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- (a) The party states find that:
 - (1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;
 - (2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
 - (3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
 - (4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
 - (5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and



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



1 (7) Provide opportunities for interstate practice by
2 nurses who meet uniform licensure requirements.
3

4 **Article II. Definitions**
5

6 As used in this compact:

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

16 "Alternative program" means a non-disciplinary monitoring
17 program approved by a licensing board.

18 "Coordinated licensure information system" means an
19 integrated process for collecting, storing, and sharing
20 information on nurse licensure and enforcement activities
21 related to nurse licensure laws that is administered by a



1 nonprofit organization composed of and controlled by licensing
2 boards.

3 "Current significant investigative information" means:

4 (1) Investigative information that a licensing board,
5 after a preliminary inquiry that includes notification
6 and an opportunity for the nurse to respond, if
7 required by state law, has reason to believe is not
8 groundless and, if proved true, would indicate more
9 than a minor infraction; or

10 (2) Investigative information that indicates that the
11 nurse represents an immediate threat to public health
12 and safety regardless of whether the nurse has been
13 notified and had an opportunity to respond.

14 "Encumbrance" means a revocation or suspension of, or any
15 limitation on, the full and unrestricted practice of nursing
16 imposed by a licensing board.

17 "Home state" means the party state that is the nurse's
18 primary state of residence.

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



1 "Multistate license" means a license to practice as a
2 registered nurse (RN) or a licensed practical/vocational nurse
3 (LPN/VN) issued by a home state licensing board that authorizes
4 the licensed nurse to practice in all party states under a
5 multistate licensure privilege.

6 "Multistate licensure privilege" means a legal
7 authorization associated with a multistate license permitting
8 the practice of nursing as either a registered nurse (RN) or
9 licensed practical/vocational nurse (LPN/VN) in a remote state.

10 "Nurse" means RN or LPN/VN, as those terms are defined by
11 each party state's practice laws.

12 "Party state" means any state that has adopted this
13 compact.

14 "Remote state" means a party state, other than the home
15 state.

16 "Single-state license" means a nurse license issued by a
17 party state that authorizes practice only within the issuing
18 state and does not include a multistate licensure privilege to
19 practice in any other party state.

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



1 "State practice laws" means a party state's laws, rules,
2 and regulations that govern the practice of nursing, define the
3 scope of nursing practice, and create the methods and grounds
4 for imposing discipline.

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

8

9 **Article III. General Provisions and Jurisdiction**

10

11 (a) A multistate license to practice registered nursing or
12 licensed practical/vocational nursing issued by a home state to
13 a resident in that state will be recognized by each party state
14 as authorizing a nurse to practice as a registered nurse (RN) or
15 as a licensed practical/vocational nurse (LPN/VN), under a
16 multistate licensure privilege, in each party state.

17 (b) A state must implement procedures for considering the
18 criminal history records of applicants for initial multistate
19 license or licensure by endorsement. Such procedures shall
20 include the submission of fingerprints or other biometric-based
21 information by applicants for the purpose of obtaining an



1 applicant's criminal history record information from the Federal
2 Bureau of Investigation and the agency responsible for retaining
3 that state's criminal records.

4 (c) Each party state shall require the following for an
5 applicant to obtain or retain a multistate license in the home
6 state:

7 (1) Meets the home state's qualifications for licensure or
8 renewal of licensure, as well as all other applicable
9 state laws;

10 (2) (A) Has graduated or is eligible to graduate from a
11 licensing board-approved RN or LPN/VN
12 prelicensure education program; or

13 (B) Has graduated from a foreign RN or LPN/VN
14 prelicensure education program that has been:

15 (i) Approved by the authorized accrediting body
16 in the applicable country; and

17 (ii) Verified by an independent credentials
18 review agency to be comparable to a
19 licensing board-approved prelicensure
20 education program;



