

FIRST REGULAR SESSION

HOUSE BILL NO. 1017

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KELLEY (47) AND CRUMP (Co-sponsors).

Read 1st time March 15, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2288L.011

AN ACT

To amend chapter 335, RSMo, by adding thereto one new section relating to the nurse licensure compact.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 335, RSMo, is amended by adding thereto one new section, to be
2 known as section 335.500, to read as follows:

**335.500. The nurse licensure compact is hereby enacted into law and entered into
2 by the Missouri state board of nursing with any and all other participating state boards
3 of nursing legally joining therein, in the form substantially as follows:**

ARTICLE I

Findings and Declaration of Purpose

6 **a. The party states find that:**

7 **1 The health and safety of the public are affected by the degree of compliance with
8 and the effectiveness of enforcement activities related to state nurse licensure laws;**

9 **2 Violations of nurse licensure and other laws regulating the practice of nursing
10 may result in injury or harm to the public;**

11 **3 The expanded mobility of nurses and the use of advanced communication
12 technologies as part of our nation's healthcare delivery system require greater coordination
13 and cooperation among states in the areas of nurse licensure and regulation;**

14 **4 New practice modalities and technology make compliance with individual state
15 nurse licensure laws difficult and complex;**

16 **5 The current system of duplicative licensure for nurses practicing in multiple
17 states is cumbersome and redundant to both nurses and states.**

- 18 **b. The general purposes of this Compact are to:**
19 **1 Facilitate the states' responsibility to protect the public's health and safety;**
20 **2 Ensure and encourage the cooperation of party states in the areas of nurse**
21 **licensure and regulation;**
22 **3 Facilitate the exchange of information between party states in the areas of nurse**
23 **regulation, investigation and adverse actions;**
24 **4 Promote compliance with the laws governing the practice of nursing in each**
25 **jurisdiction;**
26 **5 Invest all party states with the authority to hold a nurse accountable for meeting**
27 **all state practice laws in the state in which the patient is located at the time care is rendered**
28 **through the mutual recognition of party state licenses.**

29 **ARTICLE II**

30 **Definitions**

31 **As used in this Compact:**

- 32 **a. "Adverse Action" means a home or remote state action.**
33 **b. "Alternative program" means a voluntary, nondisciplinary monitoring program**
34 **approved by a nurse licensing board.**
35 **c. "Coordinated licensure information system" means an integrated process for**
36 **collecting, storing, and sharing information on nurse licensure and enforcement activities**
37 **related to nurse licensure laws, which is administered by a nonprofit organization**
38 **composed of and controlled by state nurse licensing boards.**
39 **d. "Current significant investigative information" means:**
40 **0.1 Investigative information that a licensing board, after a preliminary inquiry**
41 **that includes notification and an opportunity for the nurse to respond if required by state**
42 **law, has reason to believe is not groundless and, if proved true, would indicate more than**
43 **a minor infraction; or**
44 **0.2 Investigative information that indicates that the nurse represents an immediate**
45 **threat to public health and safety regardless of whether the nurse has been notified and**
46 **had an opportunity to respond.**
47 **a. "Home state" means the party state which is the nurse's primary state of**
48 **residence.**
49 **b. "Home state action" means any administrative, civil, equitable or criminal action**
50 **permitted by the home state's laws which are imposed on a nurse by the home state's**
51 **licensing board or other authority including actions against an individual's license such as:**
52 **revocation, suspension, probation or any other action which affects a nurse's authorization**
53 **to practice.**

54 c. "Licensing board" means a party state's regulatory body responsible for issuing
55 nurse licenses.

56 d. "Multistate licensure privilege" means current, official authority from a remote
57 state permitting the practice of nursing as either a registered nurse or a licensed
58 practical/vocational nurse in such party state. All party states have the authority, in
59 accordance with existing state due process law, to take actions against the nurse's privilege
60 such as: revocation, suspension, probation or any other action which affects a nurse's
61 authorization to practice.

62 e. "Nurse" means a registered nurse or licensed practical/vocational nurse, as those
63 terms are defined by each party's state practice laws.

