

HOUSE BILL 429

Unofficial Copy  
J2

1999 Regular Session  
(9r1706)

**ENROLLED BILL**

-- *Environmental Matters/Economic and Environmental Affairs* --

Introduced by **Delegates Guns, Morhaim, and ~~Owings~~ Owings,  
Nathan-Pulliam, Goldwater, Hubbard, Weir, and Redmer**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Nurse Multistate Licensure Compact**

3 FOR the purpose of entering the State of Maryland into the Nurse Multistate  
4 Licensure Compact; stating the purposes of the Compact; establishing the  
5 administration of the Compact for certain purposes; providing for the powers of  
6 the administration of the Compact; providing for the regulation of nurses under  
7 the Compact; establishing certain jurisdictional requirements for members of  
8 the Compact; providing for the enforcement of the Compact; providing for the  
9 effective status of the Compact and the addition and withdrawal of Compact  
10 members under certain circumstances; allowing certain immunities for certain  
11 persons under certain circumstances; providing for the obtaining and use of  
12 certain information by certain persons; authorizing the State Board of Nursing  
13 to promulgate certain regulations; requiring the Board to conduct a certain  
14 study and to submit a certain report by a certain date; defining certain terms;  
15 providing for a certain contingency; and generally relating to the Nurse  
16 Multistate Licensure Compact.

1 BY repealing and reenacting, with amendments,  
2 Article - Health Occupations  
3 Section 8-301  
4 Annotated Code of Maryland  
5 (1994 Replacement Volume and 1998 Supplement)

6 BY adding to  
7 Article - Health Occupations  
8 Section 8-7A-01 through 8-7A-05, inclusive, to be under the new subtitle  
9 "Subtitle 7A. Nurse Multistate Licensure Compact"  
10 Annotated Code of Maryland  
11 (1994 Replacement Volume and 1998 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Health Occupations**

15 8-301.

16 (a) Except as otherwise provided in this title, an individual shall be licensed  
17 by the Board before the individual may practice registered nursing in this State.

18 (b) Except as otherwise provided in this title, an individual shall be licensed  
19 by the Board before the individual may practice licensed practical nursing in this  
20 State.

21 (c) This section does not apply to:

22 (1) A student enrolled in an approved education program while  
23 practicing registered nursing or licensed practical nursing in that program;

24 (2) An individual employed by the federal government to practice  
25 registered nursing or licensed practical nursing while practicing within the scope of  
26 that employment, if the individual is authorized by any state to practice registered  
27 nursing or licensed practical nursing;

28 (3) An individual permitted to practice registered nursing or licensed  
29 practical nursing under rules and regulations adopted by the Board, if the individual:

30 (i) Otherwise has qualified to practice registered nursing or  
31 licensed practical nursing in any other state or country and is in this State  
32 temporarily; or

33 (ii) Has an application for a license pending before the Board:

34 1. But has not taken the examination required under this  
35 title; or

1                                2.        Has taken an examination under this title, but the results  
2 of the examination are not yet known; and

3                    (4)        An individual who is assigned by the American Red Cross to a  
4 disaster situation in this State to practice registered nursing or licensed practical  
5 nursing, if the individual is licensed to practice registered nursing or licensed  
6 practical nursing in another state.

7        (D)        A REGISTERED NURSE WHO HAS BEEN GRANTED MULTISTATE LICENSING  
8 PRIVILEGES BY A PARTY STATE TO THE NURSE MULTISTATE LICENSURE COMPACT  
9 SET FORTH IN SUBTITLE 7A OF THIS TITLE MAY PRACTICE REGISTERED NURSING IN  
10 THE STATE.

11        (E)        A LICENSED PRACTICAL NURSE WHO HAS BEEN GRANTED MULTISTATE  
12 LICENSING PRIVILEGES BY A PARTY STATE TO THE NURSE MULTISTATE LICENSURE  
13 COMPACT SET FORTH IN SUBTITLE 7A OF THIS TITLE MAY PRACTICE ~~REGISTERED~~  
14 PRACTICAL NURSING IN THE STATE.

15        (F)        A NURSE WHO HAS BEEN GRANTED MULTISTATE LICENSING PRIVILEGES  
16 AS DESCRIBED IN SUBSECTION (D) OR (E) SHALL NOTIFY THE BOARD, PRIOR TO  
17 COMMENCING ANY NURSING EMPLOYMENT IN THE STATE, OF THE IDENTITY AND  
18 LOCATION OF THE NURSE'S PROSPECTIVE EMPLOYER.

19                                SUBTITLE 7A. NURSE MULTISTATE LICENSURE COMPACT.

20 8-7A-01.

