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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3322

03/05/2018 Authored by Schomacker, Zerwas, Pierson and Moran
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

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

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

1.6 Section 1. [148.2855] ADVANCED PRACTICE REGISTERED NURSE LICENSURE
1.7 COMPACT.

1.8 The Advanced Practice Registered Nurse Licensure Compact is enacted into law and
1.9 entered into with all other jurisdictions legally joining in it, in the form substantially as
1.10 follows:

1.11 ARTICLE 1

1.12 DEFINITIONS

1.13 The Advanced Practice Registered Nurse Licensure Compact is enacted and entered
1.14 into with all other jurisdictions legally joining in it in the form substantially as follows:

1.15 (a) "Advanced practice registered nurse" or "APRN" means a registered nurse who has
1.16 gained additional specialized knowledge, skills, and experience through a program of study
1.17 recognized or defined by the Interstate Commission of APRN Compact Administrators
1.18 ("commission"), and who is licensed to perform advanced nursing practice. An advanced
1.19 practice registered nurse is licensed in an APRN role that is congruent with an APRN
1.20 educational program, certification, and commission rules.

1.21 (b) "Adverse action" means any administrative, civil, equitable, or criminal action
1.22 permitted by a state's laws that is imposed by a licensing board or other authority against

2.1 an APRN, including actions against an individual's license or multistate licensure privilege
2.2 such as revocation, suspension, probation, monitoring of the licensee, limitation on the
2.3 licensee's practice, or any other encumbrance on licensure affecting an APRN's authorization
2.4 to practice, including the issuance of a cease and desist action.

2.5 (c) "Alternative program" means a nondisciplinary monitoring program approved by a
2.6 licensing board.

2.7 (d) "APRN licensure" means the regulatory mechanism used by a party state to grant
2.8 legal authority to practice as an APRN.

2.9 (e) "APRN uniform licensure requirements" means minimum uniform licensure,
2.10 education, and examination requirements as adopted by the commission.

2.11 (f) "Coordinated licensure information system" means an integrated process for collecting,
2.12 storing, and sharing information on APRN licensure and enforcement activities related to
2.13 APRN licensure laws that is administered by a nonprofit organization composed of and
2.14 controlled by licensing boards.

2.15 (g) "Current significant investigatory information" means:

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

2.20 (2) investigative information that indicates that the APRN represents an immediate threat
2.21 to public health and safety regardless of whether the APRN has been notified and had an
2.22 opportunity to respond.

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

2.25 (i) "Home state" means the party state that is the APRN's primary state of residence.

2.26 (j) "Licensing board" means a party state's regulatory body responsible for regulating
2.27 the practice of advanced practice registered nursing.

2.28 (k) "Multistate license" means an APRN license to practice as an APRN issued by a
2.29 home state licensing board that authorizes the APRN to practice as an APRN in all party
2.30 states under a multistate licensure privilege, in the same role and population focus as the
2.31 APRN is licensed in the home state.

3.1 (l) "Multistate licensure privilege" means a legal authorization associated with an APRN
3.2 multistate license that permits an APRN to practice as an APRN in a remote state, in the
3.3 same role and population focus as the APRN is licensed in the home state.

3.4 (m) "Noncontrolled prescription drug" means a device or drug that is not a controlled
3.5 substance and is prohibited under state or federal law from being dispensed without a
3.6 prescription. The term includes a device or drug that bears or is required to bear the legend
3.7 "Caution: federal law prohibits dispensing without prescription" or "prescription only" or
3.8 other legend that complies with federal law.

3.9 (n) "Party state" means any state that has adopted this compact.

3.10 (o) "Population focus" means a specific patient population that is congruent with the
3.11 APRN educational program, certification, and commission rules.

3.12 (p) "Prescriptive authority" means the legal authority to prescribe medications and
3.13 devices as defined by party state laws.

3.14 (q) "Remote state" means a party state that is not the home state.

3.15 (r) "Single-state license" means an APRN license issued by a party state that authorizes
3.16 practice only within the issuing state and does not include a multistate licensure privilege
3.17 to practice in any other party state.

3.18 (s) "State" means a state, territory, or possession of the United States and the District of
3.19 Columbia.

3.20 (t) "State practice laws" means a party state's laws, rules, and regulations that govern
3.21 APRN practice, define the scope of advanced nursing practice, including prescriptive
3.22 authority, and create the methods and grounds for imposing discipline. State practice laws
3.23 do not include the requirements necessary to obtain and retain an APRN license, except for
3.24 qualifications or requirements of the home state.

