

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 294

HOUSE BILL 2362

AN ACT

AMENDING TITLE 32, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1; REPEALING SECTIONS 32-1668 AND 32-1669, ARIZONA REVISED STATUTES; RELATING TO NURSE LICENSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 15, Arizona Revised Statutes, is amended
3 by adding article 2.1, to read:

4 ARTICLE 2.1. NURSE LICENSURE COMPACT

5 32-1660. Nurse licensure compact

6 THE NURSE LICENSURE COMPACT IS ADOPTED AND ENACTED INTO LAW AS FOLLOWS:

7 ARTICLE I

8 FINDINGS AND DECLARATION OF PURPOSE

9 A. THE PARTY STATES FIND THAT:

10 1. THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE DEGREE OF
11 COMPLIANCE WITH AND THE EFFECTIVENESS OF ENFORCEMENT ACTIVITIES RELATED TO
12 STATE NURSE LICENSURE LAWS.

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

15 3. THE EXPANDED MOBILITY OF NURSES AND THE USE OF ADVANCED
16 COMMUNICATION TECHNOLOGIES AS PART OF OUR NATION'S HEALTH CARE DELIVERY
17 SYSTEM REQUIRE GREATER COORDINATION AND COOPERATION AMONG STATES IN THE AREAS
18 OF NURSE LICENSURE AND REGULATION.

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

21 5. THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES PRACTICING
22 IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT FOR BOTH NURSES AND STATES.

23 6. UNIFORMITY OF NURSE LICENSURE REQUIREMENTS THROUGHOUT THE STATES
24 PROMOTES PUBLIC SAFETY AND PUBLIC HEALTH BENEFITS.

25 B. THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

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

28 2. ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES IN THE AREAS
29 OF NURSE LICENSURE AND REGULATION.

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

32 4. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING THE PRACTICE OF NURSING
33 IN EACH JURISDICTION.

34 5. INVEST ALL PARTY STATES WITH THE AUTHORITY TO HOLD A NURSE
35 ACCOUNTABLE FOR MEETING ALL STATE PRACTICE LAWS IN THE STATE IN WHICH THE
36 PATIENT IS LOCATED AT THE TIME CARE IS RENDERED THROUGH THE MUTUAL
37 RECOGNITION OF PARTY STATE LICENSES.

38 6. DECREASE REDUNDANCIES IN THE CONSIDERATION AND ISSUANCE OF NURSE
39 LICENSES.

40 7. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY NURSES WHO MEET
41 UNIFORM LICENSURE REQUIREMENTS.

ARTICLE II
DEFINITIONS

AS USED IN THIS COMPACT:

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

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

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

D. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS EITHER:

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

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

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

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

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

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

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

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

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

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

1 M. "SINGLE-STATE LICENSE" MEANS A NURSE LICENSE ISSUED BY A PARTY
2 STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING STATE AND DOES NOT
3 INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN ANY OTHER PARTY
4 STATE.

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

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

13 ARTICLE III

14 GENERAL PROVISIONS AND JURISDICTION

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

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

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

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

32 2. EITHER:

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

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

38 (i) HAS BEEN APPROVED BY THE AUTHORIZED ACCREDITING BODY IN THE
39 APPLICABLE COUNTRY.

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

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

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

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

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

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

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

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

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

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

19 D. ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE WITH EXISTING
20 STATE DUE PROCESS LAW, TO TAKE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE
21 LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION OR PROBATION OR ANY OTHER
22 ACTION THAT AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE UNDER A MULTISTATE
23 LICENSURE PRIVILEGE, INCLUDING CEASE AND DESIST ACTIONS. IF A PARTY STATE
24 TAKES SUCH AN ACTION, IT SHALL PROMPTLY NOTIFY THE ADMINISTRATOR OF THE
25 COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR OF THE
26 COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE
27 OF ANY SUCH ACTIONS BY REMOTE STATES.

28 E. A NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH THE STATE
29 PRACTICE LAWS OF THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE
30 IS PROVIDED. THE PRACTICE OF NURSING IS NOT LIMITED TO PATIENT CARE, BUT
31 SHALL INCLUDE ALL NURSING PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF
32 THE PARTY STATE IN WHICH THE CLIENT IS LOCATED. THE PRACTICE OF NURSING IN A
33 PARTY STATE UNDER A MULTISTATE LICENSURE PRIVILEGE WILL SUBJECT A NURSE TO
34 THE JURISDICTION OF THE LICENSING BOARD, THE COURTS AND THE LAWS OF THE PARTY
35 STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED.