21        THE NURSE MULTISTATE LICENSURE COMPACT IS HEREBY ENACTED AND  
22 ENTERED INTO WITH ALL OTHER JURISDICTIONS THAT LEGALLY JOIN IN THE  
23 COMPACT IN THE FORM SUBSTANTIALLY AS THE COMPACT APPEARS IN THIS  
24 SECTION AS FOLLOWS:

25                                ARTICLE I. FINDINGS AND STATEMENT OF PURPOSE.

26 1.

27        THE PARTY STATES TO THIS COMPACT FIND THAT:

28        (A)        THE HEALTH AND SAFETY OF THE PUBLIC ~~IS~~ ARE AFFECTED BY THE  
29 DEGREE OF COMPLIANCE WITH AND THE EFFECTIVENESS OF ENFORCEMENT  
30 ACTIVITIES RELATED TO STATE NURSE LICENSING LAWS;

31        (B)        VIOLATIONS OF NURSE LICENSURE AND OTHER LAWS RELATING TO THE  
32 PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM TO THE PUBLIC;

33        (C)        THE EXPANDED MOBILITY OF NURSES AND THE USE OF ADVANCED  
34 COMMUNICATION TECHNOLOGIES AS PART OF OUR NATION'S HEALTH CARE  
35 DELIVERY SYSTEM REQUIRE GREATER COORDINATION AND COOPERATION AMONG  
36 STATES IN THE AREAS OF NURSE LICENSING AND REGULATION;

1 (D) NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE COMPLIANCE WITH  
2 INDIVIDUAL STATE NURSE LICENSING LAWS DIFFICULT AND COMPLEX; AND

3 (E) THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES  
4 PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT TO BOTH  
5 NURSES AND THE STATES.

6 2.

7 THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

8 (A) FACILITATE THE STATES' RESPONSIBILITY TO PROTECT THE HEALTH AND  
9 SAFETY OF THE PUBLIC;

10 (B) ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES IN THE  
11 AREAS OF NURSE LICENSING AND REGULATION;

12 (C) FACILITATE THE EXCHANGE OF INFORMATION BETWEEN PARTY STATES  
13 IN THE AREAS OF NURSE REGULATION, INVESTIGATION, AND ADVERSE ACTIONS;

14 (D) PROMOTE COMPLIANCE WITH THE LAWS GOVERNING THE PRACTICE OF  
15 NURSING IN EACH JURISDICTION; AND

16 (E) AUTHORIZE THE PARTY STATES TO HOLD A NURSE ACCOUNTABLE FOR  
17 MEETING ALL NURSE PRACTICE LAWS IN THE STATE IN WHICH THE PATIENT IS  
18 LOCATED AT THE TIME THAT CARE WAS RENDERED THROUGH THE MUTUAL  
19 RECOGNITION OF PARTY STATE LICENSES.

20 ARTICLE II. DEFINITIONS.

21 3.

22 FOR THE PURPOSES OF THIS COMPACT, AND OF ANY SUPPLEMENTAL OR  
23 CONCURRING LEGISLATION ENACTED UNDER THIS COMPACT, EXCEPT AS MAY BE  
24 OTHERWISE REQUIRED BY THE CONTEXT:

25 (A) "ADVERSE ACTION" MEANS A HOME OR REMOTE STATE ACTION.

26 (B) "ALTERNATIVE PROGRAM" MEANS A VOLUNTARY, NONDISCIPLINARY  
27 MONITORING PROGRAM APPROVED BY A NURSE LICENSING BOARD.

28 (C) "COMPACT" MEANS THIS NURSE MULTISTATE LICENSING COMPACT.

29 (D) "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN  
30 INTEGRATED PROCESS FOR COLLECTING, STORING, AND SHARING INFORMATION ON  
31 NURSE LICENSING AND ENFORCEMENT ACTIVITIES RELATED TO NURSE LICENSING  
32 LAWS, WHICH IS ADMINISTERED BY A NONPROFIT ORGANIZATION COMPOSED OF  
33 AND CONTROLLED BY STATE NURSE LICENSING BOARDS.

1 (E) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS  
2 INVESTIGATIVE INFORMATION THAT:

3 (1) A LICENSING BOARD, AFTER A PRELIMINARY INQUIRY THAT  
4 INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE NURSE TO RESPOND IF  
5 REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF  
6 PROVED TRUE, WOULD INDICATE MORE THAN A MINOR INFRACTION; OR

7 (2) INDICATES THAT THE NURSE REPRESENTS AN IMMEDIATE THREAT  
8 TO PUBLIC HEALTH AND SAFETY REGARDLESS OF WHETHER THE NURSE HAS BEEN  
9 NOTIFIED AND HAS HAD AN OPPORTUNITY TO RESPOND.