- 1 (3) Has, if a graduate of a foreign prelicensure education
2 program not taught in English or if English is not the
3 individual's native language, successfully passed an
4 English proficiency examination that includes the
5 components of reading, speaking, writing, and
6 listening;
- 7 (4) Has successfully passed an NCLEX-RN or NCLEX-PN
8 Examination or recognized predecessor, as applicable;
- 9 (5) Is eligible for or holds an active, unencumbered
10 license;
- 11 (6) Has submitted, in connection with an application for
12 initial licensure or licensure by endorsement,
13 fingerprints or other biometric data for the purpose
14 of obtaining criminal history record information from
15 the Federal Bureau of Investigation and the agency
16 responsible for retaining that state's criminal
17 records;
- 18 (7) Has not been convicted or found guilty, or has entered
19 into an agreed disposition, of a felony offense under
20 applicable state or federal criminal law;



- 1 (8) Has not been convicted or found guilty, or has entered
2 into an agreed disposition, of a misdemeanor offense
3 related to the practice of nursing as determined on a
4 case-by-case basis;
- 5 (9) Is not currently enrolled in an alternative program;
- 6 (10) Is subject to self-disclosure requirements regarding
7 current participation in an alternative program; and
- 8 (11) Has a valid United States Social Security number.
- 9 (d) All party states shall be authorized, in accordance
10 with existing state due process law, to take adverse action
11 against a nurse's multistate licensure privilege such as
12 revocation, suspension, probation, or any other action that
13 affects a nurse's authorization to practice under a multistate
14 licensure privilege, including cease and desist actions. If a
15 party state takes such action, it shall promptly notify the
16 administrator of the coordinated licensure information system.
17 The administrator of the coordinated licensure information
18 system shall promptly notify the home state of any such actions
19 by remote states.
- 20 (e) A nurse practicing in a party state must comply with
21 the state practice laws of the state in which the client is



1 located at the time service is provided. The practice of
2 nursing is not limited to patient care, but shall include all
3 nursing practice as defined by the state practice laws of the
4 party state in which the client is located. The practice of
5 nursing in a party state under a multistate licensure privilege
6 will subject a nurse to the jurisdiction of the licensing board,
7 the courts, and the laws of the party state in which the client
8 is located at the time service is provided.

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

17 (g) Any nurse holding a home state multistate license, on
18 the effective date of this compact, may retain and renew the
19 multistate license issued by the nurse's then-current home
20 state, provided that:



1 (1) A nurse who changes primary state of residence after
2 this compact's effective date must meet all applicable
3 requirements under this article to obtain a multistate
4 license from a new home state; and

5 (2) A nurse who fails to satisfy the multistate licensure
6 requirements under this article due to a disqualifying
7 event occurring after this compact's effective date
8 shall be ineligible to retain or renew a multistate
9 license, and the nurse's multistate license shall be
10 revoked or deactivated in accordance with applicable
11 rules adopted by the Interstate Commission of Nurse
12 Licensure Compact Administrators (commission).

13

14 **Article IV. Applications for Licensure in a Party State**

15 (a) Upon application for a multistate license, the
16 licensing board in the issuing party state shall ascertain,
17 through the coordinated licensure information system, whether
18 the applicant has ever held, or is the holder of, a license
19 issued by any other state, whether there are any encumbrances on
20 any license or multistate licensure privilege held by the
21 applicant, whether any adverse action has been taken against any



1 license or multistate licensure privilege held by the applicant,
2 and whether the applicant is currently participating in an
3 alternative program.

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

6 (c) If a nurse changes primary state of residence by
7 moving between two party states, the nurse must apply for
8 licensure in the new home state, and the multistate license
9 issued by the prior home state will be deactivated in accordance
10 with applicable rules adopted by the commission:

11 (1) The nurse may apply for licensure in advance of a
12 change in primary state of residence; and

13 (2) A multistate license shall not be issued by the new
14 home state until the nurse provides satisfactory
15 evidence of a change in primary state of residence to
16 the new home state and satisfies all applicable
17 requirements to obtain a multistate license from the
18 new home state.

19 (d) If a nurse changes primary state of residence by
20 moving from a party state to a non-party state, the multistate



1 license issued by the prior home state will convert to a single-
2 state license, valid only in the former home state.

