

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 1816, Page 1, In the Title, Lines 2 and 3, by deleting the words "the  
2 licensure of physicians" and inserting in lieu thereof the words "health care"; and

3  
4 Further amend said bill, Page 2, Section 334.285, Line 22, by inserting after all of said section and  
5 line the following:

6  
7 "334.1500. As used in sections 334.1500 to 334.1539, the following terms mean:

8 (1) "Advanced emergency medical technician" or "AEMT", an individual licensed with  
9 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS  
10 Education Standards and National EMS Scope of Practice Model;

11 (2) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a  
12 state's laws that may be imposed against licensed EMS personnel by a state EMS authority or state  
13 court including, but not limited to, actions against an individual's license, such as revocation,  
14 suspension, probation, consent agreement, monitoring or other limitation, or encumbrance on the  
15 individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court  
16 judgments enforcing adverse actions by the state EMS authority;

17 (3) "Certification", the successful verification of entry-level cognitive and psychomotor  
18 competency using a reliable, validated, and legally defensible examination;

19 (4) "Commission", the national administrative body of which all states that have enacted the  
20 compact are members;

21 (5) "Emergency medical technician" or "EMT", an individual licensed with cognitive  
22 knowledge and a scope of practice that corresponds to that level in the National EMS Education  
23 Standards and National EMS Scope of Practice Model;

24 (6) "EMS", emergency medical services;

25 (7) "Home state", a member state where an individual is licensed to practice emergency  
26 medical services;

27 (8) "License", the authorization by a state for an individual to practice as an EMT, AEMT,  
28 paramedic, or a level in between EMT and paramedic;

29 (9) "Medical director", a physician licensed in a member state who is accountable for the  
30 care delivered by EMS personnel;

31 (10) "Member state", a state that has enacted this compact;

32 (11) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice  
33 that corresponds to that level in the National EMS Education Standards and National EMS Scope of  
34 Practice Model;

35 (12) "Privilege to practice", an individual's authority to deliver emergency medical services  
36 in remote states as authorized under this compact;

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1 (13) "Remote state", a member state in which an individual is not licensed;

2 (14) "Restricted", the outcome of an adverse action that limits a license or the privilege to  
3 practice;

4 (15) "Rule", a written statement by the interstate commission promulgated under section  
5 334.1530 of this compact that is of general applicability; implements, interprets, or prescribes a  
6 policy or provision of the compact; or is an organizational, procedural, or practice requirement of  
7 the commission and has the force and effect of statutory law in a member state and includes the  
8 amendment, repeal, or suspension of an existing rule;

9 (16) "Scope of practice", defined parameters of various duties or services that may be  
10 provided by an individual with specific credentials. Whether regulated by rule, statute, or court  
11 decision, it tends to represent the limits of services an individual may perform;

12 (17) "Significant investigatory information":

13 (a) Investigative information that a state EMS authority, after a preliminary inquiry that  
14 includes notification and an opportunity to respond if required by state law, has reason to believe, if  
15 proven true, would result in the imposition of an adverse action on a license or privilege to practice;  
16 or

17 (b) Investigative information that indicates that the individual represents an immediate  
18 threat to public health and safety, regardless of whether the individual has been notified and had an  
19 opportunity to respond.

20 (18) "State", any state, commonwealth, district, or territory of the United States;

21 (19) "State EMS authority", the board, office, or other agency with the legislative mandate  
22 to license EMS personnel.

23 334.1503. 1. Any member state in which an individual holds a current license shall be  
24 deemed a home state for purposes of this compact.

25 2. Any member state may require an individual to obtain and retain a license to be  
26 authorized to practice in the member state under circumstances not authorized by the privilege to  
27 practice under the terms of this compact.

28 3. A home state's license authorizes an individual to practice in a remote state under the  
29 privilege to practice only if the home state:

30 (1) Currently requires the use of the National Registry of Emergency Medical Technicians  
31 (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

32 (2) Has a mechanism in place for receiving and investigating complaints about individuals;

33 (3) Notifies the commission in compliance with the terms herein of any adverse action or  
34 significant investigatory information regarding an individual;

35 (4) No later than five years after activation of the compact, requires a criminal background  
36 check of all applicants for initial licensure, including the use of the results of fingerprint or other  
37 biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with  
38 the exception of federal employees who have suitability determination in accordance with 731 CFR  
39 202, and submit documentation of such as promulgated in the rules of the commission; and

40 (5) Complies with the rules of the commission.

41 334.1506. 1. Member states shall recognize the privilege to practice of an individual  
42 licensed in another member state that is in conformance with section 334.1503.

43 2. To exercise the privilege to practice under the terms and provisions of this compact, an  
44 individual shall:

45 (1) Be at least eighteen years of age;

46 (2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic,  
47 or state recognized and licensed level with a scope of practice and authority between EMT and  
48 paramedic; and

1           (3) Practice under the supervision of a medical director.

2           3. An individual providing patient care in a remote state under the privilege to practice shall  
3 function within the scope of practice authorized by the home state unless and until modified by an  
4 appropriate authority in the remote state, as may be defined in the rules of the commission.

5           4. Except as provided in subsection 3 of this section, an individual practicing in a remote  
6 state shall be subject to the remote state's authority and laws. A remote state may, in accordance  
7 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to  
8 practice in the remote state and may take any other necessary actions to protect the health and safety  
9 of its citizens. If a remote state takes action, it shall promptly notify the home state and the  
10 commission.

11           5. If an individual's license in any home state is restricted, suspended, or revoked, the  
12 individual shall not be eligible to practice in a remote state under the privilege to practice until the  
13 individual's home state license is restored.

14           6. If an individual's privilege to practice in any remote state is restricted, suspended, or  
15 revoked, the individual shall not be eligible to practice in any remote state until the individual's  
16 privilege to practice is restored.

17           334.1509. An individual may practice in a remote state under a privilege to practice only in  
18 the performance of the individual's EMS duties as assigned by an appropriate authority, as defined  
19 in the rules of the commission, and under the following circumstances:

20           (1) The individual originates a patient transport in a home state and transports the patient to  
21 a remote state;

22           (2) The individual originates in the home state and enters a remote state to pick up a patient  
23 and provides care and transport of the patient to the home state;

24           (3) The individual enters a remote state to provide patient care or transport within that  
25 remote state;

26           (4) The individual enters a remote state to pick up a patient and provides care and transport  
27 to a third member state; or

28           (5) Other conditions as determined by rules promulgated by the commission.

29           334.1512. Upon a member state's governor's declaration of a state of emergency or disaster  
30 that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and  
31 provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict  
32 with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the  
33 remote state in response to such declaration.

34           334.1515. 1. Member states shall consider a veteran, active military service member, or  
35 member of the National Guard and Reserves separating from an active duty tour, or a spouse  
36 thereof, who holds a current, valid, and unrestricted NREMT certification at or above the level of  
37 the state license being sought as satisfying the minimum training and examination requirements for  
38 such licensure.

39           2. Member states shall expedite the process of licensure applications submitted by veterans,  
40 active military service members, or members of the National Guard and Reserves separating from  
41 an active duty tour or their spouses.

42           3. All individuals functioning with a privilege to practice under this section remain subject  
43 to the adverse actions provisions of section 334.1518.

44           334.1518. 1. A home state shall have exclusive power to impose adverse action against an  
45 individual's license issued by the home state.

46           2. If an individual's license in any home state is restricted, suspended, or revoked, the  
47 individual shall not be eligible to practice in a remote state under the privilege to practice until the  
48 individual's home state license is restored.

1           (1) All home state adverse action orders shall include a statement that the individual's  
2 compact privileges are inactive. The order may allow the individual to practice in remote states  
3 with prior written authorization from both the home state and the remote state's EMS authority.

4           (2) An individual currently subject to adverse action in the home state shall not practice in  
5 any remote state without prior written authorization from both the home state and remote state's  
6 EMS authority.

7           3. A member state shall report adverse actions and any occurrences that the individual's  
8 compact privileges are restricted, suspended, or revoked to the commission in accordance with the  
9 rules of the commission.

10          4. A remote state may take adverse action on an individual's privilege to practice within that  
11 state.