3.25 ARTICLE 2

3.26 GENERAL PROVISIONS AND JURISDICTION

3.27 (a) A state must implement procedures for considering the criminal history records of
3.28 applicants for initial APRN licensure or APRN licensure by endorsement. Such procedures
3.29 shall include the submission of fingerprints or other biometric-based information by APRN
3.30 applicants for the purpose of obtaining an applicant's criminal history record information
3.31 from the Federal Bureau of Investigation and the agency responsible for retaining that state's
3.32 criminal records.

4.1 (b) By rule, the commission shall adopt the APRN Uniform Licensure Requirements
4.2 ("ULRs"). The ULRs shall provide the minimum requirements for APRN multistate licensure
4.3 in party states, provided that the commission may adopt rules whereby an APRN, with an
4.4 unencumbered license on the effective date of this compact, may obtain, by endorsement
4.5 or otherwise, and retain a multistate license in a party state.

4.6 (c) In order to obtain or retain a multistate license, an APRN must meet, in addition to
4.7 the ULRs, the home state's qualifications for licensure or renewal of licensure, as well as
4.8 all other applicable home state laws.

4.9 (d) By rule, the commission shall identify the approved APRN roles and population foci
4.10 for licensure as an APRN. An APRN issued a multistate license shall be licensed in an
4.11 approved APRN role and at least one approved population focus.

4.12 (e) An APRN multistate license issued by a home state to a resident in that state will be
4.13 recognized by each party state as authorizing the APRN to practice as an APRN in each
4.14 party state, under a multistate licensure privilege, in the same role and population focus as
4.15 the APRN is licensed in the home state. If an applicant does not qualify for a multistate
4.16 license, a single-state license may be issued by a home state.

4.17 (f) Issuance of an APRN multistate license shall include prescriptive authority for
4.18 noncontrolled prescription drugs, unless the APRN was licensed by the home state prior to
4.19 the home state's adoption of this Compact and has not previously held prescriptive authority:

4.20 (1) an APRN granted prescriptive authority for noncontrolled prescription drugs in the
4.21 home state may exercise prescriptive authority for noncontrolled prescription drugs in any
4.22 remote state while exercising a multistate licensure privilege under an APRN multistate
4.23 license; the APRN shall not be required to meet any additional eligibility requirements
4.24 imposed by the remote state in exercising prescriptive authority for noncontrolled prescription
4.25 drugs;

4.26 (2) prescriptive authority in the home state for an APRN who was not granted prescriptive
4.27 authority at the time of initial licensure by the home state, prior to the adoption of this
4.28 compact, shall be determined under home state law; and

4.29 (3) prescriptive authority eligibility for an APRN holding a single-state license shall be
4.30 determined under the law of the licensing state.

4.31 (g) For each state in which an APRN seeks authority to prescribe controlled substances,
4.32 the APRN shall satisfy all requirements imposed by such state in granting and/or renewing
4.33 such authority.

5.1 (h) An APRN issued a multistate license is authorized to assume responsibility and
5.2 accountability for patient care independent of a supervisory or collaborative relationship
5.3 with a physician. This authority may be exercised in the home state and in any remote state
5.4 in which the APRN exercises a multistate licensure privilege. For an APRN issued a
5.5 single-state license in a party state, the requirement for a supervisory or collaborative
5.6 relationship with a physician shall be determined under applicable party state law.

5.7 (i) All party states shall be authorized, in accordance with state due process laws, to take
5.8 adverse action against an APRN's multistate licensure privilege such as revocation,
5.9 suspension, probation, or any other action that affects an APRN's authorization to practice
5.10 under a multistate licensure privilege, including cease and desist actions. If a party state
5.11 takes such action, it shall promptly notify the administrator of the coordinated licensure
5.12 information system. The administrator of the coordinated licensure information system shall
5.13 promptly notify the home state of any such actions by remote states.

5.14 (j) An APRN practicing in a party state must comply with the state practice laws of the
5.15 state in which the client is located at the time service is provided. APRN practice is not
5.16 limited to patient care, but shall include all advanced nursing practice as defined by the state
5.17 practice laws of the party state in which the client is located. APRN practice in a party state
5.18 under a multistate licensure privilege will subject the APRN to the jurisdiction of the licensing
5.19 board, the courts, and the laws of the party state in which the client is located at the time
5.20 service is provided.

