

Senate File 430 - Introduced

SENATE FILE 430
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1075)

A BILL FOR

1 An Act relating to the advanced practice registered nurse
2 compact, including assessments against party states, and
3 including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 152E.3, Code 2017, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **152E.3 Form of advanced practice registered nurse compact.**

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

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

6 (1) The health and safety of the public are affected by the
7 degree of compliance with advanced practice registered nurse
8 licensure requirements and the effectiveness of enforcement
9 activities related to state advanced practice registered nurse
10 licensure laws.

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

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

19 (4) New practice modalities and technology make compliance
20 with individual state advanced practice registered nurse
21 licensure laws difficult and complex.

22 (5) The current system of duplicative advanced practice
23 registered nurse licensure for advanced practice registered
24 nurses practicing in multiple states is cumbersome and
25 redundant for both advanced practice registered nurses and
26 states.

27 (6) Uniformity of advanced practice registered nurse
28 licensure requirements throughout the states promotes public
29 safety and public health benefits.

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

31 (1) Facilitate the states' responsibility to protect the
32 public's health and safety.

33 (2) Ensure and encourage the cooperation of party states
34 in the areas of advanced practice registered nurse licensure
35 and regulation, including promotion of uniform licensure

1 requirements.

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

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

7 (5) Invest all party states with the authority to hold an
8 advanced practice registered nurse accountable for meeting
9 all state practice laws in the state in which the patient
10 is located at the time care is rendered through the mutual
11 recognition of party state licenses.

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

14 (7) Provide opportunities for interstate practice by
15 advanced practice registered nurses who meet uniform licensure
16 requirements.

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

18 a. *"Advanced practice registered nurse"* means a registered
19 nurse who has gained additional specialized knowledge, skills
20 and experience through a program of study recognized or defined
21 by the interstate commission of advanced practice registered
22 nurse compact administrators ("commission"), and who is
23 licensed to perform advanced nursing practice. An advanced
24 practice registered nurse is licensed in an advanced practice
25 registered nurse role that is congruent with an advanced
26 practice registered nurse educational program, certification,
27 and commission rules.

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

31 c. *"Advanced practice registered nurse uniform licensure
32 requirements"* means minimum uniform licensure, education, and
33 examination requirements as adopted by the commission.

34 d. *"Adverse action"* means any administrative, civil,
35 equitable, or criminal action permitted by a state's laws which

1 is imposed by a licensing board or other authority against an
2 advanced practice registered nurse, including actions against
3 an individual's license or multistate licensure privilege
4 such as revocation, suspension, probation, monitoring of
5 the licensee, limitation on the licensee's practice, or any
6 other encumbrance on licensure affecting an advanced practice
7 registered nurse's authorization to practice, including the
8 issuance of a cease and desist action.

9 *e. "Alternative program"* means a nondisciplinary monitoring
10 program approved by a licensing board.

11 *f. "Coordinated licensure information system"* means an
12 integrated process for collecting, storing, and sharing
13 information on advanced practice registered nurse licensure and
14 enforcement activities related to advanced practice registered
15 nurse licensure laws that is administered by a nonprofit
16 organization composed of and controlled by licensing boards.

17 *g. "Current significant investigatory information"* means
18 either of the following:

19 (1) Investigative information that a licensing board,
20 after a preliminary inquiry that includes notification and
21 an opportunity for the advanced practice registered nurse to
22 respond, if required by state law, has reason to believe is
23 not groundless and, if proved true, would indicate more than a
24 minor infraction.

25 (2) Investigative information that indicates that the
26 advanced practice registered nurse represents an immediate
27 threat to public health and safety regardless of whether the
28 advanced practice registered nurse has been notified and had an
29 opportunity to respond.

30 *h. "Encumbrance"* means a revocation or suspension of, or any
31 limitation on, the full and unrestricted practice of nursing
32 imposed by a licensing board.

33 *i. "Home state"* means the party state that is the advanced
34 practice registered nurse's primary state of residence.

35 *j. "Licensing board"* means a party state's regulatory body

1 responsible for regulating the practice of advanced practice
2 registered nursing.

3 *k. "Multistate license"* means an advanced practice
4 registered nurse license to practice as an advanced practice
5 registered nurse issued by a home state licensing board that
6 authorizes the advanced practice registered nurse to practice
7 as an advanced practice registered nurse in all party states
8 under a multistate licensure privilege, in the same role and
9 population focus as the advanced practice registered nurse is
10 licensed in the home state.