3

4 **Article V. Additional Authorities Invested in Party State**

5 **Licensing Boards**

6

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

9 (1) Take adverse action against a nurse's multistate
10 licensure privilege to practice within that party
11 state:

12 (A) Only the home state shall have the power to take
13 adverse action against a nurse's license issued
14 by the home state; and

15 (B) For purposes of taking adverse action, the home
16 state licensing board shall give the same
17 priority and effect to reported conduct received
18 from a remote state as it would if such conduct
19 had occurred within the home state. In so doing,
20 the home state shall apply its own state laws to
21 determine appropriate action;



- 1 (2) Issue cease and desist orders or impose an encumbrance
2 on a nurse's authority to practice within that party
3 state;
- 4 (3) Complete any pending investigations of a nurse who
5 changes primary state of residence during the course
6 of such investigations. The licensing board shall
7 also have the authority to take appropriate action(s)
8 and shall promptly report the conclusions of such
9 investigations to the administrator of the coordinated
10 licensure information system. The administrator of
11 the coordinated licensure information system shall
12 promptly notify the new home state of any such
13 actions;
- 14 (4) Issue subpoenas for both hearings and investigations
15 that require the attendance and testimony of
16 witnesses, as well as the production of evidence.
17 Subpoenas issued by a licensing board in a party state
18 for the attendance and testimony of witnesses or the
19 production of evidence from another party state shall
20 be enforced in the latter state by any court of
21 competent jurisdiction, according to the practice and



1 procedure of that court applicable to subpoenas issued
2 in proceedings pending before it. The issuing
3 authority shall pay any witness fees, travel expenses,
4 mileage, and other fees required by the service
5 statutes of the state in which the witnesses or
6 evidence are located;

7 (5) Obtain and submit, for each nurse licensure applicant,
8 fingerprints or other biometric-based information to
9 the Federal Bureau of Investigation for criminal
10 background checks, receive the results of the Federal
11 Bureau of Investigation record search on criminal
12 background checks, and use the results in making
13 licensure decisions;

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

18 (7) Take adverse action based on the factual findings of
19 the remote state; provided that the licensing board
20 follows its own procedures for taking such adverse
21 action.



1 (b) If adverse action is taken by the home state against a
2 nurse's multistate license, the nurse's multistate licensure
3 privilege to practice in all other party states shall be
4 deactivated until all encumbrances have been removed from the
5 multistate license. All home state disciplinary orders that
6 impose adverse action against a nurse's multistate license shall
7 include a statement that the nurse's multistate licensure
8 privilege is deactivated in all party states during the pendency
9 of the order.

10 (c) Nothing in this compact shall override a party state's
11 decision that participation in an alternative program may be
12 used in lieu of adverse action. The home state licensing board
13 shall deactivate the multistate licensure privilege under the
14 multistate license of any nurse for the duration of the nurse's
15 participation in an alternative program.

16

17 **Article VI. Coordinated Licensure Information System and**
18 **Exchange of Information**

19

20 (a) All party states shall participate in a coordinated
21 licensure information system of all licensed registered nurses



1 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
2 system will include information on the licensure and
3 disciplinary history of each nurse, as submitted by party
4 states, to assist in the coordination of nurse licensure and
5 enforcement efforts.

6 (b) The commission, in consultation with the administrator
7 of the coordinated licensure information system, shall formulate
8 necessary and proper procedures for the identification,
9 collection and exchange of information under this compact.

10 (c) All licensing boards shall promptly report to the
11 coordinated licensure information system any adverse action, any
12 current significant investigative information, denials of
13 applications (with the reasons for such denials), and nurse
14 participation in alternative programs known to the licensing
15 board regardless of whether such participation is deemed
16 nonpublic or confidential under state law.

17 (d) Current significant investigative information and
18 participation in nonpublic or confidential alternative programs
19 shall be transmitted through the coordinated licensure
20 information system only to party state licensing boards.



1 (e) Notwithstanding any other provision of law, all party
2 state licensing boards contributing information to the
3 coordinated licensure information system may designate
4 information that may not be shared with non-party states or
5 disclosed to other entities or individuals without the express
6 permission of the contributing state.

7 (f) Any personally identifiable information obtained from
8 the coordinated licensure information system by a party state
9 licensing board shall not be shared with non-party states or
10 disclosed to other entities or individuals except to the extent
11 permitted by the laws of the party state contributing the
12 information.

13 (g) Any information contributed to the coordinated
14 licensure information system that is subsequently required to be
15 expunged by the laws of the party state contributing that
16 information shall also be expunged from the coordinated
17 licensure information system.

