

SENATE BILL 439

J2

3lr2052
CF HB 475

By: **Senator Hayes**

Introduced and read first time: February 2, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Advanced Practice Registered Nurse Compact**

3 FOR the purpose of entering into the Advanced Practice Registered Nurse (APRN)
4 Compact; establishing criteria for participating states; authorizing an advanced
5 practice registered nurse to practice in a party state under certain scope of practice
6 rules; establishing the Interstate Commission of APRN Compact Administrators and
7 its duties and powers; requiring the Compact Administrator of the State to make
8 certain recommendations on the formation of the Commission; providing for the
9 amendment of and withdrawal from the Compact; and generally relating to the
10 Advanced Practice Registered Nurse Compact.

11 BY adding to

12 Article – Health Occupations

13 Section 8–7B–01 to be under the new subtitle “Subtitle 7B. Advanced Practice
14 Registered Nurse Compact”

15 Annotated Code of Maryland

16 (2021 Replacement Volume and 2022 Supplement)

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

19 **Article – Health Occupations**

20 **SUBTITLE 7B. ADVANCED PRACTICE REGISTERED NURSE COMPACT.**

21 **8–7B–01.**

22 **THE ADVANCED PRACTICE REGISTERED NURSE COMPACT IS HEREBY**
23 **ENACTED AND ENTERED INTO WITH ALL OTHER JURISDICTIONS THAT LEGALLY JOIN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IN THE COMPACT IN THE FORM SUBSTANTIALLY AS THE COMPACT APPEARS IN THIS
2 SECTION AS FOLLOWS:

3 ARTICLE I. FINDINGS AND DECLARATION OF PURPOSE.

4 (A) THE PARTY STATES FIND THAT:

5 (1) THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE
6 DEGREE OF COMPLIANCE WITH APRN LICENSURE REQUIREMENTS AND THE
7 EFFECTIVENESS OF ENFORCEMENT ACTIVITIES RELATED TO STATE APRN
8 LICENSURE LAWS;

9 (2) VIOLATIONS OF APRN LICENSURE AND OTHER LAWS
10 REGULATING THE PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM TO THE
11 PUBLIC;

12 (3) THE EXPANDED MOBILITY OF APRNS AND THE USE OF
13 ADVANCED COMMUNICATION AND INTERVENTION TECHNOLOGIES AS PART OF OUR
14 NATION'S HEALTH CARE DELIVERY SYSTEM REQUIRE GREATER COORDINATION AND
15 COOPERATION AMONG STATES IN THE AREAS OF APRN LICENSURE AND
16 REGULATION;

17 (4) NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE
18 COMPLIANCE WITH INDIVIDUAL STATE APRN LICENSURE LAWS DIFFICULT AND
19 COMPLEX;

20 (5) THE CURRENT SYSTEM OF DUPLICATIVE APRN LICENSURE FOR
21 APRNS PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT FOR
22 HEALTH CARE DELIVERY SYSTEMS, PAYORS, STATE LICENSING BOARDS,
23 REGULATORS, AND APRNS; AND

24 (6) UNIFORMITY OF APRN LICENSURE REQUIREMENTS
25 THROUGHOUT THE STATES PROMOTES PUBLIC SAFETY AND PUBLIC HEALTH
26 BENEFITS AND PROVIDES A MECHANISM TO INCREASE ACCESS TO CARE.

27 (B) THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

28 (1) FACILITATE THE STATES' RESPONSIBILITY TO PROTECT THE
29 HEALTH AND SAFETY OF THE PUBLIC;

30 (2) ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES
31 IN THE AREAS OF APRN LICENSURE AND REGULATION, INCLUDING PROMOTION OF
32 UNIFORM LICENSURE REQUIREMENTS;

1 (4) MONITORING OF THE LICENSEE;

2 (5) A LIMITATION ON THE LICENSEE'S PRACTICE;

3 (6) A CEASE AND DESIST ACTION; OR

4 (7) ANY OTHER ENCUMBRANCE ON LICENSURE AFFECTING AN
5 APRN'S AUTHORIZATION TO PRACTICE, INCLUDING THE ISSUANCE OF A CEASE AND
6 DESIST ACTION.

7 (C) "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING
8 PROGRAM APPROVED BY A LICENSING BOARD.