11 *l. "Multistate licensure privilege"* means a legal
12 authorization associated with an advanced practice registered
13 nurse multistate license that permits an advanced practice
14 registered nurse to practice as an advanced practice registered
15 nurse in a remote state, in the same role and population focus
16 as the advanced practice registered nurse is licensed in the
17 home state.

18 *m. "Noncontrolled prescription drug"* means a device or
19 drug that is not a controlled substance and is prohibited
20 under state or federal law from being dispensed without a
21 prescription. The term includes a device or drug that bears or
22 is required to bear the legend "Caution: federal law prohibits
23 dispensing without prescription" or "prescription only" or
24 other legend that complies with federal law.

25 *n. "Party state"* means any state that has adopted this
26 compact.

27 *o. "Population focus"* means a specific patient population
28 that is congruent with the advanced practice registered nurse
29 educational program, certification, and commission rules.

30 *p. "Prescriptive authority"* means the legal authority to
31 prescribe medications and devices as defined by party state
32 laws.

33 *q. "Remote state"* means a party state that is not the home
34 state.

35 *r. "Single-state license"* means an advanced practice

1 registered nurse license issued by a party state that
2 authorizes practice only within the issuing state and does not
3 include a multistate licensure privilege to practice in any
4 other party state.

5 *s.* "State" means a state, territory, or possession of the
6 United States and the District of Columbia.

7 *t.* "State practice laws" means a party state's laws, rules,
8 and regulations that govern advanced practice registered nurse
9 practice, define the scope of advanced nursing practice,
10 including prescriptive authority, and create the methods and
11 grounds for imposing discipline. State practice laws do
12 not include the requirements necessary to obtain and retain
13 an advanced practice registered nurse license, except for
14 qualifications or requirements of the home state.

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

16 *a.* A state must implement procedures for considering the
17 criminal history records of applicants for initial advanced
18 practice registered nurse licensure or advanced practice
19 registered nurse licensure by endorsement. Such procedures
20 shall include the submission of fingerprints or other
21 biometric-based information by advanced practice registered
22 nurse applicants for the purpose of obtaining an applicant's
23 criminal history record information from the federal bureau of
24 investigation and the agency responsible for retaining that
25 state's criminal records.

26 *b.* By rule, the commission shall adopt the advanced practice
27 registered nurse uniform licensure requirements. The uniform
28 licensure requirements shall provide the minimum requirements
29 for advanced practice registered nurse multistate licensure
30 in party states, provided that the commission may adopt
31 rules whereby an advanced practice registered nurse, with an
32 unencumbered license on the effective date of this compact, may
33 obtain, by endorsement or otherwise, and retain a multistate
34 license in a party state.

35 *c.* In order to obtain or retain a multistate license, an

1 advanced practice registered nurse must meet, in addition
2 to the uniform licensure requirements, the home state's
3 qualifications for licensure or renewal of licensure, as well
4 as all other applicable home state laws.

5 *d.* By rule, the commission shall identify the approved
6 advanced practice registered nurse roles and population foci
7 for licensure as an advanced practice registered nurse. An
8 advanced practice registered nurse issued a multistate license
9 shall be licensed in an approved advanced practice registered
10 nurse role and at least one approved population focus.

11 *e.* An advanced practice registered nurse multistate license
12 issued by a home state to a resident in that state will be
13 recognized by each party state as authorizing the advanced
14 practice registered nurse to practice as an advanced practice
15 registered nurse in each party state, under a multistate
16 licensure privilege, in the same role and population focus
17 as the advanced practice registered nurse is licensed in the
18 home state. If an applicant does not qualify for a multistate
19 license, a single-state license may be issued by a home state.

20 *f.* Issuance of an advanced practice registered nurse
21 multistate license shall include prescriptive authority for
22 noncontrolled prescription drugs, unless the advanced practice
23 registered nurse was licensed by the home state prior to the
24 home state's adoption of this compact and has not previously
25 held prescriptive authority.

