Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas	As Engrossed: S1/21/99 H2/12/99 A Bill	A (220 - 6 1000
2	82nd General Assembly	A DIII	Act 220 of 1999
3	Regular Session, 1999		SENATE BILL 28
4 5	By: Senators Mahony Scott	Bradford, Ross, Roebuck, Edwards	
6	By: Representatives Faris, <i>Te</i>		
7	Dy. Representatives Fulls, Fe	angue .	
8			
9		For An Act To Be Entitled	
10	"AN ACT TO	ADOPT THE INTERSTATE NURSE LICENSU	JRE
11	COMPACT; A	ND FOR OTHER PURPOSES."	
12			
13		Subtitle	
14	"AN A	ACT TO ADOPT THE INTERSTATE NURSE	
15	LICE	NSURE COMPACT."	
16	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF ARK	(ANSAS:
17			
18	SECTION 1. The	Interstate Nurse Licensure Compact	<u>is enacted into law</u>
19	<u>and entered into by th</u>	nis state with all states legally jo	oining therein and in
20	<u>the form substantially</u>	<u>as follows:</u>	
21			
22		NURSE LICENSURE COMPACT	
23		ARTICLE I	
24	<u> </u>	Findings and Declaration of Purpose	
25			
26		states find that:	
27		nealth and safety of the public are	
28		ith and the effectiveness of enforc	<u>ement activities</u>
29	related to state nurse		
30		tions of nurse licensure and other	
31		ny result in injury or harm to the p	
32		expanded mobility of nurses and the	
33 24		ogies as part of our nation's health	
34 35	nurse licensure and re	nation and cooperation among states	
35 36		practice modalities and technology m	nake compliance with
55		a det de modar i tres and teennor ogy m	and comprisingly writh

1	individual state nurse licensure laws difficult and complex;
2	(5) the current system of duplicative licensure for nurses
3	practicing in multiple states is cumbersome and redundant to both nurses and
4	states.
5	(b) The general purposes of this Compact are to:
6	(1) facilitate the states' responsibility to protect the public's
7	health and safety;
8	(2) ensure and encourage the cooperation of party states in the
9	areas of nurse licensure and regulation;
10	(3) facilitate the exchange of information between party states
11	in the areas of nurse regulation, investigation and adverse actions;
12	(4) promote compliance with the laws governing the practice of
13	nursing in each jurisdiction;
14	(5) invest all party states with the authority to hold a nurse
15	accountable for meeting all state practice laws in the state in which the
16	patient is located at the time care is rendered through the mutual recognition
17	of party state licenses.
18	
19	ARTICLE II
19 20	<u>ARTICLE II</u> Definitions
20	
20 21	<u>Definitions</u>
20 21 22	<u>Definitions</u> <u>As used in this Compact:</u>
20 21 22 23	<u>Definitions</u> <u>As used in this Compact:</u> <u>(a) "Adverse Action" means a home or remote state action.</u>
20 21 22 23 24	<u>Definitions</u> <u>As used in this Compact:</u> <u>(a) "Adverse Action" means a home or remote state action.</u> <u>(b) "Alternative program" means a voluntary, non-disciplinary</u>
20 21 22 23 24 25	<u>Definitions</u> <u>As used in this Compact:</u> <u>(a) "Adverse Action" means a home or remote state action.</u> <u>(b) "Alternative program" means a voluntary, non-disciplinary</u> <u>monitoring program approved by a nurse licensing board.</u>
20 21 22 23 24 25 26	<u>Definitions</u> <u>As used in this Compact:</u> (a) "Adverse Action" means a home or remote state action. (b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board. (c) "Coordinated Licensure Information System" means an integrated
20 21 22 23 24 25 26 27	<u>Definitions</u> <u>As used in this Compact:</u> (a) "Adverse Action" means a home or remote state action. (b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board. (c) "Coordinated Licensure Information System" means an integrated process for collecting, storing, and sharing information on nurse licensure
20 21 22 23 24 25 26 27 28	<u>Definitions</u> <u>As used in this Compact:</u> (a) "Adverse Action" means a home or remote state action. (b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board. (c) "Coordinated Licensure Information System" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is
20 21 22 23 24 25 26 27 28 29	<u>As used in this Compact:</u> (a) "Adverse Action" means a home or remote state action. (b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board. (c) "Coordinated Licensure Information System" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of and controlled by state
20 21 22 23 24 25 26 27 28 29 30	<u>As used in this Compact:</u> (a) "Adverse Action" means a home or remote state action. (b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board. (c) "Coordinated Licensure Information System" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of and controlled by state nurse licensing boards.
20 21 22 23 24 25 26 27 28 29 30 31	<u>As used in this Compact:</u> <u>As used in this Compact:</u> <u>(a) "Adverse Action" means a home or remote state action.</u> <u>(b) "Alternative program" means a voluntary, non-disciplinary</u> monitoring program approved by a nurse licensing board. <u>(c) "Coordinated Licensure Information System" means an integrated</u> process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of and controlled by state <u>(d) "Current significant investigative information" means:</u>
20 21 22 23 24 25 26 27 28 29 30 31 32	Definitions As used in this Compact: (a) "Adverse Action" means a home or remote state action. (b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board. (c) "Coordinated Licensure Information System" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of and controlled by state nurse licensing boards. (d) "Current significant investigative information" means: (1) Investigative information that a licensing board after a
20 21 22 23 24 25 26 27 28 29 30 31 32 33	<u>Definitions</u> <u>As used in this Compact:</u> (a) "Adverse Action" means a home or remote state action. (b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board. (c) "Coordinated Licensure Information System" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of and controlled by state nurse licensing boards. (d) "Current significant investigative information" means: (1) Investigative information that a licensing board after a preliminary inquiry that includes notification and an opportunity for the

