

Article - Health Occupations

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§8-7A-01.

The Nurse Multistate Licensure Compact is hereby enacted and entered into with all other jurisdictions that legally join in the Compact in the form substantially as the Compact appears in this section as follows:

Article I. Findings and Statement of Purpose.

1.

The party states to this Compact find that:

(a) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensing laws;

(b) Violations of nurse licensure and other laws relating to the practice of nursing may result in injury or harm to the public;

(c) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensing and regulation;

(d) New practice modalities and technology make compliance with individual state nurse licensing laws difficult and complex; and

(e) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and the states.

2.

The general purposes of this Compact are to:

(a) Facilitate the states' responsibility to protect the health and safety of the public;

(b) Ensure and encourage the cooperation of party states in the areas of nurse licensing and regulation;

(c) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(d) Promote compliance with the laws governing the practice of nursing in each jurisdiction; and

(e) Authorize the party states to hold a nurse accountable for meeting all nurse practice laws in the state in which the patient is located at the time that care was rendered through the mutual recognition of party state licenses.

Article II. Definitions.

3.

For the purposes of this Compact, and of any supplemental or concurring legislation enacted under this Compact, except as may be otherwise required by the context:

(a) “Adverse action” means a home or remote state action.

(b) “Alternative program” means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

(c) “Compact” means this Nurse Multistate Licensing Compact.

(d) “Coordinated licensure information system” means an integrated process for collecting, storing, and sharing information on nurse licensing and enforcement activities related to nurse licensing laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

(e) “Current significant investigative information” means investigative information that:

(1) A licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) Indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and has had an opportunity to respond.

(f) “Home state” means the party state that is the nurse’s primary state of residence.

(g) (1) “Home state action” means any administrative, civil, equitable, or criminal action permitted by the laws of the home state which are imposed on a nurse by the licensing board of the home state.

(2) “Home state action” includes:

(i) Revocation of a license;

(ii) Suspension of a license;

(iii) Probation of a licensee; or

(iv) Any other action which affects a nurse's authorization to practice.

(h) "Multistate licensing privilege" means the current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical or vocational nurse in a party state.

(i) "Nurse" means a registered nurse or a licensed practical or vocational nurse as those terms are defined by the laws of each party state.

(j) "Party state" means any state that has adopted this Compact.

(k) "Remote state" means a party state, other than the home state:

(1) Where the patient is located at the time nursing care is provided; or

(2) In the case of the practice of nursing that does not involve a patient, in the party state where the recipient of nursing practices is located.

(l) "Remote state action" means any:

(1) Administrative, civil, equitable, or criminal action permitted by the laws of the remote state which are imposed on a nurse by the licensing board of the remote state or other authority, including actions against an individual's multistate licensing privilege to practice in the remote state; and

(2) Cease and desist or other injunctive or equitable orders issued by remote states or their licensing boards.

(m) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(n) (1) "State practice laws" means those individual party state's laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline.

(2) "State practice laws" does not include the initial qualifications for licensure or the requirements necessary to obtain and retain a license, except for the qualifications and requirements of the home state.

Article III. General Provisions and Jurisdiction.

4.

A license to practice registered nursing issued by a home state to a resident of that state will be recognized by each party state as authorization for a multistate licensing privilege to practice as a registered nurse in a party state. A license to practice

licensed practical or vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorization for a multistate licensing privilege to practice as a licensed practical or vocational nurse in a party state. In order to obtain or retain a license, an applicant shall meet the home state's qualifications for licensure and license renewal, as well as other applicable state laws.

5.

Party states may, in accordance with the due process laws of that state, limit or revoke the multistate licensing privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state. All party states are authorized to take actions against the nurse's privileges, including: suspension, revocation, probation, or any other action which affects a nurse's authorization to practice. If a party state takes such an action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure system shall promptly notify the home state of any such actions by remote states.

6.

(a) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time that care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all practices of nursing, as defined by the laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws of the party state.

(b) This Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensing privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

(c) Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided by the laws of each party state. However, the license granted to the individuals may not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

Article IV. Applications for Licensure in a Party State.

7.

(a) Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether:

(1) The applicant has ever held, or is the holder of, a license issued by any other state;

- (2) There are any restrictions on the multistate license privilege; and
- (3) Any other adverse action by any state has been taken against the licensee.

(b) A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

(c) A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such a change, provided that the nurse submits evidence of the change in primary state of residence that is satisfactory to the new home state's licensing board.