64 f. "Party state" means any state that has adopted this Compact.

65 g. "Remote state" means a party state, other than the home state,

66 0.1 Where the patient is located at the time nursing care is provided, or,

67 0.2 In the case of the practice of nursing not involving a patient, in such party state
68 where the recipient of nursing practice is located.

69 a. "Remote state action" means:

70 0.1 Any administrative, civil, equitable or criminal action permitted by a remote
71 state's laws which are imposed on a nurse by the remote state's licensing board or other
72 authority including actions against an individual's multistate licensure privilege to practice
73 in the remote state, and

74 0.2 Cease and desist and other injunctive or equitable orders issued by remote
75 states or the licensing boards thereof.

76 a. "State" means a state, territory, or possession of the United States, the District
77 of Columbia or the Commonwealth of Puerto Rico.

78 b. "State practice laws" means those individual party's state laws and regulations
79 that govern the practice of nursing, define the scope of nursing practice, and create the
80 methods and grounds for imposing discipline. State practice laws does not include the
81 initial qualifications for licensure or requirements necessary to obtain and retain a license,
82 except for qualifications or requirements of the home state.

83 ARTICLE III

84 General Provisions and Jurisdiction

85 a. A license to practice registered nursing issued by a home state to a resident in
86 that state will be recognized by each party state as authorizing a multistate licensure
87 privilege to practice as a registered nurse in such party state. A license to practice licensed
88 practical/vocational nursing issued by a home state to a resident in that state will be
89 recognized by each party state as authorizing a multistate licensure privilege to practice

90 as a licensed practical/vocational nurse in such party state. In order to obtain or retain a
91 license, an applicant must meet the home state's qualifications for licensure and license
92 renewal as well as all other applicable state laws.

93 b. Party states may, in accordance with state due process laws, limit or revoke the
94 multistate licensure privilege of any nurse to practice in their state and may take any other
95 actions under their applicable state laws necessary to protect the health and safety of their
96 citizens. If a party state takes such action, it shall promptly notify the administrator of the
97 coordinated licensure information system. The administrator of the coordinated licensure
98 information system shall promptly notify the home state of any such actions by remote
99 states.

100 c. Every nurse practicing in a party state must comply with the state practice laws
101 of the state in which the patient is located at the time care is rendered. In addition, the
102 practice of nursing is not limited to patient care, but shall include all nursing practice as
103 defined by the state practice laws of a party state. The practice of nursing will subject a
104 nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in
105 that party state.

106 d. This Compact does not affect additional requirements imposed by states for
107 advanced practice registered nursing. However, a multistate licensure privilege to practice
108 registered nursing granted by a party state shall be recognized by other party states as a
109 license to practice registered nursing if one is required by state law as a precondition for
110 qualifying for advanced practice registered nurse authorization.

111 e. Individuals not residing in a party state shall continue to be able to apply for
112 nurse licensure as provided for under the laws of each party state. However, the license
113 granted to these individuals will not be recognized as granting the privilege to practice
114 nursing in any other party state unless explicitly agreed to by that party state.

115 ARTICLE IV

116 Applications for Licensure in a Party State

117 a. Upon application for a license, the licensing board in a party state shall ascertain,
118 through the coordinated licensure information system, whether the applicant has ever held,
119 or is the holder of, a license issued by any other state, whether there are any restrictions
120 on the multistate licensure privilege, and whether any other adverse action by any state has
121 been taken against the license.

122 b. A nurse in a party state shall hold licensure in only one party state at a time,
123 issued by the home state.

124 c. A nurse who intends to change primary state of residence may apply for
125 licensure in the new home state in advance of such change. However, new licenses will not

126 be issued by a party state until after a nurse provides evidence of change in primary state
127 of residence satisfactory to the new home state's licensing board.

