

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 966 Session of  
2021

---

INTRODUCED BY KOSIEROWSKI, ISAACSON, SANCHEZ, BOBACK, PASHINSKI,  
A. DAVIS, FREEMAN, SCHLOSSBERG, HILL-EVANS, HARKINS, KINKEAD,  
CIRESI, SAMUELSON, ZABEL, DELLOSO, MILLARD, NEILSON, HOWARD,  
STRUZZI, OTTEN, WARREN AND MALAGARI, MARCH 18, 2021

---

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 18, 2021

---

AN ACT

1 Making the Commonwealth of Pennsylvania a party to the Nurse  
2 Licensure Compact; and providing for the form of the compact.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Nurse  
7 Licensure Compact Act.

8 Section 2. Nurse Licensure Compact.

9 The Nurse Licensure Compact is enacted into law and entered  
10 into by the Commonwealth of Pennsylvania with all other states  
11 legally joining in the compact in the form substantially as  
12 follows:

13 ARTICLE I

14 Findings and Declaration of Purpose

15 a. The party states find that:

16 1. The health and safety of the public are affected by  
17 the degree of compliance with and the effectiveness of

1 enforcement activities related to state nurse licensure laws;

2 2. Violations of nurse licensure and other laws  
3 regulating the practice of nursing may result in injury or  
4 harm to the public;

5 3. The expanded mobility of nurses and the use of  
6 advanced communication technologies as part of our nation's  
7 health care delivery system require greater coordination and  
8 cooperation among states in the areas of nurse licensure and  
9 regulation;

10 4. New practice modalities and technology make  
11 compliance with individual state nurse licensure laws  
12 difficult and complex;

13 5. The current system of duplicative licensure for  
14 nurses practicing in multiple states is cumbersome and  
15 redundant for both nurses and states; and

16 6. Uniformity of nurse licensure requirements throughout  
17 the states promotes public safety and public health benefits.

18 b. The general purposes of this Compact are to:

19 1. Facilitate the states' responsibility to protect the  
20 public's health and safety;

21 2. Ensure and encourage the cooperation of party states  
22 in the areas of nurse licensure and regulation;

23 3. Facilitate the exchange of information between party  
24 states in the areas of nurse regulation, investigation and  
25 adverse actions;

26 4. Promote compliance with the laws governing the  
27 practice of nursing in each jurisdiction;

28 5. Invest all party states with the authority to hold a  
29 nurse accountable for meeting all state practice laws in the  
30 state in which the patient is located at the time care is

1 rendered through the mutual recognition of party state  
2 licenses;

3 6. Decrease redundancies in the consideration and  
4 issuance of nurse licenses; and

5 7. Provide opportunities for interstate practice by  
6 nurses who meet uniform licensure requirements.

7 ARTICLE II

8 Definitions

9 As used in this Compact:

10 a. "Adverse action" means any administrative, civil,  
11 equitable or criminal action permitted by a state's laws which  
12 is imposed by a licensing board or other authority against a  
13 nurse, including actions against an individual's license or  
14 multistate licensure privilege such as revocation, suspension,  
15 probation, monitoring of the licensee, limitation on the  
16 licensee's practice, or any other encumbrance on licensure  
17 affecting a nurse's authorization to practice, including  
18 issuance of a cease and desist action.

19 b. "Alternative program" means a non-disciplinary monitoring  
20 program approved by a licensing board.

21 c. "Coordinated licensure information system" means an  
22 integrated process for collecting, storing and sharing  
23 information on nurse licensure and enforcement activities  
24 related to nurse licensure laws that is administered by a  
25 nonprofit organization composed of and controlled by licensing  
26 boards.

27 d. "Current significant investigative information" means:

28 1. Investigative information that a licensing board,  
29 after a preliminary inquiry that includes notification and an  
30 opportunity for the nurse to respond, if required by state

1 law, has reason to believe is not groundless and, if proved  
2 true, would indicate more than a minor infraction; or

3 2. Investigative information that indicates that the  
4 nurse represents an immediate threat to public health and  
5 safety regardless of whether the nurse has been notified and  
6 had an opportunity to respond.

7 e. "Encumbrance" means a revocation or suspension of, or any  
8 limitation on, the full and unrestricted practice of nursing  
9 imposed by a licensing board.

10 f. "Home state" means the party state which is the nurse's  
11 primary state of residence.

12 g. "Licensing board" means a party state's regulatory body  
13 responsible for issuing nurse licenses.

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

19 i. "Multistate licensure privilege" means a legal  
20 authorization associated with a multistate license permitting  
21 the practice of nursing as either a registered nurse (RN) or  
22 LPN/VN in a remote state.

23 j. "Nurse" means RN or LPN/VN, as those terms are defined by  
24 each party state's practice laws.

25 k. "Party state" means any state that has adopted this  
26 Compact.

27 l. "Remote state" means a party state, other than the home  
28 state.

29 m. "Single-state license" means a nurse license issued by a  
30 party state that authorizes practice only within the issuing

1 state and does not include a multistate licensure privilege to  
2 practice in any other party state.

3 n. "State" means a state, territory or possession of the  
4 United States and the District of Columbia.

5 o. "State practice laws" means a party state's laws, rules  
6 and regulations that govern the practice of nursing, define the  
7 scope of nursing practice, and create the methods and grounds  
8 for imposing discipline. "State practice laws" do not include  
9 requirements necessary to obtain and retain a license, except  
10 for qualifications or requirements of the home state.

