

HOUSE BILL 429

Unofficial Copy  
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1999 Regular Session  
9r1706  
CF 9r1480

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By: ~~Delegates Guns, Morhaim, and Owings~~ Owings, Nathan-Pulliam,  
Goldwater, Hubbard, Weir, and Redmer

Introduced and read first time: February 10, 1999

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 1999

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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.

17 BY repealing and reenacting, with amendments,  
18 Article - Health Occupations  
19 Section 8-301  
20 Annotated Code of Maryland  
21 (1994 Replacement Volume and 1998 Supplement)

22 BY adding to  
23 Article - Health Occupations  
24 Section 8-7A-01 through 8-7A-05, inclusive, to be under the new subtitle

1 "Subtitle 7A. Nurse Multistate Licensure Compact"  
2 Annotated Code of Maryland  
3 (1994 Replacement Volume and 1998 Supplement)

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

6 **Article - Health Occupations**

7 8-301.

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

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

13 (c) This section does not apply to:

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

16 (2) An individual employed by the federal government to practice  
17 registered nursing or licensed practical nursing while practicing within the scope of  
18 that employment, if the individual is authorized by any state to practice registered  
19 nursing or licensed practical nursing;

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

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

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

26 1. But has not taken the examination required under this  
27 title; or

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

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

34 (D) A REGISTERED NURSE WHO HAS BEEN GRANTED MULTISTATE LICENSING  
35 PRIVILEGES BY A PARTY STATE TO THE NURSE MULTISTATE LICENSURE COMPACT

1 SET FORTH IN SUBTITLE 7A OF THIS TITLE MAY PRACTICE REGISTERED NURSING IN  
2 THE STATE.

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

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

11 SUBTITLE 7A. NURSE MULTISTATE LICENSURE COMPACT.

12 8-7A-01.

13 THE NURSE MULTISTATE LICENSURE COMPACT IS HEREBY ENACTED AND  
14 ENTERED INTO WITH ALL OTHER JURISDICTIONS THAT LEGALLY JOIN IN THE  
15 COMPACT IN THE FORM SUBSTANTIALLY AS THE COMPACT APPEARS IN THIS  
16 SECTION AS FOLLOWS:

17 ARTICLE I. FINDINGS AND STATEMENT OF PURPOSE.

18 1.

19 THE PARTY STATES TO THIS COMPACT FIND THAT:

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

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

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

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

31 (E) THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES  
32 PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT TO BOTH  
33 NURSES AND THE STATES.

1 2.

2 THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

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

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

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

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

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

15 ARTICLE II. DEFINITIONS.

16 3.

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

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

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

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

24 (D) "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN  
25 INTEGRATED PROCESS FOR COLLECTING, STORING, AND SHARING INFORMATION ON  
26 NURSE LICENSING AND ENFORCEMENT ACTIVITIES RELATED TO NURSE LICENSING  
27 LAWS, WHICH IS ADMINISTERED BY A NONPROFIT ORGANIZATION COMPOSED OF  
28 AND CONTROLLED BY STATE NURSE LICENSING BOARDS.

29 (E) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS  
30 INVESTIGATIVE INFORMATION THAT:

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

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

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

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

9 (2) "HOME STATE ACTION" INCLUDES:

10 (I) REVOCATION OF A LICENSE;

11 (II) SUSPENSION OF A LICENSE;

12 (III) PROBATION OF A LICENSEE; OR

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

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

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

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

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

24 (1) WHERE THE PATIENT IS LOCATED AT THE TIME NURSING CARE IS  
25 PROVIDED; OR

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

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

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

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

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

5 (N) (1) "STATE PRACTICE LAWS" MEANS THOSE INDIVIDUAL PARTY STATE'S  
6 LAWS AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE  
7 SCOPE OF NURSING PRACTICE, AND CREATE THE METHODS AND GROUNDS FOR  
8 IMPOSING DISCIPLINE.

9 (2) "STATE PRACTICE LAWS" DOES NOT INCLUDE THE INITIAL  
10 QUALIFICATIONS FOR LICENSURE OR THE REQUIREMENTS NECESSARY TO OBTAIN  
11 AND RETAIN A LICENSE, EXCEPT FOR THE QUALIFICATIONS AND REQUIREMENTS OF  
12 THE HOME STATE.

13 ARTICLE III. GENERAL PROVISIONS AND JURISDICTION.

14 4.

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

25 5.

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

38 6.

39 (A) EVERY NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH THE  
40 STATE PRACTICE LAWS OF THE STATE IN WHICH THE PATIENT IS LOCATED AT THE

1 TIME THAT CARE IS RENDERED. IN ADDITION, THE PRACTICE OF NURSING IS NOT  
2 LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL PRACTICES OF NURSING, AS  
3 DEFINED BY THE LAWS OF A PARTY STATE. THE PRACTICE OF NURSING WILL  
4 SUBJECT A NURSE TO THE JURISDICTION OF THE NURSE LICENSING BOARD AND  
5 THE COURTS, AS WELL AS THE LAWS OF THE PARTY STATE.

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

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

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

19 7.

20 (A) UPON APPLICATION FOR A LICENSE, THE LICENSING BOARD IN A PARTY  
21 STATE SHALL ASCERTAIN, THROUGH THE COORDINATED LICENSURE INFORMATION  
22 SYSTEM, WHETHER:

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

25 (2) THERE ARE ANY RESTRICTIONS ON THE MULTISTATE LICENSE  
26 PRIVILEGE; AND

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

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

31 (C) A NURSE WHO INTENDS TO CHANGE PRIMARY STATE OF RESIDENCE MAY  
32 APPLY FOR LICENSURE IN THE NEW HOME STATE IN ADVANCE OF SUCH A CHANGE,  
33 PROVIDED THAT THE NURSE SUBMITS EVIDENCE OF THE CHANGE IN PRIMARY  
34 STATE OF RESIDENCE THAT IS SATISFACTORY TO THE NEW HOME STATE'S  
35 LICENSING BOARD.

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

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

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

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

12 ARTICLE V. ADVERSE ACTIONS.

13 8.

14 IN ADDITION TO THE GENERAL PROVISIONS CONTAINED IN ARTICLE III, THE  
15 FOLLOWING PROVISIONS APPLY:

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

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

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

36 (D) FOR PURPOSES OF IMPOSING AN ADVERSE ACTION, THE LICENSING  
37 BOARD OF THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO THE  
38 REPORTED CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF THE  
39 CONDUCT HAD OCCURRED IN THE HOME STATE. IN DOING SO, THE HOME STATE



1 SHALL APPLY ITS OWN STATE LAWS TO DETERMINE THE APPROPRIATE ACTION TO  
2 TAKE AGAINST THE LICENSEE.

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

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

14 ARTICLE VI. ADDITIONAL AUTHORITY INVESTED IN PARTY STATE NURSE  
15 LICENSING BOARDS.

16 9.

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

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

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

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

35 (D) PROMULGATE UNIFORM RULES AND REGULATIONS AS PROVIDED BY  
36 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.