1	(2) Investigative information that indicates that the nurse
2	represents an immediate threat to public health and safety regardless of
3	whether the nurse has been notified and had an opportunity to respond.
4	(e) "Home state" means the party state which is the nurse's primary
5	estate of residence.
6	(f) "Home state action" means any administrative, civil, equitable or
7	criminal action permitted by the home state's laws which are imposed on a
8	nurse by the home state's licensing board or other authority including actions
9	against an individual's license such as: revocation, suspension, probation or
10	any other action which affects a nurse's authorization to practice.
11	(g) "Licensing board" means a party state's regulatory body responsible
12	for issuing nurse licenses.
13	(h) "Multistate licensure privilege" means current, official authority
14	from a remote state permitting the practice of nursing as either a registered
15	nurse or a licensed practical/vocational nurse in such party state. All party
16	states have the authority, in accordance with existing state due process law,
17	to take actions against the nurse's privilege such as: revocation,
18	suspension, probation or any other action which affects a nurse's
19	authorization to practice.
20	<u>(i) "Nurse" means a registered nurse or licensed practical/vocational</u>
21	nurse, as those terms are defined by each party's state practice laws.
22	(j) "Party state" means any state that has adopted this Compact.
23	(k) "Remote state" means a party state, other than the home state:
24	(1) where the patient is located at the time nursing care is
25	provi ded, or,
26	(2) in the case of the practice of nursing not involving a
27	patient, in such party state where the recipient of nursing practice is
28	located.
29	(I) "Remote state action" means:
30	(1) any administrative, civil, equitable or criminal action
31	permitted by a remote state's laws which are imposed on a nurse by the remote
32	state's licensing board or other authority including actions against an
33	individual's multistate licensure privilege to practice in the remote state,
34	and
35	(2) cease and desist and other injunctive or equitable orders
36	issued by remote states or the licensing boards thereof.

