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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1249

02/14/2019 Authored by Schomacker and Sauke
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health occupations; creating a Nurse Licensure Compact; appropriating
1.3 money; proposing coding for new law in Minnesota Statutes, chapter 148.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [148.2855] NURSE LICENSURE COMPACT.

1.6 The Nurse Licensure Compact is enacted into law and entered into with all other
1.7 jurisdictions legally joining in it, in the form substantially as follows:

1.8 ARTICLE 1

1.9 DEFINITIONS

1.10 As used in this compact:

1.11 (a) "Adverse action" means any administrative, civil, equitable, or criminal action
1.12 permitted by a state's law that is imposed by a licensing board or other authority against a
1.13 nurse, including actions against an individual's license or multistate licensure privilege such
1.14 as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's
1.15 practice, or any other encumbrance on licensure affecting a nurse's authorization to practice,
1.16 including issuance of a cease and desist action.

1.17 (b) "Alternative program" means a nondisciplinary monitoring program approved by a
1.18 licensing board.

1.19 (c) "Coordinated licensure information system" means an integrated process for collecting,
1.20 storing, and sharing information on nurse licensure and enforcement activities related to

2.1 nurse licensure laws that is administered by a nonprofit organization composed of and
2.2 controlled by licensing boards.

2.3 (d) "Current significant investigative information" means:

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

2.8 (2) investigative information that indicates that the nurse represents an immediate threat
2.9 to public health and safety, regardless of whether the nurse has been notified and had an
2.10 opportunity to respond.

2.11 (e) "Encumbrance" means a revocation or suspension of, or any limitation on, the full
2.12 and unrestricted practice of nursing imposed by a licensing board.

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

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

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

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

2.22 (j) "Nurse" means a registered nurse (RN) or licensed practical/vocational nurse
2.23 (LPN/VN), as those terms are defined by each party state's practice laws.

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

2.25 (l) "Remote state" means a party state, other than the home state.

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

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

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

3.5 ARTICLE 2

3.6 GENERAL PROVISIONS AND JURISDICTION

3.7 (a) A multistate license to practice registered or licensed practical/vocational nursing
3.8 issued by a home state to a resident in that state will be recognized by each party state as
3.9 authorizing a nurse to practice as an RN or as a LPN/VN under a multistate licensure
3.10 privilege in each party state.

3.11 (b) A state must implement procedures for considering the criminal history records of
3.12 applicants for initial multistate license or licensure by endorsement. Such procedures shall
3.13 include the submission of fingerprints or other biometric-based information by applicants
3.14 for the purpose of obtaining an applicant's criminal history record information from the
3.15 Federal Bureau of Investigation and the agency responsible for retaining that state's criminal
3.16 records.

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

3.19 (1) meets the home state's qualifications for licensure or renewal of licensure, as well
3.20 as all other applicable state laws;

3.21 (2)(i) has graduated or is eligible to graduate from a licensing board-approved RN or
3.22 LPN/VN prelicensure education program; or

3.23 (ii) has graduated from a foreign RN or LPN/VN prelicensure education program that:

3.24 (A) has been approved by the authorized accrediting body in the applicable country; and

3.25 (B) has been verified by an independent credentials review agency to be comparable to
3.26 a licensing board-approved prelicensure education program;

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

3.31 (4) has successfully passed an NCLEX-RN or NCLEX-PN Examination or recognized
3.32 predecessor, as applicable;

4.1 (5) is eligible for or holds an active, unencumbered license;

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

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

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

4.11 (9) is not currently enrolled in an alternative program;

4.12 (10) is subject to self-disclosure requirements regarding current participation in an
4.13 alternative program; and

4.14 (11) has a valid United States Social Security number.

4.15 (d) All party states shall be authorized, in accordance with existing state due process
4.16 law, to take adverse action against a nurse's multistate licensure privilege such as revocation,
4.17 suspension, probation, or any other action that affects a nurse's authorization to practice
4.18 under a multistate licensure privilege, including cease and desist actions. If a party state
4.19 takes such action, it shall promptly notify the administrator of the coordinated licensure
4.20 information system. The administrator of the coordinated licensure information system shall
4.21 promptly notify the home state of any such actions by remote states.

