

House Study Bill 251

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON UPMEYER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to establish an advanced practice registered nurse compact
2 and including a future repeal.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2765YC 81
5 jr/gg/14

PAG LIN

1 1 Section 1. Section 147.2, unnumbered paragraph 2, Code
1 2 2005, is amended to read as follows:

1 3 For purposes of this section, a person who is licensed in
1 4 another state and recognized for licensure in this state
1 5 pursuant to the nurse licensure compact contained in section
1 6 152E.1 or pursuant to the advanced practice registered nurse
1 7 compact contained in section 152E.3 shall be considered to
1 8 have obtained a license to practice nursing from the
1 9 department.

1 10 Sec. 2. Section 147.5, unnumbered paragraph 2, Code 2005,
1 11 is amended to read as follows:

1 12 This section shall not apply to a person who is licensed in
1 13 another state and recognized for licensure in this state
1 14 pursuant to the nurse licensure compact contained in section
1 15 152E.1 or pursuant to the advanced practice registered nurse
1 16 compact contained in section 152E.3.

1 17 Sec. 3. Section 147.7, unnumbered paragraph 2, Code 2005,
1 18 is amended to read as follows:

1 19 This section shall not apply to a person who is licensed in
1 20 another state and recognized for licensure in this state
1 21 pursuant to the nurse licensure compact contained in section
1 22 152E.1 or pursuant to the advanced practice registered nurse
1 23 compact contained in section 152E.3. A person licensed in
1 24 another state and recognized for licensure in this state
1 25 pursuant to the compact shall, however, maintain a copy of a
1 26 license issued by the person's home state available for
1 27 inspection when engaged in the practice of nursing in this
1 28 state.

1 29 Sec. 4. Section 152.6, Code 2005, is amended to read as
1 30 follows:

1 31 152.6 LICENSES == PROFESSIONAL ABBREVIATIONS.

1 32 The board may license a natural person to practice as a
1 33 registered nurse or as a licensed practical nurse. However,
1 34 only a person currently licensed as a registered nurse in this
1 35 state may use that title and the abbreviation "RN" after the
2 1 person's name and only a person currently licensed as a
2 2 licensed practical nurse in this state may use that title and
2 3 the abbreviation "LPN" after the person's name. For purposes
2 4 of this section, "currently licensed" includes persons
2 5 licensed in another state and recognized for licensure in this
2 6 state pursuant to the nurse licensure compact contained in
2 7 section 152E.1 or pursuant to the advanced practice registered
2 8 nurse compact contained in section 152E.3.

2 9 Sec. 5. Section 152.7, unnumbered paragraph 2, Code 2005,
2 10 is amended to read as follows:

2 11 For purposes of licensure pursuant to the nurse licensure
2 12 compact contained in section 152E.1 or pursuant to the
2 13 advanced practice registered nurse compact contained in
2 14 section 152E.3, the compact administrator may refuse to accept
2 15 a change in the qualifications for licensure as a registered
2 16 nurse or as a licensed practical or vocational nurse by a
2 17 licensing authority in another state which is a party to the
2 18 compact which substantially modifies that state's

