

Introduced by

Human Services Committee

(At the request of the State Board of Nursing)

1 A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century
2 Code, relating to the advanced practice registered nurse licensure compact.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and
5 enacted as follows:

6 **ARTICLE I - FINDINGS AND DECLARATION OF PURPOSE**

7 1. The party states find that:

8 a. The health and safety of the public are affected by the degree of compliance with
9 advanced practice registered nurse licensure requirements and the effectiveness
10 of enforcement activities related to state advanced practice registered nurse
11 licensure laws;

12 b. Violations of advanced practice registered nurse licensure and other laws
13 regulating the practice of nursing may result in injury or harm to the public;

14 c. The expanded mobility of advanced practice registered nurses and the use of
15 advanced communication technologies as part of our nation's health care delivery
16 system require greater coordination and cooperation among states in the areas
17 of advanced practice registered nurse licensure and regulation;

18 d. New practice modalities and technology make compliance with individual state
19 advanced practice registered nurse licensure laws difficult and complex;

20 e. The current system of duplicative advanced practice registered nurse licensure
21 for advanced practice registered nurses practicing in multiple states is
22 cumbersome and redundant for both advanced practice registered nurses and
23 states;

- 1 f. Uniformity of advanced practice registered nurse licensure requirements
2 throughout the states promotes public safety and public health benefits.
- 3 2. The general purposes of this compact are to:
- 4 a. Facilitate the states' responsibility to protect the public's health and safety;
5 b. Ensure and encourage the cooperation of party states in the areas of advanced
6 practice registered nurse licensure and regulation, including promotion of uniform
7 licensure requirements;
- 8 c. Facilitate the exchange of information between party states in the areas of
9 advanced practice registered nurse regulation, investigation, and adverse
10 actions;
- 11 d. Promote compliance with the laws governing advanced practice registered nurse
12 practice in each jurisdiction;
- 13 e. Invest all party states with the authority to hold an advanced practice registered
14 nurse accountable for meeting all state practice laws in the state in which the
15 patient is located at the time care is rendered through the mutual recognition of
16 party state licenses;
- 17 f. Decrease redundancies in the consideration and issuance of advanced practice
18 registered nurse licenses; and
- 19 g. Provide opportunities for interstate practice by advanced practice registered
20 nurses who meet uniform licensure requirements.

ARTICLE II - DEFINITIONS

22 As used in this compact:

- 23 1. "Advanced practice registered nurse" means a registered nurse who has gained
24 additional specialized knowledge, skills, and experience through a program of study
25 recognized or defined by the Interstate Commission of Advanced Practice Registered
26 Nurse Compact Administrators ("commission"), and who is licensed to perform
27 advanced nursing practice. An advanced practice registered nurse is licensed in an
28 advanced practice registered nurse role that is congruent with an advanced practice
29 registered nurse educational program, certification, and commission rules.

- 1 2. "Advanced practice registered nurse licensure" means the regulatory mechanism used
2 by a party state to grant legal authority to practice as an advanced practice registered
3 nurse.
- 4 3. "Advanced practice registered nurse uniform licensure requirements" means minimum
5 uniform licensure, education, and examination requirements as adopted by the
6 commission.
- 7 4. "Adverse action" means any administrative, civil, equitable, or criminal action
8 permitted by a state's laws which is imposed by a licensing board or other authority
9 against an advanced practice registered nurse, including actions against an
10 individual's license or multistate licensure privilege such as revocation, suspension,
11 probation, monitoring of the licensee, limitation on the licensee's practice, or any other
12 encumbrance on licensure affecting an advanced practice registered nurse's
13 authorization to practice, including the issuance of a cease and desist action.
- 14 5. "Alternative program" means a non-disciplinary monitoring program approved by a
15 licensing board.
- 16 6. "Coordinated licensure information system" means an integrated process for
17 collecting, storing, and sharing information on advanced practice registered nurse
18 licensure and enforcement activities related to advanced practice registered nurse
19 licensure laws which is administered by a nonprofit organization composed of and
20 controlled by licensing boards.
- 21 7. "Current significant investigatory information" means:
- 22 a. Investigative information that a licensing board, after a preliminary inquiry that
23 includes notification and an opportunity for the advanced practice registered
24 nurse to respond, if required by state law, has reason to believe is not groundless
25 and, if proved true, would indicate more than a minor infraction; or
- 26 b. Investigative information that indicates that the advanced practice registered
27 nurse represents an immediate threat to public health and safety regardless of
28 whether the advanced practice registered nurse has been notified and had an
29 opportunity to respond.
- 30 8. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and
31 unrestricted practice of nursing imposed by a licensing board.