4.22 (e) A nurse practicing in a party state must comply with the state practice laws of the
4.23 state in which the client is located at the time service is provided. The practice of nursing
4.24 is not limited to patient care, but shall include all nursing practice as defined by the state
4.25 practice laws of the party state in which the client is located. The practice of nursing in a
4.26 party state under a multistate licensure privilege will subject a nurse to the jurisdiction of
4.27 the licensing board, the courts, and the laws of the party state in which the client is located
4.28 at the time service is provided.

4.29 (f) Individuals not residing in a party state shall continue to be able to apply for a party
4.30 state's single-state license as provided under the laws of each party state. However, the
4.31 single-state license granted to these individuals will not be recognized as granting the
4.32 privilege to practice nursing in any other party state. Nothing in this compact shall affect
4.33 the requirements established by a party state for the issuance of a single-state license.

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

5.4 (1) a nurse, who changes primary state of residence after this compact's effective date,
5.5 must meet all applicable Article 2(c) requirements to obtain a multistate license from a new
5.6 home state; or

5.7 (2) a nurse who fails to satisfy the multistate licensure requirements in Article 2(c) due
5.8 to a disqualifying event occurring after this compact's effective date shall be ineligible to
5.9 retain or renew a multistate license, and the nurse's multistate license shall be revoked or
5.10 deactivated in accordance with applicable rules adopted by the Interstate Commission of
5.11 Nurse Licensure Compact Administrators ("Commission").

5.12 ARTICLE 3

5.13 APPLICATIONS FOR LICENSURE IN A PARTY STATE

5.14 (a) Upon application for a multistate license, the licensing board in the issuing party
5.15 state shall ascertain, through the coordinated licensure information system, whether the
5.16 applicant has ever held, or is the holder of, a license issued by any other state, whether there
5.17 are any encumbrances on any license or multistate licensure privilege held by the applicant,
5.18 whether any adverse action has been taken against any license or multistate licensure privilege
5.19 held by the applicant, and whether the applicant is currently participating in an alternative
5.20 program.

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

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

5.27 (1) the nurse may apply for licensure in advance of a change in primary state of residence;
5.28 and

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

6.1 (d) If a nurse changes primary state of residence by moving from a party state to a
6.2 nonparty state, the multistate license issued by the prior home state will convert to a
6.3 single-state license, valid only in the former home state.

6.4 ARTICLE 4

6.5 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

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

6.8 (1) take adverse action against a nurse's multistate licensure privilege to practice within
6.9 that party state:

6.10 (i) only the home state shall have the power to take adverse action against a nurse's
6.11 license issued by the home state; and

6.12 (ii) for purposes of taking adverse action, the home state licensing board shall give the
6.13 same priority and effect to reported conduct received from a remote state as it would if such
6.14 conduct occurred within the home state. In so doing, the home state shall apply its own state
6.15 laws to determine appropriate action;

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

6.18 (3) complete any pending investigations of a nurse who changes primary state of residence
6.19 during the course of such investigations. The licensing board shall also have the authority
6.20 to take appropriate action(s) and shall promptly report the conclusions of such investigations
6.21 to the administrator of the coordinated licensure information system. The administrator of
6.22 the coordinated licensure information system shall promptly notify the new home state of
6.23 any such actions;

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

6.32 (5) obtain and submit, for each nurse licensure applicant, fingerprint, or other
6.33 biometric-based information to the Federal Bureau of Investigation for criminal background

7.1 checks, receive the results of the Federal Bureau of Investigation record search on criminal
7.2 background checks, and use the results in making licensure decisions;

7.3 (6) if otherwise permitted by state law, recover from the affected nurse the costs of
7.4 investigations and disposition of cases resulting from any adverse action taken against that
7.5 nurse; and

7.6 (7) take adverse action based on the factual findings of the remote state, provided that
7.7 the licensing board follows its own procedures for taking such adverse action.

