. However, this subdivision may not be construed to prohibit that
8 person from retaining that person's own counsel and provided further that the
9 actual or alleged act, error, or omission did not result from that person's
10 intentional, willful, or wanton misconduct.

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

ARTICLE VIII - RULEMAKING

- 20
- 21 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth
22 in this article and the rules adopted under this article. Rules and amendments become
23 binding as of the date specified in each rule or amendment and have the same force
24 and effect as provisions of this compact.
- 25 2. Rules or amendments to the rules must be adopted at a regular or special meeting of
26 the commission.
- 27 3. Before the promulgation and adoption of a final rule or rules by the commission, and at
28 least sixty days in advance of the meeting at which the rule will be considered and
29 voted upon, the commission shall file a notice of proposed rulemaking:
- 30 a. On the website of the commission; and

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

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

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

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

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

- 1 a. Upon request by a party state, the commission shall attempt to resolve disputes
2 related to the compact which arise among party states and between party and
3 nonparty states.
- 4 b. The commission shall promulgate a rule providing for both mediation and binding
5 dispute resolution for disputes, as appropriate.
- 6 c. If the commission cannot resolve disputes among party states arising under this
7 compact:
- 8 (1) The party states may submit the issues in dispute to an arbitration panel,
9 which will be comprised of individuals appointed by the compact
10 administrator in each of the affected party states and an individual mutually
11 agreed upon by the compact administrators of all the party states involved in
12 the dispute.
- 13 (2) The decision of a majority of the arbitrators is final and binding.

14 4. Enforcement.

- 15 a. The commission, in the reasonable exercise of its discretion, shall enforce the
16 provisions and rules of this compact.
- 17 b. By majority vote, the commission may initiate legal action in the United States
18 district court for the District of Columbia or the federal district in which the
19 commission has its principal offices against a party state that is in default to
20 enforce compliance with the provisions of this compact and its promulgated rules
21 and bylaws. The relief sought may include both injunctive relief and damages. If
22 judicial enforcement is necessary, the prevailing party must be awarded all costs
23 of such litigation, including reasonable attorney's fees.
- 24 c. The remedies herein are not the exclusive remedies of the commission. The
25 commission may pursue any other remedies available under federal or state law.

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

- 27 1. This compact becomes effective and binding on the earlier of the date of legislative
28 enactment of this compact into law by no less than twenty-six states or December 31,
29 2018. All party states to this compact, that also were parties to the prior nurse
30 licensure compact, superseded by this compact, ("prior compact"), are deemed to

1 have withdrawn from said prior compact within six months after the effective date of
2 this compact.

3 2. Each party state to this compact shall continue to recognize a nurse's multistate
4 licensure privilege to practice in that party state issued under the prior compact until
5 such party state has withdrawn from the prior compact.

6 3. Any party state may withdraw from this compact by enacting a statute repealing the
7 same. A party state's withdrawal does not take effect until six months after enactment
8 of the repealing statute.

9 4. A party state's withdrawal or termination does not affect the continuing requirement of
10 the withdrawing or terminated state's licensing board to report adverse actions and
11 significant investigations occurring prior to the effective date of such withdrawal or
12 termination.

13 5. This compact may not be construed to invalidate or prevent any nurse licensure
14 agreement or other cooperative arrangement between a party state and a nonparty
15 state that is made in accordance with the other provisions of this compact.

16 6. This compact may be amended by the party states. An amendment to this compact
17 does not become effective and binding upon the party states unless and until it is
18 enacted into the laws of all party states.

19 7. Representatives of nonparty states to this compact must be invited to participate in the
20 activities of the commission, on a nonvoting basis, prior to the adoption of this
21 compact by all states.

22 **ARTICLE XI - CONSTRUCTION AND SEVERABILITY**

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

- 1 The term "head of the state licensing board" as used to define the compact administrator in
- 2 subdivision a of subsection 2 of article III means the executive director of the state board of
- 3 nursing.