



January 25, 2019

HOUSE BILL No. 1344

DIGEST OF HB 1344 (Updated January 23, 2019 2:59 pm - DI 133)

Citations Affected: IC 25-23; IC 25-42; IC 34-30.

Synopsis: Nurse licensure compact. Specifies requirements for participation by the state in a multistate nurse licensure compact, including provisions concerning: (1) nurse qualifications, practice, and participation; (2) a compact commission; (3) interstate commission and state board of nursing authority and rulemaking; (4) a coordinated licensure information system; (5) oversight and enforcement; and (6) termination or withdrawal from the compact.

Effective: July 1, 2019.

Clere, Davisson, Shackelford, Bacon

January 14, 2019, read first time and referred to Statutory Committee on Interstate and International Cooperation.
January 24, 2019, reported — Do Pass.

HB 1344—LS 7346/DI 77



January 25, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1344

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-23-1-7, AS AMENDED BY P.L.129-2018,
2 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 7. (a) The board shall do the following:
4 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
5 into effect this chapter.
6 (2) Prescribe standards and approve curricula for nursing
7 education programs preparing persons for licensure under this
8 chapter.
9 (3) Provide for surveys of such programs at such times as it
10 considers necessary.
11 (4) Accredit such programs as meet the requirements of this
12 chapter and of the board.
13 (5) Deny or withdraw accreditation from nursing education
14 programs for failure to meet prescribed curricula or other
15 standards.
16 (6) Examine, license, and renew the license of qualified
17 applicants.

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- 1 (7) Issue subpoenas, compel the attendance of witnesses, and
 2 administer oaths to persons giving testimony at hearings.
 3 (8) Cause the prosecution of all persons violating this chapter and
 4 have power to incur necessary expenses for these prosecutions.
 5 (9) Adopt rules under IC 4-22-2 that do the following:
 6 (A) Prescribe standards for the competent practice of
 7 registered, practical, and advanced practice registered nursing.
 8 (B) Establish with the approval of the medical licensing board
 9 created by IC 25-22.5-2-1 requirements that advanced practice
 10 registered nurses must meet to be granted authority to
 11 prescribe legend drugs and to retain that authority.
 12 (C) Establish, with the approval of the medical licensing board
 13 created by IC 25-22.5-2-1, requirements for the renewal of a
 14 practice agreement under section 19.4 of this chapter, which
 15 shall expire on October 31 in each odd-numbered year.
 16 (10) Keep a record of all its proceedings.
 17 (11) Collect and distribute annually demographic information on
 18 the number and type of registered nurses and licensed practical
 19 nurses employed in Indiana.
 20 **(12) Adopt rules and administer the interstate nurse licensure**
 21 **compact under IC 25-42.**
 22 (b) The board may do the following:
 23 (1) Create ad hoc subcommittees representing the various nursing
 24 specialties and interests of the profession of nursing. Persons
 25 appointed to a subcommittee serve for terms as determined by the
 26 board.
 27 (2) Utilize the appropriate subcommittees so as to assist the board
 28 with its responsibilities. The assistance provided by the
 29 subcommittees may include the following:
 30 (A) Recommendation of rules necessary to carry out the duties
 31 of the board.
 32 (B) Recommendations concerning educational programs and
 33 requirements.
 34 (C) Recommendations regarding examinations and licensure
 35 of applicants.
 36 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
 37 ~~(4) Withdraw from the interstate nurse licensure compact under~~
 38 ~~IC 25-23.2 (repealed).~~
 39 (c) Nurses appointed under subsection (b) must:
 40 (1) be committed to advancing and safeguarding the nursing
 41 profession as a whole; and
 42 (2) represent nurses who practice in the field directly affected by



1 a subcommittee's actions.

2 SECTION 2. IC 25-42 IS ADDED TO THE INDIANA CODE AS
3 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
4 2019]:

5 **ARTICLE 42. INTERSTATE NURSE LICENSURE**
6 **COMPACT**

7 **Chapter 1. Definitions**

8 **Sec. 1. The definitions in this chapter apply throughout this**
9 **article.**

10 **Sec. 2. "Adverse action" means any administrative, civil,**
11 **equitable, or criminal action permitted by a state's laws that is**
12 **imposed by a licensing board or other authority against a nurse,**
13 **including any of the following actions against the nurse's license or**
14 **multistate licensure privilege:**

15 (1) Revocation.

16 (2) Suspension.

17 (3) Probation.

18 (4) Monitoring of the nurse.

19 (5) Limitation on the nurse's practice.

20 (6) Another encumbrance on licensure affecting the nurse's
21 authorization to practice, including a cease and desist order.

22 **Sec. 3. "Alternative program" means a nondisciplinary**
23 **monitoring program approved by a licensing board.**

24 **Sec. 4. "Commission" refers to the interstate commission of**
25 **nurse licensure compact administrators established by**
26 **IC 25-42-7-1.**

27 **Sec. 5. "Coordinated licensure information system" means:**

28 (1) an integrated process for collecting, storing, and sharing
29 information concerning nurse licensure and enforcement
30 activities related to nurse licensure laws; and

31 (2) a system that is administered by a nonprofit organization
32 composed of and controlled by licensing boards.

33 **Sec. 6. "Current significant investigative information" means**
34 **either of the following:**

35 (1) Investigative information that, following a preliminary
36 inquiry that includes notice to the nurse and an opportunity
37 for the nurse to respond as required by state law:

38 (A) a licensing board has reason to believe is not
39 groundless; and

40 (B) if proved true, would indicate more than a minor
41 infraction.

