

SENATE BILL 590

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1999 Regular Session
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By: **Senators Hollinger, Teitelbaum, Hoffman, and Della**
Introduced and read first time: February 5, 1999
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 1999

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; defining certain terms; providing for a
14 certain contingency; and generally relating to the Nurse Multistate Licensure
15 Compact.

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

21 BY adding to
22 Article - Health Occupations
23 Section 8-7A-01 through 8-7A-05, inclusive, to be under the new subtitle
24 "Subtitle 7A. Nurse Multistate Licensure Compact"
25 Annotated Code of Maryland

1 (1994 Replacement Volume and 1998 Supplement)

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

4 **Article - Health Occupations**

5 8-301.

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

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

11 (c) This section does not apply to:

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

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

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

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

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

24 1. But has not taken the examination required under this
25 title; or

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

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

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

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

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

9 SUBTITLE 7A. NURSE MULTISTATE LICENSURE COMPACT.
10 8-7A-01.

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

15 ARTICLE I. FINDINGS AND STATEMENT OF PURPOSE.

16 1.

17 THE PARTY STATES TO THIS COMPACT FIND THAT:

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

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

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

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

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

32 2.

33 THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

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

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

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

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

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

11 ARTICLE II. DEFINITIONS.

12 3.

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

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

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

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

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

25 (E) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS
26 INVESTIGATIVE INFORMATION THAT:

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

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

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

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

4 (2) "HOME STATE ACTION" INCLUDES:

5 (I) REVOCATION OF A LICENSE;

6 (II) SUSPENSION OF A LICENSE;

7 (III) PROBATION OF A LICENSEE; OR

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

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

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

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

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

19 (1) WHERE THE PATIENT IS LOCATED AT THE TIME NURSING CARE IS
20 PROVIDED; OR

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

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

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

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

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

34 (N) (1) "STATE PRACTICE LAWS" MEANS THOSE INDIVIDUAL PARTY STATE'S
35 LAWS AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE

1 SCOPE OF NURSING PRACTICE, AND CREATE THE METHODS AND GROUNDS FOR
2 IMPOSING DISCIPLINE.

3 (2) "STATE PRACTICE LAWS" DOES NOT INCLUDE THE INITIAL
4 QUALIFICATIONS FOR LICENSURE OR THE REQUIREMENTS NECESSARY TO OBTAIN
5 AND RETAIN A LICENSE, EXCEPT FOR THE QUALIFICATIONS AND REQUIREMENTS OF
6 THE HOME STATE.

7 ARTICLE III. GENERAL PROVISIONS AND JURISDICTION.

8 4.

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

19 5.

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

32 6.

33 (A) EVERY NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH THE
34 STATE PRACTICE LAWS OF THE STATE IN WHICH THE PATIENT IS LOCATED AT THE
35 TIME THAT CARE IS RENDERED. IN ADDITION, THE PRACTICE OF NURSING IS NOT
36 LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL PRACTICES OF NURSING, AS
37 DEFINED BY THE LAWS OF A PARTY STATE. THE PRACTICE OF NURSING WILL
38 SUBJECT A NURSE TO THE JURISDICTION OF THE NURSE LICENSING BOARD AND
39 THE COURTS, AS WELL AS THE LAWS OF THE PARTY STATE.

1 (B) THIS COMPACT DOES NOT AFFECT ADDITIONAL REQUIREMENTS IMPOSED
2 BY STATES FOR ADVANCED PRACTICE REGISTERED NURSING. HOWEVER, A
3 MULTISTATE LICENSING PRIVILEGE TO PRACTICE REGISTERED NURSING GRANTED
4 BY A PARTY STATE SHALL BE RECOGNIZED BY OTHER PARTY STATES AS A LICENSE
5 TO PRACTICE REGISTERED NURSING IF ONE IS REQUIRED BY STATE LAW AS A
6 PRECONDITION FOR QUALIFYING FOR ADVANCED PRACTICE REGISTERED NURSE
7 AUTHORIZATION.

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

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

14 7.

15 (A) UPON APPLICATION FOR A LICENSE, THE LICENSING BOARD IN A PARTY
16 STATE SHALL ASCERTAIN, THROUGH THE COORDINATED LICENSURE INFORMATION
17 SYSTEM, WHETHER:

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

20 (2) THERE ARE ANY RESTRICTIONS ON THE MULTISTATE LICENSE
21 PRIVILEGE; AND

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

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

26 (C) A NURSE WHO INTENDS TO CHANGE PRIMARY STATE OF RESIDENCE MAY
27 APPLY FOR LICENSURE IN THE NEW HOME STATE IN ADVANCE OF SUCH A CHANGE,
28 PROVIDED THAT THE NURSE SUBMITS EVIDENCE OF THE CHANGE IN PRIMARY
29 STATE OF RESIDENCE THAT IS SATISFACTORY TO THE NEW HOME STATE'S
30 LICENSING BOARD.