5.21 (k) This compact does not affect additional requirements imposed by states for advanced
5.22 practice registered nursing. However, a multistate licensure privilege to practice registered
5.23 nursing granted by a party state shall be recognized by other party states as satisfying any
5.24 state law requirement for registered nurse licensure as a precondition for authorization to
5.25 practice as an APRN in that state.

5.26 (l) Individuals not residing in a party state shall continue to be able to apply for a party
5.27 state's single-state APRN license as provided under the laws of each party state. However,
5.28 the single-state license granted to these individuals will not be recognized as granting the
5.29 privilege to practice as an APRN in any other party state.

5.30 ARTICLE 3

5.31 APPLICATIONS FOR APRN LICENSURE IN A PARTY STATE

5.32 (a) Upon application for an APRN multistate license, the licensing board in the issuing
5.33 party state shall ascertain, through the coordinated licensure information system, whether
5.34 the applicant has ever held or is the holder of a licensed practical/vocational nursing license,

6.1 a registered nursing license, or an advanced practice registered nurse license issued by any
6.2 other state, whether there are any encumbrances on any license or multistate licensure
6.3 privilege held by the applicant, whether any adverse action has been taken against any
6.4 license or multistate licensure privilege held by the applicant, and whether the applicant is
6.5 currently participating in an alternative program.

6.6 (b) An APRN may hold a multistate APRN license, issued by the home state, in only
6.7 one party state at a time.

6.8 (c) If an APRN changes primary state of residence by moving between two party states,
6.9 the APRN must apply for APRN licensure in the new home state, and the multistate license
6.10 issued by the prior home state shall be deactivated in accordance with applicable commission
6.11 rules:

6.12 (1) the APRN may apply for licensure in advance of a change in primary state of
6.13 residence; and

6.14 (2) a multistate APRN license shall not be issued by the new home state until the APRN
6.15 provides satisfactory evidence of a change in primary state of residence to the new home
6.16 state and satisfies all applicable requirements to obtain a multistate APRN license from the
6.17 new home state.

6.18 (d) If an APRN changes primary state of residence by moving from a party state to a
6.19 nonparty state, the APRN multistate license issued by the prior home state will convert to
6.20 a single-state license, valid only in the former home state.

6.21 ARTICLE 4

6.22 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

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

6.25 (1) take adverse action against an APRN's multistate licensure privilege to practice
6.26 within that party state;

6.27 (i) only the home state shall have power to take adverse action against an APRN's license
6.28 issued by the home state; and

6.29 (ii) for purposes of taking adverse action, the home state licensing board shall give the
6.30 same priority and effect to reported conduct that occurred outside of the home state as it
6.31 would if such conduct had occurred within the home state. In so doing, the home state shall
6.32 apply its own state laws to determine appropriate action;

7.1 (2) issue cease and desist orders or impose an encumbrance on an APRN's authority to
7.2 practice within that party state;

7.3 (3) complete any pending investigations of an APRN who changes primary state of
7.4 residence during the course of such investigations. The licensing board shall also have the
7.5 authority to take appropriate action(s) and shall promptly report the conclusions of such
7.6 investigations to the administrator of the coordinated licensure information system. The
7.7 administrator of the coordinated licensure information system shall promptly notify the new
7.8 home state of any such actions;

7.9 (4) issue subpoenas for both hearings and investigations that require the attendance and
7.10 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a party
7.11 state licensing board for the attendance and testimony of witnesses and/or the production
7.12 of evidence from another party state shall be enforced in the latter state by any court of
7.13 competent jurisdiction, according to that court's practice and procedure in considering
7.14 subpoenas issued in its own proceedings. The issuing licensing board shall pay any witness
7.15 fees, travel expenses, mileage, and other fees required by the service statutes of the state in
7.16 which the witnesses and/or evidence are located;

7.17 (5) obtain and submit for an APRN licensure applicant, fingerprints, or other
7.18 biometric-based information to the Federal Bureau of Investigation for criminal background
7.19 checks, receive the results of the Federal Bureau of Investigation record search on criminal
7.20 background checks, and use the results in making licensure decisions;

7.21 (6) if otherwise permitted by state law, recover from the affected APRN the costs of
7.22 investigations and disposition of cases resulting from any adverse action taken against that
7.23 APRN; and

7.24 (7) take adverse action based on the factual findings of another party state, provided that
7.25 the licensing board follows its own procedures for taking such adverse action.