### 11 ARTICLE III

#### 12 General Provisions and Jurisdiction

13 a. A multistate license to practice registered or licensed  
14 practical/vocational nursing issued by a home state to a  
15 resident in that state will be recognized by each party state as  
16 authorizing a nurse to practice as a registered nurse (RN) or as  
17 a licensed practical/vocational nurse (LPN/VN), under a  
18 multistate licensure privilege, in each party state.

19 b. A state must implement procedures for considering the  
20 criminal history records of applicants for initial multistate  
21 license or licensure by endorsement. Such procedures shall  
22 include the submission of fingerprints or other biometric-based  
23 information by applicants for the purpose of obtaining an  
24 applicant's criminal history record information from the Federal  
25 Bureau of Investigation and the agency responsible for retaining  
26 that state's criminal records.

27 c. Each party state shall require the following for an  
28 applicant to obtain or retain a multistate license in the home  
29 state:

30 1. Meets the home state's qualifications for licensure

1 or renewal of licensure, as well as, all other applicable  
2 state laws;

3 2. i. Has graduated or is eligible to graduate from a  
4 licensing board-approved RN or LPN/VN prelicensure  
5 education program; or

6 ii. Has graduated from a foreign RN or LPN/VN  
7 prelicensure education program that (a) has been approved  
8 by the authorized accrediting body in the applicable  
9 country and (b) has been verified by an independent  
10 credentials review agency to be comparable to a licensing  
11 board-approved prelicensure education program;

12 3. Has, if a graduate of a foreign prelicensure  
13 education program not taught in English or if English is not  
14 the individual's native language, successfully passed an  
15 English proficiency examination that includes the components  
16 of reading, speaking, writing and listening;

17 4. Has successfully passed an NCLEX-RN® or NCLEX-PN®  
18 Examination or recognized predecessor, as applicable;

19 5. Is eligible for or holds an active, unencumbered  
20 license;

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

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

30 8. Has not been convicted or found guilty, or has

1 entered into an agreed disposition, of a misdemeanor offense  
2 related to the practice of nursing as determined on a case-  
3 by-case basis;

4 9. Is not currently enrolled in an alternative program;

5 10. Is subject to self-disclosure requirements regarding  
6 current participation in an alternative program; and

7 11. Has a valid United States Social Security number.

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

18 e. A nurse practicing in a party state must comply with the  
19 state practice laws of the state in which the client is located  
20 at the time service is provided. The practice of nursing is not  
21 limited to patient care, but shall include all nursing practice  
22 as defined by the state practice laws of the party state in  
23 which the client is located. The practice of nursing in a party  
24 state under a multistate licensure privilege will subject a  
25 nurse to the jurisdiction of the licensing board, the courts and  
26 the laws of the party state in which the client is located at  
27 the time service is provided.

28 f. Individuals not residing in a party state shall continue  
29 to be able to apply for a party state's single-state license as  
30 provided under the laws of each party state. However, the

1 single-state license granted to these individuals will not be  
2 recognized as granting the privilege to practice nursing in any  
3 other party state. Nothing in this Compact shall affect the  
4 requirements established by a party state for the issuance of a  
5 single-state license.

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

10 1. A nurse, who changes primary state of residence after  
11 this Compact's effective date, must meet all applicable  
12 Article III.c. requirements to obtain a multistate license  
13 from a new home state.

14 2. A nurse who fails to satisfy the multistate licensure  
15 requirements in Article III.c. due to a disqualifying event  
16 occurring after this Compact's effective date shall be  
17 ineligible to retain or renew a multistate license, and the  
18 nurse's multistate license shall be revoked or deactivated in  
19 accordance with applicable rules adopted by the Interstate  
20 Commission of Nurse Licensure Compact Administrators  
21 ("Commission").

#### 22 ARTICLE IV

##### 23 Applications for Licensure in a Party State

24 a. Upon application for a multistate license, the licensing  
25 board in the issuing party state shall ascertain, through the  
26 coordinated licensure information system, whether the applicant  
27 has ever held, or is the holder of, a license issued by any  
28 other state, whether there are any encumbrances on any license  
29 or multistate licensure privilege held by the applicant, whether  
30 any adverse action has been taken against any license or



1 multistate licensure privilege held by the applicant and whether  
2 the applicant is currently participating in an alternative  
3 program.

4 b. A nurse may hold a multistate license, issued by the home  
5 state, in only one party state at a time.

6 c. If a nurse changes primary state of residence by moving  
7 between two party states, the nurse must apply for licensure in  
8 the new home state, and the multistate license issued by the  
9 prior home state will be deactivated in accordance with  
10 applicable rules adopted by the Commission.

11 1. The nurse may apply for licensure in advance of a  
12 change in primary state of residence.

13 2. A multistate license shall not be issued by the new  
14 home state until the nurse provides satisfactory evidence of  
15 a change in primary state of residence to the new home state  
16 and satisfies all applicable requirements to obtain a  
17 multistate license from the new home state.

18 d. If a nurse changes primary state of residence by moving  
19 from a party state to a non-party state, the multistate license  
20 issued by the prior home state will convert to a single-state  
21 license, valid only in the former home state.

## 22 ARTICLE V

### 23 Additional Authorities Invested in Party State Licensing Boards

24 a. In addition to the other powers conferred by state law, a  
25 licensing board shall have the authority to:

26 1. Take adverse action against a nurse's multistate  
27 licensure privilege to practice within that party state.

28 i. Only the home state shall have the power to take  
29 adverse action against a nurse's license issued by the  
30 home state.

