
A BILL FOR AN ACT

RELATING TO THE NURSE LICENSURE COMPACT.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **NURSE LICENSURE COMPACT**

6 § -1 **Name.** This chapter may be cited as the Nurse
7 Licensure Compact.

8 § -2 **Terms and provisions of compact; authorization;**
9 **governor.** The legislature hereby authorizes the governor to
10 enter into a compact on behalf of the State of Hawaii with any
11 other state legally joining therein, in the form substantially
12 as follows:

13 **NURSE LICENSURE COMPACT**

14 ARTICLE I. FINDINGS AND DECLARATION OF PURPOSE

15 (a) The party states find that:

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

ARTICLE II. DEFINITIONS

As used in this compact:



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

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

12 (c) "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 (d) "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 (e) "Encumbrance" means a revocation or suspension of, or
9 any limitation on, the full and unrestricted practice of nursing
10 imposed by a licensing board.

11 (f) "Home state" means the party state which is the
12 nurse's primary state of residence.

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

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

20 (i) "Multistate licensure privilege" means a legal
21 authorization associated with a multistate license that permits



1 the practice of nursing as either a registered nurse (RN) or
2 LPN/VN in a remote state.

3 (j) "Nurse" means RN or LPN/VN, as the terms are defined
4 by each party state's practice laws.

5 (k) "Party state" means any state that has adopted this
6 compact.

7 (l) "Remote state" means a party state other than the home
8 state.

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

13 (n) "State" means a state, territory, or possession of the
14 United States and the District of Columbia.

15 (o) "State practice laws" means a party state's laws,
16 rules and regulations that govern the practice of nursing,
17 define the scope of nursing practice, and create the methods and
18 grounds for imposing discipline. "State practice laws" do not
19 include requirements necessary to obtain and retain a license,
20 except for qualifications or requirements of the home state.

21 ARTICLE III. GENERAL PROVISIONS AND JURISDICTION



1 (a) A multistate license to practice registered or
2 licensed practical/vocational nursing issued by a home state to
3 a resident in that state will be recognized by each party state
4 as authorizing a nurse to practice as a registered nurse (RN) or
5 as a licensed practical/vocational nurse (LPN/VN), under a
6 multistate licensure privilege, in each party state.

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

15 (c) Each party state shall require the following for an
16 applicant to obtain or retain a multistate license in the home
17 state:

- 18 (1) Meets the home state's qualifications for licensure or
19 renewal of licensure, as well as all other applicable
20 state laws;



- 1 (2) (A) Has graduated or is eligible to graduate from a
2 licensing board-approved RN or LPN/VN
3 prelicensure education program; or
4 (B) Has graduated from a foreign RN or LPN/VN
5 prelicensure education program that has been
6 approved by the authorized accrediting body in
7 the applicable country and has been verified by
8 an independent credentials review agency to be
9 comparable to a licensing board-approved
10 prelicensure education program;
11 (3) Has successfully passed an English proficiency
12 examination that includes the components of reading,
13 speaking, writing, and listening, if a graduate of a
14 foreign prelicensure education program that was not
15 taught in English or if English is not the
16 individual's native language;
17 (4) Has successfully passed an NCLEX-RN® or NCLEX-PN®
18 Examination or recognized predecessor, as applicable;
19 (5) Is eligible for or holds an active, unencumbered
20 license;



1 (6) Has submitted, in connection with an application for
2 initial licensure or licensure by endorsement,
3 fingerprints, or other biometric data for the purpose
4 of obtaining criminal history record information from
5 the Federal Bureau of Investigation and the agency
6 responsible for retaining that state's criminal
7 records;

8 (7) Has not been convicted or found guilty, or has entered
9 into an agreed disposition, of a felony offense under
10 applicable state or federal criminal law;

11 (8) Has not been convicted or found guilty, or has entered
12 into an agreed disposition, of a misdemeanor offense
13 related to the practice of nursing as determined on a
14 case-by-case basis;

15 (9) Is not currently enrolled in an alternative program;

16 (10) Is subject to self-disclosure requirements regarding
17 current participation in an alternative program; and

18 (11) Has a valid United States social security number.

19 (d) All party states shall be authorized, in accordance
20 with existing state due process law, to take adverse action
21 against a nurse's multistate licensure privilege such as



1 revocation, suspension, probation or any other action that
2 affects a nurse's authorization to practice under a multistate
3 licensure privilege, including cease and desist actions. If a
4 party state takes action, it shall promptly notify the
5 administrator of the coordinated licensure information system.
6 The administrator of the coordinated licensure information
7 system shall promptly notify the home state of any actions by
8 remote states.