7.26 (b) If adverse action is taken by a home state against an APRN's multistate licensure,
7.27 the privilege to practice in all other party states under a multistate licensure privilege shall
7.28 be deactivated until all encumbrances have been removed from the APRN's multistate
7.29 license. All home state disciplinary orders that impose adverse action against an APRN's
7.30 multistate license shall include a statement that the APRN's multistate licensure privilege
7.31 is deactivated in all party states during the pendency of the order.

7.32 (c) Nothing in this compact shall override a party state's decision that participation in
7.33 an alternative program may be used in lieu of adverse action. The home state licensing board

8.1 shall deactivate the multistate licensure privilege under the multistate license of any APRN
8.2 for the duration of the APRN's participation in an alternative program.

8.3 ARTICLE 5

8.4 COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF
8.5 INFORMATION

8.6 (a) All party states shall participate in a coordinated licensure information system of all
8.7 APRNs, licensed registered nurses, and licensed practical/vocational nurses. This system
8.8 will include information on the licensure and disciplinary history of each APRN, as submitted
8.9 by party states, to assist in the coordinated administration of APRN licensure and enforcement
8.10 efforts.

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

8.14 (c) All licensing boards shall promptly report to the coordinated licensure information
8.15 system any adverse action, any current significant investigative information, denials of
8.16 applications, including the reasons for such denials, and APRN participation in alternative
8.17 programs known to the licensing board regardless of whether such participation is deemed
8.18 nonpublic and/or confidential under state law.

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

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

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

8.30 (g) Any information contributed to the coordinated licensure information system that is
8.31 subsequently required to be expunged by the laws of the party state contributing the
8.32 information shall be removed from the coordinated licensure information system.

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

9.3 (1) identifying information;

9.4 (2) licensure data;

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

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

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

9.10 ARTICLE 6

9.11 ESTABLISHMENT OF THE INTERSTATE COMMISSION OF APRN COMPACT

9.12 ADMINISTRATORS

9.13 (a) The party states hereby create and establish a joint public agency known as the
 9.14 Interstate Commission of APRN Compact Administrators:

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

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

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

9.22 (b) Membership, voting, and meetings:

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

9.28 (2) each administrator shall be entitled to one vote with regard to the promulgation of
 9.29 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
 9.30 business and affairs of the commission. An administrator shall vote in person or by such

10.1 other means as provided in the bylaws. The bylaws may provide for an administrator's
10.2 participation in meetings by telephone or other means of communication;

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

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

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

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

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

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

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

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

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

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

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

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

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

10.24 (6) if a meeting, or portion of a meeting, is closed pursuant to this provision, the
10.25 commission's legal counsel or designee shall certify that the meeting may be closed and
10.26 shall reference each relevant exempting provision. The commission shall keep minutes that
10.27 fully and clearly describe all matters discussed in a meeting and shall provide a full and
10.28 accurate summary of actions taken, and the reasons therefore, including a description of the
10.29 views expressed. All documents considered in connection with an action shall be identified
10.30 in such minutes. All minutes and documents of a closed meeting shall remain under seal,

11.1 subject to release by a majority vote of the commission or order of a court of competent
11.2 jurisdiction.

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

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

11.7 (2) providing reasonable standards and procedures:

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

11.9 (ii) governing any general or specific delegation of any authority for function of the
11.10 commission;

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

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

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

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

11.28 (d) The commission shall publish its bylaws and rules, and any amendments thereto, in
11.29 a convenient form on the Web site of the commission.