26 (1) An advanced practice registered nurse granted
27 prescriptive authority for noncontrolled prescription drugs
28 in the home state may exercise prescriptive authority for
29 noncontrolled prescription drugs in any remote state while
30 exercising a multistate licensure privilege under an advanced
31 practice registered nurse multistate license; the advanced
32 practice registered nurse shall not be required to meet any
33 additional eligibility requirements imposed by the remote
34 state in exercising prescriptive authority for noncontrolled
35 prescription drugs.

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

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

9 *g.* For each state in which an advanced practice registered
10 nurse seeks authority to prescribe controlled substances,
11 the advanced practice registered nurse shall satisfy all
12 requirements imposed by such state in granting or renewing such
13 authority.

14 *h.* An advanced practice registered nurse issued a
15 multistate license is authorized to assume responsibility and
16 accountability for patient care independent of a supervisory or
17 collaborative relationship with a physician. This authority
18 may be exercised in the home state and in any remote state
19 in which the advanced practice registered nurse exercises a
20 multistate licensure privilege. For an advanced practice
21 registered nurse issued a single-state license in a party
22 state, the requirement for a supervisory or collaborative
23 relationship with a physician shall be determined under
24 applicable party state law.

25 *i.* All party states shall be authorized, in accordance
26 with state due process laws, to take adverse action against
27 an advanced practice registered nurse's multistate licensure
28 privilege such as revocation, suspension, probation, or any
29 other action that affects an advanced practice registered
30 nurse's authorization to practice under a multistate licensure
31 privilege, including cease and desist actions. If a party
32 state takes such action, it shall promptly notify the
33 administrator of the coordinated licensure information system.
34 The administrator of the coordinated licensure information
35 system shall promptly notify the home state of any such actions

1 by remote states.

2 *j.* An advanced practice registered nurse practicing in a
3 party state must comply with the state practice laws of the
4 state in which the client is located at the time service is
5 provided. Advanced practice registered nurse practice is
6 not limited to patient care, but shall include all advanced
7 nursing practice as defined by the state practice laws of the
8 party state in which the client is located. Advanced practice
9 registered nurse practice in a party state under a multistate
10 licensure privilege will subject the advanced practice
11 registered nurse to the jurisdiction of the licensing board,
12 the courts, and the laws of the party state in which the client
13 is located at the time service is provided.

14 *k.* This compact does not affect additional requirements
15 imposed by states for advanced practice registered nursing.
16 However, a multistate licensure privilege to practice
17 registered nursing granted by a party state shall be recognized
18 by other party states as satisfying any state law requirement
19 for registered nurse licensure as a precondition for
20 authorization to practice as an advanced practice registered
21 nurse in that state.

22 *l.* Individuals not residing in a party state shall continue
23 to be able to apply for a party state's single-state advanced
24 practice registered nurse license as provided under the laws of
25 each party state. However, the single-state license granted
26 to these individuals will not be recognized as granting the
27 privilege to practice as an advanced practice registered nurse
28 in any other party state.

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

31 *a.* Upon application for an advanced practice registered
32 nurse multistate license, the licensing board in the issuing
33 party state shall ascertain, through the coordinated licensure
34 information system, whether the applicant has ever held or
35 is the holder of a licensed practical or vocational nursing

1 license, a registered nursing license, or an advanced practice
2 registered nurse license issued by any other state, whether
3 there are any encumbrances on any license or multistate
4 licensure privilege held by the applicant, whether any adverse
5 action has been taken against any license or multistate
6 licensure privilege held by the applicant, and whether the
7 applicant is currently participating in an alternative program.

8 *b.* An advanced practice registered nurse may hold a
9 multistate advanced practice registered nurse license, issued
10 by the home state, in only one party state at a time.

11 *c.* If an advanced practice registered nurse changes primary
12 state of residence by moving between two party states, the
13 advanced practice registered nurse must apply for advanced
14 practice registered nurse licensure in the new home state, and
15 the multistate license issued by the prior home state shall be
16 deactivated in accordance with applicable commission rules.

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

19 (2) A multistate advanced practice registered nurse license
20 shall not be issued by the new home state until the advanced
21 practice registered nurse provides satisfactory evidence of a
22 change in primary state of residence to the new home state and
23 satisfies all applicable requirements to obtain a multistate
24 advanced practice registered nurse license from the new home
25 state.