2 19 qualifications for licensure in effect on July 1, 2000. A
2 20 refusal to accept a change in a party state's qualifications
2 21 for licensure may result in submitting the issue to an
2 22 arbitration panel or in withdrawal from the compact, at the
2 23 discretion of the compact administrator.
2 24 Sec. 6. Section 152.8, subsections 1 and 2, Code 2005, are
2 25 amended to read as follows:
2 26 1. A license possessed by an applicant from a state which
2 27 has not adopted the nurse licensure compact contained in
2 28 section 152E.1 or the advanced practice registered nurse
2 29 compact contained in section 152E.3 shall be recognized by the
2 30 board under conditions specified which indicate that the
2 31 licensee meets all the qualifications required under section
2 32 152.7. If a foreign license is recognized, the board may
2 33 issue a license by endorsement without an examination being
2 34 required. Recognition shall be based on whether the foreign
2 35 licensee is qualified to practice nursing. The board may
3 1 issue a temporary license to a natural person who has
3 2 completed the requirements of and applied for licensure by
3 3 endorsement. The board shall determine the length of time a
3 4 temporary license shall remain effective.
3 5 2. A license possessed by an applicant and issued by a
3 6 state which has adopted the nurse licensure compact contained
3 7 in section 152E.1 or the advanced practice registered nurse
3 8 compact contained in section 152E.3 shall be recognized
3 9 pursuant to the provisions of that section.
3 10 Sec. 7. Section 152.10, subsection 2, paragraph d,
3 11 subparagraph (2), Code 2005, is amended to read as follows:
3 12 (2) Having a license to practice nursing as a registered
3 13 nurse or licensed practical nurse revoked or suspended, or
3 14 having other disciplinary action taken, by a licensing
3 15 authority in another state which has adopted the nurse
3 16 licensure compact contained in section 152E.1 or the advanced
3 17 practice registered nurse compact contained in section 152E.3
3 18 and which has communicated information relating to such action
3 19 pursuant to the coordinated licensure information system
3 20 established by the compact. If the action taken by the
3 21 licensing authority occurs in a jurisdiction which does not
3 22 afford the procedural protections of chapter 17A, the licensee
3 23 may object to the communicated information and shall be
3 24 afforded the procedural protections of chapter 17A.
3 25 Sec. 8. Section 152E.2, unnumbered paragraph 1, Code 2005,
3 26 is amended to read as follows:
3 27 The executive director of the board of nursing, as provided
3 28 for in section 152.2, shall serve as the compact administrator
3 29 identified in article VIII, section a, of the nurse licensure
3 30 compact contained in section 152E.1 and as the compact
3 31 administrator identified in article VIII, section a, of the
3 32 advanced practice registered nurse licensure compact contained
3 33 in section 152E.3.
3 34 Sec. 9. NEW SECTION. 152E.3 FORM OF ADVANCED PRACTICE
3 35 REGISTERED NURSE COMPACT.
4 1 The advanced practice registered nurse compact is entered
4 2 into and enacted into law with all jurisdictions legally
4 3 joining therein, in the form substantially as follows:
4 4 ARTICLE I == FINDINGS AND DECLARATION OF PURPOSE
4 5 a. The party states find all of the following:
4 6 1. The health and safety of the public are affected by the
4 7 degree of compliance with advanced practice registered nurse
4 8 licensure and practice requirements and the effectiveness of
4 9 enforcement activities related to state advanced practice
4 10 registered nurse license or authority to practice laws.
4 11 2. Violations of advanced practice registered nurse
4 12 licensure and practice and other laws regulating the practice
4 13 of nursing may result in injury or harm to the public.
4 14 3. The expanded mobility of advanced practice registered
4 15 nurses and the use of advanced communication technologies as
4 16 part of our nation's health care delivery system require
4 17 greater coordination and cooperation among states in the areas
4 18 of advanced practice registered nurse licensure and practice
4 19 requirements.
4 20 4. New practice modalities and technology make compliance
4 21 with individual state advanced practice registered nurse
4 22 licensure and practice requirements difficult and complex.
4 23 5. The current system of duplicative advanced practice
4 24 registered nurse licensure and practice requirements for
4 25 advanced practice registered nurses practicing in multiple
4 26 states is cumbersome and redundant to both advanced practice
4 27 registered nurses and states.
4 28 6. Uniformity of advanced practice registered nurse
4 29 requirements throughout the states promotes public safety and

4 30 public health benefits.

4 31 7. Access to advanced practice registered nurse services
4 32 increases the public's access to health care, particularly in
4 33 rural and underserved areas.

4 34 b. The general purposes of this compact are to:

4 35 1. Facilitate the states' responsibilities to protect the
5 1 public's health and safety.

5 2 2. Ensure and encourage the cooperation of party states in
5 3 the areas of advanced practice registered nurse licensure and
5 4 practice requirements including promotion of uniform licensure
5 5 requirements.

5 6 3. Facilitate the exchange of information between party
5 7 states in the areas of advanced practice registered nurse
5 8 regulation, investigation, and adverse actions.

5 9 4. Promote compliance with the laws governing advanced
5 10 practice registered nurse practice in each jurisdiction.