10 (F) "HOME STATE" MEANS THE PARTY STATE THAT IS THE NURSE'S PRIMARY  
11 STATE OF RESIDENCE.

12 (G) (1) "HOME STATE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,  
13 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY THE LAWS OF THE HOME STATE  
14 WHICH ARE IMPOSED ON A NURSE BY THE LICENSING BOARD OF THE HOME STATE.

15 (2) "HOME STATE ACTION" INCLUDES:

16 (I) REVOCATION OF A LICENSE;

17 (II) SUSPENSION OF A LICENSE;

18 (III) PROBATION OF A LICENSEE; OR

19 (IV) ANY OTHER ACTION WHICH AFFECTS A NURSE'S  
20 AUTHORIZATION TO PRACTICE.

21 (H) "MULTISTATE LICENSING PRIVILEGE" MEANS THE CURRENT, OFFICIAL  
22 AUTHORITY FROM A REMOTE STATE PERMITTING THE PRACTICE OF NURSING AS  
23 EITHER A REGISTERED NURSE OR A LICENSED PRACTICAL OR VOCATIONAL NURSE  
24 IN A PARTY STATE.

25 (I) "NURSE" MEANS A REGISTERED NURSE OR A LICENSED PRACTICAL OR  
26 VOCATIONAL NURSE AS THOSE TERMS ARE DEFINED BY THE LAWS OF EACH PARTY  
27 STATE.

28 (J) "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS COMPACT.

29 (K) "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE HOME STATE:

30 (1) WHERE THE PATIENT IS LOCATED AT THE TIME NURSING CARE IS  
31 PROVIDED; OR

32 (2) IN THE CASE OF THE PRACTICE OF NURSING THAT DOES NOT  
33 INVOLVE A PATIENT, IN THE PARTY STATE WHERE THE RECIPIENT OF NURSING  
34 PRACTICES IS LOCATED.

35 (L) "REMOTE STATE ACTION" MEANS ANY:

1 (1) ADMINISTRATIVE, CIVIL, EQUITABLE, OR CRIMINAL ACTION  
2 PERMITTED BY THE LAWS OF THE REMOTE STATE WHICH ARE IMPOSED ON A NURSE  
3 BY THE LICENSING BOARD OF THE REMOTE STATE OR OTHER AUTHORITY,  
4 INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S MULTISTATE LICENSING PRIVILEGE  
5 TO PRACTICE IN THE REMOTE STATE; AND

6 (2) CEASE AND DESIST OR OTHER INJUNCTIVE OR EQUITABLE ORDERS  
7 ISSUED BY REMOTE STATES OR THEIR LICENSING BOARDS.

8 (M) "STATE" MEANS A STATE, TERRITORY, OR POSSESSION OF THE UNITED  
9 STATES, THE DISTRICT OF COLUMBIA, OR THE COMMONWEALTH OF PUERTO RICO.

10 (N) (1) "STATE PRACTICE LAWS" MEANS THOSE INDIVIDUAL PARTY STATE'S  
11 LAWS AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE  
12 SCOPE OF NURSING PRACTICE, AND CREATE THE METHODS AND GROUNDS FOR  
13 IMPOSING DISCIPLINE.

14 (2) "STATE PRACTICE LAWS" DOES NOT INCLUDE THE INITIAL  
15 QUALIFICATIONS FOR LICENSURE OR THE REQUIREMENTS NECESSARY TO OBTAIN  
16 AND RETAIN A LICENSE, EXCEPT FOR THE QUALIFICATIONS AND REQUIREMENTS OF  
17 THE HOME STATE.

18 ARTICLE III. GENERAL PROVISIONS AND JURISDICTION.

19 4.

20 A LICENSE TO PRACTICE REGISTERED NURSING ISSUED BY A HOME STATE TO A  
21 RESIDENT OF THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS  
22 AUTHORIZATION FOR A MULTISTATE LICENSING PRIVILEGE TO PRACTICE AS A  
23 REGISTERED NURSE IN A PARTY STATE. A LICENSE TO PRACTICE LICENSED  
24 PRACTICAL OR VOCATIONAL NURSING ISSUED BY A HOME STATE TO A RESIDENT IN  
25 THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS AUTHORIZATION FOR A  
26 MULTISTATE LICENSING PRIVILEGE TO PRACTICE AS A LICENSED PRACTICAL OR  
27 VOCATIONAL NURSE IN A PARTY STATE. IN ORDER TO OBTAIN OR RETAIN A LICENSE,  
28 AN APPLICANT SHALL MEET THE HOME STATE'S QUALIFICATIONS FOR LICENSURE  
29 AND LICENSE RENEWAL, AS WELL AS OTHER APPLICABLE STATE LAWS.