9 (e) A nurse practicing in a party state must comply with
10 the state practice laws of the state in which the client is
11 located at the time service is provided. The practice of
12 nursing is not limited to patient care but shall include all
13 nursing practice as defined by the state practice laws of the
14 party state in which the client is located. The practice of
15 nursing in a party state under a multistate licensure privilege
16 will subject a nurse to the jurisdiction of the licensing board,
17 the courts, and the laws of the party state in which the client
18 is located at the time service is provided.

19 (f) Individuals who do not reside in a party state may
20 apply for a party state's single-state license as provided under
21 the laws of each party state. The single-state license granted



1 to these individuals will not be recognized as granting the
2 privilege to practice nursing in any other party state. This
3 compact shall not affect the requirements established by a party
4 state for the issuance of a single-state license.

5 (g) Any nurse holding a home state multistate license on
6 the effective date of this compact may retain and renew the
7 multistate license issued by the nurse's then-current home
8 state; provided that:

9 (1) A nurse who changes their primary state of residence
10 after this compact's effective date must meet all
11 applicable article III(c) requirements to obtain a
12 multistate license from a new home state.

13 (2) A nurse who fails to satisfy the multistate licensure
14 requirements in article III(c) due to a disqualifying
15 event occurring after this compact's effective date
16 shall be ineligible to retain or renew a multistate
17 license, and the nurse's multistate license shall be
18 revoked or deactivated in accordance with applicable
19 rules adopted by the Interstate Commission of Nurse
20 Licensure Compact Administrators ("Commission").

21 ARTICLE IV. APPLICATIONS FOR LICENSURE IN A PARTY STATE



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

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

13 (c) If a nurse changes primary state of residence by
14 moving between two party states, the nurse must apply for
15 licensure in the new home state, and the multistate license
16 issued by the prior home state will be deactivated in accordance
17 with applicable rules adopted by the commission; provided that:

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

20 (2) A multistate license shall not be issued by the new
21 home state until the nurse provides satisfactory



1 evidence of a change in primary state of residence to
2 the new home state and satisfies all applicable
3 requirements to obtain a multistate license from the
4 new home state.

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

9 ARTICLE V. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

10 LICENSING BOARDS

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

13 (1) Take adverse action against a nurse's multistate
14 licensure privilege to practice within that party
15 state; provided that:

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

19 (B) For purposes of taking adverse action, the home
20 state licensing board shall give the same
21 priority and effect to reported conduct received



1 from a remote state as it would if the conduct
2 had occurred within the home state. In so doing,
3 the home state shall apply its own state laws to
4 determine appropriate action;

5 (2) Issue cease and desist orders or impose an encumbrance
6 on a nurse's authority to practice within that party
7 state;

8 (3) Complete any pending investigations of a nurse who
9 changes primary state of residence during the course
10 of investigation. The licensing board shall also have
11 the authority to take appropriate action(s) and shall
12 promptly report the conclusions of the investigations
13 to the administrator of the coordinated licensure
14 information system. The administrator of the
15 coordinated licensure information system shall
16 promptly notify the new home state of any actions;

17 (4) Issue subpoenas for both hearings and investigations
18 that require the attendance and testimony of
19 witnesses, and the production of evidence. Subpoenas
20 issued by a licensing board in a party state for the
21 attendance and testimony of witnesses or the



1 production of evidence from another party state shall
2 be enforced in the latter state by any court of
3 competent jurisdiction, according to the practice and
4 procedure of that court applicable to subpoenas issued
5 in proceedings pending before it. The issuing
6 authority shall pay any witness fees, travel expenses,
7 mileage and other fees required by the service
8 statutes of the state in which the witnesses or
9 evidence are located;

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

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



1 (7) Take adverse action based on the factual findings of
2 the remote state, provided that the licensing board
3 follows its own procedures for taking adverse action.

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

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

19 ARTICLE VI. COORDINATED LICENSURE INFORMATION SYSTEM AND

20 EXCHANGE OF INFORMATION



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

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

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

19 (d) Current significant investigative information and
20 participation in nonpublic or confidential alternative programs



1 shall be transmitted through the coordinated licensure
2 information system only to party state licensing boards.