1           ii. For purposes of taking adverse action, the home  
2 state licensing board shall give the same priority and  
3 effect to reported conduct received from a remote state  
4 as it would if such conduct had occurred within the home  
5 state. In so doing, the home state shall apply its own  
6 state laws to determine appropriate action.

7           2. Issue cease and desist orders or impose an  
8 encumbrance on a nurse's authority to practice within that  
9 party state.

10          3. Complete any pending investigations of a nurse who  
11 changes primary state of residence during the course of such  
12 investigations. The licensing board shall also have the  
13 authority to take appropriate action(s) and shall promptly  
14 report the conclusions of such investigations to the  
15 administrator of the coordinated licensure information  
16 system. The administrator of the coordinated licensure  
17 information system shall promptly notify the new home state  
18 of any such actions.

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

1           5. Obtain and submit, for each nurse licensure  
2 applicant, fingerprint or other biometric-based information  
3 to the Federal Bureau of Investigation for criminal  
4 background checks, receive the results of the Federal Bureau  
5 of Investigation record search on criminal background checks  
6 and use the results in making licensure decisions.

7           6. If otherwise permitted by state law, recover from the  
8 affected nurse the costs of investigations and disposition of  
9 cases resulting from any adverse action taken against that  
10 nurse.

11          7. Take adverse action based on the factual findings of  
12 the remote state, provided that the licensing board follows  
13 its own procedures for taking such adverse action.

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

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

29                           ARTICLE VI

30           Coordinated Licensure Information System and Exchange of

Information

1  
2 a. All party states shall participate in a coordinated  
3 licensure information system of all licensed registered nurses  
4 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This  
5 system will include information on the licensure and  
6 disciplinary history of each nurse, as submitted by party  
7 states, to assist in the coordination of nurse licensure and  
8 enforcement efforts.

9 b. The Commission, in consultation with the administrator of  
10 the coordinated licensure information system, shall formulate  
11 necessary and proper procedures for the identification,  
12 collection and exchange of information under this Compact.

13 c. All licensing boards shall promptly report to the  
14 coordinated licensure information system any adverse action, any  
15 current significant investigative information, denials of  
16 applications (with the reasons for such denials) and nurse  
17 participation in alternative programs known to the licensing  
18 board regardless of whether such participation is deemed  
19 nonpublic or confidential under state law.

20 d. Current significant investigative information and  
21 participation in nonpublic or confidential alternative programs  
22 shall be transmitted through the coordinated licensure  
23 information system only to party state licensing boards.

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

30 f. Any personally identifiable information obtained from the

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

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

11 h. The Compact administrator of each party state shall  
12 furnish a uniform data set to the Compact administrator of each  
13 other party state, which shall include, at a minimum:

- 14 1. Identifying information;
- 15 2. Licensure data;
- 16 3. Information related to alternative program  
17 participation; and
- 18 4. Other information that may facilitate the  
19 administration of this Compact, as determined by Commission  
20 rules.

21 i. The Compact administrator of a party state shall provide  
22 all investigative documents and information requested by another  
23 party state.

#### 24 ARTICLE VII

#### 25 Establishment of the Interstate Commission of Nurse Licensure 26 Compact Administrators

27 a. The party states hereby create and establish a joint  
28 public entity known as the Interstate Commission of Nurse  
29 Licensure Compact Administrators.

30 1. The Commission is an instrumentality of the party

1 states.

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

9 3. Nothing in this Compact shall be construed to be a  
10 waiver of sovereign immunity.

11 b. Membership, Voting and Meetings

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

20 2. Each administrator shall be entitled to one (1) vote  
21 with regard to the promulgation of rules and creation of  
22 bylaws and shall otherwise have an opportunity to participate  
23 in the business and affairs of the Commission. An  
24 administrator shall vote in person or by such other means as  
25 provided in the bylaws. The bylaws may provide for an  
26 administrator's participation in meetings by telephone or  
27 other means of communication.

28 3. The Commission shall meet at least once during each  
29 calendar year. Additional meetings shall be held as set forth  
30 in the bylaws or rules of the commission.

1           4. All meetings shall be open to the public, and public  
2 notice of meetings shall be given in the same manner as  
3 required under the rulemaking provisions in Article VIII.

4           5. The Commission may convene in a closed, nonpublic  
5 meeting if the Commission must discuss:

6           i. Noncompliance of a party state with its  
7 obligations under this Compact;

8           ii. The employment, compensation, discipline or  
9 other personnel matters, practices or procedures related  
10 to specific employees or other matters related to the  
11 Commission's internal personnel practices and procedures;

12           iii. Current, threatened or reasonably anticipated  
13 litigation;

14           iv. Negotiation of contracts for the purchase or  
15 sale of goods, services or real estate;

16           v. Accusing any person of a crime or formally  
17 censuring any person;

18           vi. Disclosure of trade secrets or commercial or  
19 financial information that is privileged or confidential;

20           vii. Disclosure of information of a personal nature  
21 where disclosure would constitute a clearly unwarranted  
22 invasion of personal privacy;

23           viii. Disclosure of investigatory records compiled  
24 for law enforcement purposes;

25           ix. Disclosure of information related to any reports  
26 prepared by or on behalf of the Commission for the  
27 purpose of investigation of compliance with this Compact;

28 or

29           x. Matters specifically exempted from disclosure by  
30 federal or state statute.