26 *d.* If an advanced practice registered nurse changes primary
27 state of residence by moving from a party state to a nonparty
28 state, the advanced practice registered nurse multistate
29 license issued by the prior home state will convert to a
30 single-state license, valid only in the former home state.

31 5. *Article V — Additional authorities invested in party*
32 *state licensing boards.*

33 *a.* In addition to the other powers conferred by state law,
34 a licensing board shall have the authority to do all of the
35 following:

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

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

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

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

16 (3) Complete any pending investigations of an advanced
17 practice registered nurse who changes primary state of
18 residence during the course of such investigations. The
19 licensing board shall also have the authority to take
20 appropriate action and shall promptly report the conclusions
21 of such investigations to the administrator of the coordinated
22 licensure information system. The administrator of the
23 coordinated licensure information system shall promptly notify
24 the new home state of any such actions.

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

1 evidence are located.

2 (5) Obtain and submit, for an advanced practice
3 registered nurse licensure applicant, fingerprints or
4 other biometric-based information to the federal bureau of
5 investigation for criminal background checks, receive the
6 results of the federal bureau of investigation record search
7 on criminal background checks, and use the results in making
8 licensure decisions.

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

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

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

28 *c.* Nothing in this compact shall override a party state's
29 decision that participation in an alternative program may be
30 used in lieu of adverse action. The home state licensing board
31 shall deactivate the multistate licensure privilege under the
32 multistate license of any advanced practice registered nurse
33 for the duration of the advanced practice registered nurse's
34 participation in an alternative program.

35 6. *Article VI — Coordinated licensure information system and*

1 *exchange of information.*

2 *a.* All party states shall participate in a coordinated
3 licensure information system of all advanced practice
4 registered nurses, licensed registered nurses, and licensed
5 practical or vocational nurses. This system will include
6 information on the licensure and disciplinary history of each
7 advanced practice registered nurse, as submitted by party
8 states, to assist in the coordinated administration of advanced
9 practice registered nurse licensure and enforcement efforts.

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

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

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

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

32 *f.* Any personally identifiable information obtained from
33 the coordinated licensure information system by a party state
34 licensing board shall not be shared with nonparty states or
35 disclosed to other entities or individuals except to the extent

1 permitted by the laws of the party state contributing the
2 information.

3 g. Any information contributed to the coordinated licensure
4 information system that is subsequently required to be expunged
5 by the laws of the party state contributing the information
6 shall be removed from the coordinated licensure information
7 system.

8 h. The compact administrator of each party state shall
9 furnish a uniform data set to the compact administrator of each
10 other party state, which shall include but not be limited to
11 the following:

12 (1) Identifying information.

13 (2) Licensure data.

14 (3) Information related to alternative program
15 participation information.

16 (4) Other information that may facilitate the
17 administration of this compact, as determined by commission
18 rules.

19 i. The compact administrator of a party state shall provide
20 all investigative documents and information requested by
21 another party state.

22 7. *Article VII — Establishment of the interstate commission*
23 *of advanced practice registered nurse compact administrators.*

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

27 (1) The commission is an instrumentality of the party
28 states.

29 (2) Venue is proper, and judicial proceedings by or against
30 the commission shall be brought solely and exclusively, in a
31 court of competent jurisdiction where the principal office of
32 the commission is located. The commission may waive venue and
33 jurisdictional defenses to the extent it adopts or consents to
34 participate in alternative dispute resolution proceedings.

35 (3) Nothing in this compact shall be construed to be a

1 waiver of sovereign immunity.

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

3 (1) Each party state shall have and be limited to one
4 administrator. The head of the state licensing board or
5 designee shall be the administrator of this compact for each
6 party state. Any administrator may be removed or suspended
7 from office as provided by the law of the state from which
8 the administrator is appointed. Any vacancy occurring in the
9 commission shall be filled in accordance with the laws of the
10 party state in which the vacancy exists.

11 (2) Each administrator shall be entitled to one vote with
12 regard to the promulgation of rules and creation of bylaws
13 and shall otherwise have an opportunity to participate in the
14 business and affairs of the commission. An administrator
15 shall vote in person or by such other means as provided in
16 the bylaws. The bylaws may provide for an administrator's
17 participation in meetings by telephone or other means of
18 communication.

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

22 (4) All meetings shall be open to the public, and public
23 notice of meetings shall be given in the same manner as
24 required under the rulemaking provisions in article VIII.