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

21 (1) Identifying information;



- 1 (2) Licensure data;
- 2 (3) Information related to alternative program
- 3 participation; and
- 4 (4) Other information that may facilitate the
- 5 administration of this compact, as determined by
- 6 commission rules.

7 (i) The compact administrator of a party state shall
8 provide all investigative documents and information requested by
9 another party state.

10

11 **Article VII. Establishment of the Interstate Commission of**
12 **Nurse Licensure Compact Administrators**

13

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

17 (1) The commission is an instrumentality of the party
18 states;

19 (2) Venue is proper, and judicial proceedings by or
20 against the commission shall be brought solely and
21 exclusively, in a court of competent jurisdiction



1 where the principal office of the commission is
2 located. The commission may waive venue and
3 jurisdictional defenses to the extent it adopts or
4 consents to participate in alternative dispute
5 resolution proceedings; and
6 (3) Nothing in this compact shall be construed to be a
7 waiver of sovereign immunity.
8 (b) Membership, Voting and Meetings.
9 (1) Each party state shall have and be limited to one
10 administrator. The head of the state licensing board
11 or designee shall be the administrator of this compact
12 for each party state. Any administrator may be
13 removed or suspended from office as provided by the
14 law of the state from which the administrator is
15 appointed. Any vacancy occurring in the commission
16 shall be filled in accordance with the laws of the
17 party state in which the vacancy exists;
18 (2) Each administrator shall be entitled to one vote with
19 regard to the promulgation of rules and creation of
20 bylaws and shall otherwise have an opportunity to
21 participate in the business and affairs of the



1 commission. An administrator shall vote in person or
2 by such other means as provided in the bylaws. The
3 bylaws may provide for an administrator's
4 participation in meetings by telephone or other means
5 of communication;

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

9 (4) All meetings shall be open to the public, and public
10 notice of meetings shall be given in the same manner
11 as required under the rulemaking provisions in article
12 VIII;

13 (5) The commission may convene in a closed, nonpublic
14 meeting if the commission must discuss:

15 (A) Noncompliance of a party state with its
16 obligations under this compact;

17 (B) The employment, compensation, discipline or other
18 personnel matters, practices or procedures
19 related to specific employees, or other matters
20 related to the commission's internal personnel
21 practices and procedures;



- 1 (C) Current, threatened, or reasonably anticipated
2 litigation;
- 3 (D) Negotiation of contracts for the purchase or sale
4 of goods, services, or real estate;
- 5 (E) Accusing any person of a crime or formally
6 censuring any person;
- 7 (F) Disclosure of trade secrets or commercial or
8 financial information that is privileged or
9 confidential;
- 10 (G) Disclosure of information of a personal nature
11 where disclosure would constitute a clearly
12 unwarranted invasion of personal privacy;
- 13 (H) Disclosure of investigatory records compiled for
14 law enforcement purposes;
- 15 (I) Disclosure of information related to any reports
16 prepared by or on behalf of the commission for
17 the purpose of investigation of compliance with
18 this compact; or
- 19 (J) Matters specifically exempted from disclosure by
20 federal or state statute; and



1 (6) If a meeting, or portion of a meeting, is closed
2 pursuant to this provision, the commission's legal
3 counsel or designee shall certify that the meeting may
4 be closed and shall reference each relevant exempting
5 provision. The commission shall keep minutes that
6 fully and clearly describe all matters discussed in a
7 meeting and shall provide a full and accurate summary
8 of actions taken, and the reasons therefor, including
9 a description of the views expressed. All documents
10 considered in connection with an action shall be
11 identified in such minutes. All minutes and documents
12 of a closed meeting shall remain under seal, subject
13 to release by a majority vote of the commission or
14 order of a court of competent jurisdiction.