7.8 (b) If adverse action is taken by the home state against a nurse's multistate license, the
7.9 nurse's multistate licensure privilege to practice in all other party states shall be deactivated
7.10 until all encumbrances have been removed from the multistate license. All home state
7.11 disciplinary orders that impose adverse action against a nurse's multistate license shall
7.12 include a statement that the nurse's multistate licensure privilege is deactivated in all party
7.13 states during the pendency of the order.

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

7.18 ARTICLE 5

7.19 COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF 7.20 INFORMATION

7.21 (a) All party states shall participate in a coordinated licensure information system of all
7.22 licensed registered nurses (RNs) and licensed practical/vocational nurses (LPN/VNs). This
7.23 system will include information on the licensure and disciplinary history of each nurse, as
7.24 submitted by party states, to assist in the coordination of nurse licensure and enforcement
7.25 efforts.

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

7.29 (c) All licensing boards shall promptly report to the coordinated licensure information
7.30 system any adverse action, any current significant investigative information, denials of
7.31 applications, including the reasons for such denials, and nurse participation in alternative
7.32 programs known to the licensing board, regardless of whether such participation is deemed
7.33 nonpublic or confidential under state law.

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

8.4 (e) Notwithstanding any other provision of law, all party state licensing boards
 8.5 contributing information to the coordinated licensure information system may designate
 8.6 information that may not be shared with nonparty states or disclosed to other entities or
 8.7 individuals without the express permission of the contributing state.

8.8 (f) Any personally identifiable information obtained from the coordinated licensure
 8.9 information system by a party state licensing board shall not be shared with nonparty states
 8.10 or disclosed to other entities or individuals except to the extent permitted by the laws of the
 8.11 party state contributing the information.

8.12 (g) Any information contributed to the coordinated licensure information system that is
 8.13 subsequently required to be expunged by the laws of the party state contributing that
 8.14 information shall also be expunged from the coordinated licensure information system.

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

8.17 (1) identifying information;

8.18 (2) licensure data;

8.19 (3) information related to alternative program participation; and

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

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

8.24 ARTICLE 6

8.25 ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE

8.26 COMPACT ADMINISTRATORS

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

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

8.30 (2) venue is proper, and judicial proceedings by or against the commission shall be
 8.31 brought solely and exclusively, in a court of competent jurisdiction where the principal

9.1 office of the commission is located. The commission may waive venue and jurisdictional
9.2 defenses to the extent it adopts or consents to participate in alternative dispute resolution
9.3 proceedings; and

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

9.5 (b) Membership, voting, and meetings:

9.6 (1) each party state shall have and be limited to one administrator. The head of the state
9.7 licensing board or designee shall be the administrator of this compact for each party state.
9.8 Any administrator may be removed or suspended from office as provided by the law of the
9.9 state from which the administrator is appointed. Any vacancy occurring in the commission
9.10 shall be filled in accordance with the laws of the party state in which the vacancy exists;

9.11 (2) each administrator shall be entitled to one vote with regard to the promulgation of
9.12 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
9.13 business and affairs of the commission. An administrator shall vote in person or by such
9.14 other means as provided in the bylaws. The bylaws may provide for an administrator's
9.15 participation in meetings by telephone or other means of communication;

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

9.18 (4) all meetings shall be open to the public, and public notice of meetings shall be given
9.19 in the same manner as required under the rulemaking provisions in article 7;

9.20 (5) the commission may convene in a closed, nonpublic meeting if the commission must
9.21 discuss:

9.22 (i) noncompliance of a party state with its obligations under this compact;

9.23 (ii) the employment, compensation, discipline, or other personnel matters, practices, or
9.24 procedures related to specific employees or other matters related to the commission's internal
9.25 personnel practices and procedures;

9.26 (iii) current, threatened, or reasonably anticipated litigation;

9.27 (iv) negotiation of contracts for the purchase or sale of goods, services, or real estate;

9.28 (v) accusing any person of a crime or formally censuring any person;

9.29 (vi) disclosure of trade secrets or commercial or financial information that is privileged
9.30 or confidential;

10.1 (vii) disclosure of information of a personal nature where disclosure would constitute a
10.2 clearly unwarranted invasion of personal privacy;

10.3 (viii) disclosure of investigatory records compiled for law enforcement purposes;