5 11 5. Invest all party states with the authority to hold an
5 12 advanced practice registered nurse accountable for meeting all
5 13 state practice laws in the state in which the patient is
5 14 located at the time care is rendered through the mutual
5 15 recognition of party state licenses.

5 16 ARTICLE II == DEFINITIONS

5 17 As used in this compact:

5 18 a. "Advanced practice registered nurse" means a nurse
5 19 anesthetist, nurse practitioner, nurse midwife, or clinical
5 20 nurse specialist to the extent a party state licenses or
5 21 grants authority to practice in that advanced practice
5 22 registered nurse role and title.

5 23 b. "Advanced practice registered nurse licensure and
5 24 practice requirements" means the regulatory mechanism used by
5 25 a party state to grant legal authority to practice as an
5 26 advanced practice registered nurse.

5 27 c. "Advanced practice registered nurse uniform license or
5 28 authority to practice requirements" means those minimum
5 29 uniform licensure, education, and examination requirements as
5 30 agreed to by the compact administrators and adopted by
5 31 licensing boards for the recognized advanced practice
5 32 registered nurse role and title.

5 33 d. "Adverse action" means a home or remote state action.

5 34 e. "Alternative program" means a voluntary,
5 35 nondisciplinary monitoring program approved by a nurse
6 1 licensing board.

6 2 f. "Coordinated licensure information system" means an
6 3 integrated process for collecting, storing, and sharing
6 4 information on advanced practice registered nurse licensure
6 5 and practice requirements and enforcement activities related
6 6 to an advanced practice registered nurse license or authority
6 7 to practice laws, which is administered by a nonprofit
6 8 organization composed of and controlled by state licensing
6 9 boards.

6 10 g. "Current significant investigative information" means
6 11 either of the following:

6 12 1. Investigative information that a licensing board, after
6 13 a preliminary inquiry that includes notification and an
6 14 opportunity for the advanced practice registered nurse to
6 15 respond if required by state law, has reason to believe is not
6 16 groundless and, if proved true, would indicate more than a
6 17 minor infraction.

6 18 2. Investigative information that indicates that the
6 19 advanced practice registered nurse represents an immediate
6 20 threat to public health and safety regardless of whether the
6 21 advanced practice registered nurse has been notified and had
6 22 an opportunity to respond.

6 23 h. "Home state" means the party state that is the advanced
6 24 practice registered nurse's primary state of residence.

6 25 i. "Home state action" means any administrative, civil,
6 26 equitable, equitable, criminal, or other action permitted by
6 27 the home state's laws which is imposed on an advanced practice
6 28 registered nurse by the home state's licensing board or other
6 29 authority, including actions against an individual's license
6 30 or authority to practice such as revocation, suspension,
6 31 probation, or any other action which affects an advanced
6 32 practice registered nurse's authorization to practice.

6 33 j. "Licensing board" means a party state's regulatory body
6 34 responsible for issuing advanced practice registered nurse
6 35 licensure and practice requirements.

7 1 k. "Multistate advanced practice privilege" means current
7 2 authority from a remote state permitting an advanced practice
7 3 registered nurse to practice in that state in the same role
7 4 and title as the advanced practice registered nurse is
7 5 licensed and authorized to practice in the home state to the

7 6 extent that the remote state laws recognize such advanced
7 7 practice registered nurse role and title. A party state has
7 8 the authority, in accordance with existing state due process
7 9 laws, to take actions against the advanced practice registered
7 10 nurse's privilege, including revocation, suspension,
7 11 probation, or any other action that affects an advanced
7 12 practice registered nurse's multistate privilege to practice.

7 13 1. "Party state" means any state that has adopted this
7 14 compact.

7 15 m. "Prescriptive authority" means the legal authority to
7 16 prescribe medications and devices as defined by party state
7 17 laws.

7 18 n. "Remote state" means a party state, other than the home
7 19 state, where either of the following applies:

7 20 1. Where the patient is located at the time advanced
7 21 practice registered nurse care is provided.

7 22 2. In the case of advanced practice registered nurse
7 23 practice not involving a patient, in such party state where
7 24 the recipient of advanced practice registered nurse care is
7 25 located.