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

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

35 (2) FROM A NONPARTY STATE TO A PARTY STATE AND OBTAINS A
36 LICENSE FROM THE NEW HOME STATE, THE INDIVIDUAL STATE LICENSE ISSUED BY
37 THE NONPARTY STATE WILL REMAIN IN FULL FORCE AND EFFECT, SUBJECT TO THE
38 LAWS OF THE NONPARTY STATE; OR

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

5 ARTICLE V. ADVERSE ACTIONS.

6 8.

7 IN ADDITION TO THE GENERAL PROVISIONS CONTAINED IN ARTICLE III, THE
8 FOLLOWING PROVISIONS APPLY:

9 (A) THE LICENSING BOARD OF A REMOTE STATE SHALL PROMPTLY NOTIFY
10 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM OF
11 ANY REMOTE STATE ACTIONS, INCLUDING THE FACTUAL AND LEGAL BASIS FOR
12 SUCH ACTION, IF KNOWN, AND PROMPTLY REPORT ANY SIGNIFICANT CURRENT
13 INVESTIGATIVE INFORMATION YET TO RESULT IN A REMOTE STATE ACTION. THE
14 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL
15 PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH REPORTS.

16 (B) THE LICENSING BOARD OF A PARTY STATE SHALL HAVE THE AUTHORITY
17 TO COMPLETE ANY PENDING INVESTIGATIONS FOR A NURSE WHO CHANGES THE
18 PRIMARY STATE OF RESIDENCE DURING THE COURSE OF AN INVESTIGATION. IT
19 SHALL ALSO HAVE THE AUTHORITY TO TAKE ACTION OR ACTIONS, AND SHALL
20 PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATION TO THE
21 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM. THE
22 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL
23 PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH ACTIONS.

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

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

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

37 (F) NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S DECISION
38 THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF
39 LICENSURE ACTION, AND THAT SUCH PARTICIPATION SHALL REMAIN NONPUBLIC IF
40 REQUIRED BY THE LAWS OF THE PARTY STATE. PARTY STATES SHALL REQUIRE

1 NURSES WHO ENTER ANY ALTERNATIVE PROGRAMS TO AGREE NOT TO PRACTICE IN
2 ANY OTHER PARTY STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM
3 WITHOUT PRIOR AUTHORIZATION FROM THAT PARTY STATE.

4 ARTICLE VI. ADDITIONAL AUTHORITY INVESTED IN PARTY STATE NURSE
5 LICENSING BOARDS.

6 9.

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

9 (A) RECOVER FROM THE AFFECTED NURSE THE COSTS OF INVESTIGATIONS
10 AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN
11 AGAINST THAT NURSE, IF OTHERWISE PERMITTED BY STATE LAW;

12 (B) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT
13 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AND THE PRODUCTION
14 OF EVIDENCE. SUBPOENAS ISSUED BY A NURSE LICENSING BOARD IN A PARTY
15 STATE FOR THE ATTENDANCE OF WITNESSES OR THE PRODUCTION OF EVIDENCE
16 FROM ANOTHER PARTY STATE OR BOTH, SHALL BE ENFORCED IN THE LATTER STATE
17 BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND
18 PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
19 BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL
20 EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF
21 THE STATE WHERE THE WITNESSES OR THE EVIDENCE ARE LOCATED;

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

24 (D) PROMULGATE UNIFORM RULES AND REGULATIONS AS PROVIDED BY
25 ARTICLE VIII OF THIS COMPACT.

26 ARTICLE VII. COORDINATED LICENSURE INFORMATION SYSTEM.

27 10.

28 (A) ALL PARTY STATES SHALL PARTICIPATE IN A COOPERATIVE EFFORT TO
29 CREATE A COORDINATED DATABASE OF ALL LICENSED REGISTERED NURSES AND
30 LICENSED PRACTICAL OR VOCATIONAL NURSES. THIS SYSTEM SHALL INCLUDE
31 INFORMATION ON THE LICENSURE AND DISCIPLINARY HISTORY OF EACH NURSE, AS
32 CONTRIBUTED BY PARTY STATES, TO ASSIST IN THE COORDINATION OF NURSE
33 LICENSURE AND ENFORCEMENT EFFORTS.

34 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE NURSE
35 LICENSING BOARDS OF PARTY STATES SHALL PROMPTLY REPORT AN ADVERSE
36 ACTION, ACTIONS AGAINST MULTISTATE LICENSING PRIVILEGES, ANY CURRENT
37 SIGNIFICANT INVESTIGATIVE INFORMATION YET TO RESULT IN AN ADVERSE
38 ACTION, DENIALS OF APPLICATIONS, AND THE REASONS FOR SUCH DENIALS, TO THE
39 COORDINATED LICENSURE INFORMATION SYSTEM.