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

14       c. The Commission shall, by a majority vote of the  
15 administrators, prescribe bylaws or rules to govern its conduct  
16 as may be necessary or appropriate to carry out the purposes and  
17 exercise the powers of this Compact, including but not limited  
18 to:

- 19           1. Establishing the fiscal year of the Commission;
- 20           2. Providing reasonable standards and procedures:
  - 21               i. For the establishment and meetings of other
  - 22               committees; and
  - 23               ii. Governing any general or specific delegation of
  - 24               any authority or function of the Commission;
- 25           3. Providing reasonable procedures for calling and  
26           conducting meetings of the Commission, ensuring reasonable  
27           advance notice of all meetings and providing an opportunity  
28           for attendance of such meetings by interested parties, with  
29           enumerated exceptions designed to protect the public's  
30           interest, the privacy of individuals, and proprietary



1 information, including trade secrets. The Commission may meet  
2 in closed session only after a majority of the administrators  
3 vote to close a meeting in whole or in part. As soon as  
4 practicable, the Commission must make public a copy of the  
5 vote to close the meeting revealing the vote of each  
6 administrator, with no proxy votes allowed;

7 4. Establishing the titles, duties and authority and  
8 reasonable procedures for the election of the officers of the  
9 Commission;

10 5. Providing reasonable standards and procedures for the  
11 establishment of the personnel policies and programs of the  
12 Commission. Notwithstanding any civil service or other  
13 similar laws of any party state, the bylaws shall exclusively  
14 govern the personnel policies and programs of the Commission;  
15 and

16 6. Providing a mechanism for winding up the operations  
17 of the Commission and the equitable disposition of any  
18 surplus funds that may exist after the termination of this  
19 Compact after the payment or reserving of all of its debts  
20 and obligations.

21 d. The Commission shall publish its bylaws and rules, and  
22 any amendments thereto, in a convenient form on the website of  
23 the Commission.

24 e. The Commission shall maintain its financial records in  
25 accordance with the bylaws.

26 f. The Commission shall meet and take such actions as are  
27 consistent with the provisions of this Compact and the bylaws.

28 g. The Commission shall have the following powers:

29 1. To promulgate uniform rules to facilitate and  
30 coordinate implementation and administration of this Compact.

1 The rules shall have the force and effect of law and shall be  
2 binding in all party states;

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

7 3. To purchase and maintain insurance and bonds;

8 4. To borrow, accept or contract for services of  
9 personnel, including, but not limited to, employees of a  
10 party state or nonprofit organizations;

11 5. To cooperate with other organizations that administer  
12 state compacts related to the regulation of nursing,  
13 including but not limited to sharing administrative or staff  
14 expenses, office space or other resources;

15 6. To hire employees, elect or appoint officers, fix  
16 compensation, define duties, grant such individuals  
17 appropriate authority to carry out the purposes of this  
18 Compact, and to establish the Commission's personnel policies  
19 and programs relating to conflicts of interest,  
20 qualifications of personnel and other related personnel  
21 matters;

22 7. To accept any and all appropriate donations, grants  
23 and gifts of money, equipment, supplies, materials and  
24 services, and to receive, utilize and dispose of the same;  
25 provided that at all times the Commission shall avoid any  
26 appearance of impropriety or conflict of interest;

27 8. To lease, purchase, accept appropriate gifts or  
28 donations of, or otherwise to own, hold, improve or use, any  
29 property, whether real, personal or mixed; provided that at  
30 all times the Commission shall avoid any appearance of

1       impropriety;

2           9. To sell, convey, mortgage, pledge, lease, exchange,  
3       abandon or otherwise dispose of any property, whether real,  
4       personal or mixed;

5           10. To establish a budget and make expenditures;

6           11. To borrow money;

7           12. To appoint committees, including advisory committees  
8       comprised of administrators, state nursing regulators, state  
9       legislators or their representatives, and consumer  
10      representatives, and other such interested persons;

11          13. To provide and receive information from, and to  
12      cooperate with, law enforcement agencies;

13          14. To adopt and use an official seal; and

14          15. To perform such other functions as may be necessary  
15      or appropriate to achieve the purposes of this Compact  
16      consistent with the state regulation of nurse licensure and  
17      practice.

18      h. Financing of the Commission

19          1. The Commission shall pay, or provide for the payment  
20      of, the reasonable expenses of its establishment,  
21      organization and ongoing activities.

22          2. The Commission may also levy on and collect an annual  
23      assessment from each party state to cover the cost of its  
24      operations, activities and staff in its annual budget as  
25      approved each year. The aggregate annual assessment amount,  
26      if any, shall be allocated based upon a formula to be  
27      determined by the Commission, which shall promulgate a rule  
28      that is binding upon all party states.

29          3. The Commission shall not incur obligations of any  
30      kind prior to securing the funds adequate to meet the same;

1 nor shall the Commission pledge the credit of any of the  
2 party states, except by, and with the authority of, such  
3 party state.

4 4. The Commission shall keep accurate accounts of all  
5 receipts and disbursements. The receipts and disbursements of  
6 the Commission shall be subject to the audit and accounting  
7 procedures established under its bylaws. However, all  
8 receipts and disbursements of funds handled by the Commission  
9 shall be audited yearly by a certified or licensed public  
10 accountant, and the report of the audit shall be included in  
11 and become part of the annual report of the Commission.