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

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

- 12.1 (g) The commission shall have the following powers:
- 12.2 (1) to promulgate uniform rules to facilitate and coordinate implementation and
- 12.3 administration of this compact. The rules shall have the force and effect of law and shall
- 12.4 be binding in all party states;
- 12.5 (2) to bring and prosecute legal proceedings or actions in the name of the commission,
- 12.6 provided that the standing of any licensing board to sue or be sued under applicable law
- 12.7 shall not be affected;
- 12.8 (3) to purchase and maintain insurance and bonds;
- 12.9 (4) to borrow, accept, or contract for services of personnel, including, but not limited
- 12.10 to, employees of a party state or nonprofit organizations;
- 12.11 (5) to cooperate with other organizations that administer state compacts related to the
- 12.12 regulation of nursing, including, but not limited to, sharing administrative or staff expenses,
- 12.13 office space, or other resources;
- 12.14 (6) to hire employees, elect or appoint officers, fix compensation, define duties, grant
- 12.15 such individuals appropriate authority to carry out the purposes of this compact, and to
- 12.16 establish the commission's personnel policies and programs relating to conflicts of interest,
- 12.17 qualifications of personnel, and other related personnel matters;
- 12.18 (7) to accept any and all appropriate donations, grants and gifts of money, equipment,
- 12.19 supplies, materials and services, and to receive, utilize, and dispose of the same; provided
- 12.20 that at all times the commission shall strive to avoid any appearance of impropriety and/or
- 12.21 conflict of interest;
- 12.22 (8) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
- 12.23 hold, improve or use, any property, whether real, personal or mixed; provided that at all
- 12.24 times the commission shall strive to avoid any appearance of impropriety;
- 12.25 (9) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
- 12.26 of any property, whether real, personal, or mixed;
- 12.27 (10) to establish a budget and make expenditures;
- 12.28 (11) to borrow money;
- 12.29 (12) to appoint committees, including advisory committees comprised of administrators,
- 12.30 state nursing regulators, state legislators or their representatives, and consumer
- 12.31 representatives, and other such interested persons;

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

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

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

13.6 (h) Financing of the commission:

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

13.9 (2) the commission may levy on and collect an annual assessment from each party state
13.10 to cover the cost of the operations and activities of the Interstate Commission and its staff
13.11 which must be in a total amount sufficient to cover its annual budget as approved each year.

13.12 The aggregate annual assessment amount shall be allocated based upon a formula to be
13.13 determined by the commission, which shall promulgate a rule that is binding upon all party
13.14 states;

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

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

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

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

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

14.10 (3) the commission shall indemnify and hold harmless any administrator, officer,
 14.11 executive director, employee, or representative of the commission for the amount of any
 14.12 settlement or judgment obtained against that person arising out of any actual or alleged act,
 14.13 error, or omission that occurred within the scope of commission employment, duties, or
 14.14 responsibilities, or that such person had a reasonable basis for believing occurred within
 14.15 the scope of commission employment, duties, or responsibilities, provided that the actual
 14.16 or alleged act, error, or omission did not result from the intentional, willful, or wanton
 14.17 misconduct of that person.

14.18 ARTICLE 7

14.19 RULEMAKING

14.20 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set
 14.21 forth in this article and the rules adopted thereunder. Rules and amendments shall become
 14.22 binding as of the date specified in each rule or amendment and shall have the same force
 14.23 and effect as provisions of this compact.

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

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

14.29 (1) on the Web site of the commission; and

14.30 (2) on the Web site of each licensing board or the publication in which each state would
 14.31 otherwise publish proposed rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 16.1 (1) meet an imminent threat to public health, safety, or welfare;
 16.2 (2) prevent a loss of commission or party state funds; or
 16.3 (3) meet a deadline for the promulgation of an administrative rule that is established by
 16.4 federal law or rule.

- 16.5 (1) The commission may direct revisions to a previously adopted rule or amendment for
 16.6 purposes of correcting typographical errors, errors in format, errors in consistency or
 16.7 grammatical errors. Public notice of any revisions shall be posted on the Web site of the
 16.8 commission. The revision shall be subject to challenge by any person for a period of 30
 16.9 days after posting. The revision may be challenged only on grounds that the revision results
 16.10 in a material change to a rule. A challenge shall be made in writing, and delivered to the
 16.11 commission prior to the end of the notice period. If no challenge is made, the revision will
 16.12 take effect without further action. If the revision is challenged, the revision may not take
 16.13 effect without the approval of the commission.

ARTICLE 8

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

- 16.16 (a) Oversight:

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

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

- 16.24 (b) Default, technical assistance, and termination:

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

- 16.28 (i) provide written notice to the defaulting state and other party states of the nature of
 16.29 the default, the proposed means of curing the default and/or any other action to be taken by
 16.30 the commission; and

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

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

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

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

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

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

17.21 (c) Dispute resolution:

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

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

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

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

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

18.1 (d) Enforcement:

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

18.4 (2) by majority vote, the commission may initiate legal action in the United States District
18.5 Court for the District of Columbia or the federal district in which the commission has its
18.6 principal offices against a party state that is in default to enforce compliance with the
18.7 provisions of this compact and its promulgated rules and bylaws. The relief sought may
18.8 include both injunctive relief and damages. In the event judicial enforcement is necessary,
18.9 the prevailing party shall be awarded all costs of such litigation, including reasonable attorney
18.10 fees; and

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

18.13 ARTICLE 9

18.14 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

18.15 (a) This compact shall come into limited effect at such time as this compact has been
18.16 enacted into law in ten party states for the sole purpose of establishing and convening the
18.17 commission to adopt rules relating to its operation and the APRN ULRs.