42 (2) Investigative information that, regardless of whether the



- 1 nurse has received notice and has had an opportunity to
 2 respond, indicates that the nurse represents an immediate
 3 threat to public health and safety.
- 4 **Sec. 7. "Encumbrance" means:**
 5 (1) a revocation or suspension of; or
 6 (2) a limitation on;
 7 the full and unrestricted practice of nursing imposed by a licensing
 8 board.
- 9 **Sec. 8. "Home state" means the party state that is a nurse's**
 10 **primary state of residence.**
- 11 **Sec. 9. "Licensed nurse" means a:**
 12 (1) registered nurse;
 13 (2) licensed practical nurse; or
 14 (3) licensed vocational nurse;
 15 as those terms are defined by each party state's practice laws.
- 16 **Sec. 10. "Licensing board" means a party state's regulatory**
 17 **body responsible for issuing nurse licenses.**
- 18 **Sec. 11. "Multistate license" means a license to practice as a**
 19 **licensed nurse that:**
 20 (1) is issued by a home state licensing board; and
 21 (2) authorizes the nurse to practice in all party states under a
 22 multistate licensure privilege.
- 23 **Sec. 12. "Multistate licensure privilege" means a legal**
 24 **authorization associated with a multistate license permitting the**
 25 **practice of nursing as a licensed nurse in a remote state.**
- 26 **Sec. 13. "NCLEX" refers to the National Council Licensure**
 27 **Examination.**
- 28 **Sec. 14. "Nurse license" refers to any of the following issued by**
 29 **a state's regulatory body responsible for issuing nurse licenses:**
 30 (1) A registered nurse license.
 31 (2) A licensed practical nurse license.
 32 (3) A licensed vocational nurse license.
- 33 **Sec. 15. "Party state" means a state that has adopted this**
 34 **compact.**
- 35 **Sec. 16. "Remote state" means a party state other than the home**
 36 **state.**
- 37 **Sec. 17. "Single state license" means a nurse license issued by a**
 38 **party state that:**
 39 (1) authorizes practice only within the issuing state; and
 40 (2) does not include a multistate licensure privilege to practice
 41 in another party state.
- 42 **Sec. 18. "State" means a state, territory, or possession of the**



1 United States, and the District of Columbia.

2 Sec. 19. "State board of nursing" refers to the Indiana state
3 board of nursing established by IC 25-23-1-2.

4 Sec. 20. (a) "State practice laws" means a party state's laws,
5 rules, and regulations that:

- 6 (1) govern the practice of nursing;
7 (2) define the scope of nursing practice; and
8 (3) create the methods and grounds for imposing discipline on
9 licensed nurses.

10 (b) "State practice laws" does not include requirements
11 necessary to obtain and retain a license, other than qualifications
12 or requirements of the home state.

13 **Chapter 2. Findings and Purpose**

14 Sec. 1. The nurse licensure compact is enacted and entered into
15 with all other jurisdictions that legally join the compact, which is,
16 in form, substantially the same as this article.

17 Sec. 2. The party states find the following:

- 18 (1) The health and safety of the public are affected by the
19 degree of compliance with and the effectiveness of
20 enforcement activities related to state nurse licensure laws.
21 (2) Violations of nurse licensure and other laws regulating the
22 practice of nursing may result in injury or harm to the public.
23 (3) The expanded mobility of nurses and the use of advanced
24 communication technologies as part of our nation's health
25 care delivery system require greater coordination and
26 cooperation among states in the areas of nurse licensure and
27 regulation.
28 (4) New practice modalities and technology make compliance
29 with individual state nurse licensure laws difficult and
30 complex.
31 (5) The current system of duplicative licensure for nurses
32 practicing in multiple states is cumbersome and redundant for
33 nurses and states.
34 (6) Uniformity of nurse licensure requirements throughout
35 the states promotes public safety and public health benefits.

36 Sec. 3. The general purposes of this compact are to do the
37 following:

- 38 (1) Facilitate the states' responsibility to protect the public's
39 health and safety.
40 (2) Ensure and encourage the cooperation of party states in
41 the areas of nurse licensure and regulation.
42 (3) Facilitate the exchange of information between party



1 states in the areas of nurse regulation, investigation, and
2 adverse actions.

3 (4) Promote compliance with laws governing the practice of
4 nursing in each jurisdiction.

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

9 (6) Decrease redundancies in the consideration and issuance
10 of nurse licenses.

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

13 **Chapter 3. General Provisions and Jurisdiction**

14 **Sec. 1.** A multistate license issued by a home state to a resident
15 in that state will be recognized by each party state as authorizing
16 the resident to practice as a nurse under a multistate licensure
17 privilege in each party state.

18 **Sec. 2.** A state must implement procedures for considering the
19 criminal history records of applicants for initial multistate license
20 or licensure by endorsement, including the submission of
21 fingerprints or other biometric based information by applicants for
22 the purpose of obtaining an applicant's criminal history record
23 information from the Federal Bureau of Investigation and the
24 agency responsible for retaining that state's criminal records.

25 **Sec. 3.** Each party state shall require the following for an
26 applicant to obtain or retain a multistate license in the home state:

27 (1) The applicant meets the home state's qualifications for
28 licensure or renewal of licensure, as well as all other
29 applicable state laws.