36 F. INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE TO BE ABLE
37 TO APPLY FOR A PARTY STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER THE LAWS
38 OF EACH PARTY STATE. HOWEVER, THE SINGLE-STATE LICENSE GRANTED TO THESE
39 INDIVIDUALS WILL NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE
40 NURSING IN ANY OTHER PARTY STATE. THIS COMPACT DOES NOT AFFECT THE
41 REQUIREMENTS ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A SINGLE-STATE
42 LICENSE.

43 G. ANY NURSE HOLDING A HOME STATE MULTISTATE LICENSE ON THE EFFECTIVE
44 DATE OF THIS COMPACT MAY RETAIN AND RENEW THE MULTISTATE LICENSE ISSUED BY
45 THE NURSE'S THEN-CURRENT HOME STATE, PROVIDED THAT:

1 ii. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE LICENSING
2 BOARD SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED
3 FROM A REMOTE STATE AS IT WOULD IF SUCH CONDUCT HAD OCCURRED WITHIN THE HOME
4 STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO
5 DETERMINE APPROPRIATE ACTION.

6 2. ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE ON A NURSE'S
7 AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE.

8 3. COMPLETE ANY PENDING INVESTIGATION OF A NURSE WHO CHANGES THE
9 NURSE'S PRIMARY STATE OF RESIDENCE DURING THE COURSE OF SUCH AN
10 INVESTIGATION. THE LICENSING BOARD SHALL ALSO HAVE THE AUTHORITY TO TAKE ANY
11 APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF SUCH
12 INVESTIGATIONS TO THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION
13 SYSTEM. THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM
14 SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH ACTIONS.

15 4. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE
16 THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF
17 EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A PARTY STATE FOR THE
18 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
19 ANOTHER PARTY STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
20 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT COURT
21 APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING
22 AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES
23 REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH ANY WITNESS OR
24 EVIDENCE IS LOCATED.

25 5. OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT, FINGERPRINT
26 OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION
27 FOR CRIMINAL BACKGROUND CHECKS, RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF
28 INVESTIGATION RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE RESULTS
29 IN MAKING LICENSURE DECISIONS.

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

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

36 B. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A NURSE'S
37 MULTISTATE LICENSE, THE NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN
38 ALL OTHER PARTY STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN
39 REMOVED FROM THE MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT
40 IMPOSE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSE SHALL INCLUDE A
41 STATEMENT THAT THE NURSE'S MULTISTATE LICENSURE PRIVILEGE IS DEACTIVATED IN
42 ALL PARTY STATES DURING THE PENDENCY OF THE ORDER.

43 C. THIS COMPACT DOES NOT OVERRIDE A PARTY STATE'S DECISION THAT
44 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
45 ACTION. THE HOME STATE LICENSING BOARD SHALL DEACTIVATE THE MULTISTATE

1 LICENSURE PRIVILEGE UNDER THE MULTISTATE LICENSE OF ANY NURSE FOR THE
2 DURATION OF THE NURSE'S PARTICIPATION IN AN ALTERNATIVE PROGRAM.

3 ARTICLE VI

4 COORDINATED LICENSURE INFORMATION SYSTEM
5 AND EXCHANGE OF INFORMATION

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

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

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

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

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

31 F. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED FROM THE
32 COORDINATED LICENSURE INFORMATION SYSTEM BY A PARTY STATE LICENSING BOARD MAY
33 NOT BE SHARED WITH NONPARTY STATES OR DISCLOSED TO OTHER ENTITIES OR
34 INDIVIDUALS EXCEPT TO THE EXTENT PERMITTED BY THE LAWS OF THE PARTY STATE
35 CONTRIBUTING THE INFORMATION.

36 G. ANY INFORMATION CONTRIBUTED TO THE COORDINATED LICENSURE
37 INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS
38 OF THE PARTY STATE CONTRIBUTING THAT INFORMATION SHALL ALSO BE EXPUNGED FROM
39 THE COORDINATED LICENSURE INFORMATION SYSTEM.

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

- 43 1. IDENTIFYING INFORMATION.
- 44 2. LICENSURE DATA.
- 45 3. INFORMATION RELATED TO ALTERNATIVE PROGRAM PARTICIPATION.

1 MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND
2 PROCEDURES.

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

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

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

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

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

11 (h) DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW ENFORCEMENT
12 PURPOSES.

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

16 (j) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR STATE
17 STATUTE.

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

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

32 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION.

33 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:

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

35 (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR
36 FUNCTION OF THE COMMISSION.