- 1 9. "Home state" means the party state that is the advanced practice registered nurse's
2 primary state of residence.
- 3 10. "Licensing board" means a party state's regulatory body responsible for regulating the
4 practice of advanced practice registered nursing.
- 5 11. "Multistate license" means an advanced practice registered nurse license to practice
6 as an advanced practice registered nurse issued by a home state licensing board
7 which authorizes the advanced practice registered nurse to practice as an advanced
8 practice registered nurse in all party states under a multistate licensure privilege, in the
9 same role and population focus as the advanced practice registered nurse is licensed
10 in the home state.
- 11 12. "Multistate licensure privilege" means a legal authorization associated with an
12 advanced practice registered nurse multistate license which permits an advanced
13 practice registered nurse to practice as an advanced practice registered nurse in a
14 remote state, in the same role and population focus as the advanced practice
15 registered nurse is licensed in the home state.
- 16 13. "Non-controlled prescription drug" means a device or drug that is not a controlled
17 substance and is prohibited under state or federal law from being dispensed without a
18 prescription. The term includes a device or drug that bears or is required to bear the
19 legend "caution: federal law prohibits dispensing without prescription" or "prescription
20 only" or other legend that complies with federal law.
- 21 14. "Party state" means any state that has adopted this compact.
- 22 15. "Population focus" means a specific patient population that is congruent with the
23 advanced practice registered nurse educational program, certification, and
24 commission rules.
- 25 16. "Prescriptive authority" means the legal authority to prescribe medications and devices
26 as defined by party state laws.
- 27 17. "Remote state" means a party state that is not the home state.
- 28 18. "Single-state license" means an advanced practice registered nurse license issued by
29 a party state which authorizes practice only within the issuing state and does not
30 include a multistate licensure privilege to practice in any other party state.

1 19. "State" means a state, territory, or possession of the United States and the District of
2 Columbia.

3 20. "State practice laws" means a party state's laws, rules, and regulations that govern
4 advanced practice registered nurse practice, define the scope of advanced nursing
5 practice, including prescriptive authority, and create the methods and grounds for
6 imposing discipline. State practice laws do not include the requirements necessary to
7 obtain and retain an advanced practice registered nurse license, except for
8 qualifications or requirements of the home state.

9 **ARTICLE III - GENERAL PROVISIONS AND JURISDICTION**

10 1. A state must implement procedures for considering the criminal history records of
11 applicants for initial advanced practice registered nurse licensure or advanced practice
12 registered nurse licensure by endorsement. Such procedures must include the
13 submission of fingerprints or other biometric-based information by advanced practice
14 registered nurse applicants for the purpose of obtaining an applicant's criminal history
15 record information from the federal bureau of investigation and the agency responsible
16 for retaining that state's criminal records.

17 2. By rule, the commission shall adopt the advanced practice registered nurse uniform
18 licensure requirements . The uniform licensure requirements must provide the
19 minimum requirements for advanced practice registered nurse multistate licensure in
20 party states, if the commission may adopt rules whereby an advanced practice
21 registered nurse, with an unencumbered license on the effective date of this compact,
22 may obtain, by endorsement or otherwise, and retain a multistate license in a party
23 state.

24 3. In order to obtain or retain a multistate license, an advanced practice registered nurse
25 shall meet, in addition to the uniform licensure requirements, the home state's
26 qualifications for licensure or renewal of licensure, as well as, all other applicable
27 home state laws.

28 4. By rule, the commission shall identify the approved advanced practice registered
29 nurse roles and population foci for licensure as an advanced practice registered nurse.
30 An advanced practice registered nurse issued a multistate license must be licensed in

1 an approved advanced practice registered nurse role and at least one approved
2 population focus.

3 5. An advanced practice registered nurse multistate license issued by a home state to a
4 resident in that state will be recognized by each party state as authorizing the
5 advanced practice registered nurse to practice as an advanced practice registered
6 nurse in each party state, under a multistate licensure privilege, in the same role and
7 population focus as the advanced practice registered nurse is licensed in the home
8 state. If an applicant does not qualify for a multistate license, a single-state license
9 may be issued by a home state.

10 6. Issuance of an advanced practice registered nurse multistate license must include
11 prescriptive authority for noncontrolled prescription drugs, unless the advanced
12 practice registered nurse was licensed by the home state before the home state's
13 adoption of this compact and has not previously held prescriptive authority.

14 a. An advanced practice registered nurse granted prescriptive authority for
15 noncontrolled prescription drugs in the home state may exercise prescriptive
16 authority for noncontrolled prescription drugs in any remote state while exercising
17 a multistate licensure privilege under an advanced practice registered nurse
18 multistate license; the advanced practice registered nurse may not be required to
19 meet any additional eligibility requirements imposed by the remote state in
20 exercising prescriptive authority for noncontrolled prescription drugs.

