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## A BILL FOR AN ACT

RELATING TO NURSES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that nurses are essential  
2 members of the health care system. Working in various settings,  
3 nurses are skilled professionals who, among their many diverse  
4 tasks, manage patient conditions, catch potential medical  
5 errors, promote public health, and advocate for better health  
6 policies. Nurses are the health care professionals who spend  
7 the most time with patients and educate patients with health  
8 information, including helping patients understand treatments,  
9 medications, or the operations of a facility.

10           The legislature further finds that there is a nurse  
11 shortage in the State that has been exacerbated by the  
12 coronavirus disease 2019 pandemic. According to the department  
13 of commerce and consumer affairs, almost five thousand nurses  
14 left the field between 2019 and mid-year 2021, shrinking the  
15 total active workforce from 33,410 in 2019 to 28,548 in 2021.

16           The legislature also finds that experienced, highly  
17 qualified nurses from other states, territories, or foreign



1 countries may wish to relocate to Hawaii. This Act will help to  
2 facilitate the movement of nurses into the State.

3 Accordingly, the purpose of this Act is to adopt the  
4 multistate Nurse Licensure Compact, which will allow a nurse who  
5 is licensed by a home state to practice under a multistate  
6 licensure privilege in each party state.

7 SECTION 2. The Hawaii Revised Statutes is amended by  
8 adding a new chapter to be appropriately designated and to read  
9 as follows:

10 **"CHAPTER**

11 **NURSE LICENSURE COMPACT**

12 § -1 **Adoption of compact.** The "Nurse Licensure Compact"  
13 is hereby enacted into law and entered into with all  
14 jurisdictions legally joining therein, in the form substantially  
15 as follows:

16 **NURSE LICENSURE COMPACT**

17 **Article I. Findings and Declaration of Purpose**

18 (a) The party states find that:

19 (1) The health and safety of the public are affected by  
20 the degree of compliance with and the effectiveness of



- 1 enforcement activities related to state nurse  
2 licensure laws;
- 3 (2) Violations of nurse licensure and other laws  
4 regulating the practice of nursing may result in  
5 injury or harm to the public;
- 6 (3) The expanded mobility of nurses and the use of  
7 advanced communication technologies as part of the  
8 nation's health care delivery system require greater  
9 coordination and cooperation among states in the areas  
10 of nurse licensure and regulation;
- 11 (4) New practice modalities and technology make compliance  
12 with individual state nurse licensure laws difficult  
13 and complex;
- 14 (5) The current system of duplicative licensure for nurses  
15 practicing in multiple states is cumbersome and  
16 redundant for both nurses and states; and
- 17 (6) Uniformity of nurse licensure requirements throughout  
18 the states promotes public safety and public health  
19 benefits.
- 20 (b) The general purposes of this compact are to:



- 1 (1) Facilitate the states' responsibility to protect the  
2 public's health and safety;
- 3 (2) Ensure and encourage the cooperation of party states  
4 in the areas of nurse licensure and regulation;
- 5 (3) Facilitate the exchange of information between party  
6 states in the areas of nurse regulation, investigation  
7 and adverse actions;
- 8 (4) Promote compliance with the laws governing the  
9 practice of nursing in each jurisdiction;
- 10 (5) Invest all party states with the authority to hold a  
11 nurse accountable for meeting all state practice laws  
12 in the state in which the patient is located at the  
13 time care is rendered through the mutual recognition  
14 of party state licenses;
- 15 (6) Decrease redundancies in the consideration and  
16 issuance of nurse licenses; and
- 17 (7) Provide opportunities for interstate practice by  
18 nurses who meet uniform licensure requirements.

19 Article II. Definitions

20 As used in this compact:



1 "Adverse action" means any administrative, civil, equitable  
2 or criminal action permitted by a state's laws that is imposed  
3 by a licensing board or other authority against a nurse,  
4 including actions against an individual's license or multistate  
5 licensure privilege such as revocation, suspension, probation,  
6 monitoring of the licensee, limitation on the licensee's  
7 practice, or any other encumbrance on licensure affecting a  
8 nurse's authorization to practice, including issuance of a cease  
9 and desist action.

10 "Alternative program" means a non-disciplinary monitoring  
11 program approved by a licensing board.

12 "Coordinated licensure information system" means an  
13 integrated process for collecting, storing and sharing  
14 information on nurse licensure and enforcement activities  
15 related to nurse licensure laws that is administered by a  
16 nonprofit organization composed of and controlled by licensing  
17 boards.

18 "Current significant investigative information" means:

19 (1) Investigative information that a licensing board,  
20 after a preliminary inquiry that includes notification  
21 and an opportunity for the nurse to respond, if



1           required by state law, has reason to believe is not  
2           groundless and, if proved true, would indicate more  
3           than a minor infraction; or

4           (2) Investigative information that indicates that the  
5           nurse represents an immediate threat to public health  
6           and safety regardless of whether the nurse has been  
7           notified and had an opportunity to respond.

8           "Encumbrance" means a revocation or suspension of, or any  
9           limitation on, the full and unrestricted practice of nursing  
10          imposed by a licensing board.

11          "Home state" means the party state that is the nurse's  
12          primary state of residence.

13          "Licensing board" means a party state's regulatory body  
14          responsible for issuing nurse licenses.