37 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS
38 OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL MEETINGS AND
39 PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY INTERESTED
40 PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S
41 INTEREST, THE PRIVACY OF INDIVIDUALS AND PROPRIETARY INFORMATION, INCLUDING
42 TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED SESSION ONLY AFTER A
43 MAJORITY OF THE ADMINISTRATORS VOTE TO CLOSE A MEETING IN WHOLE OR IN PART.
44 AS SOON AS PRACTICABLE, THE COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO

1 CLOSE THE MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY
2 VOTES ALLOWED.

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

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

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

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

15 E. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE
16 WITH THE BYLAWS.

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

19 G. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

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

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

26 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

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

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

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

44 9. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
45 OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL, PERSONAL OR MIXED.

- 1 10. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.
- 2 11. TO BORROW MONEY.
- 3 12. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES COMPOSED OF
- 4 ADMINISTRATORS, STATE NURSING REGULATORS, STATE LEGISLATORS OR THEIR
- 5 REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND OTHER SUCH INTERESTED
- 6 PERSONS.
- 7 13. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO COOPERATE WITH,
- 8 LAW ENFORCEMENT AGENCIES.
- 9 14. TO ADOPT AND USE AN OFFICIAL SEAL.
- 10 15. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE
- 11 TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE REGULATION
- 12 OF NURSE LICENSURE AND PRACTICE.
- 13 H. FINANCING OF THE COMMISSION IS AS FOLLOWS:
- 14 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
- 15 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
- 16 ACTIVITIES.
- 17 2. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
- 18 EACH PARTY STATE TO COVER THE COST OF ITS OPERATIONS, ACTIVITIES AND STAFF IN
- 19 ITS ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT
- 20 AMOUNT, IF ANY, SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE
- 21 COMMISSION, WHICH SHALL ADOPT A RULE THAT IS BINDING ON ALL PARTY STATES.
- 22 3. THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
- 23 SECURING THE MONIES ADEQUATE TO MEET THE SAME OR PLEDGE THE CREDIT OF ANY OF
- 24 THE PARTY STATES, EXCEPT BY, AND WITH THE AUTHORITY OF, SUCH PARTY STATE.
- 25 4. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
- 26 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE
- 27 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS.
- 28 HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE COMMISSION
- 29 SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
- 30 REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT
- 31 OF THE COMMISSION.
- 32 I. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:
- 33 1. THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
- 34 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,
- 35 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO
- 36 OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
- 37 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR
- 38 THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
- 39 BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
- 40 RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT ANY SUCH PERSON FROM SUIT
- 41 OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE
- 42 INTENTIONAL, WILFUL OR WANTON MISCONDUCT OF THAT PERSON.
- 43 2. THE COMMISSION SHALL DEFEND ANY ADMINISTRATOR, OFFICER, EXECUTIVE
- 44 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
- 45 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR

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

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

17 ARTICLE VIII
18 RULEMAKING

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

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

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

30 1. ON THE WEBSITE OF THE COMMISSION.

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

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

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

37 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR THE
38 PROPOSED RULE.

39 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
40 PERSON.

41 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE
42 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN
43 COMMENTS.

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

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

6 G. THE COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE
7 SCHEDULED PUBLIC HEARING. THE FOLLOWING APPLY TO HEARINGS UNDER THIS
8 SUBSECTION:

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

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

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

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

21 J. THE COMMISSION, BY MAJORITY VOTE OF ALL ADMINISTRATORS, SHALL TAKE
22 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE OF
23 THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE
24 RULE.

25 K. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
26 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE OR AN OPPORTUNITY
27 FOR COMMENT OR HEARING, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
28 PROVIDED IN THIS COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED
29 TO THE RULE AS SOON AS REASONABLY PRACTICABLE, BUT NOT LATER THAN NINETY DAYS
30 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION,
31 AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO DO ANY
32 OF THE FOLLOWING:

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

37 L. THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR
38 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT,
39 ERRORS IN CONSISTENCY OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS
40 SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE
41 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING.
42 THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A
43 MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING, AND
44 DELIVERED TO THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF NO
45 CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF

1 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
2 APPROVAL OF THE COMMISSION.

3 ARTICLE IX

4 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

5 A. OVERSIGHT IS AS FOLLOWS:

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

8 2. THE COMMISSION IS ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY
9 PROCEEDING THAT MAY AFFECT THE POWERS, RESPONSIBILITIES OR ACTIONS OF THE
10 COMMISSION AND HAS STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL
11 PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS IN SUCH PROCEEDING TO THE
12 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS
13 COMPACT OR ADOPTED RULES.

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

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

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

21 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
22 REGARDING THE DEFAULT.

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

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

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

38 5. THE COMMISSION MAY NOT BEAR ANY COSTS RELATED TO A STATE THAT IS
39 FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN
40 TERMINATED UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE
41 DEFAULTING STATE.