21 b. Prescriptive authority in the home state for an advanced practice registered nurse
22 who was not granted prescriptive authority at the time of initial licensure by the
23 home state, before the adoption of this compact, must be determined under
24 home state law.

25 c. Prescriptive authority eligibility for an advanced practice registered nurse holding
26 a single-state license must be determined under the law of the licensing state.

27 7. For each state in which an advanced practice registered nurse seeks authority to
28 prescribe controlled substances, the advanced practice registered nurse shall satisfy
29 all requirements imposed by such state in granting and/or renewing such authority.

30 8. An advanced practice registered nurse issued a multistate license may assume
31 responsibility and accountability for patient care independent of a supervisory or

1 collaborative relationship with a physician. This authority may be exercised in the
2 home state and in any remote state in which the advanced practice registered nurse
3 exercises a multistate licensure privilege. For an advanced practice registered nurse
4 issued a single-state license in a party state, the requirement for a supervisory or
5 collaborative relationship with a physician must be determined under applicable party
6 state law.

7 9. All party states are authorized, in accordance with state due process laws, to take
8 adverse action against an advanced practice registered nurse's multistate licensure
9 privilege such as revocation, suspension, probation, or any other action that affects an
10 advanced practice registered nurse's authorization to practice under a multistate
11 licensure privilege, including cease and desist actions. If a party state takes such
12 action, it promptly shall notify the administrator of the coordinated licensure
13 information system. The administrator of the coordinated licensure information system
14 promptly shall notify the home state of any such actions by remote states.

15 10. An advanced practice registered nurse practicing in a party state shall comply with the
16 state practice laws of the state in which the client is located at the time service is
17 provided. Advanced practice registered nurse practice is not limited to patient care, but
18 includes all advanced nursing practice as defined by the state practice laws of the
19 party state in which the client is located. Advanced practice registered nurse practice
20 in a party state under a multistate licensure privilege subjects the advanced practice
21 registered nurse to the jurisdiction of the licensing board, the courts, and the laws of
22 the party state in which the client is located at the time service is provided.

23 11. This compact does not affect additional requirements imposed by states for advanced
24 practice registered nursing. However, a multistate licensure privilege to practice
25 registered nursing granted by a party state must be recognized by other party states
26 as satisfying any state law requirement for registered nurse licensure as a
27 precondition for authorization to practice as an advanced practice registered nurse in
28 that state.

29 12. Individuals not residing in a party state shall continue to be able to apply for a party
30 state's single-state advanced practice registered nurse license as provided under the
31 laws of each party state. However, the single-state license granted to these individuals

1 will not be recognized as granting the privilege to practice as an advanced practice
2 registered nurse in any other party state.

3 **ARTICLE IV - APPLICATIONS FOR ADVANCED PRACTICE REGISTERED NURSE**
4 **LICENSURE IN A PARTY STATE**

- 5 1. Upon application for an advanced practice registered nurse multistate license, the
6 licensing board in the issuing party state shall ascertain, through the coordinated
7 licensure information system, whether the applicant has ever held or is the holder of a
8 licensed practical/vocational nursing license, a registered nursing license, or an
9 advanced practice registered nurse license issued by any other state, whether there
10 are any encumbrances on any license or multistate licensure privilege held by the
11 applicant, whether any adverse action has been taken against any license or
12 multistate licensure privilege held by the applicant, and whether the applicant is
13 currently participating in an alternative program.
- 14 2. An advanced practice registered nurse may hold a multistate advanced practice
15 registered nurse license, issued by the home state, in only one party state at a time.
- 16 3. If an advanced practice registered nurse changes primary state of residence by
17 moving between two party states, the advanced practice registered nurse shall apply
18 for advanced practice registered nurse licensure in the new home state, and the
19 multistate license issued by the prior home state must be deactivated in accordance
20 with applicable commission rules.
- 21 a. The advanced practice registered nurse may apply for licensure in advance of a
22 change in primary state of residence.
- 23 b. A multistate advanced practice registered nurse license may not be issued by the
24 new home state until the advanced practice registered nurse provides
25 satisfactory evidence of a change in primary state of residence to the new home
26 state and satisfies all applicable requirements to obtain a multistate advanced
27 practice registered nurse license from the new home state.
- 28 4. If an advanced practice registered nurse changes primary state of residence by
29 moving from a party state to a nonparty state, the advanced practice registered nurse
30 multistate license issued by the prior home state converts to a single-state license,
31 valid only in the former home state.

1 **ARTICLE V - ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING**

2 **BOARDS**

3 1. In addition to the other powers conferred by state law, a licensing board may:

4 a. Take adverse action against an advanced practice registered nurse's multistate
5 licensure privilege to practice within that party state.