15          "Multistate license" means a license to practice as a  
16          registered nurse, licensed practical nurse, or licensed  
17          vocational nurse issued by a home state licensing board that  
18          authorizes the licensed nurse to practice in all party states  
19          under a multistate licensure privilege.

20          "Multistate licensure privilege" means a legal  
21          authorization associated with a multistate license permitting



1 the practice of nursing as either a registered nurse, licensed  
2 practical nurse, or licensed vocational nurse in a remote state.

3 "Nurse" means a registered nurse, licensed practical nurse,  
4 or licensed vocational nurse as those terms are defined by each  
5 party state's practice laws.

6 "Party state" means any state that has adopted this  
7 compact.

8 "Remote state" means a party state, other than the home  
9 state.

10 "Single-state license" means a nurse license issued by a  
11 party state that authorizes practice only within the issuing  
12 state and does not include a multistate licensure privilege to  
13 practice in any other party state.

14 "State" means a state, territory, or possession of the  
15 United States and the District of Columbia.

16 "State practice laws" means a party state's laws, rules and  
17 regulations that govern the practice of nursing, define the  
18 scope of nursing practice, and create the methods and grounds  
19 for imposing discipline.



1 "State practice laws" do not include requirements necessary  
2 to obtain and retain a license, except for qualifications or  
3 requirements of the home state.

4 Article III. General Provisions and Jurisdiction

5 (a) A multistate license to practice registered or  
6 licensed practical/vocational nursing issued by a home state to  
7 a resident in that state will be recognized by each party state  
8 as authorizing a nurse to practice as a registered nurse,  
9 licensed practical nurse, or licensed vocational nurse, under a  
10 multistate licensure privilege, in each party state.

11 (b) A state must implement procedures for considering the  
12 criminal history records of applicants for initial multistate  
13 license or licensure by endorsement. Such procedures shall  
14 include the submission of fingerprints or other biometric-based  
15 information by applicants for the purpose of obtaining an  
16 applicant's criminal history record information from the Federal  
17 Bureau of Investigation and the agency responsible for retaining  
18 that state's criminal records.

19 (c) Each party state shall require that an applicant meet  
20 the following to obtain or retain a multistate license in the  
21 home state:



- 1 (1) Meets the home state's qualifications for licensure or  
2 renewal of licensure, as well as all other applicable  
3 state laws;
- 4 (2) (A) Has graduated or is eligible to graduate from a  
5 licensing board-approved registered nurse,  
6 licensed practical nurse, or licensed vocational  
7 nurse prelicensure education program; or  
8 (B) Has graduated from a foreign registered nurse,  
9 licensed practical nurse, or licensed vocational  
10 nurse prelicensure education program that has  
11 been:
- 12 (i) Approved by the authorized accrediting body  
13 in the applicable country; and  
14 (ii) Verified by an independent credentials  
15 review agency to be comparable to a  
16 licensing board-approved prelicensure  
17 education program;
- 18 (3) Has, if a graduate of a foreign prelicensure education  
19 program not taught in English or if English is not the  
20 individual's native language, successfully passed an  
21 English proficiency examination that includes the



- 1 components of reading, speaking, writing and  
2 listening;
- 3 (4) Has successfully passed an NCLEX-RN or NCLEX-PN  
4 Examination or recognized predecessor, as applicable;
- 5 (5) Is eligible for or holds an active, unencumbered  
6 license;
- 7 (6) Has submitted, in connection with an application for  
8 initial licensure or licensure by endorsement,  
9 fingerprints or other biometric data for the purpose  
10 of obtaining criminal history record information from  
11 the Federal Bureau of Investigation and the agency  
12 responsible for retaining that state's criminal  
13 records;
- 14 (7) Has not been convicted or found guilty, or has entered  
15 into an agreed disposition, of a felony offense under  
16 applicable state or federal criminal law;
- 17 (8) Has not been convicted or found guilty, or has entered  
18 into an agreed disposition, of a misdemeanor offense  
19 related to the practice of nursing as determined on a  
20 case-by-case basis;
- 21 (9) Is not currently enrolled in an alternative program;



1           (10) Is subject to self-disclosure requirements regarding  
2                   current participation in an alternative program; and  
3           (11) Has a valid United States Social Security number.  
4           (d) All party states shall be authorized, in accordance  
5 with existing state due process law, to take adverse action  
6 against a nurse's multistate licensure privilege such as  
7 revocation, suspension, probation or any other action that  
8 affects a nurse's authorization to practice under a multistate  
9 licensure privilege, including cease and desist actions. If a  
10 party state takes such action, it shall promptly notify the  
11 administrator of the coordinated licensure information system.  
12 The administrator of the coordinated licensure information  
13 system shall promptly notify the home state of any such actions  
14 by remote states.  
15           (e) A nurse practicing in a party state must comply with  
16 the state practice laws of the state in which the client is  
17 located at the time service is provided. The practice of  
18 nursing is not limited to patient care, but shall include all  
19 nursing practice as defined by the state practice laws of the  
20 party state in which the client is located. The practice of  
21 nursing in a party state under a multistate licensure privilege



1 shall subject a nurse to the jurisdiction of the licensing  
2 board, the courts and the laws of the party state in which the  
3 client is located at the time service is provided.