30 (2) The applicant has either:

31 (A) graduated or is eligible to graduate from a licensing
32 board approved licensed nurse prelicensure education
33 program; or

34 (B) graduated from a foreign licensed nurse prelicensure
35 education program that has been:

36 (i) approved by the authorized accrediting body in the
37 applicable country; and

38 (ii) verified by an independent credentials review agency
39 to be comparable to a licensing board approved
40 prelicensure education program.

41 (3) If:

42 (A) English is not the applicant's native language; or



- 1 **(B) the applicant graduated from a foreign prelicensure**
 2 **education program that was not taught in English;**
 3 **the applicant has successfully passed an English proficiency**
 4 **examination that includes the components of reading,**
 5 **speaking, writing, and listening.**
 6 **(4) The applicant has successfully passed an NCLEX for**
 7 **registered nurses or NCLEX for practical nurses or**
 8 **recognized predecessor examination, as applicable.**
 9 **(5) The applicant is eligible for or holds an active license**
 10 **without encumbrance.**
 11 **(6) The applicant has submitted, in connection with an**
 12 **application for initial licensure or licensure by endorsement,**
 13 **fingerprints or other biometric data for the purpose of**
 14 **obtaining criminal history record information from the**
 15 **Federal Bureau of Investigation and the agency responsible**
 16 **for retaining that state's criminal records.**
 17 **(7) The applicant has:**
 18 **(A) not been convicted or found guilty; or**
 19 **(B) entered into an agreed disposition;**
 20 **of a felony offense under applicable state or federal criminal**
 21 **law.**
 22 **(8) The applicant has:**
 23 **(A) not been convicted or found guilty; or**
 24 **(B) entered into an agreed disposition;**
 25 **of a misdemeanor offense related to the practice of nursing, as**
 26 **determined on a case by case basis.**
 27 **(9) The applicant is not currently enrolled in an alternative**
 28 **program.**
 29 **(10) The applicant is subject to self-disclosure requirements**
 30 **regarding current participation in an alternative program.**
 31 **(11) The applicant has a valid Social Security number.**
 32 **Sec. 4. (a) All party states are authorized, in accordance with**
 33 **existing state due process law, to take adverse action against a**
 34 **nurse's multistate licensure privilege.**
 35 **(b) If a party state takes an adverse action under subsection (a):**
 36 **(1) the party state shall promptly notify the administrator of**
 37 **the coordinated licensure information system; and**
 38 **(2) the administrator of the coordinated licensure information**
 39 **system shall promptly notify the home state of any adverse**
 40 **actions taken by remote states.**
 41 **Sec. 5. (a) A nurse practicing in a party state shall comply with**
 42 **the state practice laws of the state in which the client is located at**



1 the time service is provided.

2 (b) The practice of nursing is not limited to patient care, but
3 includes all nursing practice as defined by the state practice laws
4 of the party state in which the client is located.

5 (c) The practice of nursing in a party state under a multistate
6 licensure privilege subjects a nurse to the jurisdiction of the
7 licensing board, the courts, and the laws of the party state in which
8 the client is located at the time service is provided.

9 Sec. 6. (a) Individuals not residing in a party state may apply for
10 a party state's single state license as provided under the laws of
11 each party state. However, a single state license granted to the
12 individual will not be recognized as granting the privilege to
13 practice nursing in any other party state.

14 (b) This compact does not affect the requirements established by
15 a party state for the issuance of a single state license.

16 Sec. 7. A nurse who holds a home state multistate license on the
17 effective date of this compact may retain and renew the multistate
18 license issued by the nurse's current home state. However, the
19 following apply:

20 (1) A nurse who changes primary state of residence after the
21 effective date of this compact shall meet all applicable
22 requirements of section 3 of this chapter to obtain a multistate
23 license from a new home state.

24 (2) If the nurse fails to satisfy the multistate licensure
25 requirements of section 3 of this chapter due to a
26 disqualifying event occurring after the effective date of this
27 compact:

28 (A) the nurse is ineligible to retain or renew a multistate
29 license; and

30 (B) the nurse's multistate license must be revoked or
31 deactivated in accordance with applicable rules adopted by
32 the commission.

33 Chapter 4. Application for Nurse Licensure in a Party State

34 Sec. 1. Upon receipt of an application for a multistate license,
35 the licensing board in the issuing party state shall ascertain,
36 through the coordinated licensure information system, whether:

37 (1) the applicant has ever held, or is the holder of, a license
38 issued by any other state;

39 (2) there are any encumbrances on any license or multistate
40 licensure privilege held by the applicant;

41 (3) any adverse action has been taken against any license or
42 multistate licensure privilege held by the applicant; and