7 26 o. "Remote state action" means either of the following:

7 27 1. Any administrative, civil, equitable, criminal, or
7 28 other action permitted by a remote state's laws which is
7 29 imposed on an advanced practice registered nurse by the remote
7 30 state's licensing board or other authority, including actions
7 31 against an individual's multistate advanced practice privilege
7 32 in the remote state.

7 33 2. Cease and desist and other injunctive or equitable
7 34 orders issued by remote states or the licensing boards of
7 35 remote states.

8 1 p. "State" means a state, territory, or possession of the
8 2 United States, the District of Columbia, or the Commonwealth
8 3 of Puerto Rico.

8 4 q. "State practice laws" means a party state's laws and
8 5 regulations that govern advanced practice registered nurse
8 6 practice, define the scope of advanced nursing practice,
8 7 including prescriptive authority, and create the methods and
8 8 grounds for imposing discipline. "State practice laws" does
8 9 not include the requirements necessary to obtain and retain
8 10 advanced practice registered nurse licensure and practice
8 11 requirements as an advanced practice registered nurse, except
8 12 for qualifications or requirements of the home state.

8 13 r. "Unencumbered" means that a state has no current
8 14 disciplinary action against an advanced practice registered
8 15 nurse's license or authority to practice.

8 16 ARTICLE III == GENERAL PROVISIONS AND JURISDICTION

8 17 a. All party states shall participate in the nurse
8 18 licensure compact for registered nurses and licensed practical
8 19 or vocational nurses in order to enter into the advanced
8 20 practice registered nurse compact.

8 21 b. A state shall not enter the advanced practice
8 22 registered nurse compact until the state adopts, at a minimum,
8 23 the advanced practice registered nurse uniform license or
8 24 authority to practice requirements for each advanced practice
8 25 registered nurse role and title recognized by the state
8 26 seeking to enter the advanced practice registered nurse
8 27 compact.

8 28 c. Advanced practice registered nurse license or authority
8 29 to practice issued by a home state to a resident in that state
8 30 shall be recognized by each party state as authorizing a
8 31 multistate advanced practice privilege to the extent that the
8 32 role and title are recognized by each party state. To obtain
8 33 or retain advanced practice registered nurse licensure and
8 34 practice requirements as an advanced practice registered
8 35 nurse, an applicant must meet the home state's qualifications
9 1 for authority or renewal of authority as well as all other
9 2 applicable state laws.

9 3 d. The advanced practice registered nurse multistate
9 4 advanced practice privilege does not include prescriptive
9 5 authority, and does not affect any requirements imposed by
9 6 states to grant to an advanced practice registered nurse
9 7 initial and continuing prescriptive authority according to
9 8 state practice laws. However, a party state may grant
9 9 prescriptive authority to an individual on the basis of a
9 10 multistate advanced practice privilege to the extent permitted
9 11 by state practice laws.

9 12 e. A party state may, in accordance with state due process
9 13 laws, limit or revoke the multistate advanced practice
9 14 privilege in the party state and may take any other necessary
9 15 actions under the party state's applicable laws to protect the
9 16 health and safety of the party state's citizens. If a party

9 17 state takes action, the party state shall promptly notify the
9 18 administrator of the coordinated licensure information system.
9 19 The administrator of the coordinated licensure information
9 20 system shall promptly notify the home state of any such
9 21 actions by remote states.

9 22 f. An advanced practice registered nurse practicing in a
9 23 party state must comply with the state practice laws of the
9 24 state in which the patient is located at the time care is
9 25 provided. The advanced practice registered nurse practice
9 26 includes patient care and all advanced nursing practice
9 27 defined by the party state's practice laws. The advanced
9 28 practice registered nurse practice subjects an advanced
9 29 practice registered nurse to the jurisdiction of the licensing
9 30 board, the courts, and the laws of the party state.

9 31 g. Individuals not residing in a party state may apply for
9 32 an advanced practice registered nurse license or authority to
9 33 practice as an advanced practice registered nurse under the
9 34 laws of a party state. However, the authority to practice
9 35 granted to these individuals shall not be recognized as
10 1 granting the privilege to practice as an advanced practice
10 2 registered nurse in any other party state unless explicitly
10 3 agreed to by that party state.