30 5.

31 PARTY STATES MAY, IN ACCORDANCE WITH THE DUE PROCESS LAWS OF THAT  
32 STATE, LIMIT OR REVOKE THE MULTISTATE LICENSING PRIVILEGE OF ANY NURSE  
33 TO PRACTICE IN THE STATE AND MAY TAKE ANY OTHER ACTIONS UNDER THE  
34 APPLICABLE STATE LAWS NECESSARY TO PROTECT THE HEALTH AND SAFETY OF  
35 THE CITIZENS OF THE PARTY STATE. ALL PARTY STATES ARE AUTHORIZED TO TAKE  
36 ACTIONS AGAINST THE NURSE'S PRIVILEGES, INCLUDING: SUSPENSION,  
37 REVOCATION, PROBATION, OR ANY OTHER ACTION WHICH AFFECTS A NURSE'S  
38 AUTHORIZATION TO PRACTICE. IF A PARTY STATE TAKES SUCH AN ACTION, IT SHALL  
39 PROMPTLY NOTIFY THE ADMINISTRATOR OF THE COORDINATED LICENSURE  
40 INFORMATION SYSTEM. THE ADMINISTRATOR OF THE COORDINATED LICENSURE

1 SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH ACTIONS BY  
2 REMOTE STATES.

3 6.

4 (A) EVERY NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH THE  
5 STATE PRACTICE LAWS OF THE STATE IN WHICH THE PATIENT IS LOCATED AT THE  
6 TIME THAT CARE IS RENDERED. IN ADDITION, THE PRACTICE OF NURSING IS NOT  
7 LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL PRACTICES OF NURSING, AS  
8 DEFINED BY THE LAWS OF A PARTY STATE. THE PRACTICE OF NURSING WILL  
9 SUBJECT A NURSE TO THE JURISDICTION OF THE NURSE LICENSING BOARD AND  
10 THE COURTS, AS WELL AS THE LAWS OF THE PARTY STATE.

11 (B) ~~THIS NURSE MULTISTATE LICENSURE~~ COMPACT DOES NOT AFFECT  
12 ADDITIONAL REQUIREMENTS IMPOSED BY STATES FOR ADVANCED PRACTICE  
13 REGISTERED NURSING. HOWEVER, A MULTISTATE LICENSING PRIVILEGE TO  
14 PRACTICE REGISTERED NURSING GRANTED BY A PARTY STATE SHALL BE  
15 RECOGNIZED BY OTHER PARTY STATES AS A LICENSE TO PRACTICE REGISTERED  
16 NURSING IF ONE IS REQUIRED BY STATE LAW AS A PRECONDITION FOR QUALIFYING  
17 FOR ADVANCED PRACTICE REGISTERED NURSE AUTHORIZATION.

18 (C) INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE TO BE  
19 ABLE TO APPLY FOR NURSE LICENSURE AS PROVIDED BY THE LAWS OF EACH PARTY  
20 STATE. HOWEVER, THE LICENSE GRANTED TO THE INDIVIDUALS MAY NOT BE  
21 RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE NURSING IN ANY OTHER  
22 PARTY STATE UNLESS EXPLICITLY AGREED TO BY THAT PARTY STATE.

23 ARTICLE IV. APPLICATIONS FOR LICENSURE IN A PARTY STATE.

24 7.

25 (A) UPON APPLICATION FOR A LICENSE, THE LICENSING BOARD IN A PARTY  
26 STATE SHALL ASCERTAIN, THROUGH THE COORDINATED LICENSURE INFORMATION  
27 SYSTEM, WHETHER:

28 (1) THE APPLICANT HAS EVER HELD, OR IS THE HOLDER OF, A LICENSE  
29 ISSUED BY ANY OTHER STATE;

30 (2) THERE ARE ANY RESTRICTIONS ON THE MULTISTATE LICENSE  
31 PRIVILEGE; AND

32 (3) ANY OTHER ADVERSE ACTION BY ANY STATE HAS BEEN TAKEN  
33 AGAINST THE LICENSEE.

34 (B) A NURSE IN A PARTY STATE SHALL HOLD LICENSURE IN ONLY ONE PARTY  
35 STATE AT A TIME, ISSUED BY THE HOME STATE.