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

4 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE NURSE
5 LICENSING BOARDS OF PARTY STATES CONTRIBUTING INFORMATION TO THE
6 COORDINATED LICENSURE INFORMATION SYSTEM MAY DESIGNATE INFORMATION
7 THAT MAY NOT BE SHARED WITH NONPARTY STATES OR DISCLOSED TO OTHER
8 INDIVIDUALS OR ENTITIES WITHOUT THE EXPRESS PERMISSION OF THE
9 CONTRIBUTING STATE.

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

15 (F) ANY INFORMATION CONTRIBUTED TO THE COORDINATED LICENSURE
16 INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY
17 THE LAWS OF THE PARTY STATE CONTRIBUTING THAT INFORMATION SHALL ALSO
18 BE EXPUNGED FROM THE COORDINATED LICENSURE INFORMATION SYSTEM.

19 (G) THE COMPACT ADMINISTRATORS, ACTING JOINTLY WITH EACH OTHER
20 AND IN CONSULTATION WITH THE ADMINISTRATOR OF THE COORDINATED
21 LICENSURE INFORMATION SYSTEM, SHALL FORMULATE NECESSARY AND PROPER
22 PROCEDURES FOR THE IDENTIFICATION, COLLECTION, AND EXCHANGE OF
23 INFORMATION UNDER THIS COMPACT.

24 ARTICLE VIII. NURSE MULTISTATE LICENSURE COMPACT ADMINISTRATION AND
25 INTERCHANGE OF INFORMATION.

26 11.

27 (A) THE HEAD OF THE NURSE LICENSING BOARD OF A PARTY STATE, OR THE
28 DESIGNEE OF THE HEAD OF THE NURSE LICENSING BOARD, SHALL BE THE
29 ADMINISTRATOR OF THIS COMPACT.

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

32 (C) THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH
33 TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE ANY
34 INFORMATION OR DOCUMENTS, INCLUDING, BUT NOT LIMITED TO, A UNIFORM DATA
35 SET OF INVESTIGATIONS, IDENTIFYING INFORMATION, LICENSURE DATA, AND
36 DISCLOSABLE ALTERNATIVE PROGRAM PARTICIPATION INFORMATION TO
37 FACILITATE THE ADMINISTRATION OF THIS COMPACT.

38 (D) COMPACT ADMINISTRATORS SHALL HAVE THE AUTHORITY TO DEVELOP
39 UNIFORM RULES TO FACILITATE AND COORDINATE IMPLEMENTATION OF THIS

1 COMPACT. THESE UNIFORM RULES SHALL BE ADOPTED BY PARTY STATES, UNDER
2 THE AUTHORITY VESTED IN ARTICLE VI.

3 ARTICLE IX. IMMUNITY.

4 12.

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

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

12 13.

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

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

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

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

29 ARTICLE XI. CONSTRUCTION AND SEVERABILITY.

30 14.

31 (A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE
32 THE PURPOSE OF THE COMPACT. THE PROVISIONS OF THIS COMPACT SHALL BE
33 SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS
34 COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED
35 STATES OR OF THE PARTY STATES, OR THE APPLICABILITY THEREOF TO ANY
36 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE
37 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF

1 TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE MAY NOT BE
2 AFFECTED THEREBY. IF THIS COMPACT IS HELD TO BE CONTRARY TO THE
3 CONSTITUTION OF A PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE
4 AND EFFECT AS TO THE REMAINING PARTY STATES, AND TO THE PARTY STATE
5 AFFECTED AS TO ALL SEVERABLE MATTERS.

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

8 (1) THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN
9 ARBITRATION PANEL WHICH SHALL BE COMPRISED OF AN INDIVIDUAL APPOINTED
10 BY THE COMPACT ADMINISTRATOR IN THE HOME STATE, AN INDIVIDUAL APPOINTED
11 BY THE COMPACT ADMINISTRATOR IN THE REMOTE STATE OR STATES INVOLVED IN
12 THE DISPUTE, AND AN INDIVIDUAL WHO IS CHOSEN BY MUTUAL AGREEMENT OF ALL
13 OF THE PARTY STATES INVOLVED IN THE DISPUTE; AND

14 (2) THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE
15 FINAL AND BINDING.

16 8-7A-02.

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

20 8-7A-03.

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

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

27 8-7A-04.

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

31 8-7A-05.

32 THIS NURSE MULTISTATE LICENSURE COMPACT:

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

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

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

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