12 i. Qualified Immunity, Defense and Indemnification

13 1. The administrators, officers, executive director,  
14 employees and representatives of the Commission shall be  
15 immune from suit and liability, either personally or in their  
16 official capacity, for any claim for damage to or loss of  
17 property or personal injury or other civil liability caused  
18 by or arising out of any actual or alleged act, error or  
19 omission that occurred, or that the person against whom the  
20 claim is made had a reasonable basis for believing occurred,  
21 within the scope of Commission employment, duties or  
22 responsibilities; provided that nothing in this paragraph  
23 shall be construed to protect any such person from suit or  
24 liability for any damage, loss, injury or liability caused by  
25 the intentional, willful or wanton misconduct of that person.

26 2. The Commission shall defend any administrator,  
27 officer, executive director, employee or representative of  
28 the Commission in any civil action seeking to impose  
29 liability arising out of any actual or alleged act, error or  
30 omission that occurred within the scope of Commission

1 employment, duties or responsibilities, or that the person  
2 against whom the claim is made had a reasonable basis for  
3 believing occurred within the scope of Commission employment,  
4 duties or responsibilities; provided that nothing herein  
5 shall be construed to prohibit that person from retaining his  
6 or her own counsel; and provided further that the actual or  
7 alleged act, error or omission did not result from that  
8 person's intentional, willful or wanton misconduct.

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

## 20 ARTICLE VIII

### 21 Rulemaking

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

27 b. Rules or amendments to the rules shall be adopted at a  
28 regular or special meeting of the Commission.

29 c. Prior to promulgation and adoption of a final rule or  
30 rules by the Commission, and at least sixty (60) days in advance

1 of the meeting at which the rule will be considered and voted  
2 upon, the Commission shall file a notice of proposed rulemaking:

- 3 1. On the website of the Commission; and
- 4 2. On the website of each licensing board or the  
5 publication in which each state would otherwise publish  
6 proposed rules.

7 d. The notice of proposed rulemaking shall include:

- 8 1. The proposed time, date and location of the meeting  
9 in which the rule will be considered and voted upon;

- 10 2. The text of the proposed rule or amendment, and the  
11 reason for the proposed rule;

- 12 3. A request for comments on the proposed rule from any  
13 interested person; and

- 14 4. The manner in which interested persons may submit  
15 notice to the Commission of their intention to attend the  
16 public hearing and any written comments.

17 e. Prior to adoption of a proposed rule, the Commission  
18 shall allow persons to submit written data, facts, opinions and  
19 arguments, which shall be made available to the public.

20 f. The Commission shall grant an opportunity for a public  
21 hearing before it adopts a rule or amendment.

22 g. The Commission shall publish the place, time and date of  
23 the scheduled public hearing.

- 24 1. Hearings shall be conducted in a manner providing  
25 each person who wishes to comment a fair and reasonable  
26 opportunity to comment orally or in writing. All hearings  
27 will be recorded, and a copy will be made available upon  
28 request.

- 29 2. Nothing in this section shall be construed as  
30 requiring a separate hearing on each rule. Rules may be

1 grouped for the convenience of the Commission at hearings  
2 required by this section.

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

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

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

13 k. Upon determination that an emergency exists, the  
14 Commission may consider and adopt an emergency rule without  
15 prior notice, opportunity for comment or hearing, provided that  
16 the usual rulemaking procedures provided in this Compact and in  
17 this section shall be retroactively applied to the rule as soon  
18 as reasonably possible, in no event later than ninety (90) days  
19 after the effective date of the rule. For the purposes of this  
20 provision, an emergency rule is one that must be adopted  
21 immediately in order to:

22 1. Meet an imminent threat to public health, safety or  
23 welfare;

24 2. Prevent a loss of Commission or party state funds; or

25 3. Meet a deadline for the promulgation of an  
26 administrative rule that is required by federal law or rule.

27 1. The Commission may direct revisions to a previously  
28 adopted rule or amendment for purposes of correcting  
29 typographical errors, errors in format, errors in consistency or  
30 grammatical errors. Public notice of any revisions shall be

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

10 ARTICLE IX

11 Oversight, Dispute Resolution and Enforcement

12 a. Oversight

13 1. Each party state shall enforce this Compact and take  
14 all actions necessary and appropriate to effectuate this  
15 Compact's purposes and intent.

16 2. The Commission shall be entitled to receive service  
17 of process in any proceeding that may affect the powers,  
18 responsibilities or actions of the Commission, and shall have  
19 standing to intervene in such a proceeding for all purposes.  
20 Failure to provide service of process in such proceeding to  
21 the Commission shall render a judgment or order void as to  
22 the Commission, this Compact or promulgated rules.

23 b. Default, Technical Assistance and Termination

24 1. If the Commission determines that a party state has  
25 defaulted in the performance of its obligations or  
26 responsibilities under this Compact or the promulgated rules,  
27 the Commission shall:

28 i. Provide written notice to the defaulting state  
29 and other party states of the nature of the default, the  
30 proposed means of curing the default or any other action



1 to be taken by the Commission; and

2 ii. Provide remedial training and specific technical  
3 assistance regarding the default.

4 2. If a state in default fails to cure the default, the  
5 defaulting state's membership in this Compact may be  
6 terminated upon an affirmative vote of a majority of the  
7 administrators, and all rights, privileges and benefits  
8 conferred by this Compact may be terminated on the effective  
9 date of termination. A cure of the default does not relieve  
10 the offending state of obligations or liabilities incurred  
11 during the period of default.

12 3. Termination of membership in this Compact shall be  
13 imposed only after all other means of securing compliance  
14 have been exhausted. Notice of intent to suspend or terminate  
15 shall be given by the Commission to the governor of the  
16 defaulting state and to the executive officer of the  
17 defaulting state's licensing board and each of the party  
18 states.