36 (C) A NURSE WHO INTENDS TO CHANGE PRIMARY STATE OF RESIDENCE MAY  
37 APPLY FOR LICENSURE IN THE NEW HOME STATE IN ADVANCE OF SUCH A CHANGE,  
38 PROVIDED THAT THE NURSE SUBMITS EVIDENCE OF THE CHANGE IN PRIMARY

1 STATE OF RESIDENCE THAT IS SATISFACTORY TO THE NEW HOME STATE'S  
2 LICENSING BOARD.

3 (D) WHEN A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY MOVING:

4 (1) BETWEEN TWO PARTY STATES AND OBTAINS A LICENSE FROM THE  
5 NEW HOME STATE, THE LICENSE FROM THE FORMER HOME STATE IS NO LONGER  
6 VALID;

7 (2) FROM A NONPARTY STATE TO A PARTY STATE AND OBTAINS A  
8 LICENSE FROM THE NEW HOME STATE, THE INDIVIDUAL STATE LICENSE ISSUED BY  
9 THE NONPARTY STATE WILL REMAIN IN FULL FORCE AND EFFECT, SUBJECT TO THE  
10 LAWS OF THE NONPARTY STATE; OR

11 (3) FROM A PARTY STATE TO A NONPARTY STATE, THE LICENSE ISSUED  
12 BY THE FORMER HOME STATE CONVERTS TO AN INDIVIDUAL STATE LICENSE, VALID  
13 ONLY IN THE FORMER HOME STATE, WITHOUT THE MULTISTATE LICENSURE  
14 PRIVILEGE TO PRACTICE IN OTHER PARTY STATES.

15 ARTICLE V. ADVERSE ACTIONS.

16 8.

17 IN ADDITION TO THE GENERAL PROVISIONS CONTAINED IN ARTICLE III, THE  
18 FOLLOWING PROVISIONS APPLY:

19 (A) THE LICENSING BOARD OF A REMOTE STATE SHALL PROMPTLY NOTIFY  
20 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM OF  
21 ANY REMOTE STATE ACTIONS, INCLUDING THE FACTUAL AND LEGAL BASIS FOR  
22 SUCH ACTION, IF KNOWN, AND PROMPTLY REPORT ANY SIGNIFICANT CURRENT  
23 INVESTIGATIVE INFORMATION YET TO RESULT IN A REMOTE STATE ACTION. THE  
24 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL  
25 PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH ~~REMOTE STATE ACTIONS~~  
26 REPORTS.

27 (B) THE LICENSING BOARD OF A PARTY STATE SHALL HAVE THE AUTHORITY  
28 TO COMPLETE ANY PENDING INVESTIGATIONS FOR A NURSE WHO CHANGES THE  
29 PRIMARY STATE OF RESIDENCE DURING THE COURSE OF AN INVESTIGATION. IT  
30 SHALL ALSO HAVE THE AUTHORITY TO TAKE ~~THE NECESSARY~~ ACTION OR ACTIONS,  
31 AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATION TO THE  
32 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM. THE  
33 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL  
34 PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH ACTIONS.

35 (C) A REMOTE STATE MAY TAKE AN ADVERSE ACTION AFFECTING THE  
36 MULTISTATE LICENSING PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE.  
37 HOWEVER, ONLY THE HOME STATE SHALL HAVE THE POWER TO IMPOSE AN  
38 ADVERSE ACTION AGAINST THE LICENSE ISSUED BY THE HOME STATE.



1 (D) FOR PURPOSES OF IMPOSING AN ADVERSE ACTION, THE LICENSING  
2 BOARD OF THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO THE  
3 REPORTED CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF THE  
4 CONDUCT HAD OCCURRED IN THE HOME STATE. IN DOING SO, THE HOME STATE  
5 SHALL APPLY ITS OWN STATE LAWS TO DETERMINE THE APPROPRIATE ACTION TO  
6 TAKE AGAINST THE LICENSEE.

7 (E) THE HOME STATE MAY TAKE AN ADVERSE ACTION BASED ON THE  
8 FACTUAL FINDINGS OF THE REMOTE STATE, SO LONG AS EACH STATE FOLLOWS ITS  
9 OWN PROCEDURES FOR IMPOSING SUCH AN ADVERSE ACTION.