(d) When a nurse changes primary state of residence by moving:

(1) Between two party states and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) From a nonparty state to a party state and obtains a license from the new home state, the individual state license issued by the nonparty state will remain in full force and effect, subject to the laws of the nonparty state; or

(3) From a party state to a nonparty state, the license issued by the former home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

Article V. Adverse Actions.

8.

In addition to the General Provisions contained in Article III, the following provisions apply:

(a) The licensing board of a remote state shall promptly notify the administrator of the coordinated licensure information system of any remote state actions, including the factual and legal basis for such action, if known, and promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

(b) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes the primary state of residence during the course of an investigation. It shall also have the authority to take action or actions, and shall promptly report the conclusions of the investigation to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(c) A remote state may take an adverse action affecting the multistate licensing privilege to practice within that party state. However, only the home state shall have the power to impose an adverse action against the license issued by the home state.

(d) For purposes of imposing an adverse action, the licensing board of the home state shall give the same priority and effect to the reported conduct received from a remote state as it would if the conduct had occurred in the home state. In doing so, the home state shall apply its own state laws to determine the appropriate action to take against the licensee.

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

(f) Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action, and that such participation shall remain nonpublic if required by the laws of the party state. Party states shall require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from that party state.

Article VI. Additional Authority Invested in Party State Nurse Licensing Boards.

9.

Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(a) Recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse, if otherwise permitted by state law;

(b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance of witnesses or the production of evidence from another party state or both, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or the evidence are located;

(c) Issue cease and desist orders to limit or revoke a nurse's authority to practice in the state; and

(d) Promulgate uniform rules and regulations as provided by Article VIII of this Compact.

Article VII. Coordinated Licensure Information System.

10.

(a) All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical or vocational nurses. This system shall include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) Notwithstanding any other provision of law, the nurse licensing boards of party states shall promptly report an adverse action, actions against multistate licensing privileges, any current significant investigative information yet to result in an adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.

(c) Current significant investigative information shall be transmitted through the coordinated licensure information system only to the nurse licensing boards of party states.

(d) Notwithstanding any other provision of law, the nurse licensing boards of party states contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other individuals or entities without the express permission of the contributing state.

(e) Any personally identifiable information obtained by the nurse licensing board of a party state from the coordinated licensure information system may not be shared with nonparty states or disclosed to other individuals or entities except to the extent permitted by the laws of the party state contributing the information.

(f) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

(g) The Compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this Compact.

Article VIII. Nurse Multistate Licensure Compact Administration
and Interchange of Information.

11.

(a) The head of the nurse licensing board of a party state, or the designee of the head of the nurse licensing board, shall be the administrator of this Compact.

(b) In the State of Maryland, the administrator of this Compact shall be the executive director of the State Board of Nursing.

(c) The Compact administrator of each party state shall furnish to the Compact administrator of each other party state any information or documents, including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this Compact.

(d) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this Compact. These uniform rules shall be adopted by party states, under the authority vested in Article VI.

Article IX. Immunity.

12.

No party state, or the officers, employees, or agents of a party state's nurse licensing board, that acts in accordance with the provisions of this Compact may be liable on account of any act or omission that is made in good faith while engaged in the performance of their duties under this Compact. Good faith in this Article does not include willful misconduct, gross negligence, or recklessness.

Article X. Entry into Force, Withdrawal, and Amendment.

13.

(a) This Compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this Compact by enacting a statute repealing this Compact, but no such withdrawal may take effect until 6 months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

(b) No withdrawal may affect the validity or applicability of state nurse licensing boards remaining party to this Compact in reporting an adverse action that occurs prior to the withdrawal.

(c) Nothing contained in this Compact may be construed to invalidate or prevent any nurse licensing agreement or other cooperative agreement between a party state and a nonparty state that is made in accordance with other provisions of this Compact.

(d) This Compact may be amended by the party states. No amendment to this Compact may be effective until it is enacted into the laws of all party states.

Article XI. Construction and Severability.

14.

(a) This Compact shall be liberally construed so as to effectuate the purpose of the Compact. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the

Constitution of the United States or of the party states, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance may not be affected thereby. If this Compact is held to be contrary to the constitution of a party state, this Compact shall remain in full force and effect as to the remaining party states, and to the party state affected as to all severable matters.

(b) In the event that party states find a need for settling disputes arising under this Compact:

(1) The party states may submit the issues in dispute to an arbitration panel which shall be comprised of an individual appointed by the Compact administrator in the home state, an individual appointed by the Compact administrator in the remote state or states involved in the dispute, and an individual who is chosen by mutual agreement of all of the party states involved in the dispute; and

(2) The decision of a majority of the arbitrators shall be final and binding.

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