19 4. A state whose membership in this Compact has been  
20 terminated is responsible for all assessments, obligations  
21 and liabilities incurred through the effective date of  
22 termination, including obligations that extend beyond the  
23 effective date of termination.

24 5. The Commission shall not bear any costs related to a  
25 state that is found to be in default or whose membership in  
26 this Compact has been terminated unless agreed upon in  
27 writing between the Commission and the defaulting state.

28 6. The defaulting state may appeal the action of the  
29 Commission by petitioning the U.S. District Court for the  
30 District of Columbia or the federal district in which the

1 Commission has its principal offices. The prevailing party  
2 shall be awarded all costs of such litigation, including  
3 reasonable attorneys' fees.

4 c. Dispute Resolution

5 1. Upon request by a party state, the Commission shall  
6 attempt to resolve disputes related to the Compact that arise  
7 among party states and between party and non-party states.

8 2. The Commission shall promulgate a rule providing for  
9 both mediation and binding dispute resolution for disputes,  
10 as appropriate.

11 3. In the event the Commission cannot resolve disputes  
12 among party states arising under this Compact:

13 i. The party states may submit the issues in dispute  
14 to an arbitration panel, which will be comprised of  
15 individuals appointed by the Compact administrator in  
16 each of the affected party states and an individual  
17 mutually agreed upon by the Compact administrators of all  
18 the party states involved in the dispute.

19 ii. The decision of a majority of the arbitrators  
20 shall be final and binding.

21 d. Enforcement

22 1. The Commission, in the reasonable exercise of its  
23 discretion, shall enforce the provisions and rules of this  
24 Compact.

25 2. By majority vote, the Commission may initiate legal  
26 action in the U.S. District Court for the District of  
27 Columbia or the federal district in which the Commission has  
28 its principal offices against a party state that is in  
29 default to enforce compliance with the provisions of this  
30 Compact and its promulgated rules and bylaws. The relief

1 sought may include both injunctive relief and damages. In the  
2 event judicial enforcement is necessary, the prevailing party  
3 shall be awarded all costs of such litigation, including  
4 reasonable attorneys' fees.

5 3. The remedies herein shall not be the exclusive  
6 remedies of the Commission. The Commission may pursue any  
7 other remedies available under federal or state law.

## 8 ARTICLE X

### 9 Effective Date, Withdrawal and Amendment

10 a. This Compact shall become effective and binding on the  
11 earlier of the date of legislative enactment of this Compact  
12 into law by no less than twenty-six (26) states or December 31,  
13 2018. All party states to this Compact, that also were parties  
14 to the prior Nurse Licensure Compact, superseded by this  
15 Compact, ("Prior Compact"), shall be deemed to have withdrawn  
16 from said Prior Compact within six (6) months after the  
17 effective date of this Compact.

18 b. Each party state to this Compact shall continue to  
19 recognize a nurse's multistate licensure privilege to practice  
20 in that party state issued under the Prior Compact until such  
21 party state has withdrawn from the Prior Compact.

22 c. Any party state may withdraw from this Compact by  
23 enacting a statute repealing the same. A party state's  
24 withdrawal shall not take effect until six (6) months after  
25 enactment of the repealing statute.

26 d. A party state's withdrawal or termination shall not  
27 affect the continuing requirement of the withdrawing or  
28 terminated state's licensing board to report adverse actions and  
29 significant investigations occurring prior to the effective date  
30 of such withdrawal or termination.

1 e. Nothing contained in this Compact shall be construed to  
2 invalidate or prevent any nurse licensure agreement or other  
3 cooperative arrangement between a party state and a non-party  
4 state that is made in accordance with the other provisions of  
5 this Compact.

6 f. This Compact may be amended by the party states. No  
7 amendment to this Compact shall become effective and binding  
8 upon the party states unless and until it is enacted into the  
9 laws of all party states.

10 g. Representatives of non-party states to this Compact shall  
11 be invited to participate in the activities of the Commission,  
12 on a nonvoting basis, prior to the adoption of this Compact by  
13 all states.

#### 14 ARTICLE XI

##### 15 Construction and Severability

16 This Compact shall be liberally construed so as to effectuate  
17 the purposes thereof. The provisions of this Compact shall be  
18 severable, and if any phrase, clause, sentence or provision of  
19 this Compact is declared to be contrary to the constitution of  
20 any party state or of the United States, or if the applicability  
21 thereof to any government, agency, person or circumstance is  
22 held invalid, the validity of the remainder of this Compact and  
23 the applicability thereof to any government, agency, person or  
24 circumstance shall not be affected thereby. If this Compact  
25 shall be held to be contrary to the constitution of any party  
26 state, this Compact shall remain in full force and effect as to  
27 the remaining party states and in full force and effect as to  
28 the party state affected as to all severable matters.

29 Section 3. Compensation and expenses of compact administrator.

30 The compact administrator who represents this Commonwealth,

1 as provided in the compact, shall not be entitled to any  
2 additional compensation for his duties and responsibilities as  
3 compact administrator but shall be entitled to reimbursement for  
4 reasonable expenses actually incurred in connection with his  
5 duties and responsibilities as compact administrator in the same  
6 manner as for expenses incurred in connection with other duties  
7 and responsibilities of the compact administrator's office or  
8 employment.

