

Senate Study Bill 3152 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MATHIS)

A BILL FOR

1 An Act relating to the advanced practice registered nurse
2 interstate compact.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 152E.2, Code 2016, is amended to read as
2 follows:

3 **152E.2 Compact administrator.**

4 The executive director of the board of nursing, as provided
5 for in [section 152.2](#), shall serve as the compact administrator
6 identified in [article VIII](#), paragraph "a", of the nurse
7 licensure compact contained in [section 152E.1](#) and as the
8 compact administrator identified in [article ~~VIII~~ VII](#), paragraph
9 "a" "b", of the advanced practice registered nurse compact
10 contained in [section 152E.3](#).

11 Sec. 2. Section 152E.3, Code 2016, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **152E.3 Advanced practice registered nurse compact.**

14 The advanced practice registered nurse compact is entered
15 into and enacted into law with all jurisdictions legally
16 joining therein, in the form substantially as follows:

17 1. *Article I — Findings and declaration of purpose.*

18 a. The party states find all of the following:

19 (1) The health and safety of the public are affected by the
20 degree of compliance with advanced practice registered nurse
21 licensure requirements and the effectiveness of enforcement
22 activities related to state advanced practice registered nurse
23 licensure laws.

24 (2) Violations of advanced practice registered nurse
25 licensure and other laws regulating the practice of nursing may
26 result in injury or harm to the public.

27 (3) The expanded mobility of advanced practice registered
28 nurses and the use of advanced communication technologies
29 as part of our nation's health care delivery system require
30 greater coordination and cooperation among states in the areas
31 of advanced practice registered nurse licensure and regulation.

32 (4) New practice modalities and technology make compliance
33 with individual state advanced practice registered nurse
34 licensure laws difficult and complex.

35 (5) The current system of duplicative advanced practice

1 registered nurse licensure for advanced practice registered
2 nurses practicing in multiple states is cumbersome and
3 redundant for both advanced practice registered nurses and
4 states.

5 (6) Uniformity of advanced practice registered nurse
6 requirements throughout the states promotes public safety and
7 public health benefits.

8 b. The general purposes of this compact are to:

9 (1) Facilitate the states' responsibilities to protect the
10 public's health and safety.

11 (2) Ensure and encourage the cooperation of party
12 states in the areas of advanced practice registered nurse
13 licensure regulation, including promotion of uniform licensure
14 requirements.

15 (3) Facilitate the exchange of information between party
16 states in the areas of advanced practice registered nurse
17 regulation, investigation, and adverse actions.

18 (4) Promote compliance with the laws governing advanced
19 practice registered nurse practice in each jurisdiction.

20 (5) Invest all party states with the authority to hold an
21 advanced practice registered nurse accountable for meeting
22 all state practice laws in the state in which the patient
23 is located at the time care is rendered through the mutual
24 recognition of party state licenses.

25 (6) Decrease redundancies in the consideration and issuance
26 of advanced practice registered nurse licenses.

27 (7) Provide opportunities for interstate practice by
28 advanced practice registered nurses who meet uniform licensure
29 requirements.

30 2. *Article II — Definitions.* As used in this compact:

31 a. "Advanced practice registered nurse" means a registered
32 nurse who has gained additional specialized knowledge, skills,
33 and experience through a program of study recognized or defined
34 by the commission, and who is licensed to perform advanced
35 nursing practice. An advanced practice registered nurse

1 is licensed in an advanced practice registered nurse role
2 that is congruent with an advanced practice registered nurse
3 educational program, certification, and commission rules.

4 *b. "Advanced practice registered nurse licensure"* means
5 the regulatory mechanism used by a party state to grant legal
6 authority to practice as an advanced practice registered nurse.

7 *c. "Advanced practice registered nurse uniform license*
8 *requirements"* means minimum uniform licensure, education, and
9 examination requirements as adopted by the commission.

10 *d. "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 an
13 advanced practice registered nurse, including actions against
14 an individual's license or multistate licensure privilege
15 such as revocation, suspension, probation, monitoring of
16 the licensee, limitation on the licensee's practice, or any
17 other encumbrance on licensure affecting an advanced practice
18 registered nurse's authorization to practice, including the
19 issuance of a cease and desist action.

20 *e. "Alternative program"* means a nondisciplinary monitoring
21 program approved by a licensing board.

22 *f. "Commission"* means the interstate commission of advanced
23 practice registered nurse compact administrators.

24 *g. "Coordinated licensure information system"* means an
25 integrated process for collecting, storing, and sharing
26 information on advanced practice registered nurse licensure and
27 enforcement activities related to advanced practice registered
28 nurse licensure laws that is administered by a nonprofit
29 organization composed of and controlled by licensing boards.