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

27 (a) Noncompliance of a party state with its obligations
28 under this compact.

29 (b) The employment, compensation, discipline or, other
30 personnel matters, practices, or procedures related to specific
31 employees or other matters related to the commission's internal
32 personnel practices and procedures.

33 (c) Current, threatened, or reasonably anticipated
34 litigation.

35 (d) Negotiation of contracts for the purchase or sale of

1 goods, services, or real estate.

2 (e) Accusing any person of a crime or formally censuring any
3 person.

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

6 (g) Disclosure of information of a personal nature where
7 disclosure would constitute a clearly unwarranted invasion of
8 personal privacy.

9 (h) Disclosure of investigatory records compiled for law
10 enforcement purposes.

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

14 (j) Matters specifically exempted from disclosure by
15 federal or state statute.

16 (6) If a meeting, or portion of a meeting, is closed
17 pursuant to this provision, the commission's legal counsel or
18 designee shall certify that the meeting may be closed and shall
19 reference each relevant exempting provision. The commission
20 shall keep minutes that fully and clearly describe all matters
21 discussed in a meeting and shall provide a full and accurate
22 summary of actions taken, and the reasons therefor, including a
23 description of the views expressed. All documents considered
24 in connection with an action shall be identified in such
25 minutes. All minutes and documents of a closed meeting shall
26 remain under seal, subject to release by a majority vote of the
27 commission or order of a court of competent jurisdiction.

28 *c.* The commission shall, by a majority vote of the
29 administrators, prescribe bylaws or rules to govern its conduct
30 as may be necessary or appropriate to carry out the purposes
31 and exercise the powers of this compact, including but not
32 limited to all of the following:

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

34 (2) Providing reasonable standards and procedures for both
35 of the following:

1 (a) The establishment and meetings of other committees.

2 (b) Governing any general or specific delegation of any
3 authority or function of the commission.

4 (3) Providing reasonable procedures for calling and
5 conducting meetings of the commission, ensuring reasonable
6 advance notice of all meetings, and providing an opportunity
7 for attendance of such meetings by interested parties,
8 with enumerated exceptions designed to protect the public's
9 interest, the privacy of individuals, and proprietary
10 information, including trade secrets. The commission may meet
11 in closed session only after a majority of the administrators
12 vote to close a meeting in whole or in part. As soon as
13 practicable, the commission must make public a copy of the vote
14 to close the meeting revealing the vote of each administrator,
15 with no proxy votes allowed.

16 (4) Establishing the titles, duties, and authority and
17 reasonable procedures for the election of the officers of the
18 commission.

19 (5) Providing reasonable standards and procedures for the
20 establishment of the personnel policies and programs of the
21 commission. Notwithstanding any civil service or other similar
22 laws of any party state, the bylaws shall exclusively govern
23 the personnel policies and programs of the commission.

24 (6) Providing a mechanism for winding up the operations
25 of the commission and the equitable disposition of any
26 surplus funds that may exist after the termination of this
27 compact after the payment or reserving of all of its debts and
28 obligations.

29 *d.* The commission shall publish its bylaws and rules, and
30 any amendments thereto, in a convenient form on the internet
31 site of the commission.

32 *e.* The commission shall maintain its financial records in
33 accordance with the bylaws.

34 *f.* The commission shall meet and take such actions as are
35 consistent with the provisions of this compact and the bylaws.

1 g. The commission shall have the following powers:

2 (1) To promulgate uniform rules to facilitate and
3 coordinate implementation and administration of this compact.
4 The rules shall have the force and effect of law and shall be
5 binding in all party states.

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

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

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

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

18 (6) To hire employees, elect or appoint officers, fix
19 compensation, define duties, grant such individuals appropriate
20 authority to carry out the purposes of this compact, and to
21 establish the commission's personnel policies and programs
22 relating to conflicts of interest, qualifications of personnel,
23 and other related personnel matters.

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

29 (8) To lease, purchase, accept appropriate gifts or
30 donations of, or otherwise to own, hold, improve, or use, any
31 property, whether real, personal, or mixed; provided that at
32 all times the commission shall strive to avoid any appearance
33 of impropriety.

34 (9) To sell, convey, mortgage, pledge, lease, exchange,
35 abandon, or otherwise dispose of any property, whether real,

1 personal, or mixed.