9 Section 4. National criminal history record checks.

10 All applicants for licensure under the compact in this  
11 Commonwealth shall request and submit to the licensing board the  
12 results of a national criminal history record check. The purpose  
13 of the national criminal history record check shall be to assist  
14 the licensing board in obtaining information that may relate to  
15 the applicant's fitness for licensure. The following shall  
16 apply:

17 (1) An applicant for licensure shall submit to  
18 fingerprinting by the Pennsylvania State Police or an  
19 authorized agent of the Pennsylvania State Police. The  
20 Pennsylvania State Police or authorized agent shall submit  
21 the fingerprints to the Federal Bureau of Investigation for  
22 the purposes of obtaining records of criminal arrests and  
23 convictions.

24 (2) In addition to the application fee, the applicant  
25 shall be responsible for any fees required by the  
26 Pennsylvania State Police or authorized agent for the costs  
27 of the fingerprinting and the costs of conducting a complete  
28 criminal history record check.

29 (3) The applicant shall authorize the release of all  
30 records obtained by the criminal history record check to the

1 licensing board.

2 (4) A criminal history record check submitted in support  
3 of an application for licensure must have been requested by  
4 the applicant no earlier than 12 months immediately prior to  
5 the board's receipt of the applicant's application for  
6 licensure.

7 (5) Information obtained from the criminal history  
8 record check:

9 (i) Is confidential.

10 (ii) May not be re-disseminated.

11 (iii) May be used only for the licensing purpose  
12 authorized under the compact.

13 Section 5. Nursing staff report.

14 (a) General rule.--A hospital shall compile a daily report  
15 on each patient care unit and shift containing the following  
16 information:

17 (1) The number of each of the following types of staff  
18 per four-hour time period providing direct patient care:

19 (i) Registered nurses.

20 (ii) Licensed practical nurses.

21 (iii) Certified nursing assistants.

22 (iv) Unlicensed personnel.

23 (2) The relative number of patients to each of the  
24 following types of staff:

25 (i) Registered nurses.

26 (ii) Licensed practical nurses.

27 (iii) Certified nursing assistants.

28 (iv) Unlicensed personnel.

29 (3) The current direct care nurse staffing schedule and  
30 assignment roster.

1 (4) The availability, by number of hours on the shift,  
2 that a unit clerk or unit secretary is available exclusively  
3 for the specified patient care unit.

4 (5) Whether patients requiring scheduled or emergency  
5 respiratory treatments have had treatments that were  
6 administered by a respiratory therapist or the direct care  
7 nursing staff of the unit.

8 (6) Percentage of temporary or agency nurses who are  
9 employed by an outside entity included in the shift staff.

10 (7) The methods used by the hospital for determining and  
11 adjusting staffing levels.

12 (8) The registered nurse, licensed practical nurse and  
13 certified nursing assistant turnover rate for the previous  
14 month.

15 (9) The number and types of complaints under the act of  
16 June 10, 2009 (P.L.1, No.1), known as the Preventable Serious  
17 Adverse Events Act, filed with the hospital concerning  
18 patient care for the previous month.

19 (b) Reporting method.--The reports required under subsection  
20 (a) shall be compiled as follows:

21 (1) For each patient care unit, a hospital shall count  
22 the number of patients and direct care nursing staff based on  
23 hours worked for each category of direct care nursing staff,  
24 excluding other licensed health care professionals, one hour  
25 before the end of each shift.

26 (2) For each emergency department, a hospital shall  
27 count the number of patients registered during the four-hour  
28 shift and the number of direct care nursing staff based on  
29 hours worked for each category of direct care nursing staff,  
30 excluding other licensed health care professionals, one hour

1 before the end of each shift.

2 (3) For each postanesthesia care unit, a hospital shall  
3 count the number of patients that were in the postanesthesia  
4 care unit during the shift and the number of direct care  
5 nursing staff, based on hours worked for each category of  
6 direct care nursing staff, excluding other licensed health  
7 care professionals, one hour before the end of each shift.

8 (4) For each mother and baby unit, a hospital shall  
9 report direct care nursing staff hours under the obstetrics  
10 unit, not the newborn nursery. A mother and baby should each  
11 be reported as a separate patient.

12 (5) For each psychiatric and behavioral unit, licensed  
13 mental health counselors, activity therapists and  
14 recreational therapists providing direct patient care shall  
15 be considered as licensed practical nurses. Staffing hours  
16 for unlicensed mental health technicians or other unlicensed  
17 personnel will be included as unlicensed personnel hours.

18 (6) Graduate nurses who participate in an internship  
19 program shall not be included in determining the relative  
20 number of patients to direct care nursing staff, except  
21 orientee or graduate nurse hours shall be included when the  
22 graduate nurse has completed the designated time-defined  
23 orientation and reaches the point where the graduate nurse is  
24 considered part of the staff matrix, the graduate nurse's  
25 work hours are charged to the unit and the graduate nurse is  
26 replaced if the nurse calls in sick.

27 (7) When a direct care nurse works beyond the nurse's  
28 shift into the next shift, the actual hours should be  
29 included in the daily posting forms for all shifts that the  
30 nurse worked.



1 (8) Hospital management and support staff who do not  
2 provide direct patient care may not be included in the daily  
3 reporting forms.

4 (9) Sitters, including registered nurses acting as  
5 sitters, will be considered unlicensed assistant personnel  
6 only if they provide other direct patient care in addition to  
7 observation. Sitters providing only companion service may not  
8 be included in the actual hours worked for unlicensed  
9 assistant personnel.