1	(m) "State" means a state, territory, or possession of the United
2	States, the District of Columbia or the Commonwealth of Puerto Rico.
3	(n) "State practice laws" means those individual party's state laws and
4	regulations that govern the practice of nursing, define the scope of nursing
5	practice, and create the methods and grounds for imposing discipline. "State
6	practice laws" does not include the initial qualifications for licensure or
7	requirements necessary to obtain and retain a license, except for
8	qualifications or requirements of the home state.
9	
10	ARTICLE III
11	General Provisions and Jurisdiction
12	
13	(a) A license to practice registered nursing issued by a home state to
14	a resident in that state will be recognized by each party state as authorizing
15	a multistate licensure privilege to practice as a registered nurse in such
16	party state. A license to practice licensed practical/vocational nursing
17	issued by a home state to a resident in that state will be recognized by each
18	party state as authorizing a multistate licensure privilege to practice as a
19	licensed practical/vocational nurse in such party state. In order to obtain
20	or retain a license, an applicant must meet the home state's qualifications
21	for licensure and license renewal as well as all other applicable state laws.
22	(b) Party states may, in accordance with state due process laws, limit
23	or revoke the multistate licensure privilege of any nurse to practice in their
24	state and may take any other actions under their applicable state laws
25	necessary to protect the health and safety of their citizens. If a party
26	state takes such action, it shall promptly notify the administrator of the
27	coordinated licensure information system. The administrator of the
28	coordinated licensure information system shall promptly notify the home state
29	of any such actions by remote states.
30	(c) Every nurse practicing in a party state must comply with the state
31	practice laws of the state in which the patient is located at the time care is
32	rendered. In addition, the practice of nursing is not limited to patient
33	care, but shall include all nursing practice as defined by the state practice
34	laws of a party state. The practice of nursing will subject a nurse to the
35	jurisdiction of the nurse licensing board and the courts, as well as the laws,
36	in that party state.

1	(d) This Compact does not affect additional requirements imposed by
2	states for advanced practice registered nursing. However, a multistate
3	licensure privilege to practice registered nursing granted by a party state
4	shall be recognized by other party states as a license to practice registered
5	nursing if one is required by state law as a precondition for qualifying for
6	advanced practice registered nurse authorization.
7	(e) Individuals not residing in a party state shall continue to be able
8	to apply for nurse licensure as provided for under the laws of each party
9	state. However, the license granted to these individuals will not be
10	recognized as granting the privilege to practice nursing in any other party
11	state unless explicitly agreed to by that party state.
12	
13	ARTICLE IV
14	Applications for Licensure in a Party State
15	
16	(a) Upon application for a license, the licensing board in a party
17	state shall ascertain, through the coordinated licensure information system,
18	whether the applicant has ever held, or is the holder of, a license issued by
19	any other state, whether there are any restrictions on the multistate
20	licensure privilege, and whether any other adverse action by any state has
21	been taken against the license.
22	(b) A nurse in a party state shall hold licensure in only one party
23	state at a time, issued by the home state.
24	(c) A nurse who intends to change primary state of residence may apply
25	for licensure in the new home state in advance of such change. However, new
26	licenses will not be issued by a party state until after a nurse provides
27	evidence of change in primary state of residence satisfactory to the new home
28	<u>state's licensing board.</u>
29	(d) When a nurse changes primary state of residence by:
30	(1) moving between two party states, and obtains a license from
31	the new home state, the license from the former home state is no longer valid;
32	(2) moving from a non-party state to a party state, and obtains a
33	license from the new home state, the individual state license issued by the
34	non-party state is not affected and will remain in full force if so provided
35	by the laws of the non-party state;
36	(3) moving from a party state to a non-party state, the license

1	issued by the prior home state converts to an individual state license, valid
2	only in the former home state, without the multistate licensure privilege to
3	practice in other party states.
4	
5	ARTICLE V
6	Adverse Actions
7	
8	In addition to the General Provisions described in Article III, the
9	following provisions apply:
10	(a) The licensing board of a remote state shall promptly report to the
11	administrator of the Coordinated licensure information system any remote state
12	actions including the factual and legal basis for such action, if known. The
13	licensing board of a remote state shall also promptly report any significant
14	current investigative information yet to result in a remote state action. The
15	administrator of the Coordinated licensure information system shall promptly
16	notify the home state of any such reports.
17	(b) The licensing board of a party state shall have the authority to
18	complete any pending investigations for a nurse who changes primary state of
19	residence during the course of such investigations. It shall also have the
20	authority to take appropriate action(s), and shall promptly report the
21	conclusions of such investigations to the administrator of the Coordinated
22	licensure information system. The administrator of the Coordinated licensure
23	information system shall promptly notify the new home state of any such
24	actions.
25	(c) A remote state may take adverse action affecting the multistate
26	<u>licensure privilege to practice within that party state. However, only the</u>
27	home state shall have the power to impose adverse action against the license
28	issued by the home state.
29	(d) For purposes of imposing adverse action, the licensing board of
30	the home state shall give the same priority and effect to reported conduct
31	received from a remote state as it would if such conduct had occurred within
32	<u>the home state. In so doing, it shall apply its own state laws to determine</u>
33	appropriate action.
34	(e) The home state may take adverse action based on the factual
35	findings of the remote state, so long as each state follows its own procedures
36	for imposing such adverse action.