4 (f) Individuals not residing in a party state shall  
5 continue to be able to apply for a party state's single-state  
6 license as provided under the laws of each party state.  
7 However, the single-state license granted to these individuals  
8 will not be recognized as granting the privilege to practice  
9 nursing in any other party state. Nothing in this compact shall  
10 affect the requirements established by a party state for the  
11 issuance of a single-state license.

12 (g) Any nurse holding a home state multistate license, on  
13 the effective date of this compact, may retain and renew the  
14 multistate license issued by the nurse's then-current home  
15 state; provided that:

16 (1) A nurse who changes primary state of residence after  
17 this compact's effective date shall meet all  
18 applicable article III(c) requirements to obtain a  
19 multistate license from a new home state; and

20 (2) A nurse who fails to satisfy the multistate licensure  
21 requirements in article III(c) due to a disqualifying



1 event occurring after this compact's effective date  
2 shall be ineligible to retain or renew a multistate  
3 license, and the nurse's multistate license shall be  
4 revoked or deactivated in accordance with applicable  
5 rules adopted by the Interstate Commission of Nurse  
6 Licensure Compact Administrators ("Commission").

7 Article IV. Applications for Licensure in a Party State

8 (a) Upon application for a multistate license, the  
9 licensing board in the issuing party state shall ascertain,  
10 through the coordinated licensure information system, whether  
11 the applicant has ever held, or is the holder of, a license  
12 issued by any other state, whether there are any encumbrances on  
13 any license or multistate licensure privilege held by the  
14 applicant, whether any adverse action has been taken against any  
15 license or multistate licensure privilege held by the applicant  
16 and whether the applicant is currently participating in an  
17 alternative program.

18 (b) A nurse may hold a multistate license, issued by the  
19 home state, in only one party state at a time.

20 (c) If a nurse changes primary state of residence by  
21 moving between two party states, the nurse must apply for



1 licensure in the new home state, and the multistate license  
2 issued by the prior home state will be deactivated in accordance  
3 with applicable rules adopted by the Commission:

- 4 (1) The nurse may apply for licensure in advance of a  
5 change in primary state of residence; and  
6 (2) A multistate license shall not be issued by the new  
7 home state until the nurse provides satisfactory  
8 evidence of a change in primary state of residence to  
9 the new home state and satisfies all applicable  
10 requirements to obtain a multistate license from the  
11 new home state.

12 (d) If a nurse changes primary state of residence by  
13 moving from a party state to a non-party state, the multistate  
14 license issued by the prior home state will convert to a single-  
15 state license, valid only in the former home state.

16 Article V. Additional Authorities Invested in Party State  
17 Licensing Boards

18 (a) In addition to the other powers conferred by state  
19 law, a licensing board shall have the authority to:



- 1           (1) Take adverse action against a nurse's multistate  
2 licensure privilege to practice within that party  
3 state:
- 4           (A) Only the home state shall have the power to take  
5 adverse action against a nurse's license issued  
6 by the home state; and
- 7           (B) For purposes of taking adverse action, the home  
8 state licensing board shall give the same  
9 priority and effect to reported conduct received  
10 from a remote state as it would if such conduct  
11 had occurred within the home state. In so doing,  
12 the home state shall apply its own state laws to  
13 determine appropriate action;
- 14          (2) Issue cease and desist orders or impose an encumbrance  
15 on a nurse's authority to practice within that party  
16 state;
- 17          (3) Complete any pending investigations of a nurse who  
18 changes primary state of residence during the course  
19 of such investigations. The licensing board shall  
20 also have the authority to take appropriate action(s)  
21 and shall promptly report the conclusions of such



1 investigations to the administrator of the coordinated  
2 licensure information system. The administrator of  
3 the coordinated licensure information system shall  
4 promptly notify the new home state of any such  
5 actions;

6 (4) Issue subpoenas for both hearings and investigations  
7 that require the attendance and testimony of  
8 witnesses, as well as the production of evidence.  
9 Subpoenas issued by a licensing board in a party state  
10 for the attendance and testimony of witnesses or the  
11 production of evidence from another party state shall  
12 be enforced in the latter state by any court of  
13 competent jurisdiction, according to the practice and  
14 procedure of that court applicable to subpoenas issued  
15 in proceedings pending before it. The issuing  
16 authority shall pay any witness fees, travel expenses,  
17 mileage, and other fees required by the service  
18 statutes of the state in which the witnesses or  
19 evidence are located;

20 (5) Obtain and submit, for each nurse licensure applicant,  
21 fingerprint or other biometric-based information to



1 the Federal Bureau of Investigation for criminal  
2 background checks, receive the results of the Federal  
3 Bureau of Investigation record search on criminal  
4 background checks, and use the results in making  
5 licensure decisions;

6 (6) If otherwise permitted by state law, recover from the  
7 affected nurse the costs of investigations and  
8 disposition of cases resulting from any adverse action  
9 taken against that nurse; and

10 (7) Take adverse action based on the factual findings of  
11 the remote state; provided that the licensing board  
12 follows its own procedures for taking such adverse  
13 action.