9 (D) "APRN LICENSURE" MEANS THE REGULATORY MECHANISM USED BY A
10 PARTY STATE TO GRANT LEGAL AUTHORITY TO PRACTICE AS AN APRN.

11 (E) "APRN UNIFORM LICENSURE REQUIREMENTS" MEANS THE MINIMUM
12 UNIFORM LICENSURE, EDUCATION, AND EXAMINATION REQUIREMENTS SET FORTH
13 IN ARTICLE III(B) OF THIS COMPACT.

14 (F) "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN
15 INTEGRATED PROCESS FOR COLLECTING, STORING, AND SHARING INFORMATION ON
16 APRN LICENSURE AND ENFORCEMENT ACTIVITIES RELATED TO APRN LICENSURE
17 LAWS THAT IS ADMINISTERED BY A NONPROFIT ORGANIZATION COMPOSED OF AND
18 CONTROLLED BY LICENSING BOARDS.

19 (G) "CURRENT SIGNIFICANT INVESTIGATORY INFORMATION" MEANS
20 INVESTIGATIVE INFORMATION THAT:

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

25 (2) INDICATES THAT THE APRN REPRESENTS AN IMMEDIATE
26 THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF WHETHER THE APRN
27 HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO RESPOND.

28 (H) "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR ANY
29 LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING IMPOSED BY
30 A LICENSING BOARD IN CONNECTION WITH A DISCIPLINARY PROCEEDING.

1 **(I) "HOME STATE" MEANS THE PARTY STATE THAT IS THE APRN'S**
2 **PRIMARY STATE OF RESIDENCE.**

3 **(J) "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY BODY**
4 **RESPONSIBLE FOR REGULATING THE PRACTICE OF ADVANCED PRACTICE**
5 **REGISTERED NURSING.**

6 **(K) "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS AN APRN**
7 **ISSUED BY A HOME STATE LICENSING BOARD THAT AUTHORIZES THE APRN TO**
8 **PRACTICE AS AN APRN IN ALL PARTY STATES UNDER A MULTISTATE LICENSURE**
9 **PRIVILEGE, IN THE SAME ROLE AND POPULATION FOCUS AS THE APRN IS LICENSED**
10 **IN THE HOME STATE.**

11 **(L) "MULTISTATE LICENSURE PRIVILEGE" MEANS A LEGAL**
12 **AUTHORIZATION ASSOCIATED WITH AN APRN MULTISTATE LICENSE PERMITTING**
13 **THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING AS AN APRN IN A**
14 **REMOTE STATE, IN THE SAME ROLE AND POPULATION FOCUS AS THE APRN IS**
15 **LICENSED IN THE HOME STATE.**

16 **(M) (1) "NONCONTROLLED PRESCRIPTION DRUG" MEANS A DEVICE OR**
17 **DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND IS PROHIBITED UNDER STATE**
18 **OR FEDERAL LAW FROM BEING DISPENSED WITHOUT A PRESCRIPTION.**

19 **(2) "NONCONTROLLED PRESCRIPTION DRUG" INCLUDES A DEVICE**
20 **OR DRUG THAT BEARS OR IS REQUIRED TO BEAR THE LEGEND "CAUTION: FEDERAL**
21 **LAW PROHIBITS DISPENSING WITHOUT PRESCRIPTION" OR "PRESCRIPTION ONLY"**
22 **OR OTHER LEGEND THAT COMPLIES WITH FEDERAL LAW.**

23 **(N) "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS COMPACT.**

24 **(O) "POPULATION FOCUS" MEANS ONE OF THE SIX POPULATION FOCI OF:**

25 **(1) FAMILY OR INDIVIDUALS ACROSS THE LIFESPAN;**

26 **(2) ADULT-GERONTOLOGY;**

27 **(3) PEDIATRICS;**

28 **(4) NEONATAL;**

29 **(5) WOMEN'S HEALTH/GENDER-RELATED; AND**

30 **(6) PSYCH/MENTAL HEALTH.**

1 (P) "PRESCRIPTIVE AUTHORITY" MEANS THE LEGAL AUTHORITY TO
2 PRESCRIBE MEDICATIONS AND DEVICES AS DEFINED BY PARTY STATE LAWS.

3 (Q) "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE HOME
4 STATE.