12          5. Any member state may take adverse action against an individual's privilege to practice in  
13 that state based on the factual findings of another member state, so long as each state follows its  
14 own procedures for imposing such adverse action.

15          6. A home state's EMS authority shall investigate and take appropriate action with respect to  
16 reported conduct in a remote state as it would if such conduct had occurred within the home state.  
17 In such cases, the home state's law shall control in determining the appropriate adverse action.

18          7. Nothing in this compact shall override a member state's decision that participation in an  
19 alternative program may be used in lieu of adverse action and that such participation shall remain  
20 nonpublic if required by the member state's laws. Member states shall require individuals who enter  
21 any alternative programs to agree not to practice in any other member state during the term of the  
22 alternative program without prior authorization from such other member state.

23          334.1521. A member state's EMS authority, in addition to any other powers granted under  
24 state law, is authorized under this compact to:

25           (1) Issue subpoenas for both hearings and investigations that require the attendance and  
26 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS  
27 authority for the attendance and testimony of witnesses or the production of evidence from another  
28 member state shall be enforced in the remote state by any court of competent jurisdiction according  
29 to that court's practice and procedure in considering subpoenas issued in its own proceedings. The  
30 issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees  
31 required by the service statutes of the state where the witnesses or evidence is located; and

32           (2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to  
33 practice in the state.

34          334.1524. 1. The compact states hereby create and establish a joint public agency known as  
35 the interstate commission for EMS personnel practice.

36           (1) The commission is a body politic and an instrumentality of the compact states.

37           (2) Venue is proper and judicial proceedings by or against the commission shall be brought  
38 solely and exclusively in a court of competent jurisdiction where the principal office of the  
39 commission is located. The commission may waive venue and jurisdictional defenses to the extent  
40 it adopts or consents to participate in alternative dispute resolution proceedings.

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

42          2. Each member state shall have and be limited to one delegate. The responsible official of  
43 the state EMS authority or his or her designee shall be the delegate to this compact for each member  
44 state. Any delegate may be removed or suspended from office as provided by the law of the state  
45 from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in  
46 accordance with the laws of the member state in which the vacancy exists. In the event that more  
47 than one board, office, or other agency with the legislative mandate to license EMS personnel at and  
48 above the level of EMT exists, the governor of the state will determine which entity will be

1 responsible for assigning the delegate.

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

7 (2) The commission shall meet at least once during each calendar year. Additional meetings  
8 shall be held as set forth in the bylaws.

9 (3) All meetings shall be open to the public, and public notice of meetings shall be given in  
10 the same manner as required under the rulemaking provisions in section 334.1530.

11 (4) The commission may convene in a closed, nonpublic meeting if the commission must  
12 discuss:

13 (a) Noncompliance of a member state with its obligations under the compact;

14 (b) The employment, compensation, discipline or other personnel matters, practices, or  
15 procedures related to specific employees, or other matters related to the commission's internal  
16 personnel practices and procedures;

17 (c) Current, threatened, or reasonably anticipated litigation;

18 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

19 (e) Accusing any person of a crime or formally censuring any person;

20 (f) Disclosure of trade secrets or commercial or financial information that is privileged or  
21 confidential;

22 (g) Disclosure of information of a personal nature if disclosure would constitute a clearly  
23 unwarranted invasion of personal privacy;

24 (h) Disclosure of investigatory records compiled for law enforcement purposes;

25 (i) Disclosure of information related to any investigatory reports prepared by or on behalf of  
26 or for use of the commission or other committee charged with responsibility of investigation or  
27 determination of compliance issues pursuant to the compact; or

28 (j) Matters specifically exempted from disclosure by federal or member state statute.

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

37 3. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to  
38 govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the  
39 powers of the compact including, but not limited to:

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

41 (2) Providing reasonable standards and procedures:

42 (a) For the establishment and meetings of other committees; and

43 (b) Governing any general or specific delegation of any authority or function of the  
44 commission;

45 (3) Providing reasonable procedures for calling and conducting meetings of the  
46 commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for  
47 attendance of such meetings by interested parties, with enumerated exceptions designed to protect  
48 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.

1 The commission may meet in closed session only after a majority of the membership votes to close  
2 a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of  
3 the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

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

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

10 (6) Promulgating a code of ethics to address permissible and prohibited activities of  
11 commission members and employees;

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

15 (8) The commission shall publish its bylaws and file a copy thereof, and a copy of any  
16 amendment thereto, with the appropriate agency or officer in each of the member states, if any;

17 (9) The commission shall maintain its financial records in accordance with the bylaws; and  
18 (10) The commission shall meet and take such actions as are consistent with the provisions

19 of this compact and the bylaws.

20 4. The commission shall have the following powers:

21 (1) The authority to promulgate uniform rules to facilitate and coordinate implementation  
22 and administration of this compact. The rules shall have the force and effect of law and shall be  
23 binding on all member states;

24 (2) To bring and prosecute legal proceedings or actions in the name of the commission,  
25 provided that the standing of any state EMS authority or other regulatory body responsible for EMS  
26 personnel licensure to sue or be sued under applicable law shall not be affected;

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

28 (4) To borrow, accept, or contract for services of personnel, including, but not limited to,  
29 employees of a member state;

30 (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such  
31 individuals appropriate authority to carry out the purposes of the compact, and to establish the  
32 commission's personnel policies and programs relating to conflicts of interest, qualifications of  
33 personnel, and other related personnel matters;

34 (6) To accept any and all appropriate donations and grants of money, equipment, supplies,  
35 materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the  
36 commission shall strive to avoid any appearance of impropriety and conflict of interest;

37 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
38 improve, or use, any property, real, personal, or mixed; provided that at all times the commission  
39 shall strive to avoid any appearance of impropriety;

40 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
41 any property, real, personal, or mixed;

42 (9) To establish a budget and make expenditures;

43 (10) To borrow money;

44 (11) To appoint committees, including advisory committees comprised of members, state  
45 regulators, state legislators or their representatives, and consumer representatives, and such other  
46 interested persons as may be designated in this compact and the bylaws;

47 (12) To provide and receive information from, and to cooperate with, law enforcement  
48 agencies;

1           (13) To adopt and use an official seal; and

2           (14) To perform such other functions as may be necessary or appropriate to achieve the  
3 purposes of this compact consistent with the state regulation of EMS personnel licensure and  
4 practice.

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

7           (2) The commission may accept any and all appropriate revenue sources, donations, and  
8 grants of money, equipment, supplies, materials, and services.

9           (3) The commission may levy on and collect an annual assessment from each member state  
10 or impose fees on other parties to cover the cost of the operations and activities of the commission  
11 and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each  
12 year for which revenue is not provided by other sources. The aggregate annual assessment amount  
13 shall be allocated based upon a formula to be determined by the commission, which shall  
14 promulgate a rule binding upon all member states.

15           (4) The commission shall not incur obligations of any kind prior to securing the funds  
16 adequate to meet the same; nor shall the commission pledge the credit of any of the member states,  
17 except by and with the authority of the member state.

18           (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
19 receipts and disbursements of the commission shall be subject to the audit and accounting  
20 procedures established under its bylaws. However, all receipts and disbursements of funds handled  
21 by the commission shall be audited yearly by a certified or licensed public accountant, and the  
22 report of the audit shall be included in and become part of the annual report of the commission.

23           6. (1) The members, officers, executive director, employees, and representatives of the  
24 commission shall be immune from suit and liability, either personally or in their official capacity for  
25 any claim, damage to or loss of property, personal injury, or other civil liability caused by or arising  
26 out of any actual or alleged act, error, or omission that occurred or that the person against whom the  
27 claim is made had a reasonable basis for believing occurred within the scope of commission  
28 employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed  
29 to protect any such person from suit or liability for any damage, loss, injury, or liability caused by  
30 the intentional, willful, or wanton misconduct of that person.

31           (2) The commission shall defend any member, officer, executive director, employee, or  
32 representative of the commission in any civil action seeking to impose liability arising out of any  
33 actual or alleged act, error, or omission that occurred within the scope of commission employment,  
34 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis  
35 for believing occurred within the scope of commission employment, duties, or responsibilities;  
36 provided that nothing herein shall be construed to prohibit that person from retaining his or her own  
37 counsel; and provided further, that the actual or alleged act, error, or omission did not result from  
38 that person's intentional, willful, or wanton misconduct.