128 d. When a nurse changes primary state of residence by:

129 0.1 Moving between two party states, and obtains a license from the new home
130 state, the license from the former home state is no longer valid;

131 0.2 Moving from a nonparty state to a party state, and obtains a license from the
132 new home state, the individual state license issued by the nonparty state is not affected and
133 will remain in full force if so provided by the laws of the nonparty state;

134 0.3 Moving from a party state to a nonparty state, the license issued by the prior
135 home state converts to an individual state license, valid only in the former home state,
136 without the multistate licensure privilege to practice in other party states.

137 ARTICLE V

138 Adverse Actions

139 In addition to the General Provisions described in Article III, the following
140 provisions apply:

141 a. The licensing board of a remote state shall promptly report to the administrator
142 of the coordinated licensure information system any remote state actions including the
143 factual and legal basis for such action, if known. The licensing board of a remote state
144 shall also promptly report any significant current investigative information yet to result
145 in a remote state action. The administrator of the coordinated licensure information
146 system shall promptly notify the home state of any such reports.

147 b. The licensing board of a party state shall have the authority to complete any
148 pending investigations for a nurse who changes primary state of residence during the
149 course of such investigations. It shall also have the authority to take appropriate action(s),
150 and shall promptly report the conclusions of such investigations to the administrator of the
151 coordinated licensure information system. The administrator of the coordinated licensure
152 information system shall promptly notify the new home state of any such actions.

153 c. A remote state may take adverse action affecting the multistate licensure
154 privilege to practice within that party state. However, only the home state shall have the
155 power to impose adverse action against the license issued by the home state.

156 d. For purposes of imposing adverse action, the licensing board of the home state
157 shall give the same priority and effect to reported conduct received from a remote state as
158 it would if such conduct had occurred within the home state. In so doing, it shall apply its
159 own state laws to determine appropriate action.

160 e. The home state may take adverse action based on the factual findings of the
161 remote state, so long as each state follows its own procedures for imposing such adverse

162 **action.**

163 **f. Nothing in this Compact shall override a party state's decision that participation**
164 **in an alternative program may be used in lieu of licensure action and that such**
165 **participation shall remain nonpublic if required by the party state's laws. Party states**
166 **must require nurses who enter any alternative programs to agree not to practice in any**
167 **other party state during the term of the alternative program without prior authorization**
168 **from such other party state.**

169 **ARTICLE VI**

170 **Additional Authorities Invested in**
171 **Party State Nurse Licensing Boards**

172 **Notwithstanding any other powers, party state nurse licensing boards shall have the**
173 **authority to:**

174 **a. If otherwise permitted by state law, recover from the affected nurse the costs of**
175 **investigations and disposition of cases resulting from any adverse action taken against that**
176 **nurse;**

177 **b. Issue subpoenas for both hearings and investigations which require the**
178 **attendance and testimony of witnesses, and the production of evidence. Subpoenas issued**
179 **by a nurse licensing board in a party state for the attendance and testimony of witnesses,**
180 **and/or the production of evidence from another party state, shall be enforced in the latter**
181 **state by any court of competent jurisdiction, according to the practice and procedure of**
182 **that court applicable to subpoenas issued in proceedings pending before it. The issuing**
183 **authority shall pay any witness fees, travel expenses, mileage and other fees required by**
184 **the service statutes of the state where the witnesses and/or evidence are located;**

185 **c. Issue cease and desist orders to limit or revoke a nurse's authority to practice in**
186 **their state;**

187 **d. Promulgate uniform rules and regulations as provided for in Article VIII(c).**

188 **ARTICLE VII**

189 **Coordinated Licensure Information System**

190 **a. All party states shall participate in a cooperative effort to create a coordinated**
191 **data base of all licensed registered nurses and licensed practical/vocational nurses. This**
192 **system will include information on the licensure and disciplinary history of each nurse, as**
193 **contributed by party states, to assist in the coordination of nurse licensure and**
194 **enforcement efforts.**

195 **b. Notwithstanding any other provision of law, all party states' licensing boards**
196 **shall promptly report adverse actions, actions against multistate licensure privileges, any**
197 **current significant investigative information yet to result in adverse action, denials of**

198 applications, and the reasons for such denials, to the coordinated licensure information
199 system.