15 (c) The commission, by a majority vote of the
16 administrators, shall prescribe bylaws or rules to govern its
17 conduct as may be necessary or appropriate to carry out the
18 purposes and exercise the powers of this compact, including but
19 not limited to:

20 (1) Establishing the fiscal year of the commission;

21 (2) Providing reasonable standards and procedures:



- 1 (A) For the establishment and meetings of other
2 committees; and
- 3 (B) Governing any general or specific delegation of
4 any authority or function of the commission; and
- 5 (3) Providing reasonable procedures for calling and
6 conducting meetings of the commission, ensuring
7 reasonable advance notice of all meetings, and
8 providing an opportunity for attendance of such
9 meetings by interested parties, with enumerated
10 exceptions designed to protect the public's interest,
11 the privacy of individuals, and proprietary
12 information, including trade secrets. The commission
13 may meet in closed session only after a majority of
14 the administrators vote to close a meeting in whole or
15 in part. As soon as practicable, the commission must
16 make public a copy of the vote to close the meeting
17 revealing the vote of each administrator, with no
18 proxy votes allowed;
- 19 (4) Establishing the titles, duties and authority, and
20 reasonable procedures for the election of the officers
21 of the commission;



1 (5) Providing reasonable standards and procedures for the
2 establishment of the personnel policies and programs
3 of the commission. Notwithstanding any civil service
4 or other similar laws of any party state, the bylaws
5 shall exclusively govern the personnel policies and
6 programs of the commission; and

7 (6) Providing a mechanism for winding up the operations of
8 the commission and the equitable disposition of any
9 surplus funds that may exist after the termination of
10 this compact after the payment or reserving of all of
11 its debts and obligations.

12 (d) The commission shall publish its bylaws and rules, and
13 any amendments thereto, in a convenient form on the website of
14 the commission.

15 (e) The commission shall maintain its financial records in
16 accordance with the bylaws.

17 (f) The commission shall meet and take such actions as are
18 consistent with the provisions of this compact and the bylaws.

19 (g) The commission shall have the following powers:

20 (1) To promulgate uniform rules to facilitate and
21 coordinate implementation and administration of this



- 1 compact. The rules shall have the force and effect of
2 law and shall be binding in all party states;
- 3 (2) To bring and prosecute legal proceedings or actions in
4 the name of the commission; provided that the standing
5 of any licensing board to sue or be sued under
6 applicable law shall not be affected;
- 7 (3) To purchase and maintain insurance and bonds;
- 8 (4) To borrow, accept, or contract for services of
9 personnel, including but not limited to employees of a
10 party state or nonprofit organizations;
- 11 (5) To cooperate with other organizations that administer
12 state compacts related to the regulation of nursing,
13 including but not limited to sharing administrative or
14 staff expenses, office space, or other resources;
- 15 (6) To hire employees, elect or appoint officers, fix
16 compensation, define duties, grant such individuals
17 appropriate authority to carry out the purposes of
18 this compact, and to establish the commission's
19 personnel policies and programs relating to conflicts
20 of interest, qualifications of personnel, and other
21 related personnel matters;



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- 1 (7) To accept any and all appropriate donations, grants
2 and gifts of money, equipment, supplies, materials,
3 and services, and to receive, utilize, and dispose of
4 the same; provided that at all times the commission
5 shall avoid any appearance of impropriety or conflict
6 of interest;
- 7 (8) To lease, purchase, accept appropriate gifts or
8 donations of, or otherwise to own, hold, improve, or
9 use, any property, whether real, personal, or mixed;
10 provided that at all times the commission shall avoid
11 any appearance of impropriety;
- 12 (9) To sell, convey, mortgage, pledge, lease, exchange,
13 abandon, or otherwise dispose of any property, whether
14 real, personal, or mixed;
- 15 (10) To establish a budget and make expenditures;
- 16 (11) To borrow money;
- 17 (12) To appoint committees, including advisory committees
18 composed of administrators, state nursing regulators,
19 state legislators or their representatives, and
20 consumer representatives, and other such interested
21 persons;



- 1 (13) To provide and receive information from, and to
2 cooperate with, law enforcement agencies;
- 3 (14) To adopt and use an official seal; and
- 4 (15) To perform such other functions as may be necessary or
5 appropriate to achieve the purposes of this compact
6 consistent with the state regulation of nurse
7 licensure and practice.
- 8 (h) Financing of the commission.
- 9 (1) The commission shall pay, or provide for the payment
10 of, the reasonable expenses of its establishment,
11 organization, and ongoing activities;
- 12 (2) The commission may also levy on and collect an annual
13 assessment from each party state to cover the cost of
14 its operations, activities, and staff in its annual
15 budget as approved each year. The aggregate annual
16 assessment amount, if any, shall be allocated based
17 upon a formula to be determined by the commission,
18 which shall promulgate a rule that is binding upon all
19 party states;
- 20 (3) The commission shall not incur obligations of any kind
21 prior to securing the funds adequate to meet the same;