5 (R) "ROLE" MEANS ONE OF THE FOUR RECOGNIZED ROLES OF:

6 (1) CERTIFIED REGISTERED NURSE ANESTHETISTS (CRNA);

7 (2) CERTIFIED NURSE-MIDWIVES (CNM);

8 (3) CLINICAL NURSE SPECIALISTS (CNS); AND

9 (4) CERTIFIED NURSE PRACTITIONERS (CNP).

10 (S) "SINGLE-STATE LICENSE" MEANS AN APRN LICENSE ISSUED BY A
11 PARTY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING STATE AND
12 DOES NOT INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN ANY
13 OTHER PARTY STATE.

14 (T) "STATE" MEANS A STATE, TERRITORY, OR POSSESSION OF THE UNITED
15 STATES AND THE DISTRICT OF COLUMBIA.

16 (U) (1) "STATE PRACTICE LAWS" MEANS A PARTY STATE'S LAWS, RULES,
17 AND REGULATIONS THAT GOVERN THE PRACTICE OF ADVANCED PRACTICE
18 REGISTERED NURSING, DEFINE THE SCOPE OF ADVANCED PRACTICE REGISTERED
19 NURSING, AND CREATE THE METHODS AND GROUNDS FOR IMPOSING DISCIPLINE,
20 EXCEPT THAT PRESCRIPTIVE AUTHORITY SHALL BE GOVERNED IN ACCORDANCE
21 WITH ARTICLE III(F) AND (G) OF THIS COMPACT.

22 (2) "STATE PRACTICE LAWS" DOES NOT INCLUDE:

23 (I) A PARTY STATE'S LAWS, RULES, AND REGULATIONS
24 REQUIRING SUPERVISION OR COLLABORATION WITH A HEALTH CARE
25 PROFESSIONAL, EXCEPT FOR LAWS, RULES, AND REGULATIONS REGARDING
26 PRESCRIBING CONTROLLED SUBSTANCES; OR

27 (II) THE REQUIREMENTS NECESSARY TO OBTAIN AND RETAIN
28 AN APRN LICENSE, EXCEPT FOR QUALIFICATIONS OR REQUIREMENTS OF THE
29 HOME STATE.

1 **ARTICLE III. GENERAL PROVISIONS AND JURISDICTION.**

2 **(A) A PARTY STATE MUST IMPLEMENT PROCEDURES FOR CONSIDERING**
3 **THE CRIMINAL HISTORY RECORDS OF APPLICANTS FOR INITIAL APRN LICENSURE**
4 **OR APRN LICENSURE BY ENDORSEMENT. SUCH PROCEDURES SHALL INCLUDE THE**
5 **SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY**
6 **APRN APPLICANTS FOR THE PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL**
7 **HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION**
8 **AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL RECORDS.**

9 **(B) EACH PARTY STATE SHALL REQUIRE THE FOLLOWING FOR AN**
10 **APPLICANT TO OBTAIN OR RETAIN A MULTISTATE LICENSE IN THE HOME STATE:**

11 **(1) MEETS THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR**
12 **RENEWAL OF LICENSURE, AS WELL AS ALL OTHER APPLICABLE STATE LAWS;**

13 **(2) (I) HAS COMPLETED AN ACCREDITED GRADUATE-LEVEL**
14 **EDUCATION PROGRAM THAT PREPARES THE APPLICANT FOR ONE OF THE FOUR**
15 **RECOGNIZED ROLES AND POPULATION FOCI; OR**

16 **(II) HAS COMPLETED A FOREIGN APRN EDUCATION PROGRAM**
17 **FOR ONE OF THE FOUR RECOGNIZED ROLES AND POPULATION FOCI THAT:**

18 **1. HAS BEEN APPROVED BY THE AUTHORIZED**
19 **ACCREDITING BODY IN THE APPLICABLE COUNTRY; AND**

20 **2. HAS BEEN VERIFIED BY AN INDEPENDENT**
21 **CREDENTIALS REVIEW AGENCY TO BE COMPARABLE TO A LICENSING**
22 **BOARD-APPROVED APRN EDUCATION PROGRAM;**