1	<u>(f) Nothing in this Compact shall override a party state's decision</u>
2	<u>that participation in an alternative program may be used in lieu of licensure</u>
3	action and that such participation shall remain non-public if required by the
4	party state's laws. Party states must require nurses who enter any
5	alternative programs to agree not to practice in any other party state during
6	the term of the alternative program without prior authorization from such
7	other party state.
8	
9	ARTICLE VI
10	Additional Authorities Invested in Party State Nurse Licensing Boards
11	
12	<u>Notwithstanding any other powers, party state nurse licensing boards</u>
13	shall have the authority to:
14	(a) If otherwise permitted by state law, recover from the affected
15	nurse the costs of investigations and disposition of cases resulting from any
16	adverse action taken against that nurse;
17	(b) Issue subpoenas for both hearings and investigations which require
18	the attendance and testimony of witnesses, and the production of evidence.
19	Subpoenas issued by a nurse licensing board in a party state for the
20	attendance and testimony of witnesses, and/or the production of evidence from
21	another party state, shall be enforced in the latter state by any court of
22	competent jurisdiction, according to the practice and procedure of that court
23	applicable to subpoenas issued in proceedings pending before it. The issuing
24	authority shall pay any witness fees, travel expenses, mileage and other fees
25	required by the service statutes of the state where the witnesses and/or
26	evidence are located.
27	<u>(c) Issue cease and desist orders to limit or revoke a nurse's</u>
28	authority to practice in their state;
29	(d) Promulgate uniform rules and regulations as provided for in Article
30	<u>VIII(c).</u>
31	
32	ARTICLE VII
33	Coordinated Licensure Information System
34	
35	<u>(a) All party states shall participate in a cooperative effort to</u>
36	create a coordinated data base of all licensed registered nurses and licensed

As Engrossed: S1/21/99 H2/12/99

1	manatical (usestional number. This suctom will include information on the
1	practical/vocational nurses. This system will include information on the
2	licensure and disciplinary history of each nurse, as contributed by party
3	states, to assist in the coordination of nurse licensure and enforcement
4	<u>efforts.</u>
5	(b) Notwithstanding any other provision of law, all party states'
6	licensing boards shall promptly report adverse actions, actions against
7	<u>multistate licensure privileges, any current significant investigative</u>
8	information yet to result in adverse action, denials of applications, and the
9	reasons for such denials, to the coordinated licensure information system.
10	<u>(c) Current significant investigative information shall be transmitted</u>
11	through the coordinated licensure information system only to party state
12	Licensing boards.
13	<u>(d) Notwithstanding any other provision of law, all party states'</u>
14	licensing boards contributing information to the coordinated licensure
15	information system may designate information that may not be shared with non-
16	party states or disclosed to other entities or individuals without the express
17	permission of the contributing state.
18	(e) Any personally identifiable information obtained by a party states'
19	licensing board from the coordinated licensure information system may not be
20	shared with non-party states or disclosed to other entities or individuals
21	except to the extent permitted by the laws of the party state contributing the
22	information.
23	(f) Any information contributed to the coordinated licensure
24	information system that is subsequently required to be expunged by the laws of
25	the party states contributing that information, shall also be expunged from
26	the coordinated licensure information system.
27	(g) The compact administrators, acting jointly with each other and in
28	<u>consultation with the administrator of the coordinated licensure information</u>
29	system, shall formulate necessary and proper procedures for the
30	identification, collection and exchange of information under this Compact.
31	
32	ARTICLE VIII
33	Compact Administration and Interchange of Information
34	
35	(a) The head of the nurse licensing board, or his/her designee, of each
36	party state shall be the administrator of this Compact for his/her state.