39           (3) The commission shall indemnify and hold harmless any member, officer, executive  
40 director, employee, or representative of the commission for the amount of any settlement or  
41 judgment obtained against that person arising out of any actual or alleged act, error, or omission that  
42 occurred within the scope of commission employment, duties, or responsibilities, or that such  
43 person had a reasonable basis for believing occurred within the scope of commission employment,  
44 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result  
45 from the intentional, willful, or wanton misconduct of the person.

46           334.1527. 1. The commission shall provide for the development and maintenance of a  
47 coordinated database and reporting system containing licensure, adverse action, and significant  
48 investigatory information on all licensed individuals in member states.

1           2. Notwithstanding any other provision of state law to the contrary, a member state shall  
2 submit a uniform data set to the coordinated database on all individuals to whom this compact is  
3 applicable as required by the rules of the commission, including:

- 4           (1) Identifying information;  
5           (2) Licensure data;  
6           (3) Significant investigatory information;  
7           (4) Adverse actions against an individual's license;  
8           (5) An indicator that an individual's privilege to practice is restricted, suspended, or  
9 revoked;  
10          (6) Nonconfidential information related to alternative program participation;  
11          (7) Any denial of application for licensure and the reasons for such denial; and  
12          (8) Other information that may facilitate the administration of this compact, as determined  
13 by the rules of the commission.

14          3. The coordinated database administrator shall promptly notify all member states of any  
15 adverse action taken against, or significant investigative information on, any individual in a member  
16 state.

17          4. Member states contributing information to the coordinated database may designate  
18 information that shall not be shared with the public without the express permission of the  
19 contributing state.

20          5. Any information submitted to the coordinated database that is subsequently required to be  
21 expunged by the laws of the member state contributing the information shall be removed from the  
22 coordinated database.

23          334.1530. 1. The commission shall exercise its rulemaking powers pursuant to the criteria  
24 set forth in this section and the rules adopted thereunder. Rules and amendments shall become  
25 binding as of the date specified in each rule or amendment.

26          2. If a majority of the legislatures of the member states rejects a rule, by enactment of a  
27 statute or resolution in the same manner used to adopt the compact, then such rule shall have no  
28 further force and effect in any member state.

29          3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
30 commission.

31          4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least  
32 sixty days in advance of the meeting at which the rule will be considered and voted upon, the  
33 commission shall file a notice of proposed rulemaking:

- 34           (1) On the website of the commission; and  
35           (2) On the website of each member state EMS authority or the publication in which each  
36 state would otherwise publish proposed rules.

37          5. The notice of proposed rulemaking shall include:

38           (1) The proposed time, date, and location of the meeting at which the rule will be  
39 considered and voted upon;

40           (2) The text of the proposed rule or amendment and the reason for the proposed rule;

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

42           (4) The manner in which interested parties may submit notice to the commission of their  
43 intention to attend the public hearing and any written comments.

44          6. Prior to adoption of a proposed rule, the commission shall allow persons to submit  
45 written data, facts, opinions, and arguments which shall be made available to the public.

46          7. The commission shall grant an opportunity for a public hearing before it adopts a rule or  
47 amendment if a hearing is requested by:

- 48           (1) At least twenty-five persons;

1           (2) A governmental subdivision or agency; or

2           (3) An association having at least twenty-five members.

3           8. If a hearing is held on the proposed rule or amendment, the commission shall publish the  
4 place, time, and date of the scheduled public hearing.

5           (1) All persons wishing to be heard at the hearing shall notify the executive director of the  
6 commission or other designated member in writing of their desire to appear and testify at the  
7 hearing not less than five business days before the scheduled date of the hearing.

8           (2) Hearings shall be conducted in a manner providing each person who wishes to comment  
9 a fair and reasonable opportunity to comment orally or in writing.

10           (3) No transcript of the hearing is required, unless a written request for a transcript is made,  
11 in which case the person requesting the transcript shall bear the cost of producing the transcript. A  
12 recording may be made in lieu of a transcript under the same terms and conditions as a transcript.  
13 This subdivision shall not preclude the commission from making a transcript or recording of the  
14 hearing if it so chooses.

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

17           9. Following the scheduled hearing date, or by the close of business on the scheduled  
18 hearing date if the hearing was not held, the commission shall consider all written and oral  
19 comments received.

20           10. The commission shall, by majority vote of all members, take final action on the  
21 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
22 record and the full text of the rule.

23           11. If no written notice of intent to attend the public hearing by interested parties is  
24 received, the commission may proceed with promulgation of the proposed rule without a public  
25 hearing.

26           12. Upon determination that an emergency exists, the commission may consider and adopt  
27 an emergency rule without prior notice, opportunity for comment, or hearing, provided that the  
28 usual rulemaking procedures provided in the compact and in this section shall be retroactively  
29 applied to the rule as soon as reasonably possible, in no event later than ninety days after the  
30 effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be  
31 adopted immediately in order to:

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

33           (2) Prevent a loss of commission or member state funds;

34           (3) Meet a deadline for the promulgation of an administrative rule that is established by  
35 federal law or rule; or

36           (4) Protect public health and safety.

37           13. The commission or an authorized committee of the commission may direct revisions to  
38 a previously adopted rule or amendment for purposes of correcting typographical errors, errors in  
39 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted  
40 on the website of the commission. The revision shall be subject to challenge by any person for a  
41 period of thirty days after posting. The revision may be challenged only on grounds that the  
42 revision results in a material change to a rule. A challenge shall be made in writing and delivered to  
43 the chair of the commission prior to the end of the notice period. If no challenge is made, the  
44 revision will take effect without further action. If the revision is challenged, the revision may not  
45 take effect without the approval of the commission.

46           334.1533. 1. The executive, legislative, and judicial branches of state government in each  
47 member state shall enforce this compact and take all actions necessary and appropriate to effectuate  
48 the compact's purposes and intent. The provisions of this compact and the rules promulgated

1 hereunder shall have standing as statutory law.

2 2. All courts shall take judicial notice of the compact and the rules in any judicial or  
3 administrative proceedings in a member state pertaining to the subject matter of this compact which  
4 may affect the powers, responsibilities, or actions of the commission.

5 3. The commission shall be entitled to receive service of process in any such proceeding,  
6 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
7 service of process to the commission shall render a judgment or order void as to the commission,  
8 this compact, or promulgated rules.

9 4. If the commission determines that a member state has defaulted in the performance of its  
10 obligations or responsibilities under this compact or the promulgated rules, the commission shall:

11 (1) Provide written notice to the defaulting state and other member states of the nature of  
12 the default, the proposed means of curing the default or any other action to be taken by the  
13 commission; and

14 (2) Providing remedial training and specific technical assistance regarding the default.

15 5. If a state in default fails to cure the default, the defaulting state may be terminated from  
16 the compact upon an affirmative vote of a majority of the member states, and all rights, privileges,  
17 and benefits conferred by this compact may be terminated on the effective date of termination. A  
18 cure of the default does not relieve the offending state of obligations or liabilities incurred during  
19 the period of default.

20 6. Termination of membership in the compact shall be imposed only after all other means of  
21 securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given  
22 by the commission to the governor, the majority and minority leaders of the defaulting state's  
23 legislature, and each of the member states.

24 7. A state that has been terminated is responsible for all assessments, obligations, and  
25 liabilities incurred through the effective date of termination, including obligations that extend  
26 beyond the effective date of termination.

27 8. The commission shall not bear any costs related to a state that is found to be in default or  
28 that has been terminated from the compact unless agreed upon in writing between the commission  
29 and the defaulting state.

30 9. The defaulting state may appeal the action of the commission by petitioning the United  
31 States District Court for the District of Columbia or the federal district where the commission has its  
32 principal offices. The prevailing member shall be awarded all costs of such litigation, including  
33 reasonable attorney's fees.

34 10. Upon a request by a member state, the commission shall attempt to resolve disputes  
35 related to the compact that arise among member states and between member and nonmember states.

36 11. The commission shall promulgate a rule providing for both mediation and binding  
37 dispute resolution for disputes as appropriate.

38 12. The commission, in the reasonable exercise of its discretion, shall enforce the provisions  
39 and rules of this compact.