30 *h. "Current significant investigative information"* means
31 either of the following:

32 (1) Investigative information that a licensing board,
33 after a preliminary inquiry that includes notification and
34 an opportunity for the advanced practice registered nurse to
35 respond if required by state law, has reason to believe is not

1 groundless and, if proved true, would indicate more than a
2 minor infraction.

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

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

11 *j. "Home state"* means the party state that is the advanced
12 practice registered nurse's primary state of residence.

13 *k. "Licensing board"* means a party state's regulatory body
14 responsible for regulating the practice of advanced practice
15 registered nursing.

16 *l. "Multistate license"* means an advanced practice
17 registered nurse license to practice as an advanced practice
18 registered nurse issued by a home state licensing board that
19 authorizes the advanced practice registered nurse to practice
20 as an advanced practice registered nurse in all party states
21 under a multistate licensure privilege, in the same role and
22 population focus as the advanced practice registered nurse is
23 licensed in the home state.

24 *m. "Multistate licensure privilege"* means a legal
25 authorization associated with an advanced practice registered
26 nurse multistate license that permits an advanced practice
27 registered nurse to practice as an advanced practice registered
28 nurse in a remote state, in the same role and population focus
29 as the advanced practice registered nurse is licensed in the
30 home state.

31 *n. "Noncontrolled prescription drug"* means a device or
32 drug that is not a controlled substance and is prohibited
33 under state or federal law from being dispensed without a
34 prescription. The term includes a device or drug that bears or
35 is required to bear the legend "Caution: federal law prohibits

1 dispensing without prescription" or "prescription only" or some
2 other legend that complies with federal law.

3 *o.* "Party state" means any state that has adopted this
4 compact.

5 *p.* "Population focus" means a specific patient population
6 that is congruent with the advanced practice registered nurse
7 educational program, certification, and commission rules.

8 *q.* "Prescriptive authority" means the legal authority to
9 prescribe medications and devices as defined by party state
10 laws.

11 *r.* "Remote state" means a party state that is not the home
12 state.

13 *s.* "Single-state license" means an advanced practice
14 registered nurse license issued by a party state that
15 authorizes practice only within the issuing state and does not
16 include a multistate licensure privilege to practice in any
17 other party state.

18 *t.* "State" means a state, territory, or possession of the
19 United States and the District of Columbia.

20 *u.* "State practice laws" means a party state's laws, rules,
21 and regulations that govern advanced practice registered nurse
22 practice, define the scope of advanced nursing practice,
23 including prescriptive authority, and create the methods and
24 grounds for imposing discipline. "State practice laws" does
25 not include the requirements necessary to obtain and retain
26 an advanced practice registered nurse license, except for
27 qualifications or requirements of the home state.

28 3. *Article III — General provisions and jurisdiction.*

29 *a.* A state must implement procedures for considering the
30 criminal history records of applicants for initial advanced
31 practice registered nurse licensure or advanced practice
32 registered nurse licensure by endorsement. Such procedures
33 shall include the submission of fingerprints or other
34 biometric-based information by advanced practice registered
35 nurse applicants for the purpose of obtaining an applicant's

1 criminal history record information from the federal bureau of
2 investigation and the agency responsible for retaining that
3 state's criminal records.

4 *b.* By rule, the commission shall adopt the advanced practice
5 registered nurse uniform licensure requirements. The uniform
6 licensure requirements shall provide the minimum requirements
7 for advanced practice registered nurse multistate licensure
8 in party states, provided that the commission may adopt
9 rules whereby an advanced practice registered nurse, with an
10 unencumbered license on the effective date of this compact, may
11 obtain, by endorsement or otherwise, and retain a multistate
12 license in a party state.

13 *c.* In order to obtain or retain a multistate license, an
14 advanced practice registered nurse must meet, in addition
15 to the uniform licensure requirements, the home state's
16 qualifications for licensure or renewal of licensure, as well
17 as, all other applicable home state laws.

18 *d.* By rule, the commission shall identify the approved
19 advanced practice registered nurse roles and population foci
20 for licensure as an advanced practice registered nurse. An
21 advanced practice registered nurse issued a multistate license
22 shall be licensed in an approved advanced practice registered
23 nurse role and at least one approved population focus.

24 *e.* An advanced practice registered nurse multistate license
25 issued by a home state to a resident in that state will be
26 recognized by each party state as authorizing the advanced
27 practice registered nurse to practice as an advanced practice
28 registered nurse in each party state, under a multistate
29 licensure privilege, in the same role and population focus
30 as the advanced practice registered nurse is licensed in the
31 home state. If an applicant does not qualify for a multistate
32 license, a single-state license may be issued by a home state.