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

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

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



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

(1) Identifying information;

(2) Licensure data;

(3) Information related to alternative program participation; and

(4) Other information that may facilitate the administration of this compact, as determined by commission rules.

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

ARTICLE VII. ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE
LICENSURE COMPACT ADMINISTRATORS

(a) The party states hereby create and establish a joint public entity known as the interstate commission of nurse licensure compact administrators and find that:

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



1 (2) Venue is proper, and judicial proceedings by or
2 against the commission shall be brought solely and
3 exclusively, in a court of competent jurisdiction
4 where the principal office of the commission is
5 located. The commission may waive venue and
6 jurisdictional defenses to the extent it adopts or
7 consents to participate in alternative dispute
8 resolution proceedings; and

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

11 (b) Membership, Voting and Meetings

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



1 (2) Each administrator shall be entitled to one (1) vote
2 with regard to the promulgation of rules and creation
3 of bylaws and shall otherwise have an opportunity to
4 participate in the business and affairs of the
5 commission. An administrator shall vote in person or
6 by other means as provided in the bylaws. The bylaws
7 may provide for an administrator's participation in
8 meetings by telephone or other means of communication;

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

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

16 (5) The commission may convene in a closed, non-public
17 meeting if the commission must discuss:

18 (A) Noncompliance of a party state with its
19 obligations under this compact;

20 (B) The employment, compensation, discipline or other
21 personnel matters practices or procedures related



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



(J) Matters specifically exempted from disclosure by
federal or state statute; and

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

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



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



1 (4) Establishing the titles, duties and authority and
2 reasonable procedures for the election of the officers
3 of the commission;

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

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

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

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

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



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



1 personnel policies and programs relating to conflicts
2 of interest, qualifications of personnel and other
3 related personnel matters;

4 (7) To accept any and all appropriate donations, grants
5 and gifts of money, equipment, supplies, materials,
6 and services, and to receive, utilize and dispose of
7 the same; provided that at all times the commission
8 shall avoid any appearance of impropriety or conflict
9 of interest;

10 (8) To lease, purchase, accept appropriate gifts or
11 donations of, or otherwise to own, hold, improve or
12 use, any property, whether real, personal or mixed;
13 provided that at all times the commission shall avoid
14 any appearance of impropriety;

15 (9) To sell, convey, mortgage, pledge, lease, exchange,
16 abandon or otherwise dispose of any property, whether
17 real, personal or mixed;

18 (10) To establish a budget and make expenditures;

19 (11) To borrow money;

20 (12) To appoint committees, including advisory committees
21 composed of administrators, state nursing regulators,



1 state legislators or their representatives, and
2 consumer representatives, and other interested
3 persons;

4 (13) To provide and receive information from, and to
5 cooperate with, law enforcement agencies;

6 (14) To adopt and use an official seal; and

7 (15) To perform other functions as may be necessary or
8 appropriate to achieve the purposes of this compact
9 consistent with the state regulation of nurse
10 licensure and practice.

11 (h) Financing of the Commission.

12 (1) The commission shall pay, or provide for the payment
13 of, the reasonable expenses of its establishment,
14 organization and ongoing activities;

15 (2) The commission may also levy on and collect an annual
16 assessment from each party state to cover the cost of
17 its operations, activities and staff in its annual
18 budget as approved each year. The aggregate annual
19 assessment amount, if any, shall be allocated based
20 upon a formula to be determined by the commission,



1 which shall promulgate a rule that is binding upon all
2 party states;

3 (3) The commission shall not incur obligations of any kind
4 prior to securing the funds adequate to meet the same;
5 nor shall the commission pledge the credit of any of
6 the party states, except by, and with the authority
7 of, the party state; and

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

17 (i) Qualified Immunity, Defense and Indemnification.