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

3 (11) To borrow money.

4 (12) To appoint committees, including advisory committees
5 comprised of administrators, state nursing regulators,
6 state legislators or their representatives, and consumer
7 representatives, and other such interested persons.

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

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

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

15 *h. Financing of the commission.*

16 (1) The commission shall pay, or provide for the payment of,
17 the reasonable expenses of its establishment, organization, and
18 ongoing activities.

19 (2) The commission may levy on and collect an annual
20 assessment from each party state to cover the cost of the
21 operations and activities of the interstate commission and its
22 staff which must be in a total amount sufficient to cover its
23 annual budget as approved each year. The aggregate annual
24 assessment amount shall be allocated based upon a formula to
25 be determined by the commission, which shall promulgate a rule
26 that is binding upon all party states.

27 (3) The commission shall not incur obligations of any kind
28 prior to securing the funds adequate to meet the same; nor
29 shall the commission pledge the credit of any of the party
30 states, except by, and with the authority of, such party state.

31 (4) The commission shall keep accurate accounts of all
32 receipts and disbursements. The receipts and disbursements of
33 the commission shall be subject to the audit and accounting
34 procedures established under its bylaws. However, all receipts
35 and disbursements of funds handled by the commission shall be

1 audited yearly by a certified or licensed public accountant,
2 and the report of the audit shall be included in and become
3 part of the annual report of the commission.

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

5 (1) The administrators, officers, executive director,
6 employees, and representatives of the commission shall be
7 immune from suit and liability, either personally or in their
8 official capacity, for any claim for damage to or loss of
9 property or personal injury or other civil liability caused by
10 or arising out of any actual or alleged act, error, or omission
11 that occurred, or that the person against whom the claim is
12 made had a reasonable basis for believing occurred, within the
13 scope of commission employment, duties, or responsibilities;
14 provided that nothing in this paragraph "i" shall be construed
15 to protect any such person from suit or liability for any
16 damage, loss, injury, or liability caused by the intentional,
17 willful, or wanton misconduct of that person.

18 (2) The commission shall defend any administrator,
19 officer, executive director, employee, or representative of
20 the commission in any civil action seeking to impose liability
21 arising out of any actual or alleged act, error, or omission
22 that occurred within the scope of commission employment,
23 duties, or responsibilities, or that the person against
24 whom the claim is made had a reasonable basis for believing
25 occurred within the scope of commission employment, duties,
26 or responsibilities; provided that nothing herein shall be
27 construed to prohibit that person from retaining the person's
28 own counsel; and provided further that the actual or alleged
29 act, error, or omission did not result from that person's
30 intentional, willful, or wanton misconduct.

31 (3) The commission shall indemnify and hold harmless
32 any administrator, officer, executive director, employee,
33 or representative of the commission for the amount of any
34 settlement or judgment obtained against that person arising
35 out of any actual or alleged act, error, or omission that

1 occurred within the scope of commission employment, duties,
2 or responsibilities, or that such person had a reasonable
3 basis for believing occurred within the scope of commission
4 employment, duties, or responsibilities, provided that the
5 actual or alleged act, error, or omission did not result from
6 the intentional, willful, or wanton misconduct of that person.

7 8. *Article VIII — Rulemaking.*

8 a. The commission shall exercise its rulemaking powers
9 pursuant to the criteria set forth in this article and the
10 rules adopted thereunder. Rules and amendments shall become
11 binding as of the date specified in each rule or amendment and
12 shall have the same force and effect as provisions of this
13 compact.

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

16 c. Prior to promulgation and adoption of a final rule or
17 rules by the commission, and at least sixty days in advance
18 of the meeting at which the rule will be considered and voted
19 upon, the commission shall file a notice of proposed rulemaking
20 on the internet site of the commission and on the internet site
21 of each licensing board or the publication in which each state
22 would otherwise publish proposed rules.

23 d. The notice of proposed rulemaking shall include all of
24 the following:

25 (1) The proposed time, date, and location of the meeting in
26 which the rule will be considered and voted upon.

27 (2) The text of the proposed rule or amendment, and the
28 reason for the proposed rule.

29 (3) A request for comments on the proposed rule from any
30 interested person.

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

34 e. Prior to adoption of a proposed rule, the commission
35 shall allow persons to submit written data, facts, opinions,

1 and arguments, which shall be made available to the public.