33 *f.* Issuance of an advanced practice registered nurse
34 multistate license shall include prescriptive authority for
35 noncontrolled prescription drugs, unless the advanced practice

1 registered nurse was licensed by the home state prior to the
2 home state's adoption of this compact and has not previously
3 held prescriptive authority.

4 (1) An advanced practice registered nurse granted
5 prescriptive authority for noncontrolled prescription drugs
6 in the home state may exercise prescriptive authority for
7 noncontrolled prescription drugs in any remote state while
8 exercising a multistate licensure privilege under an advanced
9 practice registered nurse multistate license; the advanced
10 practice registered nurse shall not be required to meet any
11 additional eligibility requirements imposed by the remote
12 state in exercising prescriptive authority for noncontrolled
13 prescription drugs.

14 (2) Prescriptive authority in the home state for an advanced
15 practice registered nurse who was not granted prescriptive
16 authority at the time of initial licensure by the home state,
17 prior to the adoption of this compact, shall be determined
18 under home state law.

19 (3) Prescriptive authority eligibility for an advanced
20 practice registered nurse holding a single-state license shall
21 be determined under the law of the licensing state.

22 *g.* For each state in which an advanced practice registered
23 nurse seeks authority to prescribe controlled substances,
24 the advanced practice registered nurse shall satisfy all
25 requirements imposed by such state in granting or renewing such
26 authority.

27 *h.* An advanced practice registered nurse issued a
28 multistate license is authorized to assume responsibility and
29 accountability for patient care independent of a supervisory or
30 collaborative relationship with a physician. This authority
31 may be exercised in the home state and in any remote state
32 in which the advanced practice registered nurse exercises a
33 multistate licensure privilege. For an advanced practice
34 registered nurse issued a single-state license in a party
35 state, the requirement for a supervisory or collaborative

1 relationship with a physician shall be determined under
2 applicable party state law.

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

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

27 *k.* This compact does not affect additional requirements
28 imposed by states for advanced practice registered nursing.
29 However, a multistate licensure privilege to practice
30 registered nursing granted by a party state shall be recognized
31 by other party states as satisfying any state law requirement
32 for registered nurse licensure as a precondition for
33 authorization to practice as an advanced practice registered
34 nurse in that state.

35 *l.* Individuals not residing in a party state shall continue

1 to be able to apply for a party state's single-state advanced
2 practice registered nurse license as provided under the laws of
3 each party state. However, the single-state license granted
4 to these individuals will not be recognized as granting the
5 privilege to practice as an advanced practice registered nurse
6 in any other party state.

7 4. *Article IV — Applications for advanced practice*
8 *registered nurse licensure in a party state.*

9 a. Upon receipt of an application for an advanced practice
10 registered nurse multistate license, the licensing board in the
11 issuing party state shall ascertain, through the coordinated
12 licensure information system, whether the applicant has ever
13 held or is the holder of a licensed practical or vocational
14 nursing license, a registered nursing license, or an advanced
15 practice registered nurse license issued by any other state,
16 whether there are any encumbrances on any license or multistate
17 licensure privilege held by the applicant, whether any adverse
18 action has been taken against any license or multistate
19 licensure privilege held by the applicant, and whether the
20 applicant is currently participating in an alternative program.

21 b. An advanced practice registered nurse may hold a
22 multistate advanced practice registered nurse license, issued
23 by the home state, in only one party state at a time.

24 c. If an advanced practice registered nurse changes primary
25 state of residence by moving between two party states, the
26 advanced practice registered nurse must apply for advanced
27 practice registered nurse licensure in the new home state, and
28 the multistate license issued by the prior home state shall be
29 deactivated in accordance with applicable commission rules.

30 (1) The advanced practice registered nurse may apply for
31 licensure in advance of a change in primary state of residence.

32 (2) A multistate advanced practice registered nurse license
33 shall not be issued by the new home state until the advanced
34 practice registered nurse provides satisfactory evidence of a
35 change in primary state of residence to the new home state and

1 satisfies all applicable requirements to obtain a multistate
2 advanced practice registered nurse license from the new home
3 state.

4 *d.* If an advanced practice registered nurse changes primary
5 state of residence by moving from a party state to a nonparty
6 state, the advanced practice registered nurse multistate
7 license issued by the prior home state will convert to a
8 single-state license, valid only in the former home state.

9 5. *Article V — Additional authorities invested in party*
10 *state licensing boards.*

11 *a.* In addition to the other powers conferred by state law, a
12 licensing board shall have the authority to:

13 (1) Take adverse action against an advanced practice
14 registered nurse's multistate licensure privilege to practice
15 within that party state.