18 (1) The administrators, officers, executive director,
19 employees and representatives of the commission shall
20 be immune from suit and liability, either personally
21 or in their official capacity, for any claim for



1 damage to or loss of property or personal injury or
2 other civil liability caused by or arising out of any
3 actual or alleged act, error or omission that
4 occurred, or that the person against whom the claim is
5 made had a reasonable basis for believing occurred,
6 within the scope of commission employment, duties or
7 responsibilities; provided that nothing in this
8 paragraph shall be construed to protect the person
9 from suit or liability for any damage, loss, injury or
10 liability caused by the intentional, willful or wanton
11 misconduct of that person;

- 12 (2) The commission shall defend any administrator,
13 officer, executive director, employee or
14 representative of the commission in any civil action
15 seeking to impose liability arising out of any actual
16 or alleged act, error or omission that occurred within
17 the scope of commission employment, duties or
18 responsibilities, or that the person against whom the
19 claim is made had a reasonable basis for believing
20 occurred within the scope of commission employment,
21 duties or responsibilities; provided that nothing



1 herein shall be construed to prohibit that person from
2 retaining his or her own counsel; and provided further
3 that the actual or alleged act, error or omission did
4 not result from that person's intentional, willful or
5 wanton misconduct; and

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

19 ARTICLE VIII. RULEMAKING

20 (a) The commission shall exercise its rulemaking powers
21 pursuant to the criteria set forth in this article and the rules



1 adopted thereunder. Rules and amendments shall become binding
2 as of the date specified in each rule or amendment and shall
3 have the same force and effect as provisions of this compact.

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

6 (c) Prior to promulgation and adoption of a final rule or
7 rules by the commission, and at least sixty (60) days in advance
8 of the meeting at which the rule will be considered and voted
9 upon, the commission shall file a notice of proposed rulemaking:

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

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

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

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

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

19 (3) A request for comments on the proposed rule from any
20 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; provided that:

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 shall, by majority vote of all
6 administrators, take final action on the proposed rule and shall
7 determine the effective date of the rule, if any, based on the
8 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 (90) days
15 after the effective date of the rule. For the purposes of this
16 provision, 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 or
7 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 (30) after posting. The revision may be challenged only on
11 grounds that the revision results in a material change to a
12 rule. A challenge shall be made in writing, and delivered to
13 the 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 ARTICLE IX. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

18 (a) Oversight.

19 (1) Each party state shall enforce this compact and take
20 all actions necessary and appropriate to effectuate
21 this compact's purposes and intent; and



1 (2) The commission shall be entitled to receive service of
2 process in any proceeding that may affect the powers,
3 responsibilities, or actions of the commission, and
4 shall have standing to intervene in a proceeding for
5 all purposes. Failure to provide service of process
6 in a proceeding to the commission shall render a
7 judgment or order void as to the commission, this
8 compact or promulgated rules.

9 (b) Default, Technical Assistance and Termination.

10 (1) If the commission determines that a party state has
11 defaulted in the performance of its obligations or
12 responsibilities under this compact or the promulgated
13 rules, the commission shall:

14 (A) Provide written notice to the defaulting state
15 and other party states of the nature of the
16 default, the proposed means of curing the default
17 or any other action to be taken by the
18 commission; and

19 (B) Provide remedial training and specific technical
20 assistance regarding the default;



1 (2) If a state in default fails to cure the default, the
2 defaulting state's membership in this compact may be
3 terminated upon an affirmative vote of a majority of
4 the administrators, and all rights, privileges and
5 benefits conferred by this compact may be terminated
6 on the effective date of termination. A cure of the
7 default does not relieve the offending state of
8 obligations or liabilities incurred during the period
9 of default;

10 (3) Termination of membership in this compact shall be
11 imposed only after all other means of securing
12 compliance have been exhausted. Notice of intent to
13 suspend or terminate shall be given by the commission
14 to the governor of the defaulting state and to the
15 executive officer of the defaulting state's licensing
16 board and each of the party states;

17 (4) A state whose membership in this compact has been
18 terminated is responsible for all assessments,
19 obligations and liabilities incurred through the
20 effective date of termination, including obligations
21 that extend beyond the effective date of termination;



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

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of litigation, including reasonable attorneys' fees.

(c) Dispute Resolution.

(1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and non-party states;

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate;

(3) In the event the commission cannot resolve disputes among party states arising under this compact:



1 (A) The party states may submit the issues in dispute
2 to an arbitration panel, which will be composed
3 of individuals appointed by the compact
4 administrator in each of the affected party
5 states and an individual mutually agreed upon by
6 the compact administrators of all the party
7 states involved in the dispute; and

8 (B) The decision of a majority of the arbitrators
9 shall be final and binding.

10 (d) Enforcement.