14 (b) If adverse action is taken by the home state against a  
15 nurse's multistate license, the nurse's multistate licensure  
16 privilege to practice in all other party states shall be  
17 deactivated until all encumbrances have been removed from the  
18 multistate license. All home state disciplinary orders that  
19 impose adverse action against a nurse's multistate license shall  
20 include a statement that the nurse's multistate licensure



1 privilege is deactivated in all party states during the pendency  
2 of the order.

3 (c) Nothing in this compact shall override a party state's  
4 decision that participation in an alternative program may be  
5 used in lieu of adverse action. The home state licensing board  
6 shall deactivate the multistate licensure privilege under the  
7 multistate license of any nurse for the duration of the nurse's  
8 participation in an alternative program.

9 Article VI. Coordinated Licensure Information System and  
10 Exchange of Information

11 (a) All party states shall participate in a coordinated  
12 licensure information system of all licensed registered nurses,  
13 licensed practical nurses, or licensed vocational nurses. This  
14 system will include information on the licensure and  
15 disciplinary history of each nurse, as submitted by party  
16 states, to assist in the coordination of nurse licensure and  
17 enforcement efforts.

18 (b) The Commission, in consultation with the administrator  
19 of the coordinated licensure information system, shall formulate  
20 necessary and proper procedures for the identification,  
21 collection, and exchange of information under this compact.



1           (c) All licensing boards shall promptly report to the  
2 coordinated licensure information system any adverse action, any  
3 current significant investigative information, denials of  
4 applications (with the reasons for such denials), and nurse  
5 participation in alternative programs known to the licensing  
6 board regardless of whether such participation is deemed  
7 nonpublic or confidential under state law.

8           (d) Current significant investigative information and  
9 participation in nonpublic or confidential alternative programs  
10 shall be transmitted through the coordinated licensure  
11 information system only to party state licensing boards.

12           (e) Notwithstanding any other provision of law, all party  
13 state licensing boards contributing information to the  
14 coordinated licensure information system may designate  
15 information that may not be shared with non-party states or  
16 disclosed to other entities or individuals without the express  
17 permission of the contributing state.

18           (f) Any personally identifiable information obtained from  
19 the coordinated licensure information system by a party state  
20 licensing board shall not be shared with non-party states or  
21 disclosed to other entities or individuals except to the extent



1 permitted by the laws of the party state contributing the  
2 information.

3 (g) Any information contributed to the coordinated  
4 licensure information system that is subsequently required to be  
5 expunged by the laws of the party state contributing that  
6 information shall also be expunged from the coordinated  
7 licensure information system.

8 (h) The compact administrator of each party state shall  
9 furnish a uniform data set to the compact administrator of each  
10 other party state, which shall include, at a minimum:

- 11 (1) Identifying information;
- 12 (2) Licensure data;
- 13 (3) Information related to alternative program  
14 participation; and
- 15 (4) Other information that may facilitate the  
16 administration of this compact, as determined by  
17 Commission rules.

18 (i) The compact administrator of a party state shall  
19 provide all investigative documents and information requested by  
20 another party state.



1 Article VII. Establishment of the Interstate Commission of  
2 Nurse Licensure Compact Administrators

3 (a) The party states hereby create and establish a joint  
4 public entity known as the Interstate Commission of Nurse  
5 Licensure Compact Administrators:

6 (1) The Commission is an instrumentality of the party  
7 states;

8 (2) Venue is proper, and judicial proceedings by or  
9 against the Commission shall be brought solely and  
10 exclusively, in a court of competent jurisdiction  
11 where the principal office of the Commission is  
12 located. The Commission may waive venue and  
13 jurisdictional defenses to the extent it adopts or  
14 consents to participate in alternative dispute  
15 resolution proceedings; and

16 (3) Nothing in this compact shall be construed to be a  
17 waiver of sovereign immunity.

18 (b) Membership, Voting and Meetings.

19 (1) Each party state shall have and be limited to one  
20 administrator. The head of the state licensing board  
21 or designee shall be the administrator of this compact



1 for each party state. Any administrator may be  
2 removed or suspended from office as provided by the  
3 law of the state from which the administrator is  
4 appointed. Any vacancy occurring in the Commission  
5 shall be filled in accordance with the laws of the  
6 party state in which the vacancy exists;

7 (2) Each administrator shall be entitled to one vote with  
8 regard to the promulgation of rules and creation of  
9 bylaws and shall otherwise have an opportunity to  
10 participate in the business and affairs of the  
11 Commission. An administrator shall vote in person or  
12 by such other means as provided in the bylaws. The  
13 bylaws may provide for an administrator's  
14 participation in meetings by telephone or other means  
15 of communication;

16 (3) The Commission shall meet at least once during each  
17 calendar year. Additional meetings shall be held as  
18 set forth in the bylaws or rules of the commission;

19 (4) All meetings shall be open to the public, and public  
20 notice of meetings shall be given in the same manner



- 1 as required under the rulemaking provisions in article  
2 VIII;
- 3 (5) The Commission may convene in a closed, nonpublic  
4 meeting if the Commission must discuss:
- 5 (A) Noncompliance of a party state with its  
6 obligations under this compact;
- 7 (B) The employment, compensation, discipline or other  
8 personnel matters, practices or procedures  
9 related to specific employees, or other matters  
10 related to the Commission's internal personnel  
11 practices and procedures;
- 12 (C) Current, threatened, or reasonably anticipated  
13 litigation;
- 14 (D) Negotiation of contracts for the purchase or sale  
15 of goods, services, or real estate;
- 16 (E) Accusing any person of a crime or formally  
17 censuring any person;
- 18 (F) Disclosure of trade secrets or commercial or  
19 financial information that is privileged or  
20 confidential;