6 (1) Only the home state may take adverse action against an advanced practice
7 registered nurse's license issued by the home state.

8 (2) For purposes of taking adverse action, the home state licensing board shall
9 give the same priority and effect to reported conduct that occurred outside
10 of the home state as it would if such conduct had occurred within the home
11 state. In so doing, the home state shall apply its own state laws to determine
12 appropriate action.

13 b. Issue cease and desist orders or impose an encumbrance on an advanced
14 practice registered nurse's authority to practice within that party state.

15 c. Complete any pending investigations of an advanced practice registered nurse
16 who changes primary state of residence during the course of such investigations.

17 The licensing board also may take any appropriate action and promptly shall
18 report the conclusions of such investigations to the administrator of the
19 coordinated licensure information system. The administrator of the coordinated
20 licensure information system promptly shall notify the new home state of any
21 such actions.

22 d. Issue subpoenas for both hearings and investigations which require the
23 attendance and testimony of witnesses, as well as, the production of evidence.
24 Subpoenas issued by a party state licensing board for the attendance and
25 testimony of witnesses and/or the production of evidence from another party
26 state must be enforced in the latter state by any court of competent jurisdiction,
27 according to that court's practice and procedure in considering subpoenas issued
28 in its own proceedings. The issuing licensing board shall pay any witness fees,
29 travel expenses, mileage, and other fees required by the service statutes of the
30 state in which the witnesses and/or evidence are located.

- 1 e. Obtain and submit, for an advanced practice registered nurse licensure applicant,
2 fingerprints or other biometric-based information to the federal bureau of
3 investigation for criminal background checks, receive the results of the federal
4 bureau of investigation record search on criminal background checks and use the
5 results in making licensure decisions.
- 6 f. If otherwise permitted by state law, recover from the affected advanced practice
7 registered nurse the costs of investigations and disposition of cases resulting
8 from any adverse action taken against that advanced practice registered nurse.
- 9 g. Take adverse action based on the factual findings of another party state, if the
10 licensing board follows its own procedures for taking such adverse action.
- 11 2. If adverse action is taken by a home state against an advanced practice registered
12 nurse's multistate licensure, the privilege to practice in all other party states under a
13 multistate licensure privilege must be deactivated until all encumbrances have been
14 removed from the advanced practice registered nurse's multistate license. All home
15 state disciplinary orders that impose adverse action against an advanced practice
16 registered nurse's multistate license must include a statement that the advanced
17 practice registered nurse's multistate licensure privilege is deactivated in all party
18 states during the pendency of the order.
- 19 3. This compact does not override a party state's decision that participation in an
20 alternative program may be used in lieu of adverse action. The home state licensing
21 board shall deactivate the multistate licensure privilege under the multistate license of
22 any advanced practice registered nurse for the duration of the advanced practice
23 registered nurse's participation in an alternative program.

24 **ARTICLE VI - COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE**
25 **INFORMATION**

- 26 1. All party states shall participate in a coordinated licensure information system of all
27 advanced practice registered nurses, licensed registered nurses, and licensed
28 practical/vocational nurses. This system includes information on the licensure and
29 disciplinary history of each advanced practice registered nurse, as submitted by party
30 states, to assist in the coordinated administration of advanced practice registered
31 nurse licensure and enforcement efforts.

- 1 2. The commission, in consultation with the administrator of the coordinated licensure
2 information system, shall formulate necessary and proper procedures for the
3 identification, collection, and exchange of information under this compact.
- 4 3. All licensing boards promptly shall report to the coordinated licensure information
5 system any adverse action, any current significant investigative information, denials of
6 applications (with the reasons for such denials), and advanced practice registered
7 nurse participation in alternative programs known to the licensing board regardless of
8 whether such participation is deemed nonpublic and/or confidential under state law.
- 9 4. Current significant investigative information and participation in nonpublic or
10 confidential alternative programs must be transmitted through the coordinated
11 licensure information system only to party state licensing boards.
- 12 5. Notwithstanding any other provision of law, all party state licensing boards contributing
13 information to the coordinated licensure information system may designate information
14 that may not be shared with nonparty states or disclosed to other entities or individuals
15 without the express permission of the contributing state.
- 16 6. Any personally identifiable information obtained from the coordinated licensure
17 information system by a party state licensing board may not be shared with nonparty
18 states or disclosed to other entities or individuals except to the extent permitted by the
19 laws of the party state contributing the information.
- 20 7. Any information contributed to the coordinated licensure information system which is
21 subsequently required to be expunged by the laws of the party state contributing the
22 information must be removed from the coordinated licensure information system.
- 23 8. The compact administrator of each party state shall furnish a uniform data set to the
24 compact administrator of each other party state, which must include, at a minimum:
25 a. Identifying information;
26 b. Licensure data;
27 c. Information related to alternative program participation information; and
28 d. Other information that may facilitate the administration of this compact, as
29 determined by commission rules.
- 30 9. The compact administrator of a party state shall provide all investigative documents
31 and information requested by another party state.