2 *f.* The commission shall grant an opportunity for a public
3 hearing before it adopts a rule or amendment.

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

6 (1) Hearings shall be conducted in a manner providing each
7 person who wishes to comment a fair and reasonable opportunity
8 to comment orally or in writing. All hearings will be
9 recorded, and a copy will be made available upon request.

10 (2) Nothing in this article shall be construed as requiring
11 a separate hearing on each rule. Rules may be grouped for the
12 convenience of the commission at hearings required by this
13 article.

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

16 *i.* Following the scheduled hearing date, or by the close
17 of business on the scheduled hearing date if the hearing was
18 not held, the commission shall consider all written and oral
19 comments received.

20 *j.* The commission shall, by majority vote of all
21 administrators, take final action on the proposed rule and
22 shall determine the effective date of the rule, if any, based
23 on the rulemaking record and the full text of the rule.

24 *k.* Upon determination that an emergency exists, the
25 commission may consider and adopt an emergency rule without
26 prior notice, opportunity for comment, or hearing, provided
27 that the usual rulemaking procedures provided in this compact
28 and in this article shall be retroactively applied to the rule
29 as soon as reasonably possible, in no event later than ninety
30 days after the effective date of the rule. For the purposes of
31 this provision, an emergency rule is one that must be adopted
32 immediately in order to do any of the following:

33 (1) Meet an imminent threat to public health, safety, or
34 welfare.

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

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

3 1. The commission may direct revisions to a previously
4 adopted rule or amendment for purposes of correcting
5 typographical errors, errors in format, errors in consistency,
6 or grammatical errors. Public notice of any revisions shall be
7 posted on the internet site of the commission. The revision
8 shall be subject to challenge by any person for a period of
9 thirty days after posting. The revision may be challenged only
10 on grounds that the revision results in a material change to
11 a rule. A challenge shall be made in writing, and delivered
12 to the commission, prior to the end of the notice period. If
13 no challenge is made, the revision will take effect without
14 further action. If the revision is challenged, the revision
15 may not take effect without the approval of the commission.

16 9. *Article IX — Oversight, dispute resolution, and*
17 *enforcement.*

18 a. *Oversight.*

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

22 (2) The commission shall be entitled to receive service
23 of process in any proceeding that may affect the powers,
24 responsibilities, or actions of the commission, and shall have
25 standing to intervene in such a proceeding for all purposes.
26 Failure to provide service of process to the commission shall
27 render a judgment or order void as to the commission, this
28 compact, or promulgated rules.

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

30 (1) If the commission determines that a party state
31 has defaulted in the performance of its obligations or
32 responsibilities under this compact or the promulgated rules,
33 the commission shall do both of the following:

34 (a) Provide written notice to the defaulting state and other
35 party states of the nature of the default, the proposed means

1 of curing the default, or any other action to be taken by the
2 commission.

3 (b) Provide remedial training and specific technical
4 assistance regarding the default.

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

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

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

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

29 (6) The defaulting state may appeal the action of the
30 commission by petitioning the United States district court
31 for the District of Columbia or the federal district in which
32 the commission has its principal offices. The prevailing
33 party shall be awarded all costs of such litigation, including
34 reasonable attorneys' fees.

35 *c. Dispute resolution.*

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

4 (2) The commission shall promulgate a rule providing for
5 both mediation and binding dispute resolution for disputes, as
6 appropriate.

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

9 (a) The party states may submit the issues in dispute to
10 an arbitration panel, which will be comprised of individuals
11 appointed by the compact administrator in each of the affected
12 party states and an individual mutually agreed upon by the
13 compact administrators of all the party states involved in the
14 dispute.

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

17 *d. Enforcement.*

18 (1) The commission, in the reasonable exercise of its
19 discretion, shall enforce the provisions and rules of this
20 compact.

21 (2) By majority vote, the commission may initiate legal
22 action in the United States district court for the District of
23 Columbia or the federal district in which the commission has
24 its principal offices against a party state that is in default
25 to enforce compliance with the provisions of this compact
26 and its promulgated rules and bylaws. The relief sought may
27 include both injunctive relief and damages. In the event
28 judicial enforcement is necessary, the prevailing party shall
29 be awarded all costs of such litigation, including reasonable
30 attorneys' fees.