11 (1) The commission, in the reasonable exercise of its
12 discretion, shall enforce the provisions and rules of
13 this compact;

14 (2) By majority vote, the commission may initiate legal
15 action in the U.S. District Court for the District of
16 Columbia or the federal district in which the
17 commission has its principal offices against a party
18 state that is in default to enforce compliance with
19 the provisions of this compact and its promulgated
20 rules and bylaws. The relief sought may include both
21 injunctive relief and damages. In the event judicial



1 enforcement is necessary, the prevailing party shall
2 be awarded all costs of litigation, including
3 reasonable attorneys' fees; and

4 (3) The remedies herein shall not be the exclusive
5 remedies of the commission. The commission may pursue
6 any other remedies available under federal or state
7 law.

8 ARTICLE X. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

9 (a) This compact shall become effective and binding on the
10 earlier of the date of legislative enactment of this compact
11 into law by no less than twenty-six (26) states or December 31,
12 2018. All party states to this compact that also were parties
13 to the prior nurse licensure compact, superseded by this
14 compact, ("prior compact"), shall be deemed to have withdrawn
15 from said prior compact within six (6) months after the
16 effective date of this compact.

17 (b) Each party state to this compact shall continue to
18 recognize a nurse's multistate licensure privilege to practice
19 in that party state issued under the prior compact until the
20 party state has withdrawn from the prior compact.



1 (c) Any party state may withdraw from this compact by
2 enacting a statute repealing the same. A party state's
3 withdrawal shall not take effect until six (6) months after
4 enactment of the repealing statute.

5 (d) A party state's withdrawal or termination shall not
6 affect the continuing requirement of the withdrawing or
7 terminated state's licensing board to report adverse actions and
8 significant investigations occurring prior to the effective date
9 of the withdrawal or termination.

10 (e) Nothing contained in this compact shall be construed
11 to invalidate or prevent any nurse licensure agreement or other
12 cooperative arrangement between a party state and a non-party
13 state that is made in accordance with the other provisions of
14 this compact.

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

19 (g) Representatives of non-party states to this compact
20 shall be invited to participate in the activities of the



1 commission, on a nonvoting basis, prior to the adoption of this
2 compact by all states.

3 ARTICLE XI. CONSTRUCTION AND SEVERABILITY

4 This compact shall be liberally construed to effectuate the
5 purposes thereof. The provisions of this compact shall be
6 severable, and if any phrase, clause, sentence, or provision of
7 this compact is declared to be contrary to the constitution of
8 any party state or of the United States, or if the applicability
9 thereof to any government, agency, person or circumstance is
10 held invalid, the validity of the remainder of this compact and
11 the applicability thereof to any government, agency, person or
12 circumstance shall not be affected thereby. If this compact
13 shall be held to be contrary to the constitution of any party
14 state, this compact shall remain in full force and effect as to
15 the remaining party states and in full force and effect as to
16 the party state affected as to all severable matters."

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

20 "§457- Demographic data surveys; reporting. (a)
21 Beginning July 1, 20 , and annually thereafter, each person



1 holding a multistate nurse license issued by a state other than
2 Hawaii and who is employed by any health care facility as
3 defined in section 323D-2 shall complete, as a condition of
4 employment, the demographic data surveys required by the board.

5 (b) Each health care facility shall report to the board,
6 within thirty days of the nurse's employment, each nurse holding
7 a multistate license issued by a state other than Hawaii and
8 shall provide an attestation that the employee holding a
9 multistate license issued by a state other than Hawaii has
10 completed, as a condition of employment, the tasks required
11 under this section."

12 SECTION 3. Section 457-7, 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 registered 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 registered nurse by endorsement
20 shall pay application and license fees. The board may charge



1 different fees for a registered nurse who holds a multistate
2 license issued by the State."

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

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

14 SECTION 5. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 3000;
16 provided that section 1 of this Act shall take effect and become
17 binding two years after this Act takes effect.

18

INTRODUCED BY: 

JAN 21 2025



H.B. NO. 897

Report Title:

State Board of Nursing; Nurse Licensure Compact; Registered Nurses; Licensed Practical Nurses; Fees

Description:

Authorizes the Governor to enter the State into a multistate Nurse Licensure Compact that will allow a nurse who is licensed by a home state to practice under a multistate licensure privilege in each party state. Beginning 7/1/20 , requires each person who holds a multistate nurse license issued by another state and is employed by a health care facility to complete annual demographic data surveys. Authorizes the State Board of Nursing to charge different fees for registered nurses and licensed practical nurses who hold a multistate license issued by the State. Provides that the Nurse Licensure Compact shall become effective and binding in the State two years after the Act takes effect.

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