10 4 ARTICLE IV == APPLICATIONS FOR ADVANCED PRACTICE REGISTERED 10 5 NURSE LICENSURE OR AUTHORITY TO PRACTICE IN A PARTY STATE

10 6 a. Once an application for an advanced practice registered
10 7 nurse license or authority to practice is submitted, a party
10 8 state shall ascertain, through the coordinated licensure
10 9 information system, whether the applicant has held, or is the
10 10 holder of, a nursing license or authority to practice issued
10 11 by another state, whether the applicant has had a history of
10 12 previous disciplinary action by any state, whether an
10 13 encumbrance exists on any license or authority to practice,
10 14 and whether any other adverse action by any other state has
10 15 been taken against a license or authority to practice.

10 16 This information may be used in approving or denying an
10 17 application for an advanced practice registered nurse license
10 18 or authority to practice.

10 19 b. An advanced practice registered nurse in a party state
10 20 shall hold an advanced practice registered nurse license or
10 21 authority to practice in only one party state at a time,
10 22 issued by the home state.

10 23 c. An advanced practice registered nurse who intends to
10 24 change the nurse's primary state of residence may apply for an
10 25 advanced practice registered nurse license or authority to
10 26 practice in the new home state in advance of such change.
10 27 However, a new license or authority to practice shall not be
10 28 issued by a party state until after an advanced practice
10 29 registered nurse provides evidence of change in the nurse's
10 30 primary state of residence satisfactory to the new home
10 31 state's licensing board.

10 32 d. 1. If an advanced practice registered nurse changes
10 33 the nurse's primary state of residence by moving between two
10 34 party states, and obtains an advanced practice registered
10 35 nurse license or authority to practice from the new home
11 1 state, the advanced practice registered nurse license or
11 2 authority to practice from the former home state is no longer
11 3 valid.

11 4 2. If an advanced practice registered nurse changes the
11 5 nurse's primary state of residence by moving from a nonparty
11 6 state to a party state, and obtains an advanced practice
11 7 registered nurse license or authority to practice from the new
11 8 home state, the individual state license issued by the
11 9 nonparty state is not affected and shall remain in full force
11 10 if so provided by the laws of the nonparty state.

11 11 3. If an advanced practice registered nurse changes the
11 12 nurse's primary state of residence by moving from a party
11 13 state to a nonparty state, the advanced practice registered
11 14 nurse license or authority to practice issued by the prior
11 15 home state converts to an individual state license, valid only
11 16 in the former home state, without the multistate licensure
11 17 privilege to practice in other party states.

11 18 ARTICLE V == ADVERSE ACTIONS

11 19 In addition to the general provisions described in article
11 20 III, the following provisions apply:

11 21 a. The licensing board of a remote state shall promptly
11 22 report to the administrator of the coordinated licensure
11 23 information system any remote state actions, including the
11 24 factual and legal basis for such action, if known. The
11 25 licensing board of a remote state shall also promptly report
11 26 any significant current investigative information yet to
11 27 result in a remote state action. The administrator of the

11 28 coordinated licensure information system shall promptly notify
11 29 the home state of any such reports.

11 30 b. The licensing board of a party state shall have the
11 31 authority to complete any pending investigations for an
11 32 advanced practice registered nurse who changes the nurse's
11 33 primary state of residence during the course of such
11 34 investigations. It shall also have the authority to take
11 35 appropriate action and shall promptly report the conclusions
12 1 of such investigations to the administrator of the coordinated
12 2 licensure information system. The administrator of the
12 3 coordinated licensure information system shall promptly notify
12 4 the new home state of any such actions.

12 5 c. A remote state may take adverse action affecting the
12 6 multistate advanced practice privilege to practice within that
12 7 party state. However, only the home state shall have the
12 8 power to impose adverse action against the advanced practice
12 9 registered nurse license or authority to practice issued by
12 10 the home state.

12 11 d. For purposes of imposing adverse action, the licensing
12 12 board of the home state shall give the same priority and
12 13 effect to reported conduct received from a remote state as it
12 14 would if such conduct had occurred within the home state. In
12 15 so doing, it shall apply its own state laws to determine
12 16 appropriate action.

12 17 e. The home state may take adverse action based on the
12 18 factual findings of the remote state, so long as each state
12 19 follows its own procedures for imposing such adverse action.