40 13. By majority vote, the commission may initiate legal action in the United States District  
41 Court for the District of Columbia or the federal district where the commission has its principal  
42 offices against a member state in default to enforce compliance with the provisions of the compact  
43 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and  
44 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all  
45 costs of such litigation, including reasonable attorney's fees.

46 14. The remedies herein shall not be the exclusive remedies of the commission. The  
47 commission may pursue any other remedies available under federal or state law.

48 334.1536. 1. The compact shall come into effect on the date on which the compact statute

1 is enacted into law in the tenth member state. The provisions, which become effective at that time,  
2 shall be limited to the powers granted to the commission relating to assembly and the promulgation  
3 of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the  
4 implementation and administration of the compact.

5 2. Any state that joins the compact subsequent to the commission's initial adoption of the  
6 rules shall be subject to the rules as they exist on the date on which the compact becomes law in that  
7 state. Any rule that has been previously adopted by the commission shall have the full force and  
8 effect of law on the day the compact becomes law in that state.

9 3. Any member state may withdraw from this compact by enacting a statute repealing the  
10 same.

11 (1) A member state's withdrawal shall not take effect until six months after enactment of the  
12 repealing statute.

13 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS  
14 authority to comply with the investigative and adverse action reporting requirements of this act prior  
15 to the effective date of withdrawal.

16 4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS  
17 personnel licensure agreement or other cooperative arrangement between a member state and a  
18 nonmember state that does not conflict with the provisions of this compact.

19 5. This compact may be amended by the member states. No amendment to this compact  
20 shall become effective and binding upon any member state until it is enacted into the laws of all  
21 member states.

22 334.1539. This compact shall be liberally construed so as to effectuate the purposes thereof.  
23 If this compact shall be held contrary to the constitution of any member state thereto, the compact  
24 shall remain in full force and effect as to the remaining member states. Nothing in this compact  
25 supersedes state law or rules related to licensure of EMS agencies.

26 335.360. 1. The party states find that:

27 (1) The health and safety of the public are affected by the degree of compliance with and  
28 the effectiveness of enforcement activities related to state nurse licensure laws;

29 (2) Violations of nurse licensure and other laws regulating the practice of nursing may result  
30 in injury or harm to the public;

31 (3) The expanded mobility of nurses and the use of advanced communication technologies  
32 as part of our nation's health care delivery system require greater coordination and cooperation  
33 among states in the areas of nurse licensure and regulation;

34 (4) New practice modalities and technology make compliance with individual state nurse  
35 licensure laws difficult and complex;

36 (5) The current system of duplicative licensure for nurses practicing in multiple states is  
37 cumbersome and redundant to both nurses and states; and

38 (6) Uniformity of nurse licensure requirements throughout the states promotes public safety  
39 and public health benefits.

40 2. The general purposes of this compact are to:

41 (1) Facilitate the states' responsibility to protect the public's health and safety;

42 (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and  
43 regulation;

44 (3) Facilitate the exchange of information between party states in the areas of nurse  
45 regulation, investigation, and adverse actions;

46 (4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

47 (5) Invest all party states with the authority to hold a nurse accountable for meeting all state  
48 practice laws in the state in which the patient is located at the time care is rendered through the

1 mutual recognition of party state licenses;

2 (6) Decrease redundancies in the consideration and issuance of nurse licenses; and

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

5 335.365. As used in this compact, the following terms shall mean:

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

12 (2) "Alternative program", a nondisciplinary monitoring program approved by a licensing  
13 board;

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

18 (4) "Current significant investigative information":

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

22 (b) Investigative information that indicates that the nurse represents an immediate threat to  
23 public health and safety, regardless of whether the nurse has been notified and had an opportunity to  
24 respond;

25 (5) "Encumbrance", a revocation or suspension of, or any limitation on, the full and  
26 unrestricted practice of nursing imposed by a licensing board;

27 (6) "Home state", the party state which is the nurse's primary state of residence;

28 (7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

29 (8) "Multistate license", a license to practice as a registered nurse, "RN", or a licensed  
30 practical or vocational nurse, "LPN" or "VN", issued by a home state licensing board that authorizes  
31 the licensed nurse to practice in all party states under a multistate licensure privilege;

32 (9) "Multistate licensure privilege", a legal authorization associated with a multistate license  
33 permitting the practice of nursing as either an RN, LPN, or VN in a remote state;

34 (10) "Nurse", an RN, LPN, or VN, as those terms are defined by each party state's practice  
35 laws;

36 (11) "Party state", any state that has adopted this compact;

37 (12) "Remote state", a party state, other than the home state;

38 (13) "Single-state license", a nurse license issued by a party state that authorizes practice  
39 only within the issuing state and does not include a multistate licensure privilege to practice in any  
40 other party state;

41 (14) "State", a state, territory, or possession of the United States and the District of  
42 Columbia;

43 (15) "State practice laws", a party state's laws, rules, and regulations that govern the practice  
44 of nursing, define the scope of nursing practice, and create the methods and grounds for imposing  
45 discipline. State practice laws do not include requirements necessary to obtain and retain a license,  
46 except for qualifications or requirements of the home state.

47 335.370. 1. A multistate license to practice registered or licensed practical or vocational  
48 nursing issued by a home state to a resident in that state shall be recognized by each party state as

1 authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational  
2 nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.

3 2. A state must implement procedures for considering the criminal history records of  
4 applicants for initial multistate license or licensure by endorsement. Such procedures shall include  
5 the submission of fingerprints or other biometric-based information by applicants for the purpose of  
6 obtaining an applicant's criminal history record information from the Federal Bureau of  
7 Investigation and the agency responsible for retaining that state's criminal records.

8 3. Each party state shall require the following for an applicant to obtain or retain a  
9 multistate license in the home state:

10 (1) Meets the home state's qualifications for licensure or renewal of licensure as well as all  
11 other applicable state laws;

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

14 (b) Has graduated from a foreign RN or LPN or VN prelicensure education program that  
15 has been approved by the authorized accrediting body in the applicable country and has been  
16 verified by an independent credentials review agency to be comparable to a licensing board-  
17 approved prelicensure education program;

18 (3) Has, if a graduate of a foreign prelicensure education program not taught in English or if  
19 English is not the individual's native language, successfully passed an English proficiency  
20 examination that includes the components of reading, speaking, writing, and listening;

21 (4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized  
22 predecessor, as applicable;

23 (5) Is eligible for or holds an active, unencumbered license;

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

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

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

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

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

35 (11) Has a valid United States Social Security number.

36 4. All party states shall be authorized, in accordance with existing state due process law, to  
37 take adverse action against a nurse's multistate licensure privilege such as revocation, suspension,  
38 probation, or any other action that affects a nurse's authorization to practice under a multistate  
39 licensure privilege, including cease and desist actions. If a party state takes such action, it shall  
40 promptly notify the administrator of the coordinated licensure information system. The  
41 administrator of the coordinated licensure information system shall promptly notify the home state  
42 of any such actions by remote states.

43 5. A nurse practicing in a party state shall comply with the state practice laws of the state in  
44 which the client is located at the time service is provided. The practice of nursing is not limited to  
45 patient care, but shall include all nursing practice as defined by the state practice laws of the party  
46 state in which the client is located. The practice of nursing in a party state under a multistate  
47 licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the  
48 laws of the party state in which the client is located at the time service is provided.

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

6           7. Any nurse holding a home state multistate license on the effective date of this compact  
7 may retain and renew the multistate license issued by the nurse's then current home state, provided  
8 that:

9           (1) A nurse who changes primary state of residence after this compact's effective date shall  
10 meet all applicable requirements as provided in subsection 3 of this section to obtain a multistate  
11 license from a new home state;

12           (2) A nurse who fails to satisfy the multistate licensure requirements in subsection 3 of this  
13 section due to a disqualifying event occurring after this compact's effective date shall be ineligible  
14 to retain or renew a multistate license, and the nurse's multistate license shall be revoked or  
15 deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse  
16 Licensure Compact Administrators, commission.