1 **ARTICLE VII - ESTABLISHMENT OF THE INTERSTATE COMMISSION OF ADVANCED**
2 **PRACTICE REGISTERED NURSE COMPACT ADMINISTRATORS**

3 1. The party states hereby create and establish a joint public agency known as the
4 interstate commission of advanced practice registered nurse compact administrators.

5 a. The commission is an instrumentality of the party states.

6 b. Venue is proper, and judicial proceedings by or against the commission must be
7 brought solely and exclusively, in a court of competent jurisdiction where the
8 principal office of the commission is located. The commission may waive venue
9 and jurisdictional defenses to the extent it adopts or consents to participate in
10 alternative dispute resolution proceedings.

11 c. This compact may not be construed to be a waiver of sovereign immunity.

12 2. Membership, voting, and meetings.

13 a. Each party state must have and be limited to one administrator. The head of the
14 state licensing board or designee is the administrator of this compact for each
15 party state. Any administrator may be removed or suspended from office as
16 provided by the law of the state from which the administrator is appointed. Any
17 vacancy occurring in the commission must be filled in accordance with the laws
18 of the party state in which the vacancy exists.

19 b. Each administrator is entitled to one vote with regard to the promulgation of rules
20 and creation of bylaws and otherwise must have an opportunity to participate in
21 the business and affairs of the commission. An administrator shall vote in person
22 or by such other means as provided in the bylaws. The bylaws may provide for
23 an administrator's participation in meetings by telephone or other means of
24 communication.

25 c. The commission shall meet at least once during each calendar year. Additional
26 meetings must be held as set forth in the bylaws or rules of the commission.

27 d. All meetings are open to the public, and public notice of meetings must be given
28 in the same manner as required under the rulemaking provisions in article VIII.

29 e. The commission may convene in a closed, nonpublic meeting if the commission
30 must discuss:

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

- 1 (2) The employment, compensation, discipline, or other personnel matters,
2 practices, or procedures related to specific employees or other matters
3 related to the commission's internal personnel practices and procedures:
4 (3) Current, threatened, or reasonably anticipated litigation;
5 (4) Negotiation of contracts for the purchase or sale of goods, services, or real
6 estate;
7 (5) Accusing any person of a crime or formally censuring any person;
8 (6) Disclosure of trade secrets or commercial or financial information that is
9 privileged or confidential;
10 (7) Disclosure of information of a personal nature if disclosure would constitute
11 a clearly unwarranted invasion of personal privacy;
12 (8) Disclosure of investigatory records compiled for law enforcement purposes;
13 (9) Disclosure of information related to any reports prepared by or on behalf of
14 the commission for the purpose of investigation of compliance with this
15 compact; or
16 (10) Matters specifically exempted from disclosure by federal or state statute.
17 f. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
18 commission's legal counsel or designee shall certify that the meeting may be
19 closed and shall reference each relevant exempting provision. The commission
20 shall keep minutes that fully and clearly describe all matters discussed in a
21 meeting and shall provide a full and accurate summary of actions taken, and the
22 reasons for those actions, including a description of the views expressed. All
23 documents considered in connection with an action must be identified in such
24 minutes. All minutes and documents of a closed meeting must remain under seal,
25 subject to release by a majority vote of the commission or order of a court of
26 competent jurisdiction.
27 3. By a majority vote of the administrators, the commission shall prescribe bylaws or
28 rules to govern its conduct as may be necessary or appropriate to carry out the
29 purposes and exercise the powers of this compact, including:
30 a. Establishing the fiscal year of the commission;
31 b. Providing reasonable standards and procedures:

- 1 (1) For the establishment and meetings of other committees; and
- 2 (2) Governing any general or specific delegation of any authority or function of
- 3 the commission.
- 4 c. Providing reasonable procedures for calling and conducting meetings of the
- 5 commission, ensuring reasonable advance notice of all meetings, and providing
- 6 an opportunity for attendance of such meetings by interested parties, with
- 7 enumerated exceptions designed to protect the public's interest, the privacy of
- 8 individuals, and proprietary information, including trade secrets. The commission
- 9 may meet in closed session only after a majority of the administrators vote to
- 10 close a meeting in whole or in part. As soon as practicable, the commission shall
- 11 make public a copy of the vote to close the meeting revealing the vote of each
- 12 administrator, with no proxy votes allowed;
- 13 d. Establishing the titles, duties, and authority and reasonable procedures for the
- 14 election of the officers of the commission;
- 15 e. Providing reasonable standards and procedures for the establishment of the
- 16 personnel policies and programs of the commission. Notwithstanding any civil
- 17 service or other similar laws of any party state, the bylaws exclusively govern the
- 18 personnel policies and programs of the commission; and
- 19 f. Providing a mechanism for winding up the operations of the commission and the
- 20 equitable disposition of any surplus funds that may exist after the termination of
- 21 this compact after the payment and/or reserving of all of its debts and obligations.
- 22 4. The commission shall publish its bylaws and rules, and any amendments to the
- 23 bylaws and rules, in a convenient form on the website of the commission.
- 24 5. The commission shall maintain its financial records in accordance with the bylaws.
- 25 6. The commission shall meet and take such actions as are consistent with the
- 26 provisions of this compact and the bylaws.
- 27 7. The commission may:
- 28 a. Promulgate uniform rules to facilitate and coordinate implementation and
- 29 administration of this compact. The rules have the force and effect of law and are
- 30 binding in all party states;

- 1 b. Bring and prosecute legal proceedings or actions in the name of the commission.
2 However, the standing of any licensing board to sue or be sued under applicable
3 law may not be affected;
- 4 c. Purchase and maintain insurance and bonds;
- 5 d. Borrow, accept, or contract for services of personnel, including employees of a
6 party state or nonprofit organizations;
- 7 e. Cooperate with other organizations that administer state compacts related to the
8 regulation of nursing, including sharing administrative or staff expenses, office
9 space, or other resources;
- 10 f. Hire employees, elect or appoint officers, fix compensation, define duties, grant
11 such individuals appropriate authority to carry out the purposes of this compact,
12 and to establish the commission's personnel policies and programs relating to
13 conflicts of interest, qualifications of personnel, and other related personnel
14 matters;
- 15 g. Accept any and all appropriate donations, grants, and gifts of money, equipment,
16 supplies, materials, and services, and to receive, utilize, and dispose of the
17 same. However, at all times the commission shall strive to avoid any appearance
18 of impropriety and/or conflict of interest;
- 19 h. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
20 hold, improve, or use, any property, whether real, personal, or mixed. However, at
21 all times the commission shall strive to avoid any appearance of impropriety;
- 22 i. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
23 of any property, whether real, personal, or mixed;
- 24 j. Establish a budget and make expenditures;
- 25 k. Borrow money;
- 26 l. Appoint committees, including advisory committees comprised of administrators,
27 state nursing regulators, state legislators, or their representatives, and consumer
28 representatives, and other such interested persons;
- 29 m. Provide and receive information from, and to cooperate with, law enforcement
30 agencies;
- 31 n. Adopt and use an official seal; and

- 1 o. Perform such other functions as may be necessary or appropriate to achieve the
2 purposes of this compact consistent with the state regulation of advanced
3 practice registered nurse licensure and practice.
- 4 8. Financing of the commission.
- 5 a. The commission shall pay, or provide for the payment of, the reasonable
6 expenses of its establishment, organization, and ongoing activities.
- 7 b. The commission may levy on and collect an annual assessment from each party
8 state to cover the cost of the operations and activities of the interstate
9 commission and its staff which must be in a total amount sufficient to cover its
10 annual budget as approved each year. The aggregate annual assessment
11 amount must be allocated based upon a formula to be determined by the
12 commission, which shall promulgate a rule that is binding upon all party states.
- 13 c. The commission may not incur obligations of any kind before securing the funds
14 adequate to meet the same, nor may the commission pledge the credit of any of
15 the party states, except by, and with the authority of, such party state.
- 16 d. The commission shall keep accurate accounts of all receipts and disbursements.
17 The receipts and disbursements of the commission are subject to the audit and
18 accounting procedures established under its bylaws. However, all receipts and
19 disbursements of funds handled by the commission must be audited yearly by a
20 certified or licensed public accountant, and the report of the audit must be
21 included in and become part of the annual report of the commission.
- 22 9. Qualified immunity, defense, and indemnification.
- 23 a. The administrators, officers, executive director, employees, and representatives
24 of the commission are immune from suit and liability, either personally or in their
25 official capacity, for any claim for damage to or loss of property or personal injury
26 or other civil liability caused by or arising out of any actual or alleged act, error, or
27 omission that occurred, or that the person against which the claim is made had a
28 reasonable basis for believing occurred, within the scope of commission
29 employment, duties, or responsibilities. However, this subdivision may not be
30 construed to protect any such person from suit and/or liability for any damage.