10 (F) NOTHING IN THIS ~~NURSE MULTISTATE LICENSURE~~ COMPACT SHALL  
11 OVERRIDE A PARTY STATE'S DECISION THAT PARTICIPATION IN AN ALTERNATIVE  
12 PROGRAM MAY BE USED IN LIEU OF LICENSURE ACTION, AND THAT SUCH  
13 PARTICIPATION SHALL REMAIN NONPUBLIC IF REQUIRED BY THE LAWS OF THE  
14 PARTY STATE. PARTY STATES SHALL REQUIRE NURSES WHO ENTER ANY  
15 ALTERNATIVE PROGRAMS TO AGREE NOT TO PRACTICE IN ANY OTHER PARTY STATE  
16 DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR  
17 AUTHORIZATION FROM THAT PARTY STATE.

18 ARTICLE VI. ADDITIONAL AUTHORITY INVESTED IN PARTY STATE NURSE  
19 LICENSING BOARDS.

20 9.

21 NOTWITHSTANDING ANY OTHER POWERS, PARTY STATE NURSE LICENSING  
22 BOARDS SHALL HAVE THE AUTHORITY TO:

23 (A) RECOVER FROM THE AFFECTED NURSE THE COSTS OF INVESTIGATIONS  
24 AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN  
25 AGAINST THAT NURSE, ~~UNLESS IF OTHERWISE PROHIBITED~~ PERMITTED BY STATE  
26 LAW;

27 (B) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT  
28 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AND THE PRODUCTION  
29 OF EVIDENCE. SUBPOENAS ISSUED BY A NURSE LICENSING BOARD IN A PARTY  
30 STATE FOR THE ATTENDANCE OF WITNESSES OR THE PRODUCTION OF EVIDENCE  
31 FROM ANOTHER PARTY STATE OR BOTH, SHALL BE ENFORCED IN THE LATTER STATE  
32 BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND  
33 PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS  
34 BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL  
35 EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF  
36 THE STATE WHERE THE WITNESSES OR THE EVIDENCE ARE LOCATED;

37 (C) ISSUE CEASE AND DESIST ORDERS TO LIMIT OR REVOKE A NURSE'S  
38 AUTHORITY TO PRACTICE IN THE STATE; AND

39 (D) PROMULGATE UNIFORM RULES AND REGULATIONS AS PROVIDED BY  
40 ARTICLE VIII OF THIS ~~NURSE MULTISTATE LICENSURE~~ COMPACT.

## ARTICLE VII. COORDINATED LICENSURE INFORMATION SYSTEM.

2 10.

3 (A) ALL PARTY STATES SHALL PARTICIPATE IN A COOPERATIVE EFFORT TO  
4 CREATE A COORDINATED DATABASE OF ALL LICENSED REGISTERED NURSES AND  
5 LICENSED PRACTICAL OR VOCATIONAL NURSES. THIS SYSTEM SHALL INCLUDE  
6 INFORMATION ON THE LICENSURE AND DISCIPLINARY HISTORY OF EACH NURSE, AS  
7 CONTRIBUTED BY PARTY STATES, TO ASSIST IN THE COORDINATION OF NURSE  
8 LICENSURE AND ENFORCEMENT EFFORTS.

9 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE NURSE  
10 LICENSING BOARDS OF PARTY STATES SHALL PROMPTLY REPORT AN ADVERSE  
11 ACTION, ACTIONS AGAINST MULTISTATE LICENSING PRIVILEGES, ANY CURRENT  
12 SIGNIFICANT INVESTIGATIVE INFORMATION YET TO RESULT IN AN ADVERSE  
13 ACTION, DENIALS OF APPLICATIONS, AND THE REASONS FOR SUCH DENIALS, TO THE  
14 COORDINATED LICENSURE INFORMATION SYSTEM.

15 (C) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION SHALL BE  
16 TRANSMITTED THROUGH THE COORDINATED LICENSURE INFORMATION SYSTEM  
17 ONLY TO THE NURSE LICENSING BOARDS OF PARTY STATES.

18 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE NURSE  
19 LICENSING BOARDS OF PARTY STATES CONTRIBUTING INFORMATION TO THE  
20 COORDINATED LICENSURE INFORMATION SYSTEM MAY DESIGNATE INFORMATION  
21 THAT MAY NOT BE SHARED WITH NONPARTY STATES OR DISCLOSED TO OTHER  
22 INDIVIDUALS OR ENTITIES WITHOUT THE EXPRESS PERMISSION OF THE  
23 CONTRIBUTING STATE.

24 (E) ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED BY THE  
25 NURSE LICENSING BOARD OF A PARTY STATE FROM THE COORDINATED LICENSURE  
26 INFORMATION SYSTEM MAY NOT BE SHARED WITH NONPARTY STATES OR  
27 DISCLOSED TO OTHER INDIVIDUALS OR ENTITIES EXCEPT TO THE EXTENT  
28 PERMITTED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THE INFORMATION.