12 20 f. Nothing in this compact shall override a party state's
12 21 decision that participation in an alternative program may be
12 22 used in lieu of adverse action and that such participation
12 23 shall remain nonpublic if required by the party state's laws.
12 24 Party states must require advanced practice registered nurses
12 25 who enter any alternative programs to agree not to practice in
12 26 any other party state during the term of the alternative
12 27 program without prior authorization from such other party
12 28 state.

12 29 g. All home state licensing board disciplinary orders,
12 30 agreed to or otherwise, which limit the scope of the advanced
12 31 practice registered nurse's practice or require monitoring of
12 32 the advanced practice registered nurse as a condition of the
12 33 order shall include the requirements that the advanced
12 34 practice registered nurse will limit the nurse's practice to
12 35 the home state during the pendency of the order. This
13 1 requirement may allow the advanced practice registered nurse
13 2 to practice in other party states with prior written
13 3 authorization from both the home state and party state
13 4 licensing boards.

13 5 ARTICLE VI == ADDITIONAL AUTHORITIES INVESTED IN 13 6 PARTY STATE LICENSING BOARDS

13 7 Notwithstanding any other powers, party state licensing
13 8 boards shall have the authority to do all of the following:

13 9 a. If otherwise permitted by state law, recover from the
13 10 affected advanced practice registered nurse the costs of
13 11 investigations and disposition of cases resulting from any
13 12 adverse action taken against that advanced practice registered
13 13 nurse.

13 14 b. Issue subpoenas for both hearings and investigations
13 15 which require the attendance and testimony of witnesses, and
13 16 the production of evidence. Subpoenas issued by a licensing
13 17 board in a party state for the attendance and testimony of
13 18 witnesses, or the production of evidence from another party
13 19 state, shall be enforced in the latter state by any court of
13 20 competent jurisdiction, according to the practice and
13 21 procedure of that court applicable to subpoenas issued in
13 22 proceedings pending before it. The issuing authority shall
13 23 pay any witness fees, travel expenses, mileage, and other fees
13 24 required by the service statutes of the state where the
13 25 witnesses or evidence is located.

13 26 c. Issue cease and desist orders to limit or revoke an
13 27 advanced practice registered nurse's privilege, license, or
13 28 authority to practice in the state.

13 29 d. Promulgate uniform rules and regulations as provided
13 30 for in article VIII, section c.

13 31 ARTICLE VII == COORDINATED LICENSURE INFORMATION SYSTEM

13 32 a. All party states shall participate in a cooperative
13 33 effort to create a coordinated database of all advanced
13 34 practice registered nurses. This system shall include
13 35 information on the advanced practice registered nurse
14 1 licensure and practice requirements and disciplinary history
14 2 of each advanced practice registered nurse, as contributed by
14 3 party states, to assist in the coordination of the advanced

14 4 practice registered nurse licensure or authority to practice
14 5 and enforcement efforts.
14 6 b. Notwithstanding any other provision of law, all party
14 7 states' licensing boards shall promptly report adverse
14 8 actions, actions against multistate advanced practice
14 9 privileges, any current significant investigative information
14 10 yet to result in adverse action, denials of applications, and
14 11 the reasons for such denials, to the coordinated licensure
14 12 information system.

14 13 c. Current significant investigative information shall be
14 14 transmitted through the coordinated licensure information
14 15 system only to party state licensing boards.

14 16 d. Notwithstanding any other provision of law, all party
14 17 states' licensing boards contributing information to the
14 18 coordinated licensure information system may designate
14 19 information that shall not be shared with nonparty states or
14 20 disclosed to other entities or individuals without the express
14 21 permission of the contributing state.

14 22 e. Any personally identifiable information obtained by a
14 23 party state's licensing board from the coordinated licensure
14 24 information system shall not be shared with nonparty states or
14 25 disclosed to other entities or individuals except to the
14 26 extent permitted by the laws of the party state contributing
14 27 the information.

14 28 f. Any information contributed to the coordinated
14 29 licensure information system that is subsequently required to
14 30 be expunged by the laws of the party state contributing that
14 31 information shall also be expunged from the coordinated
14 32 licensure information system.