1	(b) The compact administrator of each party state shall furnish to the
2	compact administrator of each other party state any information and documents
3	<u>including, but not limited to, a uniform data set of investigations,</u>
4	identifying information, licensure data, and disclosable alternative program
5	participation information to facilitate the administration of this Compact.
6	(c) Compact administrators shall have the authority to develop uniform
7	rules to facilitate and coordinate implementation of this Compact. These
8	uniform rules shall be adopted by party states, under the authority invested
9	under Article VI (d).
10	
11	ARTICLE IX
12	Immunity
13	
14	No party state or the officers or employees or agents of a party state's
15	nurse licensing board who acts in accordance with the provisions of this
16	Compact shall be liable on account of any act or omission in good faith while
17	engaged in the performance of their duties under this Compact. Good faith in
18	this article shall not include willful misconduct or gross negligence.
19	
20	ARTICLE X
21	Entry into Force, Withdrawal and Amendment
22	
23	(a) This Compact shall enter into force and become effective as to any
24	state when it has been enacted into the laws of that state. Any party state
25	may withdraw from this Compact by enacting a statute repealing the same, but
26	no such withdrawal shall take effect until six (6) months after the
27	withdrawing state has given notice of the withdrawal to the executive heads of
28	all other party states.
29	(b) No withdrawal shall affect the validity or applicability by the
30	licensing boards of states remaining party to the Compact of any report of
31	adverse action occurring prior to the withdrawal.
32	(c) Nothing contained in this Compact shall be construed to invalidate
33	or prevent any nurse licensure agreement or other cooperative arrangement
34	between a party state and a non-party state that is made in accordance with
35	the other provisions of this Compact.

1	this Compact shall become effective and binding upon the party states unless
2	and until it is enacted into the laws of all party states.
3	
4	ARTICLE XI
5	Construction and Severability
6	
7	(a) This Compact shall be liberally construed so as to effectuate the
8	purposes thereof. The provisions of this Compact shall be severable and if
9	any phrase, clause, sentence or provision of this Compact is declared to be
10	contrary to the constitution of any party state or of the United States or the
11	applicability thereof to any government, agency, person or circumstance is
12	held invalid, the validity of the remainder of this Compact and the
13	applicability thereof to any government, agency, person or circumstance shall
14	not be affected thereby. If this Compact shall be held contrary to the
15	constitution of any state party thereto, the Compact shall remain in full
16	force and effect as to the remaining party states and in full force and effect
17	as to the party state affected as to all severable matters.
18	(b) In the event party states find a need for settling disputes arising
19	under this Compact:
20	(1) The party states may submit the issues in dispute to an
21	arbitration panel which will be comprised of an individual appointed by the
22	<u>compact administrator in the home state; an individual appointed by the</u>
23	<u>compact administrator in the remote state(s) involved; and an individual</u>
24	mutually agreed upon by the compact administrators of all the party states
25	<u>involved in the dispute.</u>
26	(2) The decision of a majority of the arbitrators shall be final
27	and binding.
28	
29	SECTION 2. <u>The Board may limit or revoke practice privileges in this</u>
30	state of a person licensed to practice nursing by a jurisdiction that has
31	joined the Compact or take action on previous practice privilege action from
32	another party state.
33	
34	SECTION 3. For purposes of this act, the term "head of the nurse
35	licensing board" shall mean the Executive Director of the Arkansas State Board
36	<u>of Nursing.</u>

1	
2	SECTION 4. (a) The effective date of this Compact shall be July 1, 2000.
3	(b) Upon the effective date of this compact, the licensing
4	board shall participate in an evaluation of the effectiveness and operability
5	of the compact. Upon completion of the evaluation, a report shall be
6	submitted to the Legislative Council for its review.
7	
8	SECTION 5. All provisions of this Act of a general and permanent nature
9	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10	Revision Commission shall incorporate the same in the Code.
11	
12	SECTION 6. If any provision of this Act or the application thereof to
13	any person or circumstance is held invalid, such invalidity shall not affect
14	other provisions or applications of the Act which can be given effect without
15	the invalid provision or application, and to this end the provisions of this
16	Act are declared to be severable.
17	
18	SECTION 7. All laws and parts of laws in conflict with this Act are
19	hereby repealed.
20	/s/ Mahony, et al
21	
22	
23	APPROVED: 2/23/1999
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