23 **(3) IF A GRADUATE OF A FOREIGN APRN EDUCATION PROGRAM NOT**
24 **TAUGHT IN ENGLISH OR IF ENGLISH IS NOT THE INDIVIDUAL'S NATIVE LANGUAGE,**
25 **HAS SUCCESSFULLY PASSED AN ENGLISH PROFICIENCY EXAMINATION THAT**
26 **INCLUDES THE COMPONENTS OF READING, SPEAKING, WRITING, AND LISTENING;**

27 **(4) HAS SUCCESSFULLY PASSED A NATIONAL CERTIFICATION**
28 **EXAMINATION THAT MEASURES APRN ROLE AND POPULATION-FOCUSED**
29 **COMPETENCIES AND MAINTAINS CONTINUED COMPETENCE AS EVIDENCED BY**
30 **RECERTIFICATION IN THE ROLE AND POPULATION FOCUS THROUGH THE NATIONAL**
31 **CERTIFICATION PROGRAM;**

1 **(5) HOLDS AN ACTIVE, UNENCUMBERED LICENSE AS A REGISTERED**
2 **NURSE AND AN ACTIVE, UNENCUMBERED AUTHORIZATION TO PRACTICE AS AN**
3 **APRN;**

4 **(6) HAS SUCCESSFULLY PASSED AN NCLEX–RN EXAMINATION OR**
5 **RECOGNIZED PREDECESSOR, AS APPLICABLE;**

6 **(7) HAS PRACTICED FOR AT LEAST 2,080 HOURS AS AN APRN IN A**
7 **ROLE AND POPULATION FOCUS CONGRUENT WITH THE APPLICANT’S EDUCATION**
8 **AND TRAINING NOT INCLUDING HOURS OBTAINED AS PART OF ENROLLMENT IN AN**
9 **APRN EDUCATION PROGRAM;**

10 **(8) HAS SUBMITTED, IN CONNECTION WITH AN APPLICATION FOR**
11 **INITIAL LICENSURE OR LICENSURE BY ENDORSEMENT, FINGERPRINTS OR OTHER**
12 **BIOMETRIC DATA FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY RECORD**
13 **INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY**
14 **RESPONSIBLE FOR RETAINING THAT STATE’S OR, IF APPLICABLE, FOREIGN**
15 **COUNTRY’S CRIMINAL RECORDS;**

16 **(9) HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS NOT**
17 **ENTERED INTO AN AGREED DISPOSITION, OF A FELONY OFFENSE UNDER**
18 **APPLICABLE STATE, FEDERAL, OR FOREIGN CRIMINAL LAW;**

19 **(10) HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS NOT**
20 **ENTERED INTO AN AGREED DISPOSITION, OF A MISDEMEANOR OFFENSE RELATED**
21 **TO THE PRACTICE OF NURSING AS DETERMINED BY FACTORS SET FORTH IN RULES**
22 **ADOPTED BY THE COMMISSION;**

23 **(11) IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM;**

24 **(12) IS SUBJECT TO SELF–DISCLOSURE REQUIREMENTS REGARDING**
25 **CURRENT PARTICIPATION IN AN ALTERNATIVE PROGRAM; AND**

26 **(13) HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER.**

27 **(C) AN APRN ISSUED A MULTISTATE LICENSE SHALL BE LICENSED IN AN**
28 **APPROVED ROLE AND AT LEAST ONE APPROVED POPULATION FOCUS.**

29 **(D) AN APRN MULTISTATE LICENSE ISSUED BY A HOME STATE TO A**
30 **RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS**
31 **AUTHORIZING THE APRN TO PRACTICE AS AN APRN IN EACH PARTY STATE, UNDER**
32 **A MULTISTATE LICENSURE PRIVILEGE, IN THE SAME ROLE AND POPULATION FOCUS**
33 **AS THE APRN IS LICENSED IN THE HOME STATE.**

1 (E) NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS
2 ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE,
3 EXCEPT THAT AN INDIVIDUAL MAY APPLY FOR A SINGLE-STATE LICENSE, INSTEAD
4 OF A MULTISTATE LICENSE, EVEN IF OTHERWISE QUALIFIED FOR THE MULTISTATE
5 LICENSE. HOWEVER, THE FAILURE OF THE INDIVIDUAL TO AFFIRMATIVELY OPT FOR
6 A SINGLE-STATE LICENSE MAY RESULT IN THE ISSUANCE OF A MULTISTATE
7 LICENSE.