18.18 (b) On the date of the commission's adoption of the APRN ULRs, all remaining provisions
18.19 of this compact, and rules adopted by the commission, shall come into full force and effect
18.20 in all party states.

18.21 (c) Any state that joins this compact subsequent to the commission's initial adoption of
18.22 the APRN uniform licensure requirements shall be subject to all rules that have been
18.23 previously adopted by the commission.

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

18.27 (e) A party state's withdrawal or termination shall not affect the continuing requirement
18.28 of the withdrawing or terminated state's licensing board to report adverse actions and
18.29 significant investigations occurring prior to the effective date of such withdrawal or
18.30 termination.

19.1 (f) Nothing contained in this compact shall be construed to invalidate or prevent any
 19.2 APRN licensure agreement or other cooperative arrangement between a party state and a
 19.3 nonparty state that does not conflict with the provisions of this compact.

19.4 (g) This compact may be amended by the party states. No amendment to this compact
 19.5 shall become effective and binding upon any party state until it is enacted into the laws of
 19.6 all party states.

19.7 (h) Representatives of nonparty states to this compact shall be invited to participate in
 19.8 the activities of the commission, on a nonvoting basis, prior to the adoption of this compact
 19.9 by all states.

19.10 ARTICLE 10

19.11 CONSTRUCTION AND SEVERABILITY

19.12 This compact shall be liberally construed so as to effectuate the purposes thereof. The
 19.13 provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision
 19.14 of this compact is declared to be contrary to the constitution of any party state or of the
 19.15 United States, or if the applicability thereof to any government, agency, person, or
 19.16 circumstance is held invalid, the validity of the remainder of this compact and the
 19.17 applicability thereof to any government, agency, person, or circumstance shall not be affected
 19.18 thereby. If this compact shall be held to be contrary to the constitution of any party state,
 19.19 this compact shall remain in full force and effect as to the remaining party states and in full
 19.20 force and effect as to the party state affected as to all severable matters.

19.21 Sec. 2. [148.2856] APPLICATION OF THE ADVANCED PRACTICE REGISTERED 19.22 NURSE LICENSURE COMPACT TO EXISTING LAWS.

19.23 (a) An advanced practice registered nurse practicing advanced practice registered nursing
 19.24 in Minnesota under the authority of section 148.2855 has the same obligations, privileges,
 19.25 and rights as if the advanced practice registered nurse was licensed in Minnesota.
 19.26 Notwithstanding any contrary provisions in section 148.2855, the Board of Nursing shall
 19.27 comply with and follow all laws and rules with respect to advanced practice registered
 19.28 nurses practicing advanced practice registered nursing in Minnesota under the authority of
 19.29 section 148.2855, and all such individuals shall be governed and regulated as if they were
 19.30 licensed by the board.

19.31 (b) Section 148.2855 does not relieve employers of advanced practice registered nurses
 19.32 from complying with statutorily imposed obligations.

19.33 (c) Section 148.2855 does not supersede existing state labor laws.

20.1 (d) For purposes of the Minnesota Government Data Practices Act, chapter 13, an
20.2 individual not licensed as an advanced practice registered nurse under sections 148.171 to
20.3 148.285 who practices advanced practice registered nursing in Minnesota under the authority
20.4 of section 148.2855 is considered to be a licensee of the board.

20.5 (e) Uniform rules developed by the compact administrators are not subject to the
20.6 provisions of sections 14.05 to 14.389, except for sections 14.07, 14.08, 14.101, 14.131,
20.7 14.18, 14.22, 14.23, 14.27, 14.28, 14.365, 14.366, 14.37, and 14.38.

20.8 (f) Proceedings brought against an individual's multistate privilege shall be adjudicated
20.9 following the procedures listed in sections 14.50 to 14.62 and are subject to judicial review
20.10 as provided for in sections 14.63 to 14.69.