1 loss, injury, or liability caused by the intentional, willful, or wanton misconduct of
2 that person.

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

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

ARTICLE VIII - RULEMAKING

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

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

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

- 1 a. On the website of the commission; and
- 2 b. On the website of each licensing board or the publication in which each state
- 3 would otherwise publish proposed rules.
- 4 4. The notice of proposed rulemaking must include:
- 5 a. The proposed time, date, and location of the meeting at which the rule will be
- 6 considered and voted upon;
- 7 b. The text of the proposed rule or amendment, and the reason for the proposed
- 8 rule;
- 9 c. A request for comments on the proposed rule from any interested person; and
- 10 d. The manner in which interested persons may submit notice to the commission of
- 11 their intention to attend the public hearing and any written comments.
- 12 5. Before adoption of a proposed rule, the commission shall allow persons to submit
- 13 written data, facts, opinions, and arguments, which must be made available to the
- 14 public.
- 15 6. The commission shall grant an opportunity for a public hearing before it adopts a rule
- 16 or amendment.
- 17 7. The commission shall publish the place, time, and date of the scheduled public
- 18 hearing.
- 19 a. Hearings must be conducted in a manner providing each person that wishes to
- 20 comment a fair and reasonable opportunity to comment orally or in writing. All
- 21 hearings must be recorded, and a copy must be made available upon request.
- 22 b. This section may not be construed as requiring a separate hearing on each rule.
- 23 Rules may be grouped for the convenience of the commission at hearings
- 24 required by this section.
- 25 8. If no one appears at the public hearing, the commission may proceed with
- 26 promulgation of the proposed rule.
- 27 9. Following the scheduled hearing date, or by the close of business on the scheduled
- 28 hearing date if the hearing was not held, the commission shall consider all written and
- 29 oral comments received.

- 1 10. By majority vote of all administrators, the commission shall take final action on the
2 proposed rule and shall determine the effective date of the rule, if any, based on the
3 rulemaking record and the full text of the rule.
- 4 11. Upon determination that an emergency exists, the commission may consider and
5 adopt an emergency rule without prior notice, opportunity for comment, or hearing.
6 However, the usual rulemaking procedures provided in this compact and in this section
7 must be retroactively applied to the rule as soon as reasonably possible, in no event
8 later than ninety days after the effective date of the rule. For the purposes of this
9 provision, an emergency rule is one that must be adopted immediately in order to:
- 10 a. Meet an imminent threat to public health, safety, or welfare;
11 b. Prevent a loss of commission or party state funds; or
12 c. Meet a deadline for the promulgation of an administrative rule that is established
13 by federal law or rule.
- 14 12. The commission may direct revisions to a previously adopted rule or amendment for
15 purposes of correcting typographical errors, errors in format, errors in consistency, or
16 grammatical errors. Public notice of any revisions must be posted on the website of
17 the commission. The revision may be subject to challenge by any person for a period
18 of thirty days after posting. The revision may be challenged only on grounds that the
19 revision results in a material change to a rule. A challenge must be made in writing,
20 and delivered to the commission, before the end of the notice period. If no challenge is
21 made, the revision will take effect without further action. If the revision is challenged,
22 the revision may not take effect without the approval of the commission.

23 **ARTICLE IX - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

- 24 1. Oversight.
- 25 a. Each party state shall enforce this compact and take all actions necessary and
26 appropriate to effectuate this compact's purposes and intent.
- 27 b. The commission is entitled to receive service of process in any proceeding that
28 may affect the powers, responsibilities, or actions of the commission, and has
29 standing to intervene in such a proceeding for all purposes. Failure to provide
30 service of process to the commission renders a judgment or order void as to the
31 commission, this compact, or promulgated rules.

- 1 2. Default, technical assistance, and termination.
- 2 a. If the commission determines that a party state has defaulted in the performance
- 3 of its obligations or responsibilities under this compact or the promulgated rules,
- 4 the commission shall:
- 5 (1) Provide written notice to the defaulting state and other party states of the
- 6 nature of the default, the proposed means of curing the default and/or any
- 7 other action to be taken by the commission; and
- 8 (2) Provide remedial training and specific technical assistance regarding the
- 9 default.
- 10 b. If a state in default fails to cure the default, the defaulting state's membership in
- 11 this compact may be terminated upon an affirmative vote of a majority of the
- 12 administrators, and all rights, privileges, and benefits conferred by this compact
- 13 may be terminated on the effective date of termination. A cure of the default does
- 14 not relieve the offending state of obligations or liabilities incurred during the
- 15 period of default.
- 16 c. Termination of membership in this compact must be imposed only after all other
- 17 means of securing compliance have been exhausted. Notice of intent to suspend
- 18 or terminate must be given by the commission to the governor of the defaulting
- 19 state and to the executive officer of the defaulting state's licensing board, the
- 20 defaulting state's licensing board, and each of the party states.
- 21 d. A state whose membership in this compact has been terminated is responsible
- 22 for all assessments, obligations, and liabilities incurred through the effective date
- 23 of termination, including obligations that extend beyond the effective date of
- 24 termination.
- 25 e. The commission may not bear any costs related to a state that is found to be in
- 26 default or whose membership in this compact has been terminated, unless
- 27 agreed upon in writing between the commission and the defaulting state.
- 28 f. The defaulting state may appeal the action of the commission by petitioning the
- 29 United States district court for the District of Columbia or the federal district in
- 30 which the commission has its principal offices. The prevailing party must be
- 31 awarded all costs of such litigation, including reasonable attorneys' fees.