- 1 (G) Disclosure of information of a personal nature
- 2 where disclosure would constitute a clearly
- 3 unwarranted invasion of personal privacy;
- 4 (H) Disclosure of investigatory records compiled for
- 5 law enforcement purposes;
- 6 (I) Disclosure of information related to any reports
- 7 prepared by or on behalf of the Commission for
- 8 the purpose of investigation of compliance with
- 9 this compact; or
- 10 (J) Matters specifically exempted from disclosure by
- 11 federal or state statute; and
- 12 (6) If a meeting, or portion of a meeting, is closed
- 13 pursuant to this provision, the Commission's legal
- 14 counsel or designee shall certify that the meeting may
- 15 be closed and shall reference each relevant exempting
- 16 provision. The Commission shall keep minutes that
- 17 fully and clearly describe all matters discussed in a
- 18 meeting and shall provide a full and accurate summary
- 19 of actions taken, and the reasons therefor, including
- 20 a description of the views expressed. All documents
- 21 considered in connection with an action shall be



1 identified in such minutes. All minutes and documents  
2 of a closed meeting shall remain under seal, subject  
3 to release by a majority vote of the Commission or  
4 order of a court of competent jurisdiction.

5 (c) The Commission, by a majority vote of the  
6 administrators, shall prescribe bylaws or rules to govern its  
7 conduct as may be necessary or appropriate to carry out the  
8 purposes and exercise the powers of this compact, including but  
9 not limited to:

- 10 (1) Establishing the fiscal year of the Commission;
- 11 (2) Providing reasonable standards and procedures:
  - 12 (A) For the establishment and meetings of other
  - 13 committees; and
  - 14 (B) Governing any general or specific delegation of
  - 15 any authority or function of the Commission; and
- 16 (3) Providing reasonable procedures for calling and
- 17 conducting meetings of the Commission, ensuring
- 18 reasonable advance notice of all meetings and
- 19 providing an opportunity for attendance of such
- 20 meetings by interested parties, with enumerated
- 21 exceptions designed to protect the public's interest,



1 the privacy of individuals, and proprietary  
2 information, including trade secrets. The Commission  
3 may meet in closed session only after a majority of  
4 the administrators vote to close a meeting in whole or  
5 in part. As soon as practicable, the Commission shall  
6 make public a copy of the vote to close the meeting  
7 revealing the vote of each administrator, with no  
8 proxy votes allowed;

9 (4) Establishing the titles, duties and authority, and  
10 reasonable procedures for the election of the officers  
11 of the Commission;

12 (5) Providing reasonable standards and procedures for the  
13 establishment of the personnel policies and programs  
14 of the Commission. Notwithstanding any civil service  
15 or other similar laws of any party state, the bylaws  
16 shall exclusively govern the personnel policies and  
17 programs of the Commission; and

18 (6) Providing a mechanism for winding up the operations of  
19 the Commission and the equitable disposition of any  
20 surplus funds that may exist after the termination of



1           this compact after the payment or reserving of all of  
2           its debts and obligations.

3           (d) The Commission shall publish its bylaws and rules, and  
4 any amendments thereto, in a convenient form on the website of  
5 the Commission.

6           (e) The Commission shall maintain its financial records in  
7 accordance with the bylaws.

8           (f) The Commission shall meet and take such actions as are  
9 consistent with the provisions of this compact and the bylaws.

10          (g) The Commission shall have the following powers:

11          (1) To promulgate uniform rules to facilitate and  
12             coordinate implementation and administration of this  
13             compact. The rules shall have the force and effect of  
14             law and shall be binding in all party states;

15          (2) To bring and prosecute legal proceedings or actions in  
16             the name of the Commission; provided that the standing  
17             of any licensing board to sue or be sued under  
18             applicable law shall not be affected;

19          (3) To purchase and maintain insurance and bonds;



- 1           (4) To borrow, accept, or contract for services of  
2           personnel, including but not limited to employees of a  
3           party state or nonprofit organizations;
- 4           (5) To cooperate with other organizations that administer  
5           state compacts related to the regulation of nursing,  
6           including but not limited to sharing administrative or  
7           staff expenses, office space, or other resources;
- 8           (6) To hire employees, elect or appoint officers, fix  
9           compensation, define duties, grant such individuals  
10          appropriate authority to carry out the purposes of  
11          this compact, and to establish the Commission's  
12          personnel policies and programs relating to conflicts  
13          of interest, qualifications of personnel, and other  
14          related personnel matters;
- 15          (7) To accept any and all appropriate donations, grants  
16          and gifts of money, equipment, supplies, materials,  
17          and services, and to receive, utilize, and dispose of  
18          the same; provided that at all times the Commission  
19          shall avoid any appearance of impropriety or conflict  
20          of interest;