200 c. Current significant investigative information shall be transmitted through the
201 coordinated licensure information system only to party state licensing boards.

202 d. Notwithstanding any other provision of law, all party states' licensing boards
203 contributing information to the coordinated licensure information system may designate
204 information that may not be shared with nonparty states or disclosed to other entities or
205 individuals without the express permission of the contributing state.

206 e. Any personally identifiable information obtained by a party states' licensing
207 board from the coordinated licensure information system may not be shared with
208 non-party states or disclosed to other entities or individuals except to the extent permitted
209 by the laws of the party state contributing the information.

210 f. Any information contributed to the coordinated licensure information system
211 that is subsequently required to be expunged by the laws of the party state contributing
212 that information, shall also be expunged from the coordinated licensure information
213 system.

214 g. The Compact administrators, acting jointly with each other and in consultation
215 with the administrator of the coordinated licensure information system, shall formulate
216 necessary and proper procedures for the identification, collection and exchange of
217 information under this Compact.

218 ARTICLE VIII

219 Compact Administration and Interchange of Information

220 a. The head of the nurse licensing board, or his/her designee, of each party state
221 shall be the administrator of this Compact for his/her state.

222 b. The Compact administrator of each party state shall furnish to the Compact
223 administrator of each other party state any information and documents including, but not
224 limited to, a uniform data set of investigations, identifying information, licensure data, and
225 disclosable alternative program participation information to facilitate the administration
226 of this Compact.

227 c. Compact administrators shall have the authority to develop uniform rules to
228 facilitate and coordinate implementation of this Compact. These uniform rules shall be
229 adopted by party states, under the authority invested under Article VI (d).

230 ARTICLE IX

231 Immunity

232 No party state or the officers or employees or agents of a party state's nurse
233 licensing board who acts in accordance with the provisions of this Compact shall be liable

234 on account of any act or omission in good faith while engaged in the performance of their
235 duties under this Compact. Good faith in this article shall not include willful misconduct,
236 gross negligence, or recklessness.

237 ARTICLE X

238 Entry into Force, Withdrawal and Amendment

239 a. This Compact shall enter into force and become effective as to any state when it
240 has been enacted into the laws of that state. Any party state may withdraw from this
241 Compact by enacting a statute repealing the same, but no such withdrawal shall take effect
242 until six months after the withdrawing state has given notice of the withdrawal to the
243 executive heads of all other party states.

244 b. No withdrawal shall affect the validity or applicability by the licensing boards
245 of states remaining party to the Compact of any report of adverse action occurring prior
246 to the withdrawal.

247 c. Nothing contained in this Compact shall be construed to invalidate or prevent
248 any nurse licensure agreement or other cooperative arrangement between a party state and
249 a non-party state that is made in accordance with the other provisions of this Compact.

250 d. This Compact may be amended by the party states. No amendment to this
251 Compact shall become effective and binding upon the party states unless and until it is
252 enacted into the laws of all party states.

253 ARTICLE XI

254 Construction and Severability

255 a. This Compact shall be liberally construed so as to effectuate the purposes
256 thereof. The provisions of this Compact shall be severable and if any phrase, clause,
257 sentence or provision of this Compact is declared to be contrary to the constitution of any
258 party state or of the United States or the applicability thereof to any government, agency,
259 person or circumstance is held invalid, the validity of the remainder of this Compact and
260 the applicability thereof to any government, agency, person or circumstance shall not be
261 affected thereby. If this Compact shall be held contrary to the constitution of any state
262 party thereto, the Compact shall remain in full force and effect as to the remaining party
263 states and in full force and effect as to the party state affected as to all severable matters.

264 b. In the event party states find a need for settling disputes arising under this
265 Compact:

266 0.1 The party states may submit the issues in dispute to an arbitration panel which
267 will be comprised of an individual appointed by the Compact administrator in the home
268 state; an individual appointed by the Compact administrator in the remote state(s)
269 involved; and an individual mutually agreed upon by the Compact administrators of all

270 **the party states involved in the dispute.**

271 **0.2 The decision of a majority of the arbitrators shall be final and binding.**