10.4 (ix) disclosure of information related to any reports prepared by or on behalf of the
10.5 commission for the purpose of investigation of compliance with this compact; or

10.6 (x) matters specifically exempted from disclosure by federal or state statute; and

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

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

10.18 (1) establishing the fiscal year of the commission;

10.19 (2) providing reasonable standards and procedures:

10.20 (i) for the establishment and meetings of other committees; and

10.21 (ii) governing any general or specific delegation of any authority or function of the
10.22 commission;

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

10.31 (4) establishing the titles, duties, and authority and reasonable procedures for the election
10.32 of the officers of the commission;

11.1 (5) providing reasonable standards and procedures for the establishment of the personnel
11.2 policies and programs of the commission. Notwithstanding any civil service or other similar
11.3 laws of any party state, the bylaws shall exclusively govern the personnel policies and
11.4 programs of the commission; and

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

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

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

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

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

11.14 (1) to promulgate uniform rules to facilitate and coordinate implementation and
11.15 administration of this compact. The rules shall have the force and effect of law and shall
11.16 be binding in all party states;

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

11.20 (3) to purchase and maintain insurance and bonds;

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

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

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

11.30 (7) to accept any and all appropriate donations, grants, and gifts of money, equipment,
11.31 supplies, materials, and services, and to receive, utilize, and dispose of the same; provided

12.1 that at all times the commission shall avoid any appearance of impropriety or conflict of
12.2 interest;

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

12.6 (9) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
12.7 of any property, whether real, personal, or mixed;

12.8 (10) to establish a budget and make expenditures;

12.9 (11) to borrow money;

12.10 (12) to appoint committees, including advisory committees comprised of administrators,
12.11 state nursing regulators, state legislators or their representatives, and consumer
12.12 representatives, and other such interested persons;

12.13 (13) to provide and receive information from, and to cooperate with, law enforcement
12.14 agencies;

12.15 (14) to adopt and use an official seal; and

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

12.18 (h) Financing of the commission:

12.19 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of
12.20 its establishment, organization, and ongoing activities;

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

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

12.29 (4) the commission shall keep accurate accounts of all receipts and disbursements. The
12.30 receipts and disbursements of the commission shall be subject to the audit and accounting
12.31 procedures established under its bylaws. However, all receipts and disbursements of funds
12.32 handled by the commission shall be audited yearly by a certified or licensed public

13.1 accountant, and the report of the audit shall be included in and become part of the annual
13.2 report of the commission.

13.3 (i) Qualified immunity, defense, and indemnification:

13.4 (1) the administrators, officers, executive director, employees, and representatives of
13.5 the commission shall be immune from suit and liability, either personally or in their official
13.6 capacity, for any claim for damage to or loss of property or personal injury or other civil
13.7 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
13.8 or that the person against whom the claim is made had a reasonable basis for believing
13.9 occurred, within the scope of commission employment, duties, or responsibilities; provided
13.10 that nothing in this paragraph shall be construed to protect any such person from suit or
13.11 liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton
13.12 misconduct of that person;

13.13 (2) the commission shall defend any administrator, officer, executive director, employee,
13.14 or representative of the commission in any civil action seeking to impose liability arising
13.15 out of any actual or alleged act, error, or omission that occurred within the scope of
13.16 commission employment, duties, or responsibilities, or that the person against whom the
13.17 claim is made had a reasonable basis for believing occurred within the scope of commission
13.18 employment, duties, or responsibilities; provided that nothing herein shall be construed to
13.19 prohibit that person from retaining his or her own counsel; and provided further that the
13.20 actual or alleged act, error, or omission did not result from that person's intentional, willful,
13.21 or wanton misconduct; and

13.22 (3) the commission shall indemnify and hold harmless any administrator, officer,
13.23 executive director, employee, or representative of the commission for the amount of any
13.24 settlement or judgment obtained against that person arising out of any actual or alleged act,
13.25 error, or omission that occurred within the scope of commission employment, duties, or
13.26 responsibilities, or that such person had a reasonable basis for believing occurred within
13.27 the scope of commission employment, duties, or responsibilities, provided that the actual
13.28 or alleged act, error, or omission did not result from the intentional, willful, or wanton
13.29 misconduct of that person.