1 nor shall the commission pledge the credit of any of
2 the party states, except by, and with the authority
3 of, such party state; and

4 (4) The commission shall keep accurate accounts of all
5 receipts and disbursements. The receipts and
6 disbursements of the commission shall be subject to
7 the audit and accounting procedures established under
8 its bylaws. However, all receipts and disbursements
9 of funds handled by the commission shall be audited
10 yearly by a certified or licensed public accountant,
11 and the report of the audit shall be included in and
12 become part of the annual report of the commission.

13 (i) Qualified Immunity, Defense, and Indemnification.

14 (1) The administrators, officers, executive director,
15 employees, and representatives of the commission shall
16 be immune from suit and liability, either personally
17 or in their official capacity, for any claim for
18 damage to or loss of property or personal injury or
19 other civil liability caused by or arising out of any
20 actual or alleged act, error, or omission that
21 occurred, or that the person against whom the claim is



1 made had a reasonable basis for believing occurred,
2 within the scope of commission employment, duties, or
3 responsibilities; provided that nothing in this
4 paragraph shall be construed to protect any such
5 person from suit or liability for any damage, loss,
6 injury, or liability caused by the intentional,
7 willful, or wanton misconduct of that person;
8 (2) The commission shall defend any administrator,
9 officer, executive director, employee, or
10 representative of the commission in any civil action
11 seeking to impose liability arising out of any actual
12 or alleged act, error, or omission that occurred
13 within the scope of commission employment, duties, or
14 responsibilities, or that the person against whom the
15 claim is made had a reasonable basis for believing
16 occurred within the scope of commission employment,
17 duties, or responsibilities; provided that nothing in
18 this paragraph shall be construed to prohibit that
19 person from retaining his or her own counsel; provided
20 further that the actual or alleged act, error, or



1 omission did not result from that person's

2 intentional, willful, or wanton misconduct; and

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

16
17 **Article VIII. Rulemaking**

18
19 (a) The commission shall exercise its rulemaking powers
20 pursuant to the criteria set forth in this article and the rules
21 adopted thereunder. Rules and amendments shall become binding



1 as of the date specified in each rule or amendment and shall
2 have the same force and effect as provisions of this compact.

3 (b) Rules or amendments to the rules shall be adopted at a
4 regular or special meeting of the commission.

5 (c) Prior to promulgation and adoption of a final rule or
6 rules by the commission, and at least sixty days in advance of
7 the meeting at which the rule will be considered and voted upon,
8 the commission shall file a notice of proposed rulemaking:

9 (1) On the website of the commission; and

10 (2) On the website of each licensing board or the
11 publication in which each state would otherwise
12 publish proposed rules.

13 (d) The notice of proposed rulemaking shall include:

14 (1) The proposed time, date, and location of the meeting
15 in which the rule will be considered and voted upon;

16 (2) The text of the proposed rule or amendment, and the
17 reason for the proposed rule;

18 (3) A request for comments on the proposed rule from any
19 interested person; and



1 (4) The manner in which interested persons may submit
2 notice to the commission of their intention to attend
3 the public hearing and any written comments.

4 (e) Prior to adoption of a proposed rule, the commission
5 shall allow persons to submit written data, facts, opinions, and
6 arguments, which shall be made available to the public.

7 (f) The commission shall grant an opportunity for a public
8 hearing before it adopts a rule or amendment.

9 (g) The commission shall publish the place, time, and date
10 of the scheduled public hearing:

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

16 (2) Nothing in this section shall be construed as
17 requiring a separate hearing on each rule. Rules may
18 be grouped for the convenience of the commission at
19 hearings required by this section.

20 (h) If no one appears at the public hearing, the
21 commission may proceed with promulgation of the proposed rule.



1 (i) Following the scheduled hearing date, or by the close
2 of business on the scheduled hearing date if the hearing was not
3 held, the commission shall consider all written and oral
4 comments received.

5 (j) The commission, by majority vote of all
6 administrators, shall take final action on the proposed rule and
7 shall determine the effective date of the rule, if any, based on
8 the rulemaking record and the full text of the rule.