17           335.375. 1. Upon application for a multistate license, the licensing board in the issuing  
18 party state shall ascertain, through the coordinated licensure information system, whether the  
19 applicant has ever held, or is the holder of, a license issued by any other state, whether there are any  
20 encumbrances on any license or multistate licensure privilege held by the applicant, whether any  
21 adverse action has been taken against any license or multistate licensure privilege held by the  
22 applicant, and whether the applicant is currently participating in an alternative program.

23           2. A nurse shall hold a multistate license, issued by the home state, in only one party state at  
24 a time.

25           3. If a nurse changes primary state of residence by moving between two party states, the  
26 nurse shall apply for licensure in the new home state, and the multistate license issued by the prior  
27 home state shall be deactivated in accordance with applicable rules adopted by the commission.

28           (1) The nurse may apply for licensure in advance of a change in primary state of residence.

29           (2) A multistate license shall not be issued by the new home state until the nurse provides  
30 satisfactory evidence of a change in primary state of residence to the new home state and satisfies all  
31 applicable requirements to obtain a multistate license from the new home state.

32           4. If a nurse changes primary state of residence by moving from a party state to a non-party  
33 state, the multistate license issued by the prior home state shall convert to a single-state license,  
34 valid only in the former home state.

35           335.380. 1. In addition to the other powers conferred by state law, a licensing board shall  
36 have the authority to:

37           (1) Take adverse action against a nurse's multistate licensure privilege to practice within that  
38 party state;

39           (a) Only the home state shall have the power to take adverse action against a nurse's license  
40 issued by the home state;

41           (b) For purposes of taking adverse action, the home state licensing board shall give the same  
42 priority and effect to reported conduct received from a remote state as it would if such conduct had  
43 occurred within the home state. In so doing, the home state shall apply its own state laws to  
44 determine appropriate action;

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

47           (3) Complete any pending investigations of a nurse who changes primary state of residence  
48 during the course of such investigations. The licensing board shall also have the authority to take

1 appropriate action and shall promptly report the conclusions of such investigations to the  
2 administrator of the coordinated licensure information system. The administrator of the coordinated  
3 licensure information system shall promptly notify the new home state of any such actions;

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

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

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

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

20 2. If adverse action is taken by the home state against a nurse's multistate license, the nurse's  
21 multistate licensure privilege to practice in all other party states shall be deactivated until all  
22 encumbrances have been removed from the multistate license. All home state disciplinary orders  
23 that impose adverse action against a nurse's multistate license shall include a statement that the  
24 nurse's multistate licensure privilege is deactivated in all party states during the pendency of the  
25 order.

26 3. Nothing in this compact shall override a party state's decision that participation in an  
27 alternative program may be used in lieu of adverse action. The home state licensing board shall  
28 deactivate the multistate licensure privilege under the multistate license of any nurse for the duration  
29 of the nurse's participation in an alternative program.

30 335.385. 1. All party states shall participate in a coordinated licensure information system  
31 of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or  
32 "VNs". This system shall include information on the licensure and disciplinary history of each  
33 nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement  
34 efforts.

35 2. The commission, in consultation with the administrator of the coordinated licensure  
36 information system, shall formulate necessary and proper procedures for the identification,  
37 collection, and exchange of information under this compact.

38 3. All licensing boards shall promptly report to the coordinated licensure information  
39 system any adverse action, any current significant investigative information, denials of applications  
40 with the reasons for such denials, and nurse participation in alternative programs known to the  
41 licensing board regardless of whether such participation is deemed nonpublic or confidential under  
42 state law.

43 4. Current significant investigative information and participation in nonpublic or  
44 confidential alternative programs shall be transmitted through the coordinated licensure information  
45 system only to party state licensing boards.

46 5. Notwithstanding any other provision of law, all party state licensing boards contributing  
47 information to the coordinated licensure information system may designate information that shall  
48 not be shared with non-party states or disclosed to other entities or individuals without the express

1 permission of the contributing state.

2 6. Any personally identifiable information obtained from the coordinated licensure  
3 information system by a party state licensing board shall not be shared with non-party states or  
4 disclosed to other entities or individuals except to the extent permitted by the laws of the party state  
5 contributing the information.

6 7. Any information contributed to the coordinated licensure information system that is  
7 subsequently required to be expunged by the laws of the party state contributing that information  
8 shall also be expunged from the coordinated licensure information system.

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

11 (1) Identifying information;

12 (2) Licensure data;

13 (3) Information related to alternative program participation; and

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

16 9. The compact administrator of a party state shall provide all investigative documents and  
17 information requested by another party state.

18 335.390. 1. The party states hereby create and establish a joint public entity known as the  
19 "Interstate Commission of Nurse Licensure Compact Administrators".

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

21 (2) Venue is proper, and judicial proceedings by or against the commission shall be brought  
22 solely and exclusively in a court of competent jurisdiction where the principal office of the  
23 commission is located. The commission may waive venue and jurisdictional defenses to the extent  
24 it adopts or consents to participate in alternative dispute resolution proceedings.

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

26 2. (1) Each party state shall have and be limited to one administrator. The head of the state  
27 licensing board or designee shall be the administrator of this compact for each party state. Any  
28 administrator may be removed or suspended from office as provided by the law of the state from  
29 which the administrator is appointed. Any vacancy occurring in the commission shall be filled in  
30 accordance with the laws of the party state in which the vacancy exists.

31 (2) Each administrator shall be entitled to one vote with regard to the promulgation of rules  
32 and creation of bylaws and shall otherwise have an opportunity to participate in the business and  
33 affairs of the commission. An administrator shall vote in person or by such other means as provided  
34 in the bylaws. The bylaws may provide for an administrator's participation in meetings by  
35 telephone or other means of communication.

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

38 (4) All meetings shall be open to the public, and public notice of meetings shall be given in  
39 the same manner as required under the rulemaking provisions in section 335.395.

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

42 (a) Noncompliance of a party state with its obligations under this compact;

43 (b) The employment, compensation, discipline, or other personnel matters, practices, or  
44 procedures related to specific employees, or other matters related to the commission's internal  
45 personnel practices and procedures;

46 (c) Current, threatened, or reasonably anticipated litigation;

47 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

48 (e) Accusing any person of a crime or formally censuring any person;

1 (f) Disclosure of trade secrets or commercial or financial information that is privileged or  
 2 confidential;

3 (g) Disclosure of information of a personal nature where disclosure would constitute a  
 4 clearly unwarranted invasion of personal privacy;

5 (h) Disclosure of investigatory records compiled for law enforcement purposes;

6 (i) Disclosure of information related to any reports prepared by or on behalf of the  
 7 commission for the purpose of investigation of compliance with this compact; or

8 (j) Matters specifically exempted from disclosure by federal or state statute.

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

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

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

21 (2) Providing reasonable standards and procedures:

22 (a) For the establishment and meetings of other committees; and

23 (b) Governing any general or specific delegation of any authority or function of the  
 24 commission;

25 (3) Providing reasonable procedures for calling and conducting meetings of the  
 26 commission, ensuring reasonable advance notice of all meetings and providing an opportunity for  
 27 attendance of such meetings by interested parties, with enumerated exceptions designed to protect  
 28 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.  
 29 The commission may meet in closed session only after a majority of the administrators vote to close  
 30 a meeting in whole or in part. As soon as practicable, the commission must make public a copy of  
 31 the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

32 (4) Establishing the titles, duties, and authority and reasonable procedures for the election of  
 33 the officers of the commission;

34 (5) Providing reasonable standards and procedures for the establishment of the personnel  
 35 policies and programs of the commission. Notwithstanding any civil service or other similar laws  
 36 of any party state, the bylaws shall exclusively govern the personnel policies and programs of the  
 37 commission; and

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

41 4. The commission shall publish its bylaws and rules, and any amendments thereto, in a  
 42 convenient form on the website of the commission.

43 5. The commission shall maintain its financial records in accordance with the bylaws.

44 6. The commission shall meet and take such actions as are consistent with the provisions of  
 45 this compact and the bylaws.