- 1 **(4) the applicant is currently participating in an alternative**
 2 **program.**
- 3 **Sec. 2. A nurse may hold a multistate license, issued by the home**
 4 **state, in only one (1) party state at a time.**
- 5 **Sec. 3. If a nurse changes primary state of residence by moving**
 6 **between two (2) party states, the nurse must apply for licensure in**
 7 **the new home state, and the multistate license issued by the prior**
 8 **home state will be deactivated in accordance with applicable rules**
 9 **adopted by the commission, including the following:**
- 10 **(1) The nurse may apply for licensure in advance of a change**
 11 **in primary state of residence.**
- 12 **(2) A multistate license must not be issued by the new home**
 13 **state until the nurse:**
- 14 **(A) provides satisfactory evidence of a change in primary**
 15 **state of residence to the new home state; and**
- 16 **(B) satisfies all applicable requirements to obtain a**
 17 **multistate license from the new home state.**
- 18 **Sec. 4. If a nurse changes primary state of residence by moving**
 19 **from a party state to a nonparty state, the multistate license issued**
 20 **by the prior home state will convert to a single state license, valid**
 21 **only in the former home state.**
- 22 **Chapter 5. Additional Authorities Invested in Party State**
 23 **Licensing Boards**
- 24 **Sec. 1. (a) In addition to the other powers conferred by state**
 25 **law, a licensing board may do any of the following:**
- 26 **(1) Take adverse action against a nurse's multistate licensure**
 27 **privilege to practice within that party state, as follows:**
- 28 **(A) Only the home state may take adverse action against a**
 29 **nurse's license issued by the home state.**
- 30 **(B) For purposes of taking adverse action, the home state**
 31 **licensing board shall:**
- 32 **(i) give the same priority and effect to reported conduct**
 33 **received from a remote state as it would if the conduct**
 34 **had occurred within the home state; and**
- 35 **(ii) apply the home state's laws to determine appropriate**
 36 **action.**
- 37 **(2) Issue cease and desist orders or impose other**
 38 **encumbrances on a nurse's authority to practice within that**
 39 **party state.**
- 40 **(3) With respect to pending investigations of a nurse who**
 41 **changes primary state of residence during the course of the**
 42 **investigations, the following:**



- 1 (A) Complete the investigations.
- 2 (B) Take appropriate action.
- 3 (4) Issue subpoenas for hearings and investigations that
- 4 require the attendance and testimony of witnesses and for the
- 5 production of evidence.
- 6 (5) For each nurse licensure applicant:
- 7 (A) obtain and submit fingerprints or other biometric
- 8 based information to the Federal Bureau of Investigation
- 9 for criminal background checks;
- 10 (B) receive the results of the Federal Bureau of
- 11 Investigation record search on criminal background
- 12 checks; and
- 13 (C) use the results in making licensure decisions.
- 14 (6) If otherwise permitted by state law, recover from the
- 15 affected nurse the costs of investigations and disposition of
- 16 cases resulting from any adverse action taken against the
- 17 nurse.
- 18 (7) Take adverse action based on the factual findings of a
- 19 remote state, according to the licensing board's own
- 20 procedures for the adverse action.
- 21 (b) With respect to investigations described in subsection (a)(3):
- 22 (1) the licensing board shall promptly report the conclusions
- 23 of the investigations to the administrator of the coordinated
- 24 licensure information system; and
- 25 (2) the administrator of the coordinated licensure information
- 26 system shall promptly notify the new home state of any
- 27 actions taken under subsection (a)(3).
- 28 (c) Subpoenas issued by a licensing board in a party state for the
- 29 attendance and testimony of witnesses or the production of
- 30 evidence from another party state as described in subsection (a)(4)
- 31 must be enforced in the other party state:
- 32 (1) by a court of competent jurisdiction; and
- 33 (2) according to the practice and procedure of the court
- 34 applicable to subpoenas issued in proceedings pending before
- 35 the court.
- 36 The issuing authority shall pay any witness fees, travel expenses,
- 37 mileage, and other fees required by the service statutes of the state
- 38 in which the witnesses or evidence are located.
- 39 Sec. 2. (a) If adverse action is taken by the home state against a
- 40 nurse's multistate license, the nurse's multistate licensure privilege
- 41 to practice in all other party states must be deactivated until all
- 42 encumbrances have been removed from the multistate license.



1 **(b) All home state disciplinary orders that impose adverse**
 2 **action against a nurse's multistate license must include a statement**
 3 **that the nurse's multistate licensure privilege is deactivated in all**
 4 **party states during the pendency of the order.**

5 **Sec. 3. (a) This compact does not override a party state's**
 6 **decision that participation in an alternative program may be used**
 7 **in lieu of adverse action.**

8 **(b) In the case of a party state decision described in subsection**
 9 **(a), the home state licensing board shall deactivate the multistate**
 10 **licensure privilege under the multistate license of the nurse for the**
 11 **duration of the nurse's participation in the alternative program.**

12 **Chapter 6. Coordinated Licensure Information System and**
 13 **Exchange of Information**

14 **Sec. 1. (a) All party states shall participate in a coordinated**
 15 **licensure information system of all licensed nurses.**

16 **(b) The coordinated licensure information system must include**
 17 **information submitted by party states:**

18 **(1) concerning the licensure and disciplinary history of each**
 19 **nurse; and**

20 **(2) to assist in the coordination of nurse licensure and**
 21 **enforcement.**

22 **Sec. 2. The commission, in consultation with the administrator**
 23 **of the coordinated licensure information system, shall formulate**
 24 **necessary and proper procedures for the identification, collection,**
 25 **and exchange of information under this compact.**

26 **Sec. 3. All licensing boards shall promptly report to the**
 27 **coordinated licensure information system any:**

28 **(1) adverse action;**

29 **(2) current significant investigative information;**

30 **(3) denials of applications and reasons for the denials; and**

31 **(4) nurse participation in alternative programs known to the**
 32 **licensing board, regardless of whether the participation is**
 33 **considered to be nonpublic or confidential under state law.**

34 **Sec. 4. Current significant investigative information and**
 35 **participation in nonpublic or confidential alternative programs**
 36 **must be transmitted through the coordinated licensure information**
 37 **system only to party state licensing boards.**

38 **Sec. 5. Notwithstanding any other law, all party state licensing**
 39 **boards contributing information to the coordinated licensure**
 40 **information system may designate information that may not be**
 41 **shared with nonparty states or disclosed to other entities or**
 42 **individuals without the express permission of the contributing**



1 state.