31 (3) The remedies herein shall not be the exclusive remedies
32 of the commission. The commission may pursue any other
33 remedies available under federal or state law.

34 10. *Article X — Effective date, withdrawal, and amendment.*

35 a. This compact shall come into limited effect at such

1 time as this compact has been enacted into law in ten party
2 states for the sole purpose of establishing and convening
3 the commission to adopt rules relating to its operation and
4 the advanced practice registered nurse uniform licensure
5 requirements.

6 *b.* On the date of the commission's adoption of the advanced
7 practice registered nurse uniform licensure requirements, all
8 remaining provisions of this compact, and rules adopted by the
9 commission, shall come into full force and effect in all party
10 states.

11 *c.* Any state that joins this compact subsequent to the
12 commission's initial adoption of the advanced practice
13 registered nurse uniform licensure requirements shall be
14 subject to all rules that have been previously adopted by the
15 commission.

16 *d.* Any party state may withdraw from this compact by
17 enacting a statute repealing the same. A party state's
18 withdrawal shall not take effect until six months after
19 enactment of the repealing statute.

20 *e.* A party state's withdrawal or termination shall not
21 affect the continuing requirement of the withdrawing or
22 terminated state's licensing board to report adverse actions
23 and significant investigations occurring prior to the effective
24 date of such withdrawal or termination.

25 *f.* Nothing contained in this compact shall be construed to
26 invalidate or prevent any advanced practice registered nurse
27 licensure agreement or other cooperative arrangement between a
28 party state and a nonparty state that does not conflict with
29 the provisions of this compact.

30 *g.* This compact may be amended by the party states. No
31 amendment to this compact shall become effective and binding
32 upon any party state until it is enacted into the laws of all
33 party states.

34 *h.* Representatives of nonparty states to this compact shall
35 be invited to participate in the activities of the commission,

1 on a nonvoting basis, prior to the adoption of this compact by
2 all states.

3 11. *Article XI — Construction and severability.* This
4 compact shall be liberally construed so as to effectuate the
5 purposes thereof. The provisions of this compact shall be
6 severable, and if any phrase, clause, sentence, or provision
7 of this compact is declared to be contrary to the constitution
8 of any party state or of the United States, or if the
9 applicability thereof to any government, agency, person, or
10 circumstance is held invalid, the validity of the remainder of
11 this compact and the applicability thereof to any government,
12 agency, person, or circumstance shall not be affected
13 thereby. If this compact shall be held to be contrary to the
14 constitution of any party state, this compact shall remain in
15 full force and effect as to the remaining party states and in
16 full force and effect as to the party state affected as to all
17 severable matters.

18 Sec. 2. Section 152E.2, Code 2017, is amended to read as
19 follows:

20 **152E.2 Compact administrator.**

21 The executive director of the board of nursing, as provided
22 for in [section 152.2](#), shall serve as the compact administrator
23 identified in article VIII, paragraph "a", of the nurse
24 licensure compact contained in [section 152E.1](#) and as the
25 compact administrator identified in article VIII VII, paragraph
26 "a" "b", of the advanced practice registered nurse compact
27 contained in [section 152E.3](#).

28 Sec. 3. EFFECTIVE DATE. This Act takes effect upon the
29 adoption of the advanced practice registered nurse compact
30 contained in this Act by no less than ten states. The
31 executive director of the board of nursing shall notify the
32 Code editor upon adoption of the compact by the requisite
33 number of states.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill adopts a revised version of the advanced practice
3 registered nurse compact in Code chapter 152E. The new
4 compact creates an interstate commission of advanced practice
5 registered nurse compact administrators that will have the
6 power to adopt rules binding on its members, or "party states",
7 bring legal action in its own name, purchase insurance and
8 bonds, hire and compensate employees, and rent or purchase
9 property.

10 The commission may also levy on and collect an annual
11 assessment from this state and all other party states to cover
12 the cost of its operations, activities, and staff in its annual
13 budget as approved each year. The aggregate annual assessment
14 amount, if any, shall be allocated based upon a formula to be
15 determined by the commission, which shall adopt a rule that is
16 binding upon all party states.

17 In this state, the compact administrator shall be the
18 executive director of the board of nursing.

19 The bill becomes effective upon the adoption of the compact
20 by no less than 10 states.