46 7. The commission shall have the following powers:

47 (1) To promulgate uniform rules to facilitate and coordinate implementation and  
 48 administration of this compact. The rules shall have the force and effect of law and shall be binding

1 in all party states;

2 (2) To bring and prosecute legal proceedings or actions in the name of the commission;  
 3 provided that, the standing of any licensing board to sue or be sued under applicable law shall not be  
 4 affected;

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

6 (4) To borrow, accept, or contract for services of personnel including, but not limited to,  
 7 employees of a party state or nonprofit organizations;

8 (5) To cooperate with other organizations that administer state compacts related to the  
 9 regulation of nursing including, but not limited to, sharing administrative or staff expenses, office  
 10 space, or other resources;

11 (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such  
 12 individuals appropriate authority to carry out the purposes of this compact, and to establish the  
 13 commission's personnel policies and programs relating to conflicts of interest, qualifications of  
 14 personnel, and other related personnel matters;

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

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

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

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

24 (11) To borrow money;

25 (12) To appoint committees, including advisory committees comprised of administrators,  
 26 state nursing regulators, state legislators or their representatives, consumer representatives, and  
 27 other such interested persons;

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

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

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

33 8. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of  
 34 its establishment, organization, and ongoing activities.

35 (2) The commission may also levy on and collect an annual assessment from each party  
 36 state to cover the cost of its operations, activities, and staff in its annual budget as approved each  
 37 year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be  
 38 determined by the commission, which shall promulgate a rule that is binding upon all party states.

39 (3) The commission shall not incur obligations of any kind prior to securing the funds  
 40 adequate to meet the same; nor shall the commission pledge the credit of any of the party states,  
 41 except by and with the authority of such party state.

42 (4) The commission shall keep accurate accounts of all receipts and disbursements. The  
 43 receipts and disbursements of the commission shall be subject to the audit and accounting  
 44 procedures established under its bylaws. However, all receipts and disbursements of funds handled  
 45 by the commission shall be audited yearly by a certified or licensed public accountant, and the  
 46 report of the audit shall be included in and become part of the annual report of the commission.

47 9. (1) The administrators, officers, executive director, employees, and representatives of the  
 48 commission shall be immune from suit and liability, either personally or in their official capacity,

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

7 (2) The commission shall defend any administrator, officer, executive director, employee, or  
8 representative of the commission in any civil action seeking to impose liability arising out of any  
9 actual or alleged act, error, or omission that occurred within the scope of commission employment,  
10 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis  
11 for believing occurred within the scope of commission employment, duties, or responsibilities;  
12 provided that, nothing herein shall be construed to prohibit that person from retaining his or her own  
13 counsel; and provided further that the actual or alleged act, error, or omission did not result from  
14 that person's intentional, willful, or wanton misconduct.

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

22 335.395. 1. The commission shall exercise its rulemaking powers pursuant to the criteria  
23 set forth in this section and the rules adopted thereunder. Rules and amendments shall become  
24 binding as of the date specified in each rule or amendment and shall have the same force and effect  
25 as provisions of this compact.

26 2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
27 commission.

28 3. Prior to promulgation and adoption of a final rule or rules by the commission, and at least  
29 sixty days in advance of the meeting at which the rule shall be considered and voted upon, the  
30 commission shall file a notice of proposed rulemaking:

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

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

34 4. The notice of proposed rulemaking shall include:

35 (1) The proposed time, date, and location of the meeting in which the rule shall be  
36 considered and voted upon;

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

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

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

41 5. Prior to adoption of a proposed rule, the commission shall allow persons to submit  
42 written data, facts, opinions, and arguments, which shall be made available to the public.

43 6. The commission shall grant an opportunity for a public hearing before it adopts a rule or  
44 amendment.

45 7. The commission shall publish the place, time, and date of the scheduled public hearing.

46 (1) Hearings shall be conducted in a manner providing each person who wishes to comment  
47 a fair and reasonable opportunity to comment orally or in writing. All hearings shall be recorded,  
48 and a copy shall be made available upon request.

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

3           8. If no one appears at the public hearing, the commission may proceed with promulgation  
 4 of the proposed rule.

5           9. Following the scheduled hearing date, or by the close of business on the scheduled  
 6 hearing date if the hearing was not held, the commission shall consider all written and oral  
 7 comments received.

8           10. The commission shall, by majority vote of all administrators, take final action on the  
 9 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
 10 record and the full text of the rule.

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

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

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

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

21           12. The commission may direct revisions to a previously adopted rule or amendment for  
 22 purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical  
 23 errors. Public notice of any revisions shall be posted on the website of the commission. The  
 24 revision shall be subject to challenge by any person for a period of thirty days after posting. The  
 25 revision shall be challenged only on grounds that the revision results in a material change to a rule.  
 26 A challenge shall be made in writing and delivered to the commission prior to the end of the notice  
 27 period. If no challenge is made, the revision shall take effect without further action. If the revision  
 28 is challenged, the revision shall not take effect without the approval of the commission.

29           335.400. 1. (1) Each party state shall enforce this compact and take all actions necessary  
 30 and appropriate to effectuate this compact's purposes and intent.

31           (2) The commission shall be entitled to receive service of process in any proceeding that  
 32 may affect the powers, responsibilities, or actions of the commission, and shall have standing to  
 33 intervene in such a proceeding for all purposes. Failure to provide service of process in such  
 34 proceeding to the commission shall render a judgment or order void as to the commission, this  
 35 compact, or promulgated rules.

36           2. (1) If the commission determines that a party state has defaulted in the performance of  
 37 its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

38           (a) Provide written notice to the defaulting state and other party states of the nature of the  
 39 default, the proposed means of curing the default, or any other action to be taken by the  
 40 commission; and

41           (b) Provide remedial training and specific technical assistance regarding the default.

42           (2) If a state in default fails to cure the default, the defaulting state's membership in this  
 43 compact shall be terminated upon an affirmative vote of a majority of the administrators, and all  
 44 rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of  
 45 termination. A cure of the default does not relieve the offending state of obligations or liabilities  
 46 incurred during the period of default.

47           (3) Termination of membership in this compact shall be imposed only after all other means  
 48 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be

1 given by the commission to the governor of the defaulting state, to the executive officer of the  
2 defaulting state's licensing board, and each of the party states.

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

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

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

13 3. (1) Upon request by a party state, the commission shall attempt to resolve disputes  
14 related to the compact that arise among party states and between party and non-party states.

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

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

19 (a) The party states shall submit the issues in dispute to an arbitration panel, which shall be  
20 comprised of individuals appointed by the compact administrator in each of the affected party states  
21 and an individual mutually agreed upon by the compact administrators of all the party states  
22 involved in the dispute.

23 (b) The decision of a majority of the arbitrators shall be final and binding.

24 4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
25 provisions and rules of this compact.

26 (2) By majority vote, the commission may initiate legal action in the United States District  
27 Court for the District of Columbia or the federal district in which the commission has its principal  
28 offices against a party state that is in default to enforce compliance with the provisions of this  
29 compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief  
30 and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded  
31 all costs of such litigation, including reasonable attorneys' fees.

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

34 335.405. 1. This compact shall become effective and binding on the earlier of the date of  
35 legislative enactment of this compact into law by no less than twenty-six states or December 31,  
36 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact  
37 superseded by this compact "prior compact" shall be deemed to have withdrawn from said prior  
38 compact within six months after the effective date of this compact.

39 2. Each party state to this compact shall continue to recognize a nurse's multistate licensure  
40 privilege to practice in that party state issued under the prior compact until such party state has  
41 withdrawn from the prior compact.

42 3. Any party state may withdraw from this compact by enacting a statute repealing the  
43 same. A party state's withdrawal shall not take effect until six months after enactment of the  
44 repealing statute.

45 4. A party state's withdrawal or termination shall not affect the continuing requirement of  
46 the withdrawing or terminated state's licensing board to report adverse actions and significant  
47 investigations occurring prior to the effective date of such withdrawal or termination.

48 5. Nothing contained in this compact shall be construed to invalidate or prevent any nurse

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

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

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

8 335.410. This compact shall be liberally construed so as to effectuate the purposes thereof.  
 9 The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of  
 10 this compact is declared to be contrary to the constitution of any party state or of the United States  
 11 or the applicability thereof to any government, agency, person, or circumstance is held invalid, the  
 12 validity of the remainder of this compact and the applicability thereof to any government, agency,  
 13 person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the  
 14 constitution of any party state, this compact shall remain in full force and effect as to the remaining  
 15 party states and in full force and effect as to the party state affected as to all severable matters.