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

8 **Sec. 7. Information contributed to the coordinated licensure**
 9 **information system that is subsequently required to be expunged**
 10 **by the laws of the party state contributing that information must**
 11 **also be expunged from the coordinated licensure information**
 12 **system.**

13 **Sec. 8. The compact administrator of each party state shall**
 14 **furnish a uniform data set to the compact administrator of each**
 15 **other party state, which must include, at a minimum, the following:**

- 16 **(1) Identifying information.**
 17 **(2) Licensure data.**
 18 **(3) Information related to alternative program participation.**
 19 **(4) Other information that may facilitate the administration**
 20 **of this compact, as determined by commission rules.**

21 **Sec. 9. The compact administrator of a party state shall provide**
 22 **all investigative documents and information requested by another**
 23 **party state.**

24 **Chapter 7. Establishment of the Interstate Commission of Nurse**
 25 **Licensure Compact Administrators**

26 **Sec. 1. (a) The party states create and establish a joint public**
 27 **entity known as the interstate commission of nurse licensure**
 28 **compact administrators.**

29 **(b) The commission is an instrumentality of the party states.**

30 **(c) Venue is proper, and judicial proceedings by or against the**
 31 **commission must be brought solely and exclusively in a court of**
 32 **competent jurisdiction where the principal office of the commission**
 33 **is located.**

34 **(d) The commission may waive venue and jurisdictional**
 35 **defenses to the extent the commission adopts or consents to**
 36 **participate in alternative dispute resolution proceedings.**

37 **Sec. 2. This compact does not waive sovereign immunity.**

38 **Sec. 3. (a) Each party state has and is limited to one (1)**
 39 **administrator. The head of the state licensing board of each party**
 40 **state, or designee, is the administrator of this compact for each**
 41 **party state. An administrator may be removed or suspended from**
 42 **office as provided by the law of the state from which the**



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administrator is appointed.

(b) A vacancy occurring in the commission must be filled in accordance with the laws of the party state in which the vacancy exists.

(c) Each administrator is entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by other means provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

Sec. 4. The commission shall meet at least one (1) time during each calendar year. Additional meetings must be held as set forth in the bylaws or rules of the commission.

Sec. 5. All meetings must be open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions in IC 25-42-8.

Sec. 6. The commission may convene in a closed, nonpublic meeting if the commission must discuss any of the following:

- (1) Noncompliance of a party state with the party state's obligations under this compact.
- (2) The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.
- (3) Current, threatened, or reasonably anticipated litigation.
- (4) Negotiation of contracts for the purchase or sale of goods, services, or real estate.
- (5) Accusing a person of a crime or formally censuring a person.
- (6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.
- (7) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- (8) Disclosure of investigatory records compiled for law enforcement purposes.
- (9) Disclosure of information related to reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact.
- (10) Matters specifically exempted from disclosure by federal or state statute.



1 **Sec. 7. (a) If a meeting or part of a meeting is closed under**
 2 **section 6 of this chapter, the commission's legal counsel or designee**
 3 **shall certify that the meeting may be closed and shall reference**
 4 **each relevant exempting provision.**

5 **(b) The commission shall keep minutes that fully and clearly**
 6 **describe all matters discussed in a meeting and shall provide a full**
 7 **and accurate summary of actions taken, and the reasons for the**
 8 **actions, including a description of the views expressed.**

9 **(c) All documents considered in connection with an action must**
 10 **be identified in the minutes of the meeting.**

11 **(d) All minutes and documents of a closed meeting must remain**
 12 **under seal, subject to release by a majority vote of the commission**
 13 **or order of a court of competent jurisdiction.**

14 **Sec. 8. (a) The commission shall, by a majority vote of the**
 15 **administrators, prescribe bylaws or rules to govern the**
 16 **commission's conduct to carry out the purposes and exercise the**
 17 **powers of this compact, including the following:**

18 **(1) Establishing the fiscal year of the commission.**

19 **(2) Providing reasonable standards and procedures:**

20 **(A) for the establishment and meetings of other**
 21 **committees; and**

22 **(B) governing general or specific delegation of any**
 23 **authority or function of the commission.**

24 **(3) Providing reasonable procedures for calling and**
 25 **conducting meetings of the commission, ensuring reasonable**
 26 **advance notice of all meetings and providing an opportunity**
 27 **for attendance of the meetings by interested parties, including**
 28 **the following:**

29 **(A) Enumerated exceptions designed to protect the public's**
 30 **interest, the privacy of individuals, and proprietary**
 31 **information, including trade secrets.**

32 **(B) A provision:**

33 **(i) allowing the commission to meet in closed session only**
 34 **after a majority of the administrators vote with no proxy**
 35 **voting to close a meeting in whole or in part; and**

36 **(ii) if the commission meets in closed session as described**
 37 **in item (i), requiring the commission to, as soon as**
 38 **practicable, make public a copy of the vote to close the**
 39 **meeting and revealing the vote of each administrator.**

40 **(4) Establishing the titles, duties, and authority and**
 41 **reasonable procedures for the election of the officers of the**
 42 **commission.**