13.30 ARTICLE 7

13.31 RULEMAKING

13.32 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set
13.33 forth in this article and the rules adopted thereunder. Rules and amendments shall become

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

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

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

14.8 (1) on the website of the commission; and

14.9 (2) on the website of each licensing board or the publication in which state would
14.10 otherwise publish proposed rules.

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

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

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

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

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

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

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

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

14.24 (1) hearings shall be conducted in a manner providing each person who wishes to
14.25 comment a fair and reasonable opportunity to comment orally or in writing. All hearings
14.26 will be recorded, and a copy will be made available upon request; and

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

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

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

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

15.7 (k) Upon determination that an emergency exists, the commission may consider and
15.8 adopt an emergency rule without prior notice, opportunity for comment or hearing, provided
15.9 that the usual rulemaking procedures provided in this compact and in this section shall be
15.10 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
15.11 days after the effective date of the rule. For the purposes of this provision, an emergency
15.12 rule is one that must be adopted immediately in order to:

15.13 (1) meet an imminent threat to public health, safety, or welfare;

15.14 (2) prevent a loss of commission or party state funds; or

15.15 (3) meet a deadline for the promulgation of an administrative rule that is required by
15.16 federal law or rule.

15.17 (l) The commission may direct revisions to a previously adopted rule or amendment for
15.18 purposes of correcting typographical errors, errors in format, errors in consistency, or
15.19 grammatical errors. Public notice of any revisions shall be posted on the website of the
15.20 commission. The revision shall be subject to challenge by any person for a period of 30
15.21 days after posting. The revision may be challenged only on grounds that the revision results
15.22 in a material change to a rule. A challenge shall be made in writing, and delivered to the
15.23 commission prior to the end of the notice period. If no challenge is made, the revision will
15.24 take effect without further action. If the revision is challenged, the revision may not take
15.25 effect without the approval of the commission.

15.26 ARTICLE 8

15.27 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

15.28 (a) Oversight:

15.29 (1) each party state shall enforce this compact and take all actions necessary and
15.30 appropriate to effectuate this compact's purposes and intent; and

15.31 (2) the commission shall be entitled to receive service of process in any proceeding that
15.32 may affect the powers, responsibilities, or actions of the commission, and shall have standing

16.1 to intervene in such a proceeding for all purposes. Failure to provide service of process in
16.2 such proceeding to the commission shall render a judgment or order void as to the
16.3 commission, this compact, or promulgated rules.

16.4 (b) Default, technical assistance, and termination:

16.5 (1) if the commission determines that a party state has defaulted in the performance of
16.6 its obligations or responsibilities under this compact or the promulgated rules, the commission
16.7 shall:

16.8 (i) provide written notice to the defaulting state and other party states of the nature of
16.9 the default, the proposed means of curing the default or any other action to be taken by the
16.10 commission; and

16.11 (ii) provide remedial training and specific technical assistance regarding the default;

16.12 (2) if a state in default fails to cure the default, the defaulting state's membership in this
16.13 compact may be terminated upon an affirmative vote of a majority of the administrators,
16.14 and all rights, privileges, and benefits conferred by this compact may be terminated on the
16.15 effective date of termination. A cure of the default does not relieve the offending state of
16.16 obligations or liabilities incurred during the period of default;

16.17 (3) termination of membership in this compact shall be imposed only after all other
16.18 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
16.19 shall be given by the commission to the governor of the defaulting state and to the executive
16.20 officer of the defaulting state's licensing board and each of the party states;

16.21 (4) a state whose membership in this compact has been terminated is responsible for all
16.22 assessments, obligations, and liabilities incurred through the effective date of termination,
16.23 including obligations that extend beyond the effective date of termination;

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

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

16.31 (c) Dispute resolution:

17.1 (1) upon request by a party state, the commission shall attempt to resolve disputes related
17.2 to the compact that arise among party states and between party and nonparty states;

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

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

17.7 (i) the party states may submit the issues in dispute to an arbitration panel, which will
17.8 be comprised of individuals appointed by the compact administrator in each of the affected
17.9 party states and an individual mutually agreed upon by the compact administrators of all
17.10 the party states involved in the dispute; and

17.11 (ii) the decision of a majority of the arbitrators shall be final and binding.