16 (a) Only the home state shall have power to take adverse
17 action against an advanced practice registered nurse's license
18 issued by the home state.

19 (b) For purposes of taking adverse action, the home state
20 licensing board shall give the same priority and effect to
21 reported conduct that occurred outside of the home state as
22 it would if the conduct had occurred within the home state.
23 In so doing, the home state shall apply its own state laws to
24 determine appropriate action.

25 (2) Issue cease and desist orders or impose an encumbrance
26 on an advanced practice registered nurse's authority to
27 practice within that party state.

28 (3) Complete any pending investigations of an advanced
29 practice registered nurse who changes primary state of
30 residence during the course of such investigations. The
31 licensing board shall also have the authority to take
32 appropriate action and shall promptly report the conclusions
33 of such investigations to the administrator of the coordinated
34 licensure information system. The administrator of the
35 coordinated licensure information system shall promptly notify

1 the new home state of any such actions.

2 (4) Issue subpoenas for both hearings and investigations
3 that require the attendance and testimony of witnesses, as
4 well as the production of evidence. Subpoenas issued by a
5 party state licensing board for the attendance and testimony
6 of witnesses or the production of evidence from another party
7 state shall be enforced in the latter state by any court of
8 competent jurisdiction, according to that court's practice
9 and procedure in considering subpoenas issued in its own
10 proceedings. The issuing licensing board shall pay any witness
11 fees, travel expenses, mileage, and other fees required by
12 the service statutes of the state in which the witnesses or
13 evidence is located.

14 (5) Obtain and submit, for an advanced practice
15 registered nurse licensure applicant, fingerprints or
16 other biometric-based information to the federal bureau of
17 investigation for criminal background checks, receive the
18 results of the federal bureau of investigation record search
19 on criminal background checks, and use the results in making
20 licensure decisions.

21 (6) If otherwise permitted by state law, recover from
22 the affected advanced practice registered nurse the costs of
23 investigations and disposition of cases resulting from any
24 adverse action taken against that advanced practice registered
25 nurse.

26 (7) Take adverse action based on the factual findings of
27 another party state, provided that the licensing board follows
28 its own procedures for taking such adverse action.

29 *b.* If adverse action is taken by a home state against an
30 advanced practice registered nurse's multistate licensure,
31 the privilege to practice in all other party states under a
32 multistate licensure privilege shall be deactivated until all
33 encumbrances have been removed from the advanced practice
34 registered nurse's multistate license. All home state
35 disciplinary orders that impose adverse action against an

1 advanced practice registered nurse's multistate license shall
2 include a statement that the advanced practice registered
3 nurse's multistate licensure privilege is deactivated in all
4 party states during the pendency of the order.

5 *c.* Nothing in this compact shall override a party state's
6 decision that participation in an alternative program may be
7 used in lieu of adverse action. The home state licensing board
8 shall deactivate the multistate licensure privilege under the
9 multistate license of any advanced practice registered nurse
10 for the duration of the advanced practice registered nurse's
11 participation in an alternative program.

12 6. *Article VI — Coordinated licensure information system and*
13 *exchange of information.*

14 *a.* All party states shall participate in a coordinated
15 licensure information system of all advanced practice
16 registered nurses, licensed registered nurses, and licensed
17 practical or vocational nurses. This system will include
18 information on the licensure and disciplinary history of each
19 advanced practice registered nurse, as submitted by party
20 states, to assist in the coordinated administration of advanced
21 practice registered nurse licensure and enforcement efforts.

22 *b.* The commission, in consultation with the administrator of
23 the coordinated licensure information system, shall formulate
24 necessary and proper procedures for the identification,
25 collection, and exchange of information under this compact.

26 *c.* All licensing boards shall promptly report to the
27 coordinated licensure information system any adverse action;
28 any current significant investigative information; denials of
29 applications, with the reasons for such denials; and advanced
30 practice registered nurse participation in alternative programs
31 known to the licensing board regardless of whether such
32 participation is deemed nonpublic or confidential under state
33 law.

34 *d.* Current significant investigative information and
35 participation in nonpublic or confidential alternative

1 programs shall be transmitted through the coordinated licensure
2 information system only to party state licensing boards.

3 e. Notwithstanding any other provision of law, all
4 party state licensing boards contributing information to
5 the coordinated licensure information system may designate
6 information that may not be shared with nonparty states or
7 disclosed to other entities or individuals without the express
8 permission of the contributing state.

9 f. Any personally identifiable information obtained from
10 the coordinated licensure information system by a party state
11 licensing board shall not be shared with nonparty states or
12 disclosed to other entities or individuals except to the extent
13 permitted by the laws of the party state contributing the
14 information.