- 1 **(5) Providing reasonable standards and procedures for the**
- 2 **establishment of the personnel policies and programs of the**
- 3 **commission.**
- 4 **(6) Providing a mechanism for winding up the operations of**
- 5 **the commission and the equitable disposition of any surplus**
- 6 **funds that may exist after the termination of this compact**
- 7 **after the payment or reserving of all of the commission's debts**
- 8 **and obligations.**
- 9 **(b) Notwithstanding any civil service or other similar laws of**
- 10 **any party state, the bylaws prescribed under this section**
- 11 **exclusively govern the personnel policies and programs of the**
- 12 **commission.**
- 13 **Sec. 9. The commission shall do all of the following:**
- 14 **(1) Publish the commission's bylaws and rules and any**
- 15 **amendments to the bylaws and rules in a convenient form on**
- 16 **the Internet web site of the commission.**
- 17 **(2) Maintain the commission's financial records in accordance**
- 18 **with the bylaws.**
- 19 **(3) Meet and take actions consistent with the provisions of this**
- 20 **compact and the bylaws.**
- 21 **Sec. 10. The commission has the following powers:**
- 22 **(1) To promulgate uniform rules:**
- 23 **(A) having the force and effect of law; and**
- 24 **(B) binding in all party states;**
- 25 **to facilitate and coordinate implementation and**
- 26 **administration of this compact.**
- 27 **(2) To bring and prosecute legal proceedings or actions in the**
- 28 **name of the commission, provided that the standing of any**
- 29 **licensing board to sue or be sued under applicable law shall**
- 30 **not be affected.**
- 31 **(3) To purchase and maintain insurance and bonds.**
- 32 **(4) To borrow, accept, or contract for services of personnel,**
- 33 **including employees of a party state or nonprofit**
- 34 **organizations.**
- 35 **(5) To cooperate with other organizations that administer**
- 36 **state compacts related to the regulation of nursing, including**
- 37 **sharing administrative or staff expenses, office space, or other**
- 38 **resources.**
- 39 **(6) To hire employees, elect or appoint officers, fix**
- 40 **compensation, define duties, grant the employees and officers**
- 41 **appropriate authority to carry out the purposes of this**
- 42 **compact, and to establish the commission's personnel policies**



- 1 **and programs relating to conflicts of interest, qualifications**
- 2 **of personnel, and related personnel matters.**
- 3 **(7) To accept, receive, use, and dispose of appropriate**
- 4 **donations, grants, and gifts of money, equipment, supplies,**
- 5 **materials, and services while avoiding any appearance of**
- 6 **impropriety or conflict of interest.**
- 7 **(8) To lease, purchase, and accept appropriate gifts or**
- 8 **donations of, or otherwise to own, hold, improve, or use, any**
- 9 **real, personal, or mixed property while avoiding any**
- 10 **appearance of impropriety.**
- 11 **(9) To sell, convey, mortgage, pledge, lease, exchange,**
- 12 **abandon, or otherwise dispose of real, personal, or mixed**
- 13 **property.**
- 14 **(10) To establish a budget and make expenditures.**
- 15 **(11) To borrow money.**
- 16 **(12) To appoint committees, including advisory committees**
- 17 **comprised of administrators, state nursing regulators, state**
- 18 **legislators or their representatives, consumer representatives,**
- 19 **and other interested persons.**
- 20 **(13) To provide and receive information from, and to**
- 21 **cooperate with, law enforcement agencies.**
- 22 **(14) To adopt and use an official seal.**
- 23 **(15) To perform other necessary or appropriate functions to**
- 24 **achieve the purposes of this compact consistent with the state**
- 25 **regulation of nurse licensure and practice.**
- 26 **Sec. 11. (a) The commission shall pay, or provide for the**
- 27 **payment of, the reasonable expenses of the commission's**
- 28 **establishment, organization, and ongoing activities.**
- 29 **(b) The commission may also levy on and collect an annual**
- 30 **assessment from each party state to cover the cost of the**
- 31 **commission's operations, activities, and staff in the commission's**
- 32 **annual budget as approved each year. The aggregate annual**
- 33 **assessment amount, if any, must be allocated based on a formula**
- 34 **determined by the commission by promulgation of a rule that is**
- 35 **binding on all party states.**
- 36 **(c) The commission shall not:**
- 37 **(1) incur an obligation of any kind before securing funds**
- 38 **adequate to meet the obligation; or**
- 39 **(2) pledge the credit of any party state, except by and with the**
- 40 **authority of, the party state.**
- 41 **(d) The commission shall keep accurate accounts of all receipts**
- 42 **and disbursements. The receipts and disbursements of the**



1 commission are subject to the audit and accounting procedures
2 established under the commission's bylaws. However, all receipts
3 and disbursements of funds handled by the commission must be
4 audited annually by a certified or licensed public accountant, and
5 the report of the audit must be included in and be part of the
6 annual report of the commission.

7 Sec. 12. (a) The administrators, officers, executive director,
8 employees, and representatives of the commission are immune
9 from suit and liability, either personally or in their official
10 capacity, for any claim for damage to or loss of property, personal
11 injury, or another civil liability caused by or arising out of an
12 actual or alleged act, error, or omission that occurred, or that the
13 person against whom the claim is made had a reasonable basis for
14 believing occurred within the scope of commission employment,
15 duties, or responsibilities.

16 (b) Subsection (a) does not protect an administrator, officer,
17 executive director, employee, or representative of the commission
18 from suit or liability for any damage, loss, injury, or liability
19 caused by the intentional, willful, or wanton misconduct of that
20 person.

21 (c) The commission shall defend an administrator, officer,
22 executive director, employee, or representative of the commission
23 in a civil action seeking to impose liability arising out of an actual
24 or alleged act, error, or omission that occurred within the scope of
25 commission employment, duties, or responsibilities, or that the
26 person against whom the claim is made had a reasonable basis for
27 believing occurred within the scope of commission employment,
28 duties, or responsibilities.