17.12 (d) Enforcement:

17.13 (1) the commission, in the reasonable exercise of its discretion, shall enforce the
17.14 provisions and rules of this compact;

17.15 (2) by majority vote, the commission may initiate legal action in the U.S. District Court
17.16 for the District of Columbia or the federal district in which the commission has its principal
17.17 offices against a party state that is in default to enforce compliance with the provisions of
17.18 this compact and its promulgated rules and bylaws. The relief sought may include both
17.19 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
17.20 party shall be awarded all costs of such litigation, including reasonable attorneys' fees; and

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

17.23 ARTICLE 9

17.24 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

17.25 (a) This compact shall become effective and binding on the earlier of the date of
17.26 legislative enactment of this compact into law by no less than 26 states or December 31,
17.27 2018. All party states to this compact, that also were parties to the prior Nurse Licensure
17.28 Compact, superseded by this compact, ("prior compact"), shall be deemed to have withdrawn
17.29 from said prior compact within six months after the effective date of this compact.

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

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

18.4 (d) A party state's withdrawal or termination shall not affect the continuing requirement
 18.5 of the withdrawing or terminated state's licensing board to report adverse actions and
 18.6 significant investigations occurring prior to the effective date of such withdrawal or
 18.7 termination.

18.8 (e) Nothing contained in this compact shall be construed to invalidate or prevent any
 18.9 nurse licensure agreement or other cooperative arrangement between a party state and a
 18.10 nonparty state that is made in accordance with the other provisions of this compact.

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

18.14 (g) Representatives of nonparty states to this compact shall be invited to participate in
 18.15 the activities of the commission, on a nonvoting basis, prior to the adoption of this compact
 18.16 by all states.

18.17 ARTICLE 10

18.18 CONSTRUCTION AND SEVERABILITY

18.19 This compact shall be liberally construed so as to effectuate the purposes thereof. The
 18.20 provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision
 18.21 of this compact is declared to be contrary to the constitution of any party state or of the
 18.22 United States, or if the applicability thereof to any government, agency, person, or
 18.23 circumstance is held invalid, the validity of the remainder of this compact and the
 18.24 applicability thereof to any government, agency, person, or circumstance shall not be affected
 18.25 thereby. If this compact shall be held to be contrary to the constitution of any party state,
 18.26 this compact shall remain in full force and effect as to the remaining party states and in full
 18.27 force and effect as to the party state affected as to all severable matters.

18.28 **Sec. 2. [148.2856] APPLICATION OF NURSE LICENSURE COMPACT TO**
 18.29 **EXISTING LAWS.**

18.30 (a) Section 148.2855 does not supersede existing state labor laws.

19.1 (b) Proceedings brought against an individual's multistate privilege shall be adjudicated
19.2 following the procedures listed in sections 14.50 to 14.62 and shall be subject to judicial
19.3 review as provided for in sections 14.63 to 14.69.

19.4 (c) The board may take action against an individual's multistate privilege based on the
19.5 grounds listed in section 148.261, subdivision 1, and any other statute authorizing or requiring
19.6 the board to take corrective or disciplinary action.

19.7 (d) The board may take all forms of disciplinary action provided for in section 148.262,
19.8 subdivision 1, and corrective action provided for in section 214.103, subdivision 6, against
19.9 an individual's multistate privilege.

19.10 (e) The cooperation requirements of section 148.265 apply to individuals who practice
19.11 professional or practical nursing in Minnesota under the authority of section 148.2855.

19.12 (f) Complaints against individuals who practice professional or practical nursing in
19.13 Minnesota under the authority of section 148.2855 shall be handled as provided in sections
19.14 214.10 and 214.103.

19.15 **Sec. 3. APPROPRIATION.**

19.16 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the state
19.17 government special revenue fund to the Board of Nursing for the purposes of implementing
19.18 Minnesota Statutes, section 148.2855.

19.19 **Sec. 4. EFFECTIVE DATE.**

19.20 Sections 1 to 3 are effective no sooner than July 1, 2020.