9 (k) Upon determination that an emergency exists, the
10 commission may consider and adopt an emergency rule without
11 prior notice, opportunity for comment, or hearing; provided that
12 the usual rulemaking procedures provided in this compact and in
13 this section shall be retroactively applied to the rule as soon
14 as reasonably possible, in no event later than ninety days after
15 the effective date of the rule. For the purposes of this
16 subsection, an emergency rule is one that must be adopted
17 immediately in order to:

18 (1) Meet an imminent threat to public health, safety, or
19 welfare;

20 (2) Prevent a loss of commission or party state funds; or



1 (3) Meet a deadline for the promulgation of an
2 administrative rule that is required by federal law or
3 rule.

4 (1) The commission may direct revisions to a previously
5 adopted rule or amendment for purposes of correcting
6 typographical errors, errors in format, errors in consistency,
7 or grammatical errors. Public notice of any revisions shall be
8 posted on the website of the commission. The revision shall be
9 subject to challenge by any person for a period of thirty days
10 after posting. The revision may be challenged only on grounds
11 that the revision results in a material change to a rule. A
12 challenge shall be made in writing, and delivered to the
13 commission, prior to the end of the notice period. If no
14 challenge is made, the revision will take effect without further
15 action. If the revision is challenged, the revision may not
16 take effect without the approval of the commission.

17

18 **Article IX. Oversight, Dispute Resolution and Enforcement**

19

20 (a) Oversight.



- 1 (1) Each party state shall enforce this compact and take
2 all actions necessary and appropriate to effectuate
3 this compact's purposes and intent; and
- 4 (2) The commission shall be entitled to receive service of
5 process in any proceeding that may affect the powers,
6 responsibilities, or actions of the commission, and
7 shall have standing to intervene in such a proceeding
8 for all purposes. Failure to provide service of
9 process in such proceeding to the commission shall
10 render a judgment or order void as to the commission,
11 this compact, or promulgated rules.
- 12 (b) Default, Technical Assistance, and Termination.
- 13 (1) If the commission determines that a party state has
14 defaulted in the performance of its obligations or
15 responsibilities under this compact or the promulgated
16 rules, the commission shall:
- 17 (A) Provide written notice to the defaulting state
18 and other party states of the nature of the
19 default, the proposed means of curing the
20 default, or any other action to be taken by the
21 commission; and



- 1 (B) Provide remedial training and specific technical
2 assistance regarding the default;
- 3 (2) If a state in default fails to cure the default, the
4 defaulting state's membership in this compact may be
5 terminated upon an affirmative vote of a majority of
6 the administrators, and all rights, privileges, and
7 benefits conferred by this compact may be terminated
8 on the effective date of termination. A cure of the
9 default does not relieve the offending state of
10 obligations or liabilities incurred during the period
11 of default;
- 12 (3) Termination of membership in this compact shall be
13 imposed only after all other means of securing
14 compliance have been exhausted. Notice of intent to
15 suspend or terminate shall be given by the commission
16 to the governor of the defaulting state and to the
17 executive officer of the defaulting state's licensing
18 board and each of the party states;
- 19 (4) A state whose membership in this compact has been
20 terminated is responsible for all assessments,
21 obligations, and liabilities incurred through the



- 1 effective date of termination, including obligations
2 that extend beyond the effective date of termination;
- 3 (5) The commission shall not bear any costs related to a
4 state that is found to be in default or whose
5 membership in this compact has been terminated unless
6 agreed upon in writing between the commission and the
7 defaulting state; and
- 8 (6) The defaulting state may appeal the action of the
9 commission by petitioning the United States District
10 Court for the District of Columbia or the federal
11 district in which the commission has its principal
12 offices. The prevailing party shall be awarded all
13 costs of such litigation, including reasonable
14 attorneys' fees.
- 15 (c) Dispute Resolution.
- 16 (1) Upon request by a party state, the commission shall
17 attempt to resolve disputes related to the compact
18 that arise among party states and between party and
19 non-party states;