15 g. Any information contributed to the coordinated licensure
16 information system that is subsequently required to be expunged
17 by the laws of the party state contributing the information
18 shall be removed from the coordinated licensure information
19 system.

20 h. The compact administrator of each party state shall
21 furnish a uniform data set to the compact administrator of each
22 other party state, which shall include but not be limited to
23 all of the following:

24 (1) Identifying information.

25 (2) Licensure data.

26 (3) Information related to alternative program
27 participation information.

28 (4) Other information that may facilitate the
29 administration of this compact, as determined by commission
30 rules.

31 i. The compact administrator of a party state shall provide
32 all investigative documents and information requested by
33 another party state.

34 7. *ARTICLE VII — Establishment of the interstate commission*
35 *of advanced practice registered nurse compact administrators.*

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

5 (1) The commission is an instrumentality of the party
6 states.

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

13 (3) Nothing in this compact shall be construed to be a
14 waiver of sovereign immunity.

15 *b. Membership, voting, and meetings.*

16 (1) Each party state shall have and be limited to one
17 administrator. The head of the state licensing board or
18 designee shall be the administrator of this compact for each
19 party state. Any administrator may be removed or suspended
20 from office as provided by the law of the state from which
21 the administrator is appointed. Any vacancy occurring in the
22 commission shall be filled in accordance with the laws of the
23 party state in which the vacancy exists.

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

32 (3) The commission shall meet at least once during each
33 calendar year. Additional meetings shall be held as set forth
34 in the bylaws or rules of the commission.

35 (4) All meetings shall be open to the public, and public

1 notice of meetings shall be given in the same manner as
2 required under the rulemaking provisions in article VIII.

3 (5) The commission may convene in a closed, nonpublic
4 meeting if the commission must discuss any of the following:

5 (a) Noncompliance of a party state with its obligations
6 under this compact.

7 (b) The employment, compensation, discipline or other
8 personnel matters, practices, or procedures related to specific
9 employees; or other matters related to the commission's
10 internal personnel practices and procedures.

11 (c) Current, threatened, or reasonably anticipated
12 litigation.

13 (d) Negotiation of contracts for the purchase or sale of
14 goods, services, or real estate.

15 (e) Accusations against any person of a crime or formal
16 censure of any person.

17 (f) Disclosure of trade secrets or commercial or financial
18 information that is privileged or confidential.

19 (g) Disclosure of information of a personal nature where
20 disclosure would constitute a clearly unwarranted invasion of
21 personal privacy.

22 (h) Disclosure of investigatory records compiled for law
23 enforcement purposes.

24 (i) Disclosure of information related to any reports
25 prepared by or on behalf of the commission for the purpose of
26 investigation of compliance with this compact.

27 (j) Matters specifically exempted from disclosure by
28 federal or state statute.

29 (6) If a meeting, or portion of a meeting, is closed
30 pursuant to this provision, the commission's legal counsel or
31 designee shall certify that the meeting may be closed and shall
32 reference each relevant exempting provision. The commission
33 shall keep minutes that fully and clearly describe all matters
34 discussed in a meeting and shall provide a full and accurate
35 summary of actions taken, and the reasons therefor, including a

1 description of the views expressed. All documents considered
2 in connection with an action shall be identified in such
3 minutes. All minutes and documents of a closed meeting shall
4 remain under seal, subject to release by a majority vote of the
5 commission or order of a court of competent jurisdiction.

6 *c. Bylaws and rules.* The commission shall, by a majority
7 vote of the administrators, prescribe bylaws or rules to govern
8 its conduct as may be necessary or appropriate to carry out the
9 purposes and exercise the powers of this compact including but
10 not limited to the following:

11 (1) Establishing the fiscal year of the commission.

12 (2) Providing reasonable standards and procedures for the
13 establishment and meetings of other committees, and governing
14 any general or specific delegation of any authority or function
15 of the commission.

16 (3) Providing reasonable procedures for calling and
17 conducting meetings of the commission, ensuring reasonable
18 advance notice of all meetings, and providing an opportunity
19 for attendance of such meetings by interested parties,
20 with enumerated exceptions designed to protect the public's
21 interest, the privacy of individuals, and proprietary
22 information, including trade secrets. The commission may meet
23 in closed session only after a majority of the administrators
24 vote to close a meeting in whole or in part. As soon as
25 practicable, the commission must make public a copy of the vote
26 to close the meeting revealing the vote of each administrator,
27 with no proxy votes allowed.

28 (4) Establishing the titles, duties and authority, and
29 reasonable procedures for the election of the officers of the
30 commission.

31 (5) Providing reasonable standards and procedures for the
32 establishment of the personnel policies and programs of the
33 commission. Notwithstanding any civil service or other similar
34 laws of any party state, the bylaws shall exclusively govern
35 the personnel policies and programs of the commission.