29 (d) Subsection (c) does not do the following:

30 (1) Prohibit the administrator, officer, executive director,
31 employee, or representative of the commission from retaining
32 that person's own counsel.

33 (2) Require the commission to defend the administrator,
34 officer, executive director, employee, or representative of the
35 commission if the actual or alleged act, error, or omission
36 resulted from that person's intentional, willful, or wanton
37 misconduct.

38 (e) The commission shall indemnify and hold harmless an
39 administrator, officer, executive director, employee, or
40 representative of the commission for the amount of any settlement
41 or judgment obtained against that person arising out of an actual
42 or alleged act, error, or omission that occurred within the scope of



1 commission employment, duties, or responsibilities, or that the
 2 person had a reasonable basis for believing occurred within the
 3 scope of commission employment, duties, or responsibilities.

4 (f) Subsection (e) does not require the commission to indemnify
 5 or hold harmless an administrator, officer, executive director,
 6 employee, or representative of the commission if, the actual or
 7 alleged act, error, or omission resulted from the intentional, willful,
 8 or wanton misconduct of that person.

9 **Chapter 8. Rulemaking**

10 **Sec. 1.** The commission shall exercise the commission's
 11 rulemaking powers according to the criteria set forth in, and the
 12 rules adopted under, this chapter. Rules and amendments are
 13 binding as of the date specified in each rule or amendment and
 14 have the same force and effect as provisions of this compact.

15 **Sec. 2.** Rules or amendments to the rules must be adopted at a
 16 regular or special meeting of the commission.

17 **Sec. 3.** Before promulgation and adoption of a final rule by the
 18 commission, and at least sixty (60) days before the meeting at
 19 which the rule will be considered and voted on is held, the
 20 commission shall file a notice of proposed rulemaking:

- 21 (1) on the Internet web site of the commission; and
 22 (2) on the Internet web site of each licensing board or in the
 23 publication in which each state would otherwise publish
 24 proposed administrative rules.

25 **Sec. 4.** The notice of proposed rulemaking must include all of
 26 the following:

- 27 (1) The proposed time, date, and location of the meeting at
 28 which the rule will be considered and voted on.
 29 (2) The text of the proposed rule or amendment and the
 30 reason for the proposed rule.
 31 (3) A request for comments on the proposed rule from any
 32 interested person.
 33 (4) The manner in which an interested person may submit:
 34 (A) notice to the commission of the interested person's
 35 intention to attend the public hearing; and
 36 (B) written comments.

37 **Sec. 5. (a)** Before adoption of a proposed rule, the commission
 38 shall allow persons to submit written data, facts, opinions, and
 39 arguments.

40 (b) Submitted information and documents described in
 41 subsection (a) must be made available to the public.

42 **Sec. 6. (a)** The commission shall grant an opportunity for a



1 public hearing before the commission adopts a rule or amendment.

2 (b) The commission shall publish the place, time, and date of the
3 scheduled public hearing.

4 (c) A public hearing must be conducted in a manner providing
5 each person who wishes to comment a fair and reasonable
6 opportunity to comment orally or in writing. All hearings must be
7 recorded and a copy of the record must be made available to the
8 public upon request.

9 (d) This section does not require a separate hearing on each
10 rule. Rules may be grouped for the convenience of the commission
11 at hearings required by this section.

12 (e) If no one appears at a public hearing, the commission may
13 proceed with promulgation of the proposed rule.

14 Sec. 7. (a) Following the scheduled hearing date, or by the close
15 of business on the scheduled hearing date if the hearing was not
16 held, the commission shall consider all written and oral comments
17 received.

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

22 Sec. 8. (a) For purposes of this section, an emergency rule is a
23 rule that must be adopted immediately to do at least one (1) of the
24 following:

25 (1) Meet an imminent threat to public health, safety, or
26 welfare.

27 (2) Prevent a loss of commission or party state funds.

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

30 (b) Upon determination that an emergency exists, the
31 commission may consider and adopt an emergency rule without
32 prior notice, opportunity for comment, or hearing. However, the
33 usual rulemaking procedures provided in this compact and in this
34 chapter must be retroactively applied to the rule as soon as
35 reasonably possible, and in no event later than ninety (90) days
36 after the effective date of the rule.

37 Sec. 9. (a) The commission may direct revisions to a previously
38 adopted rule or amendment for purposes of correcting
39 typographical errors, errors in format, errors in consistency, or
40 grammatical errors.

41 (b) Public notice of any revisions must be posted on the Internet
42 web site of the commission. A revision is subject to challenge by



1 any person for thirty (30) days after posting. A revision may be
 2 challenged only on grounds that the revision results in a material
 3 change to a rule. A challenge must be made in writing and
 4 delivered to the commission prior to the end of the notice period.
 5 If no challenge is made, the revision will take effect without further
 6 action. If the revision is challenged, the revision may not take effect
 7 without the approval of the commission.

8 **Chapter 9. Oversight, Dispute Resolution, and Enforcement**

9 **Sec. 1. Each party state shall enforce this compact and take all**
 10 **actions necessary and appropriate to effectuate this compact's**
 11 **purposes and intent.**

12 **Sec. 2. The commission:**

13 (1) is entitled to receive service of process in a proceeding that
 14 may affect the powers, responsibilities, or actions of the
 15 commission; and

16 (2) has standing to intervene in a proceeding described in
 17 subdivision (1) for all purposes.

18 Failure to provide service of process in a proceeding to the
 19 commission renders a judgment or order void as to the
 20 commission, this compact, or promulgated rules.