- 1 3. Dispute resolution.
- 2 a. Upon request by a party state, the commission shall attempt to resolve disputes
- 3 related to the compact that arise among party states and between party and
- 4 nonparty states.
- 5 b. The commission shall promulgate a rule providing for both mediation and binding
- 6 dispute resolution for disputes, as appropriate.
- 7 c. If the commission cannot resolve disputes among party states arising under this
- 8 compact:
- 9 (1) The party states may submit the issues in dispute to an arbitration panel,
- 10 which will be comprised of individuals appointed by the compact
- 11 administrator in each of the affected party states and an individual mutually
- 12 agreed upon by the compact administrators of all the party states involved in
- 13 the dispute.
- 14 (2) The decision of a majority of the arbitrators is final and binding.
- 15 4. Enforcement.
- 16 a. The commission, in the reasonable exercise of its discretion, shall enforce the
- 17 provisions and rules of this compact.
- 18 b. By majority vote, the commission may initiate legal action in the United States
- 19 district court for the District of Columbia or the federal district in which the
- 20 commission has its principal offices against a party state that is in default to
- 21 enforce compliance with the provisions of this compact and its promulgated rules
- 22 and bylaws. The relief sought may include both injunctive relief and damages. If
- 23 judicial enforcement is necessary, the prevailing party must be awarded all costs
- 24 of such litigation, including reasonable attorneys' fees.
- 25 c. The remedies herein are not the exclusive remedies of the commission. The
- 26 commission may pursue any other remedies available under federal or state law.

27 **ARTICLE X - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 28 1. This compact comes into limited effect at such time as this compact has been enacted
- 29 into law in ten party states for the sole purpose of establishing and convening the
- 30 commission to adopt rules relating to its operation and the advanced practice
- 31 registered nurse uniform licensure requirements.

- 1 2. On the date of the commission's adoption of the advanced practice registered nurse
2 uniform licensure requirements, all remaining provisions of this compact, and rules
3 adopted by the commission, come into full force and effect in all party states.
- 4 3. Any state that joins this compact after the commission's initial adoption of the
5 advanced practice registered nurse uniform licensure requirements are subject to all
6 rules that have been previously adopted by the commission.
- 7 4. Any party state may withdraw from this compact by enacting a statute repealing the
8 same. A party state's withdrawal does not take effect until six months after enactment
9 of the repealing statute.
- 10 5. A party state's withdrawal or termination does not affect the continuing requirement of
11 the withdrawing or terminated state's licensing board to report adverse actions and
12 significant investigations occurring before the effective date of such withdrawal or
13 termination.
- 14 6. This compact may not be construed to invalidate or prevent any advanced practice
15 registered nurse licensure agreement or other cooperative arrangement between a
16 party state and a nonparty state that does not conflict with the provisions of this
17 compact.
- 18 7. This compact may be amended by the party states. An amendment to this compact
19 does not become effective and binding upon any party state until it is enacted into the
20 laws of all party states.
- 21 8. Representatives of nonparty states to this compact must be invited to participate in the
22 activities of the commission, on a nonvoting basis, before the adoption of this compact
23 by all states.

24 **ARTICLE XI - CONSTRUCTION AND SEVERABILITY**

25 This compact must be liberally construed so as to effectuate the purposes of this compact.
26 The provisions of this compact are severable, and if any phrase, clause, sentence, or provision
27 of this compact is declared to be contrary to the constitution of any party state or of the United
28 States, or if the applicability thereof to any government, agency, person, or circumstance is held
29 invalid, the validity of the remainder of this compact and the applicability thereof to any
30 government, agency, person, or circumstance is not affected thereby. If this compact is held to
31 be contrary to the constitution of any party state, this compact remains in full force and effect as

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- 1 to the remaining party states and in full force and effect as to the party state affected as to all
- 2 severable matters.