16 335.415. 1. The term "head of the nurse licensing board" as referred to in section 335.390  
 17 of this compact shall mean the executive director of the Missouri state board of nursing.

18 2. This compact is designed to facilitate the regulation of nurses, and does not relieve  
 19 employers from complying with statutorily imposed obligations.

20 3. This compact does not supersede existing state labor laws.

21 [335.300. 1. The party states find that:

22 (1) The health and safety of the public are affected by the degree of  
 23 compliance with and the effectiveness of enforcement activities related to state nurse  
 24 licensure laws;

25 (2) Violations of nurse licensure and other laws regulating the practice of  
 26 nursing may result in injury or harm to the public;

27 (3) The expanded mobility of nurses and the use of advanced communication  
 28 technologies as part of our nation's health care delivery system require greater  
 29 coordination and cooperation among states in the areas of nurse licensure and  
 30 regulation;

31 (4) New practice modalities and technology make compliance with  
 32 individual state nurse licensure laws difficult and complex;

33 (5) The current system of duplicative licensure for nurses practicing in  
 34 multiple states is cumbersome and redundant to both nurses and states.

35 2. The general purposes of this compact are to:

36 (1) Facilitate the states' responsibility to protect the public's health and  
 37 safety;

38 (2) Ensure and encourage the cooperation of party states in the areas of nurse  
 39 licensure and regulation;

40 (3) Facilitate the exchange of information between party states in the areas of  
 41 nurse regulation, investigation, and adverse actions;

42 (4) Promote compliance with the laws governing the practice of nursing in  
 43 each jurisdiction;

44 (5) Invest all party states with the authority to hold a nurse accountable for  
 45 meeting all state practice laws in the state in which the patient is located at the time  
 46 care is rendered through the mutual recognition of party state licenses.]

47  
 48 [335.305. As used in this compact, the following terms shall mean:

- 1 (1) "Adverse action", a home or remote state action;
- 2 (2) "Alternative program", a voluntary, nondisciplinary monitoring program
- 3 approved by a nurse licensing board;
- 4 (3) "Coordinated licensure information system", an integrated process for
- 5 collecting, storing, and sharing information on nurse licensure and enforcement
- 6 activities related to nurse licensure laws, which is administered by a nonprofit
- 7 organization composed of and controlled by state nurse licensing boards;
- 8 (4) "Current significant investigative information":
- 9 (a) Investigative information that a licensing board, after a preliminary
- 10 inquiry that includes notification and an opportunity for the nurse to respond if
- 11 required by state law, has reason to believe is not groundless and, if proved true,
- 12 would indicate more than a minor infraction; or
- 13 (b) Investigative information that indicates that the nurse represents an
- 14 immediate threat to public health and safety regardless of whether the nurse has been
- 15 notified and had an opportunity to respond;
- 16 (5) "Home state", the party state that is the nurse's primary state of residence;
- 17 (6) "Home state action", any administrative, civil, equitable, or criminal
- 18 action permitted by the home state's laws that are imposed on a nurse by the home
- 19 state's licensing board or other authority including actions against an individual's
- 20 license such as: revocation, suspension, probation, or any other action affecting a
- 21 nurse's authorization to practice;
- 22 (7) "Licensing board", a party state's regulatory body responsible for issuing
- 23 nurse licenses;
- 24 (8) "Multistate licensing privilege", current, official authority from a remote
- 25 state permitting the practice of nursing as either a registered nurse or a licensed
- 26 practical/vocational nurse in such party state. All party states have the authority, in
- 27 accordance with existing state due process law, to take actions against the nurse's
- 28 privilege such as: revocation, suspension, probation, or any other action that affects
- 29 a nurse's authorization to practice;
- 30 (9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms
- 31 are defined by each state's practice laws;
- 32 (10) "Party state", any state that has adopted this compact;
- 33 (11) "Remote state", a party state, other than the home state:
- 34 (a) Where a patient is located at the time nursing care is provided; or
- 35 (b) In the case of the practice of nursing not involving a patient, in such party
- 36 state where the recipient of nursing practice is located;
- 37 (12) "Remote state action":
- 38 (a) Any administrative, civil, equitable, or criminal action permitted by a
- 39 remote state's laws which are imposed on a nurse by the remote state's licensing
- 40 board or other authority including actions against an individual's multistate licensure
- 41 privilege to practice in the remote state; and
- 42 (b) Cease and desist and other injunctive or equitable orders issued by remote
- 43 states or the licensing boards thereof;
- 44 (13) "State", a state, territory, or possession of the United States, the District
- 45 of Columbia, or the Commonwealth of Puerto Rico;
- 46 (14) "State practice laws", those individual party's state laws and regulations
- 47 that govern the practice of nursing, define the scope of nursing practice, and create
- 48 the methods and grounds for imposing discipline. State practice laws does not

1 include the initial qualifications for licensure or requirements necessary to obtain and  
2 retain a license, except for qualifications or requirements of the home state.]  
3

4 [335.310. 1. A license to practice registered nursing issued by a home state  
5 to a resident in that state will be recognized by each party state as authorizing a  
6 multistate licensure privilege to practice as a registered nurse in such party state. A  
7 license to practice licensed practical/vocational nursing issued by a home state to a  
8 resident in that state will be recognized by each party state as authorizing a multistate  
9 licensure privilege to practice as a licensed practical/vocational nurse in such party  
10 state. In order to obtain or retain a license, an applicant must meet the home state's  
11 qualifications for licensure and license renewal as well as all other applicable state  
12 laws.

13 2. Party states may, in accordance with state due process laws, limit or  
14 revoke the multistate licensure privilege of any nurse to practice in their state and  
15 may take any other actions under their applicable state laws necessary to protect the  
16 health and safety of their citizens. If a party state takes such action, it shall promptly  
17 notify the administrator of the coordinated licensure information system. The  
18 administrator of the coordinated licensure information system shall promptly notify  
19 the home state of any such actions by remote states.

20 3. Every nurse practicing in a party state must comply with the state practice  
21 laws of the state in which the patient is located at the time care is rendered. In  
22 addition, the practice of nursing is not limited to patient care, but shall include all  
23 nursing practice as defined by the state practice laws of a party state. The practice of  
24 nursing will subject a nurse to the jurisdiction of the nurse licensing board and the  
25 courts, as well as the laws, in that party state.

26 4. This compact does not affect additional requirements imposed by states for  
27 advanced practice registered nursing. However, a multistate licensure privilege to  
28 practice registered nursing granted by a party state shall be recognized by other party  
29 states as a license to practice registered nursing if one is required by state law as a  
30 precondition for qualifying for advanced practice registered nurse authorization.

31 5. Individuals not residing in a party state shall continue to be able to apply  
32 for nurse licensure as provided for under the laws of each party state.  
33 However, the license granted to these individuals will not be recognized as granting  
34 the privilege to practice nursing in any other party state unless explicitly agreed to by  
35 that party state.]  
36

37 [335.315. 1. Upon application for a license, the licensing board in a party  
38 state shall ascertain, through the coordinated licensure information system, whether  
39 the applicant has ever held, or is the holder of, a license issued by any other state,  
40 whether there are any restrictions on the multistate licensure privilege, and whether  
41 any other adverse action by any state has been taken against the license.

42 2. A nurse in a party state shall hold licensure in only one party state at a  
43 time, issued by the home state.

44 3. A nurse who intends to change primary state of residence may apply for  
45 licensure in the new home state in advance of such change. However, new licenses  
46 will not be issued by a party state until after a nurse provides evidence of change in  
47 primary state of residence satisfactory to the new home state's licensing board.

