

SENATE BILL 590

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J2

1999 Regular Session
(9lr1480)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senators Hollinger, Teitelbaum, Hoffman, and Della**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

President.

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,

1 Article - Health Occupations
2 Section 8-301
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1998 Supplement)

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

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

13 **Article - Health Occupations**

14 8-301.

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

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

20 (c) This section does not apply to:

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

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

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

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

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

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

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

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

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

38 (D) FOR PURPOSES OF IMPOSING AN ADVERSE ACTION, THE LICENSING
39 BOARD OF THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO THE

1 REPORTED CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF THE
2 CONDUCT HAD OCCURRED IN THE HOME STATE. IN DOING SO, THE HOME STATE
3 SHALL APPLY ITS OWN STATE LAWS TO DETERMINE THE APPROPRIATE ACTION TO
4 TAKE AGAINST THE LICENSEE.

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

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

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

17 9.

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

20 (A) RECOVER FROM THE AFFECTED NURSE THE COSTS OF INVESTIGATIONS
21 AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN
22 AGAINST THAT NURSE, IF OTHERWISE PERMITTED BY STATE 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 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 COMPACT ADMINISTRATORS, ACTING JOINTLY WITH EACH OTHER
34 AND IN CONSULTATION WITH THE ADMINISTRATOR OF THE COORDINATED
35 LICENSURE INFORMATION SYSTEM, SHALL FORMULATE NECESSARY AND PROPER
36 PROCEDURES FOR THE IDENTIFICATION, COLLECTION, AND EXCHANGE OF
37 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 THE COMPACT ADMINISTRATOR IN THE HOME STATE, AN INDIVIDUAL APPOINTED
27 BY THE COMPACT ADMINISTRATOR IN THE REMOTE STATE OR STATES INVOLVED IN
28 THE DISPUTE, AND AN INDIVIDUAL WHO IS CHOSEN BY MUTUAL AGREEMENT OF ALL
29 OF THE PARTY STATES INVOLVED IN THE DISPUTE; AND

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

32 8-7A-02.

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

36 8-7A-03.

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

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

4 8-7A-04.

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

8 8-7A-05.

9 THIS NURSE MULTISTATE LICENSURE COMPACT:

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

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

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

20 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act may not take
21 effect until a substantially similar act is passed by at least one other state, as defined
22 in Article II (m) of this Compact.

23 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, subject to Section 2 of
24 this Act, this Act shall take effect July 1, 1999.