20.11 (g) For purposes of sections 62M.09, subdivision 2; 121A.22, subdivision 4; 144.051;
20.12 144.052; 145A.02, subdivision 18; 148.975; 151.37; 152.12; 154.04; 595.02, subdivision
20.13 1, paragraph (g); 604.20, subdivision 5; and 631.40, subdivision 2, and chapters 319B and
20.14 364, holders of a multistate privilege who are licensed as advanced practice registered nurses
20.15 in the home state are considered to be licensees in Minnesota. If any of the sections listed
20.16 in this paragraph are limited to advanced practice registered nurses or the practice of advanced
20.17 practice registered nursing, then only holders of a multistate privilege who are licensed as
20.18 advanced practice registered nurses in the home state are considered licensees.

20.19 (h) The reporting requirements of sections 144.4175, 148.263, 626.52, and 626.557
20.20 apply to individuals not licensed as advanced practice registered nurses under sections
20.21 148.171 to 148.285 who practice advanced practice registered nursing in Minnesota under
20.22 the authority of section 148.2861.

20.23 (i) The board may take action against an individual's multistate privilege based on the
20.24 grounds listed in section 148.261, subdivision 1, and any other section authorizing or
20.25 requiring the board to take corrective or disciplinary action.

20.26 (j) The board may take all forms of disciplinary action provided for in section 148.262,
20.27 subdivision 1, and corrective action provided for in section 214.103, subdivision 6, against
20.28 an individual's multistate privilege.

20.29 (k) The immunity provisions of section 148.264, subdivision 1, apply to individuals who
20.30 practice advanced practice registered nursing in Minnesota under the authority of section
20.31 148.2855.

20.32 (l) The cooperation requirements of section 148.265 apply to individuals who practice
20.33 advanced practice registered nursing in Minnesota under the authority of section 148.2855.

21.1 (m) The provisions of section 148.283 shall not apply to individuals who practice
 21.2 advanced practice registered nursing in Minnesota under the authority of section 148.2855.

21.3 (n) Complaints against individuals who practice advanced practice registered nursing
 21.4 in Minnesota under the authority of section 148.2855 shall be handled as provided in sections
 21.5 214.10 and 214.103.

21.6 (o) All provisions of section 148.2855 authorizing or requiring the board to provide data
 21.7 to party states are authorized by section 214.10, subdivision 8, paragraph (d).

21.8 (p) Except as provided in section 13.41, subdivision 6, the board shall not report to a
 21.9 remote state any active investigative data regarding a complaint investigation against an
 21.10 advanced practice registered nurse licensed under sections 148.171 to 148.285, unless the
 21.11 board obtains reasonable assurances from the remote state that the data will be maintained
 21.12 with the same protections as provided in Minnesota law.

21.13 (q) The provisions of sections 214.17 to 214.25 apply to individuals who practice
 21.14 advanced practice registered nursing in Minnesota under the authority of section 148.2855
 21.15 when the practice involves direct physical contact between the nurse and a patient.

21.16 (r) A nurse practicing advanced practice registered nursing in Minnesota under the
 21.17 authority of section 148.2855 must comply with any criminal background check required
 21.18 under Minnesota law.

21.19 **Sec. 3. [148.2857] MISCELLANEOUS PROVISIONS.**

21.20 (a) For the purposes of section 148.2855, "head of the Nurse Licensing Board" means
 21.21 the executive director of the board.

21.22 (b) The Board of Nursing has the authority to recover from a nurse practicing advanced
 21.23 practice registered nursing in Minnesota under the authority of section 148.2855 the costs
 21.24 of investigation and disposition of cases resulting from any adverse action taken against the
 21.25 advanced practice registered nurse.

21.26 (c) The board may implement a system of identifying individuals who practice advanced
 21.27 practice registered nursing in Minnesota under the authority of section 148.2855.

21.28 **Sec. 4. APPROPRIATION.**

21.29 \$..... in fiscal year 2019 is appropriated from the state government special revenue fund
 21.30 to the Board of Nursing for the purposes of this act. The state government special revenue
 21.31 fund base appropriation is increased by \$..... in fiscal years 2020 and 2021.

22.1 Sec. 5. **EFFECTIVE DATE.**

22.2 Sections 1 to 4 are effective upon implementation of the coordinated licensure information
22.3 system defined in section 1, article 6, but no sooner than July 1, 2019.