48 4. When a nurse changes primary state of residence by:

1 (1) Moving between two party states, and obtains a license from the new  
2 home state, the license from the former home state is no longer valid;

3 (2) Moving from a nonparty state to a party state, and obtains a license from  
4 the new home state, the individual state license issued by the nonparty state is not  
5 affected and will remain in full force if so provided by the laws of the nonparty state;

6 (3) Moving from a party state to a nonparty state, the license issued by the  
7 prior home state converts to an individual state license, valid only in the former home  
8 state, without the multistate licensure privilege to practice in other party states.]  
9

10 [335.320. In addition to the general provisions described in article III of this  
11 compact, the following provisions apply:

12 (1) The licensing board of a remote state shall promptly report to the  
13 administrator of the coordinated licensure information system any remote state  
14 actions including the factual and legal basis for such action, if known. The licensing  
15 board of a remote state shall also promptly report any significant current  
16 investigative information yet to result in a remote state action. The administrator of  
17 the coordinated licensure information system shall promptly notify the home state of  
18 any such reports;

19 (2) The licensing board of a party state shall have the authority to complete  
20 any pending investigations for a nurse who changes primary state of residence during  
21 the course of such investigations. It shall also have the authority to take appropriate  
22 actions, and shall promptly report the conclusions of such investigations to the  
23 administrator of the coordinated licensure information system. The administrator of  
24 the coordinated licensure information system shall promptly notify the new home  
25 state of any such actions;

26 (3) A remote state may take adverse action affecting the multistate licensure  
27 privilege to practice within that party state. However, only the home state shall have  
28 the power to impose adverse action against the license issued by the home state;

29 (4) For purposes of imposing adverse action, the licensing board of the home  
30 state shall give the same priority and effect to reported conduct received from a  
31 remote state as it would if such conduct had occurred within the home state, in so  
32 doing, it shall apply its own state laws to determine appropriate action;

33 (5) The home state may take adverse action based on the factual findings of  
34 the remote state, so long as each state follows its own procedures for imposing such  
35 adverse action;

36 (6) Nothing in this compact shall override a party state's decision that  
37 participation in an alternative program may be used in lieu of licensure action and  
38 that such participation shall remain nonpublic if required by the party state's laws.  
39 Party states must require nurses who enter any alternative programs to agree not to  
40 practice in any other party state during the term of the alternative program without  
41 prior authorization from such other party state.]  
42

43 [335.325. Notwithstanding any other powers, party state nurse licensing  
44 boards shall have the authority to:

45 (1) If otherwise permitted by state law, recover from the affected nurse the  
46 costs of investigations and disposition of cases resulting from any adverse action  
47 taken against that nurse;

48 (2) Issue subpoenas for both hearings and investigations which require the

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

9 (3) Issue cease and desist orders to limit or revoke a nurse's authority to  
10 practice in their state;

11 (4) Promulgate uniform rules and regulations as provided for in subsection 3  
12 of section 335.335.]

13  
14 [335.330. 1. All party states shall participate in a cooperative effort to create  
15 a coordinated database of all licensed registered nurses and licensed  
16 practical/vocational nurses. This system will include information on the licensure  
17 and disciplinary history of each nurse, as contributed by party states, to assist in the  
18 coordination of nurse licensure and enforcement efforts.

19 2. Notwithstanding any other provision of law, all party states' licensing  
20 boards shall promptly report adverse actions, actions against multistate licensure  
21 privileges, any current significant investigative information yet to result in adverse  
22 action, denials of applications, and the reasons for such denials to the coordinated  
23 licensure information system.

24 3. Current significant investigative information shall be transmitted through  
25 the coordinated licensure information system only to party state licensing boards.

26 4. Notwithstanding any other provision of law, all party states' licensing  
27 boards contributing information to the coordinated licensure information system may  
28 designate information that may not be shared with nonparty states or disclosed to  
29 other entities or individuals without the express permission of the contributing state.

30 5. Any personally identifiable information obtained by a party state's  
31 licensing board from the coordinated licensure information system may not be shared  
32 with nonparty states or disclosed to other entities or individuals except to the extent  
33 permitted by the laws of the party state contributing the information.

34 6. Any information contributed to the coordinated licensure information  
35 system that is subsequently required to be expunged by the laws of the party state  
36 contributing that information shall also be expunged from the coordinated licensure  
37 information system.

38 7. The compact administrators, acting jointly with each other and in  
39 consultation with the administrator of the coordinated licensure information system,  
40 shall formulate necessary and proper procedures for the identification, collection, and  
41 exchange of information under this compact.]

42  
43 [335.335. 1. The head of the nurse licensing board, or his/her designee, of  
44 each party state shall be the administrator of this compact for his/her state.

45 2. The compact administrator of each party shall furnish to the compact  
46 administrator of each other party state any information and documents including, but  
47 not limited to, a uniform data set of investigations, identifying information, licensure  
48 data, and disclosable alternative program participation information to facilitate the

1 administration of this compact.

2 3. Compact administrators shall have the authority to develop uniform rules  
3 to facilitate and coordinate implementation of this compact. These uniform rules  
4 shall be adopted by party states, under the authority invested under subsection 4 of  
5 section 335.325.]

6  
7 [335.340. No party state or the officers or employees or agents of a party  
8 state's nurse licensing board who acts in accordance with the provisions of this  
9 compact shall be liable on account of any act or omission in good faith while  
10 engaged in the performance of their duties under this compact. Good faith in this  
11 article shall not include willful misconduct, gross negligence, or recklessness.]

12  
13 [335.345. 1. This compact shall enter into force and become effective as to  
14 any state when it has been enacted into the laws of that state. Any party state may  
15 withdraw from this compact by enacting a statute repealing the same, but no such  
16 withdrawal shall take effect until six months after the withdrawing state has given  
17 notice of the withdrawal to the executive heads of all other party states.

18 2. No withdrawal shall affect the validity or applicability by the licensing  
19 boards of states remaining party to the compact of any report of adverse action  
20 occurring prior to the withdrawal.

21 3. Nothing contained in this compact shall be construed to invalidate or  
22 prevent any nurse licensure agreement or other cooperative arrangement between a  
23 party state and a non-party state that is made in accordance with the other provisions  
24 of this compact.

25 4. This compact may be amended by the party states. No amendment to this  
26 compact shall become effective and binding upon the party states unless and until it  
27 is enacted into the laws of all party states.]

28  
29 [335.350. 1. This compact shall be liberally construed so as to effectuate the  
30 purposes thereof. The provisions of this compact shall be severable and if any  
31 phrase, clause, sentence, or provision of this compact is declared to be contrary to the  
32 constitution of any party state or of the United States or the applicability thereof to  
33 any government, agency, person, or circumstance is held invalid, the validity of the  
34 remainder of this compact and the applicability thereof to any government, agency,  
35 person, or circumstance shall not be affected thereby. If this compact shall be held  
36 contrary to the constitution of any state party thereto, the compact shall remain in full  
37 force and effect as to the remaining party states and in full force and effect as to the  
38 party state affected as to all severable matters.

39 2. In the event party states find a need for settling disputes arising under this  
40 compact:

41 (1) The party states may submit the issues in dispute to an arbitration panel  
42 which will be comprised of an individual appointed by the compact administrator in  
43 the home state, an individual appointed by the compact administrator in the remote  
44 states involved, and an individual mutually agreed upon by the compact  
45 administrators of all the party states involved in the dispute;

46 (2) The decision of a majority of the arbitrators shall be final and binding.]

47  
48 [335.355. 1. The term "head of the nurse licensing board" as referred to in

1 article VIII of this compact shall mean the executive director of the Missouri state  
2 board of nursing.

3 2. A person who is extended the privilege to practice in this state pursuant to  
4 the nurse licensure compact is subject to discipline by the board, as set forth in this  
5 chapter, for violation of this chapter or the rules and regulations promulgated herein.  
6 A person extended the privilege to practice in this state pursuant to the nurse  
7 licensure compact shall be subject to adhere to all requirements of this chapter, as if  
8 such person were originally licensed in this state.

9 3. Sections 335.300 to 335.355 are applicable only to nurses whose home  
10 states are determined by the Missouri state board of nursing to have licensure  
11 requirements that are substantially equivalent or more stringent than those of  
12 Missouri.

13 4. This compact is designed to facilitate the regulation of nurses, and does  
14 not relieve employers from complying with statutorily imposed obligations.

15 5. This compact does not supercede existing state labor laws.]

16 Section B. The repeal of sections 335.300 to 335.355 and the enactment of sections 335.360  
17 to 335.415 of this act shall become effective on December 31, 2018, or upon the enactment of  
18 sections 335.360 to 335.415 of this act by no less than twenty-six states and notification of such  
19 enactment to the revisor of statutes by the Interstate Commission of Nurse Licensure Compact  
20 Administrators, whichever occurs first."; and

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.