1 (6) Providing a mechanism for winding up the operations
2 of the commission and the equitable disposition of any
3 surplus funds that may exist after the termination of this
4 compact after the payment or reserving of all of its debts and
5 obligations.

6 *d. Publication of bylaws and rules.* The commission shall
7 publish its bylaws and rules, and any amendments thereto, in a
8 convenient form on the website of the commission.

9 *e. Financial records.* The commission shall maintain its
10 financial records in accordance with the bylaws.

11 *f. Commission actions.* The commission shall meet and take
12 such actions as are consistent with the provisions of this
13 compact and the bylaws.

14 *g. Powers of commission.* The commission shall have the
15 following powers:

16 (1) To promulgate uniform rules to facilitate and
17 coordinate implementation and administration of this compact.
18 The rules shall have the force and effect of law and shall be
19 binding in all party states.

20 (2) To bring and prosecute legal proceedings or actions in
21 the name of the commission, provided that the standing of any
22 licensing board to sue or be sued under applicable law shall
23 not be affected.

24 (3) To purchase and maintain insurance and bonds.

25 (4) To borrow, accept, or contract for services of
26 personnel, including but not limited to employees of a party
27 state or nonprofit organizations.

28 (5) To cooperate with other organizations that administer
29 state compacts related to the regulation of nursing, including
30 but not limited to sharing administrative or staff expenses,
31 office space, or other resources.

32 (6) To hire employees, elect or appoint officers, fix
33 compensation, define duties, grant such individuals appropriate
34 authority to carry out the purposes of this compact, and to
35 establish the commission's personnel policies and programs

1 relating to conflicts of interest, qualifications of personnel,
2 and other related personnel matters.

3 (7) To accept any and all appropriate donations, grants and
4 gifts of money, equipment, supplies, materials and services,
5 and to receive, utilize, and dispose of the same; provided
6 that at all times the commission shall strive to avoid any
7 appearance of impropriety or conflict of interest.

8 (8) To lease, purchase, accept appropriate gifts or
9 donations of, or otherwise own, hold, improve, or use, any
10 property, whether real, personal, or mixed, provided that at
11 all times the commission shall strive to avoid any appearance
12 of impropriety.

13 (9) To sell, convey, mortgage, pledge, lease, exchange,
14 abandon, or otherwise dispose of any property, whether real,
15 personal, or mixed.

16 (10) To establish a budget and make expenditures.

17 (11) To borrow money.

18 (12) To appoint committees, including advisory committees
19 comprised of administrators, state nursing regulators, state
20 legislators or their representatives, consumer representatives,
21 and other interested persons.

22 (13) To provide and receive information from, and to
23 cooperate with, law enforcement agencies.

24 (14) To adopt and use an official seal.

25 (15) To perform such other functions as may be necessary or
26 appropriate to achieve the purposes of this compact consistent
27 with the state regulation of advanced practice registered nurse
28 licensure and practice.

29 *h. Financing of the commission.*

30 (1) The commission shall pay, or provide for the payment
31 of, the reasonable expenses of establishment, organization, and
32 ongoing activities of the commission.

33 (2) The commission may levy on and collect an annual
34 assessment from each party state to cover the cost of the
35 operations and activities of the interstate commission and

1 commission staff which must be in a total amount sufficient to
2 cover its annual budget as approved each year. The aggregate
3 annual assessment amount shall be allocated based upon a
4 formula to be determined by the commission, which shall
5 promulgate a rule that is binding upon all party states.

6 (3) The commission shall not incur obligations of any kind
7 prior to securing the funds adequate to meet the obligations;
8 nor shall the commission pledge the credit of any of the party
9 states, except by, and with the authority of, such party state.

10 (4) The commission shall keep accurate accounts of all
11 receipts and disbursements. The receipts and disbursements of
12 the commission shall be subject to the audit and accounting
13 procedures established under its bylaws. However, all receipts
14 and disbursements of funds handled by the commission shall be
15 audited yearly by a certified or licensed public accountant,
16 and the report of the audit shall be included in and become
17 part of the annual report of the commission.

18 *i. Qualified immunity, defense, and indemnification.*

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

32 (2) The commission shall defend any administrator,
33 officer, executive director, employee, or representative of
34 the commission in any civil action seeking to impose liability
35 arising out of any actual or alleged act, error, or omission

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

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

21 8. *Article VIII — Rulemaking.*

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

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

30 c. Prior to promulgation and adoption of a final rule or
31 rules by the commission, and at least sixty days in advance
32 of the meeting at which the rule will be considered and voted
33 upon, the commission shall file a notice of proposed rulemaking
34 on both of the following:

35 (1) The website of the commission.