- 1           (8) To lease, purchase, accept appropriate gifts or
- 2                    donations of, or otherwise to own, hold, improve, or
- 3                    use, any property, whether real, personal, or mixed;
- 4                    provided that at all times the Commission shall avoid
- 5                    any appearance of impropriety;
- 6           (9) To sell, convey, mortgage, pledge, lease, exchange,
- 7                    abandon, or otherwise dispose of any property, whether
- 8                    real, personal, or mixed;
- 9           (10) To establish a budget and make expenditures;
- 10          (11) To borrow money;
- 11          (12) To appoint committees, including advisory committees
- 12                    composed of administrators, state nursing regulators,
- 13                    state legislators or their representatives, and
- 14                    consumer representatives, and other such interested
- 15                    persons;
- 16          (13) To provide and receive information from, and to
- 17                    cooperate with, law enforcement agencies;
- 18          (14) To adopt and use an official seal; and
- 19          (15) To perform such other functions as may be necessary or
- 20                    appropriate to achieve the purposes of this compact



1 consistent with the state regulation of nurse  
2 licensure and practice.

3 (h) Financing of the Commission.

4 (1) The Commission shall pay, or provide for the payment  
5 of, the reasonable expenses of its establishment,  
6 organization, and ongoing activities;

7 (2) The Commission may also levy on and collect an annual  
8 assessment from each party state to cover the cost of  
9 its operations, activities, and staff in its annual  
10 budget as approved each year. The aggregate annual  
11 assessment amount, if any, shall be allocated based  
12 upon a formula to be determined by the Commission,  
13 which shall promulgate a rule that is binding upon all  
14 party states;

15 (3) The Commission shall not incur obligations of any kind  
16 prior to securing the funds adequate to meet the same;  
17 nor shall the Commission pledge the credit of any of  
18 the party states, except by, and with the authority  
19 of, such party state; and

20 (4) The Commission shall keep accurate accounts of all  
21 receipts and disbursements. The receipts and



1 disbursements of the Commission shall be subject to  
2 the audit and accounting procedures established under  
3 its bylaws. However, all receipts and disbursements  
4 of funds handled by the Commission shall be audited  
5 yearly by a certified or licensed public accountant,  
6 and the report of the audit shall be included in and  
7 become part of the annual report of the Commission.

8 (i) Qualified Immunity, Defense and Indemnification.

9 (1) The administrators, officers, executive director,  
10 employees, and representatives of the Commission shall  
11 be immune from suit and liability, either personally  
12 or in their official capacity, for any claim for  
13 damage to or loss of property or personal injury or  
14 other civil liability caused by or arising out of any  
15 actual or alleged act, error, or omission that  
16 occurred, or that the person against whom the claim is  
17 made had a reasonable basis for believing occurred,  
18 within the scope of Commission employment, duties, or  
19 responsibilities; provided that nothing in this  
20 paragraph shall be construed to protect any such  
21 person from suit or liability for any damage, loss,



1 injury, or liability caused by the intentional,  
2 willful, or wanton misconduct of that person;  
3 (2) The Commission shall defend any administrator,  
4 officer, executive director, employee, or  
5 representative of the Commission in any civil action  
6 seeking to impose liability arising out of any actual  
7 or alleged act, error, or omission that occurred  
8 within the scope of Commission employment, duties, or  
9 responsibilities, or that the person against whom the  
10 claim is made had a reasonable basis for believing  
11 occurred within the scope of Commission employment,  
12 duties, or responsibilities; provided that nothing in  
13 this paragraph shall be construed to prohibit that  
14 person from retaining his or her own counsel; provided  
15 further that the actual or alleged act, error, or  
16 omission did not result from that person's  
17 intentional, willful, or wanton misconduct; and  
18 (3) The Commission shall indemnify and hold harmless any  
19 administrator, officer, executive director, employee,  
20 or representative of the Commission for the amount of  
21 any settlement or judgment obtained against that



1 person arising out of any actual or alleged act,  
2 error, or omission that occurred within the scope of  
3 Commission employment, duties, or responsibilities, or  
4 that such person had a reasonable basis for believing  
5 occurred within the scope of Commission employment,  
6 duties, or responsibilities; provided that the actual  
7 or alleged act, error, or omission did not result from  
8 the intentional, willful, or wanton misconduct of that  
9 person.

10 Article VIII. Rulemaking

11 (a) The Commission shall exercise its rulemaking powers  
12 pursuant to the criteria set forth in this article and the rules  
13 adopted thereunder. Rules and amendments shall become binding  
14 as of the date specified in each rule or amendment and shall  
15 have the same force and effect as provisions of this compact.

16 (b) Rules or amendments to the rules shall be adopted at a  
17 regular or special meeting of the Commission.