14 33 g. The compact administrators, acting jointly with each
14 34 other and in consultation with the administrator of the
14 35 coordinated licensure information system, shall formulate
15 1 necessary and proper procedures for the identification,
15 2 collection, and exchange of information under this compact.

15 3 ARTICLE VIII == COMPACT ADMINISTRATION AND
15 4 INTERCHANGE OF INFORMATION

15 5 a. The head of the licensing board, or the head's
15 6 designee, of each party state shall be the administrator of
15 7 this compact for the head's state.

15 8 b. The compact administrator of each party state shall
15 9 furnish to the compact administrator of each other party state
15 10 any information and documents including, but not limited to, a
15 11 uniform data set of investigations, identifying information,
15 12 licensure data, and disclosable alternative program
15 13 participation information to facilitate the administration of
15 14 this compact.

15 15 c. Compact administrators shall have the authority to
15 16 develop uniform rules to facilitate and coordinate
15 17 implementation of this compact. These uniform rules shall be
15 18 adopted by party states, under the authority invested under
15 19 article VI, section d.

15 20 ARTICLE IX == IMMUNITY

15 21 A party state or the officers or employees or agents of a
15 22 party state's licensing board who acts in accordance with the
15 23 provisions of this compact shall not be liable on account of
15 24 any act or omission in good faith while engaged in the
15 25 performance of their duties under this compact. Good faith in
15 26 this article shall not include willful misconduct, gross
15 27 negligence, or recklessness.

15 28 ARTICLE X == ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

15 29 a. This compact shall enter into force and become
15 30 effective as to any state when it has been enacted into the
15 31 laws of that state. Any party state may withdraw from this
15 32 compact by enacting a statute repealing the same, but such
15 33 withdrawal shall not take effect until six months after the
15 34 withdrawing state has given notice of the withdrawal to the
15 35 executive heads of all other party states.

16 1 b. Withdrawal shall not affect the validity or
16 2 applicability by the licensing boards of states remaining
16 3 party to the compact of any report of adverse action occurring
16 4 prior to the withdrawal.

16 5 c. This compact shall not be construed to invalidate or
16 6 prevent any advanced practice registered nurse licensure or
16 7 authority to practice agreement or other cooperative
16 8 arrangement between a party state and a nonparty state that is
16 9 made in accordance with the other provisions of this compact.

16 10 d. This compact may be amended by the party states. An
16 11 amendment to this compact shall not become effective and
16 12 binding upon the party states unless and until it is enacted
16 13 into the laws of all party states.

16 14 ARTICLE XI == CONSTRUCTION AND SEVERABILITY

16 15 a. This compact shall be liberally construed so as to
16 16 effectuate the purposes of the compact. The provisions of
16 17 this compact shall be severable and if any phrase, clause,
16 18 sentence, or provision of this compact is declared to be
16 19 contrary to the constitution of any party state or of the
16 20 United States, or the applicability of the compact to any
16 21 government, agency, person, or circumstance is held invalid,
16 22 the validity of the remainder of this compact and the
16 23 applicability of the compact to any government, agency,
16 24 person, or circumstance shall not be affected by that action.
16 25 If this compact shall be held contrary to the constitution of
16 26 any state which is party to the compact, the compact shall
16 27 remain in full force and effect as to the remaining party
16 28 states and in full force and effect as to the party state
16 29 affected as to all severable matters.

16 30 b. 1. In the event party states find a need for settling
16 31 disputes arising under this compact, the party states may
16 32 submit the issues in dispute to an arbitration panel which
16 33 shall be comprised of an individual appointed by the compact
16 34 administrator in the home state, an individual appointed by
16 35 the compact administrator in the remote state or states
17 1 involved, and an individual mutually agreed upon by the
17 2 compact administrators of all the party states involved in the
17 3 dispute.

17 4 2. The decision of a majority of the arbitrators shall be
17 5 final and binding.