- 1 (2) The commission shall promulgate a rule providing for
2 both mediation and binding dispute resolution for
3 disputes, as appropriate; and
- 4 (3) In the event the commission cannot resolve disputes
5 among party states arising under this compact:
- 6 (A) The party states may submit the issues in dispute
7 to an arbitration panel, which will be composed
8 of individuals appointed by the compact
9 administrator in each of the affected party
10 states and an individual mutually agreed upon by
11 the compact administrators of all the party
12 states involved in the dispute; and
- 13 (B) The decision of a majority of the arbitrators
14 shall be final and binding.
- 15 (d) Enforcement.
- 16 (1) The commission, in the reasonable exercise of its
17 discretion, shall enforce the provisions and rules of
18 this compact;
- 19 (2) By majority vote, the commission may initiate legal
20 action in the United States District Court for the
21 District of Columbia or the federal district in which



1 the commission has its principal offices against a
2 party state that is in default to enforce compliance
3 with the provisions of this compact and its
4 promulgated rules and bylaws. The relief sought may
5 include both injunctive relief and damages. In the
6 event judicial enforcement is necessary, the
7 prevailing party shall be awarded all costs of such
8 litigation, including reasonable attorneys' fees; and
9 (3) The remedies in this subsection shall not be the
10 exclusive remedies of the commission. The commission
11 may pursue any other remedies available under federal
12 or state law.

13
14 **Article X. Effective Date, Withdrawal and Amendment**

15
16 (a) This compact shall become effective and binding on the
17 earlier of the date of legislative enactment of this compact
18 into law by no less than twenty-six states or December 31, 2019.
19 All party states to this compact that also were parties to the
20 prior Nurse Licensure Compact, superseded by this compact,
21 (prior compact), shall be deemed to have withdrawn from said



1 prior compact within six months after the effective date of this
2 compact.

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

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

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

16 (e) Nothing contained in this compact shall be construed
17 to invalidate or prevent any nurse licensure agreement or other
18 cooperative arrangement between a party state and a non-party
19 state that is made in accordance with the other provisions of
20 this compact.



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

5 (g) Representatives of non-party states to this compact
6 shall be invited to participate in the activities of the
7 commission, on a nonvoting basis, prior to the adoption of this
8 compact by all states.

9

10 **Article XI. Construction and Severability**

11

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



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

5 SECTION 2. Chapter 457, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§457- Multistate license; demographic data. (a)

9 Beginning January 1, 2026, and annually thereafter, any
10 individual who holds a multistate nurse license issued by a
11 state other than Hawaii and who is employed by any health care
12 facility as defined in section 323D-2 shall complete any
13 demographic data survey required by the board as a condition of
14 employment.

15 (b) All health care facilities shall report to the board,
16 within thirty days of employment, all nurses holding a
17 multistate license issued by a state other than Hawaii and an
18 attestation that the employees holding multistate licenses
19 issued by a state other than Hawaii have completed the
20 requirements of subsection (a) as a condition of employment."



1 SECTION 3. Section 457-7, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) The applicant applying for a license to practice as a
4 registered nurse by examination shall pay application,
5 examination, and reexamination fees, if applicable, as
6 prescribed by the board. Each applicant who successfully passes
7 the examination shall pay a license fee. The applicant applying
8 for a license to practice as a registered nurse by endorsement
9 shall pay application and license fees. The board may charge
10 different fees for registered nurses who hold a multistate
11 license issued by the State."

12 SECTION 4. Section 457-8, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) The applicant applying for a license to practice as a
15 licensed practical nurse by examination shall pay application,
16 examination, and reexamination fees, if applicable, as
17 prescribed by the board. Each applicant who successfully passes
18 the examination shall pay a license fee. The applicant applying
19 for a license to practice as a licensed practical nurse by
20 endorsement shall pay application and license fees. The board



1 may charge different fees for licensed practical nurses who hold
2 a multistate license issued by the State."

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect upon its approval.

5

INTRODUCED BY: *Mike A. Belotti*

JAN 19 2024



H.B. NO. 2158

Report Title:

Nurse Licensure Compact; Registered Nurses; Licensed Practical Nurses; Demographic Data; Fees

Description:

Adopts the nurse licensure compact. Beginning 01/01/2026, requires nurses who hold multistate licenses issued by a state other than Hawaii to complete demographic data surveys. Authorizes the Board of Nursing to assess different fees for registered nurses and licensed practical nurses who hold a multistate license issued by the State.

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