18 (c) Prior to promulgation and adoption of a final rule or  
19 rules by the Commission, and at least sixty days in advance of  
20 the meeting at which the rule will be considered and voted upon,  
21 the Commission shall file a notice of proposed rulemaking:



- 1 (1) On the website of the Commission; and
- 2 (2) On the website of each licensing board or the
- 3 publication in which each state would otherwise
- 4 publish proposed rules.
- 5 (d) The notice of proposed rulemaking shall include:
- 6 (1) The proposed time, date, and location of the meeting
- 7 in which the rule will be considered and voted upon;
- 8 (2) The text of the proposed rule or amendment, and the
- 9 reason for the proposed rule;
- 10 (3) A request for comments on the proposed rule from any
- 11 interested person; and
- 12 (4) The manner in which interested persons may submit
- 13 notice to the Commission of their intention to attend
- 14 the public hearing and any written comments.
- 15 (e) Prior to adoption of a proposed rule, the Commission
- 16 shall allow persons to submit written data, facts, opinions, and
- 17 arguments, which shall be made available to the public.
- 18 (f) The Commission shall grant an opportunity for a public
- 19 hearing before it adopts a rule or amendment.
- 20 (g) The Commission shall publish the place, time, and date
- 21 of the scheduled public hearing:



1           (1) Hearings shall be conducted in a manner providing each  
2           person who wishes to comment a fair and reasonable  
3           opportunity to comment orally or in writing. All  
4           hearings will be recorded, and a copy will be made  
5           available upon request; and

6           (2) Nothing in this section shall be construed as  
7           requiring a separate hearing on each rule. Rules may  
8           be grouped for the convenience of the Commission at  
9           hearings required by this section.

10          (h) If no one appears at the public hearing, the  
11          Commission may proceed with promulgation of the proposed rule.

12          (i) Following the scheduled hearing date, or by the close  
13          of business on the scheduled hearing date if the hearing was not  
14          held, the Commission shall consider all written and oral  
15          comments received.

16          (j) The Commission, by majority vote of all  
17          administrators, shall take final action on the proposed rule and  
18          shall determine the effective date of the rule, if any, based on  
19          the rulemaking record and the full text of the rule.

20          (k) Upon determination that an emergency exists, the  
21          Commission may consider and adopt an emergency rule without



1 prior notice, opportunity for comment, or hearing; provided that  
2 the usual rulemaking procedures provided in this compact and in  
3 this section shall be retroactively applied to the rule as soon  
4 as reasonably possible, in no event later than ninety days after  
5 the effective date of the rule. For the purposes of this  
6 provision, an emergency rule is one that must be adopted  
7 immediately in order to:

- 8 (1) Meet an imminent threat to public health, safety, or  
9 welfare;
- 10 (2) Prevent a loss of Commission or party state funds; or
- 11 (3) Meet a deadline for the promulgation of an  
12 administrative rule that is required by federal law or  
13 rule.

14 (1) The Commission may direct revisions to a previously  
15 adopted rule or amendment for purposes of correcting  
16 typographical errors, errors in format, errors in consistency,  
17 or grammatical errors. Public notice of any revisions shall be  
18 posted on the website of the Commission. The revision shall be  
19 subject to challenge by any person for a period of thirty days  
20 after posting. The revision may be challenged only on grounds  
21 that the revision results in a material change to a rule. A



1 challenge shall be made in writing, and delivered to the  
2 Commission, prior to the end of the notice period. If no  
3 challenge is made, the revision will take effect without further  
4 action. If the revision is challenged, the revision may not  
5 take effect without the approval of the Commission.

6 Article IX. Oversight, Dispute Resolution, and Enforcement

7 (a) Oversight.

8 (1) Each party state shall enforce this compact and take  
9 all actions necessary and appropriate to effectuate  
10 this compact's purposes and intent; and

11 (2) The Commission shall be entitled to receive service of  
12 process in any proceeding that may affect the powers,  
13 responsibilities, or actions of the Commission, and  
14 shall have standing to intervene in such a proceeding  
15 for all purposes. Failure to provide service of  
16 process in such proceeding to the Commission shall  
17 render a judgment or order void as to the Commission,  
18 this compact, or promulgated rules.

19 (b) Default, Technical Assistance, and Termination.

20 (1) If the Commission determines that a party state has  
21 defaulted in the performance of its obligations or



1 responsibilities under this compact or the promulgated  
2 rules, the Commission shall:

3 (A) Provide written notice to the defaulting state  
4 and other party states of the nature of the  
5 default, the proposed means of curing the  
6 default, or any other action to be taken by the  
7 Commission; and

8 (B) Provide remedial training and specific technical  
9 assistance regarding the default;

10 (2) If a state in default fails to cure the default, the  
11 defaulting state's membership in this compact may be  
12 terminated upon an affirmative vote of a majority of  
13 the administrators, and all rights, privileges, and  
14 benefits conferred by this compact may be terminated  
15 on the effective date of termination. A cure of the  
16 default does not relieve the offending state of  
17 obligations or liabilities incurred during the period  
18 of default;

19 (3) Termination of membership in this compact shall be  
20 imposed only after all other means of securing  
21 compliance have been exhausted. Notice of intent to



1 suspend or terminate shall be given by the Commission  
2 to the governor of the defaulting state and to the  
3 executive officer of the defaulting state's licensing  
4 board and each of the party states;

5 (4) A state whose membership in this compact has been  
6 terminated is responsible for all assessments,  
7 obligations, and liabilities incurred through the  
8 effective date of termination, including obligations  
9 that extend beyond the effective date of termination;

10 (5) The Commission shall not bear any costs related to a  
11 state that is found to be in default or whose  
12 membership in this compact has been terminated unless  
13 agreed upon in writing between the Commission and the  
14 defaulting state; and

15 (6) The defaulting state may appeal the action of the  
16 Commission by petitioning the United States District  
17 Court for the District of Columbia or the federal  
18 district in which the Commission has its principal  
19 offices. The prevailing party shall be awarded all  
20 costs of such litigation, including reasonable  
21 attorneys' fees.