1 (2) On the website of each licensing board or the
2 publication in which each state would otherwise publish
3 proposed rules.

4 *d.* The notice of proposed rulemaking shall include all of
5 the following:

6 (1) The proposed time, date, and location of the meeting in
7 which the rule or amendment will be considered and voted upon.

8 (2) The text of the proposed rule or amendment and the
9 reason for the proposed rule.

10 (3) A request for comments on the proposed rule or amendment
11 from any interested person.

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

15 *e.* Prior to adoption of a proposed rule, the commission
16 shall allow persons to submit written data, facts, opinions,
17 and arguments, which shall be made available to the public.

18 *f.* The commission shall grant an opportunity for a public
19 hearing before the commission adopts a rule or amendment.

20 *g.* The commission shall publish the place, time, and date of
21 the scheduled public hearing.

22 (1) Hearings shall be conducted in a manner providing
23 each person who wishes to comment a fair and reasonable
24 opportunity to comment orally or in writing. All hearings will
25 be recorded, and a copy of the recording will be made available
26 upon request.

27 (2) Nothing in this section shall be construed as requiring
28 a separate hearing on each rule. Rules may be grouped for the
29 convenience of the commission at the hearings required by this
30 section.

31 *h.* If no one appears at the public hearing, the commission
32 may proceed with promulgation of the proposed rule.

33 *i.* Following the scheduled hearing date, or by the close
34 of business on the scheduled hearing date if the hearing was
35 not held, the commission shall consider all written and oral

1 comments received.

2 *j.* The commission shall, by majority vote of all
3 administrators, take final action on the proposed rule and
4 shall determine the effective date of the rule, if any, based
5 on the rulemaking record and the full text of the rule.

6 *k.* Upon determination that an emergency exists, the
7 commission may consider and adopt an emergency rule without
8 prior notice, opportunity for comment, or hearing, provided
9 that the usual rulemaking procedures provided in this compact
10 and in this section shall be retroactively applied to the rule
11 as soon as reasonably possible, and in no event later than
12 ninety days after the effective date of the rule. For the
13 purposes of this provision, an emergency rule is one that must
14 be adopted immediately in order to do any of the following:

15 (1) Meet an imminent threat to public health, safety, or
16 welfare.

17 (2) Prevent a loss of commission or party state funds.

18 (3) Meet a deadline for the promulgation of an
19 administrative rule that is established by federal law or rule.

20 *l.* The commission may direct revisions to a previously
21 adopted rule or amendment for purposes of correcting
22 typographical errors, errors in format, errors in consistency,
23 or grammatical errors. Public notice of any revisions shall be
24 posted on the website of the commission. The revision shall
25 be subject to challenge by any person for a period of thirty
26 days after posting. The revision may be challenged only on
27 grounds that the revision results in a material change to a
28 rule. A challenge shall be made in writing, and delivered to
29 the commission, prior to the end of the notice period. If
30 no challenge is made, the revision will take effect without
31 further action. If the revision is challenged, the revision
32 shall not take effect without the approval of the commission.

33 *9. Article IX — Oversight, dispute resolution, and*
34 *enforcement.*

35 *a. Oversight.*

1 (1) Each party state shall enforce this compact and take all
2 actions necessary and appropriate to effectuate this compact's
3 purposes and intent.

4 (2) The commission shall be entitled to receive service
5 of process in any proceeding that may affect the powers,
6 responsibilities, or actions of the commission, and shall have
7 standing to intervene in such a proceeding for all purposes.
8 Failure to provide service of process to the commission shall
9 render a judgment or order void as to the commission, this
10 compact, or promulgated rules.

11 *b. Default, technical assistance, and termination.*

12 (1) If the commission determines that a party state
13 has defaulted in the performance of its obligations or
14 responsibilities under this compact or the promulgated rules,
15 the commission shall do the following:

16 (a) Provide written notice to the defaulting state and other
17 party states of the nature of the default, the proposed means
18 of curing the default, or any other action to be taken by the
19 commission.

20 (b) Provide remedial training and specific technical
21 assistance regarding the default.

22 (2) If a state in default fails to cure the default, the
23 defaulting state's membership in this compact may be terminated
24 upon an affirmative vote of a majority of the administrators,
25 and all rights, privileges, and benefits conferred by this
26 compact may be terminated on the effective date of termination.
27 A cure of the default does not relieve the offending state
28 of obligations or liabilities incurred during the period of
29 default.

30 (3) Termination of membership in this compact shall be
31 imposed only after all other means of securing compliance have
32 been exhausted. Notice of intent to suspend or terminate shall
33 be given by the commission to the governor of the defaulting
34 state, the executive officer of the defaulting state's
35 licensing board, the defaulting state's licensing board, and

1 each of the party states.