21 **Sec. 3. If the commission determines that a party state has**
 22 **defaulted in the performance of the party state's obligations or**
 23 **responsibilities under this compact or the promulgated rules, the**
 24 **commission shall:**

25 (1) provide written notice to the defaulting state and other
 26 party states of the nature of the default, the proposed means
 27 of curing the default, or another action to be taken by the
 28 commission; and

29 (2) provide remedial training and specific technical assistance
 30 regarding the default.

31 **Sec. 4. (a) If a state in default fails to cure the default, the**
 32 **defaulting state's membership in this compact may be terminated**
 33 **upon an affirmative vote of a majority of the administrators, and**
 34 **all rights, privileges, and benefits conferred by this compact may**
 35 **be terminated on the effective date of termination.**

36 (b) A cure of the default does not relieve the offending state of
 37 obligations or liabilities incurred during the period of default.

38 **Sec. 5. Termination of membership in this compact must be**
 39 **imposed only after all other means of securing compliance have**
 40 **been exhausted. Notice of intent to suspend or terminate must be**
 41 **given by the commission to the governor of the defaulting state and**
 42 **to the executive officer of the defaulting state's licensing board and**



1 each of the party states.

2 **Sec. 6. A state whose membership in this compact has been**
3 **terminated is responsible for all assessments, obligations, and**
4 **liabilities incurred through the effective date of termination,**
5 **including obligations that extend beyond the effective date of**
6 **termination.**

7 **Sec. 7. The commission does not bear any costs related to a state**
8 **that is found to be in default or whose membership in this compact**
9 **has been terminated, unless agreed upon in writing between the**
10 **commission and the defaulting state.**

11 **Sec. 8. The defaulting state may appeal the action of the**
12 **commission by petitioning the United States District Court for the**
13 **District of Columbia or the federal district in which the**
14 **commission has the commission's principal offices. The prevailing**
15 **party must be awarded all costs of the litigation, including**
16 **reasonable attorney's fees.**

17 **Sec. 9. (a) Upon request by a party state, the commission shall**
18 **attempt to resolve disputes related to this compact that arise**
19 **among party states and between party and nonparty states.**

20 **(b) The commission shall promulgate a rule providing for both**
21 **mediation and binding dispute resolution for disputes, as**
22 **appropriate.**

23 **(c) If the commission cannot resolve disputes among party states**
24 **arising under this compact:**

25 **(1) the party states may submit the issues in dispute to an**
26 **arbitration panel, which must be comprised of individuals**
27 **appointed by the compact administrator in each of the**
28 **affected party states and an individual mutually agreed upon**
29 **by the compact administrators of all the party states involved**
30 **in the dispute; and**

31 **(2) the decision of a majority of the arbitrators is final and**
32 **binding.**

33 **Sec. 10. (a) The commission, in the reasonable exercise of the**
34 **commission's discretion, shall enforce the provisions and rules of**
35 **this compact.**

36 **(b) By majority vote, the commission may initiate legal action**
37 **in the United States District Court for the District of Columbia or**
38 **the federal district in which the commission has the commission's**
39 **principal offices against a party state that is in default to enforce**
40 **compliance with the provisions of this compact and the**
41 **commission's promulgated rules and bylaws. The relief sought may**
42 **include both injunctive relief and damages. In the event judicial**



1 enforcement is necessary, the prevailing party must be awarded all
2 costs of the litigation, including reasonable attorney's fees.

3 (c) The remedies described in this section are not the exclusive
4 remedies of the commission. The commission may pursue any other
5 remedies available under federal or state law.

6 **Chapter 10. Withdrawal and Amendment**

7 **Sec. 1. (a)** Any party state may withdraw from this compact by
8 enacting a statute repealing the compact. A party state's
9 withdrawal does not take effect until six (6) months after
10 enactment of the repealing statute.

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

16 (c) This compact does not invalidate or prevent any nurse
17 licensure agreement or other cooperative arrangement between a
18 party state and a nonparty state that is made in accordance with
19 the other provisions of this compact.

20 (d) This compact may be amended by the party states. An
21 amendment to this compact is not effective and binding on the
22 party states until the amendment is enacted into the laws of all
23 party states.

24 (e) Representatives of nonparty states to this compact must be
25 invited to participate in the activities of the commission, on a
26 nonvoting basis, before the adoption of this compact by all states.

27 **Chapter 11. Construction and Severability**

28 **Sec. 1.** This compact must be liberally construed so as to
29 effectuate the purposes of the compact. The provisions of this
30 compact are severable, and if any phrase, clause, sentence, or
31 provision of the compact is declared to be contrary to the
32 constitution of any party state or of the United States, or if the
33 applicability of the compact to any government, agency, person, or
34 circumstance is held invalid, the validity of the remainder of the
35 compact and the applicability of the compact to any government,
36 agency, person, or circumstance is not affected.

37 **Sec. 2.** If this compact is held to be contrary to the constitution
38 of any party state, the compact remains in full force and effect as
39 to the:

- 40 (1) remaining party states; and
41 (2) party state affected;
42 as to all severable matters.



1 **Sec. 3. This compact takes effect on July 1, 2019.**
2 SECTION 3. IC 34-30-2-101.6 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: **Sec. 101.6. IC 25-42-7-12 (Concerning**
5 **acts and omissions under the interstate nurse licensure compact).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Statutory Committee on Interstate and International Cooperation, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1344 as introduced.)

BACON

Committee Vote: Yeas 11, Nays 0