42 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY
43 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR
44 THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL OFFICES. THE

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

3 C. DISPUTE RESOLUTION IS AS FOLLOWS:

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

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

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

11 (a) THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN
12 ARBITRATION PANEL THAT IS COMPOSED OF INDIVIDUALS APPOINTED BY THE COMPACT
13 ADMINISTRATOR IN EACH OF THE AFFECTED PARTY STATES AND AN INDIVIDUAL WHO IS
14 MUTUALLY AGREED ON BY THE COMPACT ADMINISTRATORS OF ALL THE PARTY STATES
15 INVOLVED IN THE DISPUTE.

16 (b) THE DECISION OF A MAJORITY OF THE ARBITRATORS IS FINAL AND
17 BINDING.

18 D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:

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

21 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN THE
22 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL
23 DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL OFFICES AGAINST A PARTY
24 STATE THAT IS IN DEFAULT TO ENFORCE COMPLIANCE WITH THIS COMPACT AND ITS
25 ADOPTED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE
26 RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING
27 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
28 ATTORNEYS' FEES.

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

32 ARTICLE X

33 EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

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

40 B. EACH PARTY STATE TO THIS COMPACT SHALL CONTINUE TO RECOGNIZE A
41 NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN THAT PARTY STATE ISSUED
42 UNDER THE PRIOR COMPACT UNTIL THAT PARTY STATE HAS WITHDRAWN FROM THE PRIOR
43 COMPACT.

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

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

8 E. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY NURSE LICENSURE
9 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A
10 NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER PROVISIONS OF THIS
11 COMPACT.

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

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

18 ARTICLE XI

19 CONSTRUCTION AND SEVERABILITY

20 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
21 PURPOSES OF THE COMPACT. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE,
22 AND IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED
23 TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED
24 STATES, OR IF THE APPLICABILITY OF THE COMPACT TO ANY GOVERNMENT, AGENCY,
25 PERSON OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS
26 COMPACT AND THE APPLICABILITY OF THE COMPACT TO ANY GOVERNMENT, AGENCY,
27 PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF THIS COMPACT IS
28 HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE, THIS COMPACT
29 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN
30 FULL FORCE AND EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE
31 MATTERS.

32 32-1660.01. Applicability of compact; scope of practice;
33 notification; withdrawal from compact

34 A. THE COMPACT ADOPTED BY SECTION 32-1660 DOES NOT ALTER THE SCOPE OF
35 PRACTICE OF A REGISTERED NURSE PRACTICING IN THIS STATE. A REGISTERED NURSE
36 PRACTICING IN THIS STATE SHALL COMPLY WITH THE SCOPE OF PRACTICE ENACTED
37 UNDER THIS CHAPTER.

38 B. THE COMMISSION CREATED BY THE COMPACT ADOPTED BY SECTION 32-1660
39 DOES NOT HAVE THE AUTHORITY TO ALTER THE SCOPE OF PRACTICE FOR REGISTERED
40 NURSES PRACTICING IN THIS STATE. THE GOVERNOR MAY WITHDRAW THIS STATE FROM
41 THE COMPACT ADOPTED BY SECTION 32-1660 IF THE BOARD NOTIFIES THE GOVERNOR
42 THAT THE COMMISSION HAS ADOPTED A RULE TO CHANGE THE SCOPE OF PRACTICE FOR
43 REGISTERED NURSES IN THIS STATE AND A LAW IS ENACTED THAT REPEALS THE
44 COMPACT.

Passed the House February 16, 2016

by the following vote: 60 Ayes,
0 Nays, 0 Not Voting

[Signature]
Speaker of the House
 Pro Tempore
[Signature]
Chief Clerk of the House

Passed the Senate April 25, 2016

by the following vote: 20 Ayes,
9 Nays, 1 Not Voting

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
_____ day of _____, 20____
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this _____ day of _____, 20____
at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 7, 2016

by the following vote: 41 Ayes,

14 Nays, 5 Not Voting



Speaker of the House



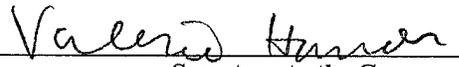
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2016,

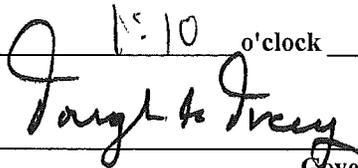
at 3:33 o'clock A. M.


Secretary to the Governor

Approved this 17th day of

May, 2016,

at 1:10 o'clock P. M.


Governor of Arizona

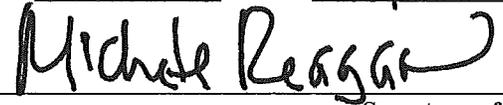
H.B. 2362

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17th day of May, 2016,

at 4:35 o'clock P. M.


Secretary of State