2 (4) A state whose membership in this compact has been
3 terminated is responsible for all assessments, obligations, and
4 liabilities incurred through the effective date of termination,
5 including obligations that extend beyond the effective date of
6 termination.

7 (5) The commission shall not bear any costs related to a
8 state that is found to be in default or whose membership in
9 this compact has been terminated, unless agreed upon in writing
10 between the commission and the defaulting state.

11 (6) The defaulting state may appeal the action of the
12 commission by petitioning the United States district court
13 for the District of Columbia or the federal district in which
14 the commission has its principal offices. The prevailing
15 party shall be awarded all costs of such litigation, including
16 reasonable attorney fees.

17 *c. Dispute resolution.*

18 (1) Upon request by a party state, the commission shall
19 attempt to resolve disputes related to the compact that arise
20 among party states and between party and nonparty states.

21 (2) The commission shall promulgate a rule providing for
22 both mediation and binding dispute resolution for disputes, as
23 appropriate.

24 (3) In the event the commission cannot resolve disputes
25 among party states arising under this compact:

26 (a) The party states may submit the issues in dispute to
27 an arbitration panel, which will be comprised of individuals
28 appointed by the compact administrator in each of the affected
29 party states and an individual mutually agreed upon by the
30 compact administrators of all the party states involved in the
31 dispute.

32 (b) The decision of a majority of the arbitrators shall be
33 final and binding.

34 *d. Enforcement.*

35 (1) The commission, in the reasonable exercise of its

1 discretion, shall enforce the provisions and rules of this
2 compact.

3 (2) By majority vote, the commission may initiate legal
4 action in the United States district court for the District of
5 Columbia or the federal district in which the commission has
6 its principal offices against a party state that is in default
7 to enforce compliance with the provisions of this compact and
8 the commission's promulgated rules and bylaws. The relief
9 sought may include both injunctive relief and damages. In
10 the event judicial enforcement is necessary, the prevailing
11 party shall be awarded all costs of such litigation, including
12 reasonable attorney fees.

13 (3) The remedies in this article shall not be the exclusive
14 remedies of the commission. The commission may pursue any
15 other remedies available under federal or state law.

16 10. *ARTICLE X — Effective date, withdrawal, and amendment.*

17 a. This compact shall come into limited effect at such
18 time as this compact has been enacted into law in ten party
19 states for the sole purpose of establishing and convening the
20 commission to adopt rules relating to the operation of the
21 compact and the advanced practice registered nurse uniform
22 licensure requirements.

23 b. On the date of the commission's adoption of the advanced
24 practice registered nurse uniform licensure requirements, all
25 remaining provisions of this compact, and rules adopted by the
26 commission, shall come into full force and effect in all party
27 states.

28 c. Any state that joins this compact subsequent to the
29 commission's initial adoption of the advanced practice
30 registered nurse uniform licensure requirements shall be
31 subject to all rules that have been previously adopted by the
32 commission.

33 d. Any party state may withdraw from this compact by
34 enacting a statute repealing the compact. A party state's
35 withdrawal shall not take effect until six months after

1 enactment of the repealing statute.

2 e. A party state's withdrawal or termination shall not
3 affect the continuing requirement of the withdrawing or
4 terminated state's licensing board to report adverse actions
5 and significant investigations occurring prior to the effective
6 date of the withdrawal or termination.

7 f. Nothing contained in this compact shall be construed to
8 invalidate or prevent any advanced practice registered nurse
9 licensure agreement or other cooperative arrangement between a
10 party state and a nonparty state that does not conflict with
11 the provisions of this compact.

12 g. This compact may be amended by the party states. No
13 amendment to this compact shall become effective and binding
14 upon any party state until the amendment is enacted into the
15 laws of all party states.

16 h. Representatives of nonparty states to this compact shall
17 be invited to participate in the activities of the commission,
18 on a nonvoting basis, prior to the adoption of this compact by
19 all states.

20 11. *Article XI — Construction and severability.*

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

35

EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill updates the advanced practice registered nurse
4 interstate compact, currently codified as Code section 152E.3.
5 The bill revises and provides new definitions for the compact.
6 The bill sets forth an application process for advanced
7 practice registered nurses to seek multistate licensure and
8 provides for a coordinated licensure information system and
9 exchange of information between party states under the compact.
10 The bill establishes a commission jointly with other states who
11 have adopted the compact to administer the compact. The bill
12 provides rulemaking authority to the commission and creates
13 dispute resolution and enforcement procedures. The bill
14 provides for withdrawal from or amendment to the compact.