29 (F) ANY INFORMATION CONTRIBUTED TO THE COORDINATED LICENSURE  
30 INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY  
31 THE LAWS OF THE PARTY STATE CONTRIBUTING THAT INFORMATION SHALL ALSO  
32 BE EXPUNGED FROM THE COORDINATED LICENSURE INFORMATION SYSTEM.

33 (G) ~~THE NURSE MULTISTATE LICENSURE~~ COMPACT ADMINISTRATORS,  
34 ACTING JOINTLY WITH EACH OTHER AND IN CONSULTATION WITH THE  
35 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM, SHALL  
36 FORMULATE NECESSARY AND PROPER PROCEDURES FOR THE IDENTIFICATION,  
37 COLLECTION, AND EXCHANGE OF INFORMATION UNDER THIS COMPACT.

1 ARTICLE VIII. NURSE MULTISTATE LICENSURE COMPACT ADMINISTRATION AND  
2 INTERCHANGE OF INFORMATION.

3 11.

4 (A) THE HEAD OF THE NURSE LICENSING BOARD OF A PARTY STATE, OR THE  
5 DESIGNEE OF THE HEAD OF THE NURSE LICENSING BOARD, SHALL BE THE  
6 ADMINISTRATOR OF THIS COMPACT.

7 (B) IN THE STATE OF MARYLAND, THE ADMINISTRATOR OF THIS COMPACT  
8 SHALL BE THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF NURSING.

9 (C) THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH  
10 TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE ANY  
11 INFORMATION OR DOCUMENTS, INCLUDING, BUT NOT LIMITED TO, A UNIFORM DATA  
12 SET OF INVESTIGATIONS, IDENTIFYING INFORMATION, LICENSURE DATA, AND  
13 DISCLOSABLE ALTERNATIVE PROGRAM PARTICIPATION INFORMATION TO  
14 FACILITATE THE ADMINISTRATION OF THIS COMPACT.

15 (D) COMPACT ADMINISTRATORS SHALL HAVE THE AUTHORITY TO DEVELOP  
16 UNIFORM RULES TO FACILITATE AND COORDINATE IMPLEMENTATION OF THIS  
17 COMPACT. THESE UNIFORM RULES SHALL BE ADOPTED BY PARTY STATES, UNDER  
18 THE AUTHORITY VESTED IN ARTICLE VI.

19 ARTICLE IX. IMMUNITY.

20 12.

21 NO PARTY STATE, OR THE OFFICERS, EMPLOYEES, OR AGENTS OF A PARTY  
22 STATE'S NURSE LICENSING BOARD, THAT ACTS IN ACCORDANCE WITH THE  
23 PROVISIONS OF THIS COMPACT MAY BE LIABLE ON ACCOUNT OF ANY ACT OR  
24 OMISSION THAT IS MADE IN GOOD FAITH WHILE ENGAGED IN THE PERFORMANCE OF  
25 THEIR DUTIES UNDER THIS COMPACT. GOOD FAITH IN THIS ARTICLE DOES NOT  
26 INCLUDE WILLFUL MISCONDUCT, GROSS NEGLIGENCE, OR RECKLESSNESS.

27 ARTICLE X. ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT.

28 13.

29 (A) THIS COMPACT SHALL ENTER INTO FORCE AND BECOME EFFECTIVE AS  
30 TO ANY STATE WHEN IT HAS BEEN ENACTED INTO THE LAWS OF THAT STATE. ANY  
31 PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A STATUTE  
32 REPEALING THIS COMPACT, BUT NO SUCH WITHDRAWAL MAY TAKE EFFECT UNTIL 6  
33 MONTHS AFTER THE WITHDRAWING STATE HAS GIVEN NOTICE OF THE  
34 WITHDRAWAL TO THE EXECUTIVE HEADS OF ALL OTHER PARTY STATES.

35 (B) NO WITHDRAWAL MAY AFFECT THE VALIDITY OR APPLICABILITY OF  
36 STATE NURSE LICENSING BOARDS REMAINING PARTY TO THIS COMPACT IN  
37 REPORTING AN ADVERSE ACTION THAT OCCURS PRIOR TO THE WITHDRAWAL.

1 (C) NOTHING CONTAINED IN THIS COMPACT MAY BE CONSTRUED TO  
2 INVALIDATE OR PREVENT ANY NURSE LICENSING AGREEMENT OR OTHER  
3 COOPERATIVE AGREEMENT BETWEEN A PARTY STATE AND A NONPARTY STATE THAT  
4 IS MADE IN ACCORDANCE WITH OTHER PROVISIONS OF THIS COMPACT.