17 6 Sec. 10. Section 272C.6, subsection 4, unnumbered
17 7 paragraph 1, Code 2005, is amended to read as follows:

17 8 In order to assure a free flow of information for
17 9 accomplishing the purposes of this section, and
17 10 notwithstanding section 622.10, all complaint files,
17 11 investigation files, other investigation reports, and other
17 12 investigative information in the possession of a licensing
17 13 board or peer review committee acting under the authority of a
17 14 licensing board or its employees or agents which relates to
17 15 licensee discipline are privileged and confidential, and are
17 16 not subject to discovery, subpoena, or other means of legal
17 17 compulsion for their release to a person other than the
17 18 licensee and the boards, their employees and agents involved
17 19 in licensee discipline, and are not admissible in evidence in
17 20 a judicial or administrative proceeding other than the
17 21 proceeding involving licensee discipline. However,
17 22 investigative information in the possession of a licensing
17 23 board or its employees or agents which relates to licensee
17 24 discipline may be disclosed to appropriate licensing
17 25 authorities within this state, the appropriate licensing
17 26 authority in another state, the coordinated licensure
17 27 information system provided for in the nurse licensure compact
17 28 contained in section 152E.1 or the advanced practice
17 29 registered nurse compact contained in section 152E.3, the
17 30 District of Columbia, or a territory or country in which the
17 31 licensee is licensed or has applied for a license. If the
17 32 investigative information in the possession of a licensing
17 33 board or its employees or agents indicates a crime has been
17 34 committed, the information shall be reported to the proper law
17 35 enforcement agency. However, a final written decision and
18 1 finding of fact of a licensing board in a disciplinary
18 2 proceeding, including a decision referred to in section
18 3 272C.3, subsection 4, is a public record.

18 4 Sec. 11. REPEAL. This Act is repealed effective July 1,
18 5 2008.

18 6 EXPLANATION

18 7 This bill provides for the adoption of the advanced
18 8 practitioner registered nurse (APRN) compact. This compact is
18 9 similar to the nurse license compact enacted as Iowa Code
18 10 chapter 152E effective July 1, 2000. These compacts are in
18 11 essence multistate agreements that create a type of regional
18 12 license. When a state joins a compact, by adding the compact
18 13 to its statutes, the nurses who hold a license in the member
18 14 state may practice in other compact states subject to each
18 15 state's practice law and rules. An advanced practice
18 16 registered nurse is a registered nurse with advanced training
18 17 and education that allows the nurse to practice as a nurse
18 18 anesthetist, nurse practitioner, nurse midwife, or clinical
18 19 nurse specialist.

18 20 The compact is divided into several articles. Article I
18 21 provides statements of findings and declarations of purpose.
18 22 The article outlines in law the reasons justifying a
18 23 multistate license.

18 24 Article II of the compact provides a definition section.

18 25 Article III sets out the jurisdiction of the compact. It

18 26 sets out the principle that licensure to practice as an APRN
18 27 issued by a home state to a resident in that state will be
18 28 recognized by each party state as authorizing a multistate
18 29 APRN practice privilege, but only to the extent that the role
18 30 is recognized by each party state.

18 31 Article IV deals with applications for licensure, providing
18 32 that an application shall be acted upon based on information
18 33 collected within a coordinated licensure information system.
18 34 The coordinated licensure information system is defined in the
18 35 bill as an integrated process for collecting, storing, and
19 1 sharing information on APRN licensure and enforcement
19 2 activities related to licensure laws.

19 3 Article V of the compact relates to adverse actions, known
19 4 as disciplinary actions in Iowa licensure laws. This article
19 5 relates to the reporting of adverse actions impacting an
19 6 APRN's licensure to the coordinated licensure information
19 7 system.

19 8 Article VI relates to the authority of party state APRN
19 9 licensing boards with regard to adverse actions against
19 10 licensed nurses.

19 11 Article VII relates to the operation of the coordinated
19 12 licensure information system.

19 13 The remaining articles primarily relate to administrative
19 14 and procedural aspects of the compact's operation, and provide
19 15 effective and withdrawal date provisions and provisions for
19 16 amendment by an individual party state.

19 17 The bill makes conforming changes in the Code chapters
19 18 dealing with health profession regulation and licensure, the
19 19 practice of nursing, and general professional regulation and
19 20 licensure.

19 21 The provisions of this bill are repealed July 1, 2008.

19 22 LSB 2765YC 81

19 23 jr:rj/gg/14