- 1 (c) Dispute Resolution.
- 2 (1) Upon request by a party state, the Commission shall
- 3 attempt to resolve disputes related to the compact
- 4 that arise among party states and between party and
- 5 non-party states;
- 6 (2) The Commission shall promulgate a rule providing for
- 7 both mediation and binding dispute resolution for
- 8 disputes, as appropriate; and
- 9 (3) In the event the Commission cannot resolve disputes
- 10 among party states arising under this compact:
- 11 (A) The party states may submit the issues in dispute
- 12 to an arbitration panel, which will be composed
- 13 of individuals appointed by the compact
- 14 administrator in each of the affected party
- 15 states and an individual mutually agreed upon by
- 16 the compact administrators of all the party
- 17 states involved in the dispute; and
- 18 (B) The decision of a majority of the arbitrators
- 19 shall be final and binding.
- 20 (d) Enforcement.



1 (1) The Commission, in the reasonable exercise of its  
2 discretion, shall enforce the provisions and rules of  
3 this compact;

4 (2) By majority vote, the Commission may initiate legal  
5 action in the United States District Court for the  
6 District of Columbia or the federal district in which  
7 the Commission has its principal offices against a  
8 party state that is in default to enforce compliance  
9 with the provisions of this compact and its  
10 promulgated rules and bylaws. The relief sought may  
11 include both injunctive relief and damages. In the  
12 event judicial enforcement is necessary, the  
13 prevailing party shall be awarded all costs of such  
14 litigation, including reasonable attorneys' fees; and

15 (3) The remedies herein shall not be the exclusive  
16 remedies of the Commission. The Commission may pursue  
17 any other remedies available under federal or state  
18 law.

19 Article X. Effective Date, Withdrawal, and Amendment

20 (a) This compact shall become effective and binding on the  
21 earlier of the date of legislative enactment of this compact



1 into law by no less than twenty-six states or December 31, 2018.  
2 All party states to this compact that also were parties to the  
3 prior Nurse Licensure Compact, superseded by this compact,  
4 ("Prior Compact"), shall be deemed to have withdrawn from said  
5 Prior Compact within six months after the effective date of this  
6 compact.

7 (b) Each party state to this compact shall continue to  
8 recognize a nurse's multistate licensure privilege to practice  
9 in that party state issued under the Prior Compact until such  
10 party state has withdrawn from the Prior Compact.

11 (c) Any party state may withdraw from this compact by  
12 enacting a statute repealing the same. A party state's  
13 withdrawal shall not take effect until six months after  
14 enactment of the repealing statute.

15 (d) A party state's withdrawal or termination shall not  
16 affect the continuing requirement of the withdrawing or  
17 terminated state's licensing board to report adverse actions and  
18 significant investigations occurring prior to the effective date  
19 of such withdrawal or termination.

20 (e) Nothing contained in this compact shall be construed  
21 to invalidate or prevent any nurse licensure agreement or other



1 cooperative arrangement between a party state and a non-party  
2 state that is made in accordance with the other provisions of  
3 this compact.

4 (f) This compact may be amended by the party states. No  
5 amendment to this compact shall become effective and binding  
6 upon the party states unless and until it is enacted into the  
7 laws of all party states.

8 (g) Representatives of non-party states to this compact  
9 shall be invited to participate in the activities of the  
10 Commission, on a nonvoting basis, prior to the adoption of this  
11 compact by all states.

12 Article XI. Construction and Severability

13 This compact shall be liberally construed so as to  
14 effectuate the purposes thereof. The provisions of this compact  
15 shall be severable, and if any phrase, clause, sentence, or  
16 provision of this compact is declared to be contrary to the  
17 constitution of any party state or of the United States, or if  
18 the applicability thereof to any government, agency, person, or  
19 circumstance is held invalid, the validity of the remainder of  
20 this compact and the applicability thereof to any government,  
21 agency, person, or circumstance shall not be affected thereby.



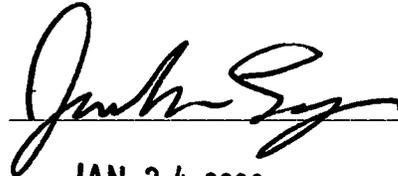
1 If this compact shall be held to be contrary to the constitution  
2 of any party state, this compact shall remain in full force and  
3 effect as to the remaining party states and in full force and  
4 effect as to the party state affected as to all severable  
5 matters.

6       § -2 **Representation on interstate commission of nurse**  
7 **licensure compact administrators.** The chairperson of the state  
8 board of nursing, or the chairperson's designee, shall represent  
9 the State on the Interstate Commission of Nurse Licensure  
10 Compact Administrators. The director of commerce and consumer  
11 affairs, or the director's designee, shall act as an alternate  
12 for the chairperson of the state board of nursing."

13       SECTION 3. This Act shall take effect upon its approval.

14

INTRODUCED BY:



JAN 24 2023



H.B. NO. 1264

**Report Title:**

Health Care; Nurse Licensure Compact; Multistate Licensure

**Description:**

Requires state participation in the multistate Nurse Licensure Compact, which will allow a nurse who is licensed by a home state to practice under a multistate licensure privilege in each party state.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

2023-0844 HB HMSO