5 (D) THIS COMPACT MAY BE AMENDED BY THE PARTY STATES. NO  
6 AMENDMENT TO THIS COMPACT MAY BE EFFECTIVE UNTIL IT IS ENACTED INTO THE  
7 LAWS OF ALL PARTY STATES.

8 ARTICLE XI. CONSTRUCTION AND SEVERABILITY.

9 14.

10 (A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE  
11 THE PURPOSE OF THE COMPACT. THE PROVISIONS OF THIS COMPACT SHALL BE  
12 SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS  
13 COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED  
14 STATES OR OF THE PARTY STATES, OR THE APPLICABILITY THEREOF TO ANY  
15 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE  
16 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF  
17 TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE MAY NOT BE  
18 AFFECTED THEREBY. IF THIS COMPACT IS HELD TO BE CONTRARY TO THE  
19 CONSTITUTION OF A PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE  
20 AND EFFECT AS TO THE REMAINING PARTY STATES, AND TO THE PARTY STATE  
21 AFFECTED AS TO ALL SEVERABLE MATTERS.

22 (B) IN THE EVENT THAT PARTY STATES FIND A NEED FOR SETTLING  
23 DISPUTES ARISING UNDER THIS COMPACT:

24 (1) THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN  
25 ARBITRATION PANEL WHICH SHALL BE COMPRISED OF AN INDIVIDUAL APPOINTED  
26 BY ~~THIS~~ THE COMPACT ADMINISTRATOR IN THE HOME STATE, AN INDIVIDUAL  
27 APPOINTED BY ~~THIS~~ THE COMPACT ADMINISTRATOR IN THE REMOTE STATE OR  
28 STATES INVOLVED IN THE DISPUTE, AND AN INDIVIDUAL WHO IS CHOSEN BY  
29 MUTUAL AGREEMENT OF ALL OF THE PARTY STATES INVOLVED IN THE DISPUTE;  
30 AND

31 (2) THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE  
32 FINAL AND BINDING.

33 8-7A-02.

34 JUDICIAL REVIEW OF THE VALIDITY OF DISCIPLINE IN ANOTHER STATE AS SET  
35 FORTH IN ARTICLE V OF THIS COMPACT SHALL BE LIMITED TO THE ISSUE OF THE  
36 IDENTITY OF THE INDIVIDUAL WHO WAS DISCIPLINED IN ANOTHER STATE.

1 8-7A-03.

2 (A) THIS NURSE MULTISTATE LICENSURE COMPACT MAY NOT NULLIFY ANY  
3 OTHER PROVISION IN THIS TITLE OR ANY OTHER TITLE APPLICABLE TO THE  
4 PRACTICE OF NURSING IN THE STATE.

5 (B) IN ANY INSTANCE WHERE THIS NURSE MULTISTATE LICENSURE  
6 COMPACT IS SILENT AS TO AN ISSUE, THE OTHER PROVISIONS OF THIS TITLE AND  
7 ANY REGULATIONS PROMULGATED UNDER THIS TITLE SHALL PREVAIL.

8 8-7A-04.

9 IN ADDITION TO THE POWERS AND DUTIES SET FORTH IN THIS TITLE, THE  
10 BOARD SHALL PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF  
11 THIS NURSE MULTISTATE LICENSURE COMPACT.

12 8-7A-05.

13 THIS NURSE MULTISTATE LICENSURE COMPACT:

14 (A) IS DESIGNED TO FACILITATE THE REGULATION OF NURSES, AND MAY NOT  
15 RELIEVE EMPLOYERS FROM COMPLYING WITH CONTRACTUAL AND STATUTORILY  
16 IMPOSED OBLIGATIONS; AND

17 (B) MAY NOT SUPERCEDE EXISTING STATE LABOR LAWS.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
19 Nursing shall conduct a study of the Nurse Multistate Licensure Compact to evaluate  
20 the effectiveness and operability of the Compact. The Board shall report its findings,  
21 in accordance with § 2-1246 of the State Government Article, to the House  
22 Environmental Matters Committee and the Senate Economic and Environmental  
23 Affairs Committee on or before November 1, 2004.

24 ~~SECTION 3.~~ 3. AND BE IT FURTHER ENACTED, That this Act may not take  
25 effect until a substantially similar act is passed by at least one other state, as defined  
26 in Article II (m) of this Compact.

27 ~~SECTION 4.~~ 4. AND BE IT FURTHER ENACTED, That, subject to Section 2 of  
28 this Act, this Act shall take effect July 1, 1999.