10 (10) When overflow beds are used for patients, the  
11 patients shall be included in the daily report of the patient  
12 care unit where the patient is receiving care.

13 (11) The staff relative number reporting shall be to one  
14 decimal point. If a hospital patient care unit does not have  
15 a direct care nursing staff for a particular category, a zero  
16 should be entered on the report for that staff category.

17 Section 6. Report posting.

18 (a) General rule.--A hospital shall post the report required  
19 under section 5 as follows:

20 (1) The report, with respect to each shift, shall be  
21 posted no later than one hour after the beginning of the next  
22 shift.

23 (2) The report shall be prominently displayed in a  
24 location visible to the public on the patient unit.

25 (3) The report shall be easily readable in its posted  
26 form.

27 (b) Submission to department.--A hospital shall submit the  
28 reports required under section 5 for the previous month to the  
29 Department of Health of the Commonwealth no later than the 15th  
30 day of each month.

1 (c) Retention of records.--Reports and records required to  
2 be compiled under section 5(a) shall be retained by the hospital  
3 for a period of five years and be posted on the hospital's  
4 publicly accessible Internet website.

5 (d) Divisions and subsidiaries.--If a hospital is a division  
6 or subsidiary of another entity that owns or operates another  
7 hospital or related organizations, the reports under section 5  
8 shall be for the specific division or subsidiary and not for  
9 another entity.

10 Section 7. Whistleblower protection.

11 (a) General rule.--A hospital shall not discriminate,  
12 retaliate, intimidate, threaten or punish an employee with  
13 respect to compensation or the terms, conditions or privileges  
14 of employment when the employee in good faith, individually or  
15 in conjunction with another person, does any of the following:

16 (1) Discloses to a nursing staff supervisor or manager,  
17 private accreditation organization, nurse's collective  
18 bargaining agent or regulatory agency, an activity, policy or  
19 practice of a hospital that violates this act or other law or  
20 rule or that the employee believes poses a risk to the  
21 health, safety or welfare of a patient or the public.

22 (2) Initiates, cooperates or otherwise participates in  
23 an investigation or proceeding brought by a regulatory agency  
24 or private accreditation body concerning matters covered by  
25 this act or a law or rule that the employee reasonably  
26 believes poses a risk to the health, safety or welfare of a  
27 patient or the public.

28 (3) Objects or refuses to participate in an activity,  
29 policy or practice of a hospital that violates this act or a  
30 law or rule the department or a reasonable person would

1 believe poses a risk to the health, safety and welfare of a  
2 patient or the public.

3 (4) Participates in a committee or peer review process  
4 or files a report of complaint that discusses allegations of  
5 unsafe, dangerous or potentially dangerous care within a  
6 hospital.

7 (b) Employee good faith.--An employee is presumed to act in  
8 good faith if the employee reasonably believes the following:

9 (1) The information reported or disclosed is true.

10 (2) A staffing violation has occurred or may occur.

11 (c) Notice to hospital.--

12 (1) The protection under subsection (a) shall not apply  
13 to an employee unless the employee gives written notice to a  
14 direct nursing supervisor or direct nursing manager of the  
15 activity, policy, practice or violation that the employee  
16 believes poses a risk to the health of a patient or the  
17 public and provides the manager a reasonable opportunity to  
18 correct the problem.

19 (2) The direct nursing supervisor or direct nursing  
20 manager shall respond in writing to the employee within seven  
21 days to acknowledge that the notice was received. The direct  
22 nursing supervisor or direct nursing manager shall provide  
23 written notice of an action taken within a reasonable time of  
24 receiving the employee's notice.

25 (d) Forms.--The Department of Health of the Commonwealth  
26 shall develop standardized reporting forms to be used in all  
27 hospitals for reporting under this section.

28 Section 8. Quarterly reports.

29 (a) General rule.--The Department of Health of the  
30 Commonwealth shall produce a quarterly report for each hospital

1 that shows the average direct care nurse staffing levels for  
2 each unit for a three-month period as follows:

3 (1) Relative number of patients to staff for each type  
4 of patient care unit.

5 (2) Turnover rate for direct care nursing staff.

6 (3) Percentage of contractual direct care nursing staff  
7 utilized.

8 (4) Daily numbers of direct care nursing staff and  
9 patients in the emergency department.

10 (5) Daily number of nonregistered nurse health care  
11 practitioners.

12 (b) Posting.--The quarterly reports produced under  
13 subsection (a) shall be made available to the public on the same  
14 publicly accessible Internet website as the quality control  
15 measures reporting for health care facilities. The Department of  
16 Health of the Commonwealth shall post quarterly reports January  
17 31, April 30, July 31 and October 31 of each year. The data in  
18 the quarterly reports must cover a period ending not earlier  
19 than one month prior to submission of the report.

20 Section 9. Monitoring.

21 The Department of Health of the Commonwealth shall be  
22 responsible for monitoring the reports from all hospitals in  
23 this Commonwealth for variances between periods and to compare  
24 the reports to the reported quality control measures to  
25 determine if there are correlations or deficiencies in the  
26 quality control measures.

27 Section 10. Compliance by hospitals.

28 The Department of Health of the Commonwealth shall be  
29 responsible for ensuring compliance with this act as a condition  
30 of licensure under the act of July 19, 1979 (P.L.130, No.48),

1 known as the Health Care Facilities Act, and shall enforce  
2 compliance in accordance with the provisions of the Health Care  
3 Facilities Act.

4 Section 11. Effective date.

5 This act shall take effect immediately.