8 (F) ISSUANCE OF AN APRN MULTISTATE LICENSE SHALL INCLUDE
9 PRESCRIPTIVE AUTHORITY FOR NONCONTROLLED PRESCRIPTION DRUGS.

10 (G) FOR EACH STATE IN WHICH AN APRN SEEKS AUTHORITY TO PRESCRIBE
11 CONTROLLED SUBSTANCES, THE APRN SHALL SATISFY ALL REQUIREMENTS
12 IMPOSED BY THE STATE IN GRANTING OR RENEWING THE AUTHORITY.

13 (H) AN APRN ISSUED A MULTISTATE LICENSE IS AUTHORIZED TO ASSUME
14 RESPONSIBILITY AND ACCOUNTABILITY FOR PATIENT CARE INDEPENDENT OF ANY
15 SUPERVISORY OR COLLABORATIVE RELATIONSHIP. THIS AUTHORITY MAY BE
16 EXERCISED IN THE HOME STATE AND IN ANY REMOTE STATE IN WHICH THE APRN
17 EXERCISES A MULTISTATE LICENSURE PRIVILEGE.

18 (I) AN APRN ISSUED A MULTISTATE LICENSE SHALL CONTINUE
19 COLLABORATING WITH HEALTH CARE PROVIDERS AS NECESSARY FOR PATIENT
20 CARE, INCLUDING THROUGH CONSULTATION, REFERRAL, AND COMMUNICATION
21 BETWEEN HEALTH CARE PROVIDERS.

22 (J) ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE WITH
23 STATE DUE PROCESS LAWS, TO TAKE ADVERSE ACTION AGAINST AN APRN'S
24 MULTISTATE LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION,
25 PROBATION, OR ANY OTHER ACTION THAT AFFECTS AN APRN'S AUTHORIZATION TO
26 PRACTICE UNDER A MULTISTATE LICENSURE PRIVILEGE, INCLUDING CEASE AND
27 DESIST ACTIONS. IF A PARTY STATE TAKES SUCH ACTION, THE PARTY STATE SHALL
28 PROMPTLY NOTIFY THE ADMINISTRATOR OF THE COORDINATED LICENSURE
29 INFORMATION SYSTEM. THE ADMINISTRATOR OF THE COORDINATED LICENSURE
30 INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH
31 ACTIONS BY REMOTE STATES.

32 (K) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS COMPACT, AN
33 APRN PRACTICING IN A PARTY STATE MUST COMPLY WITH THE STATE PRACTICE
34 LAWS OF THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS
35 PROVIDED. APRN PRACTICE IS NOT LIMITED TO PATIENT CARE, BUT SHALL
36 INCLUDE ALL ADVANCED NURSING PRACTICE AS DEFINED BY THE STATE PRACTICE

1 LAWS OF THE PARTY STATE IN WHICH THE CLIENT IS LOCATED. APRN PRACTICE IN
2 A PARTY STATE UNDER A MULTISTATE LICENSURE PRIVILEGE SUBJECTS THE APRN
3 TO THE JURISDICTION OF THE LICENSING BOARD, THE COURTS, AND THE LAWS OF
4 THE PARTY STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS
5 PROVIDED.

6 (L) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS COMPACT, THIS
7 COMPACT DOES NOT AFFECT ADDITIONAL REQUIREMENTS IMPOSED BY STATES FOR
8 ADVANCED PRACTICE REGISTERED NURSING. HOWEVER, A MULTISTATE
9 LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING GRANTED BY A PARTY
10 STATE SHALL BE RECOGNIZED BY OTHER PARTY STATES AS SATISFYING ANY STATE
11 LAW REQUIREMENT FOR REGISTERED NURSE LICENSURE AS A PRECONDITION FOR
12 AUTHORIZATION TO PRACTICE AS AN APRN IN THAT STATE.

13 (M) INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE TO BE
14 ABLE TO APPLY FOR A PARTY STATE'S SINGLE-STATE APRN LICENSE AS PROVIDED
15 UNDER THE LAWS OF EACH PARTY STATE. HOWEVER, THE SINGLE-STATE LICENSE
16 GRANTED TO INDIVIDUALS NOT RESIDING IN A PARTY STATE MAY NOT BE
17 RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE AS AN APRN IN ANY
18 OTHER PARTY STATE.

19 **ARTICLE IV. APPLICATIONS FOR APRN LICENSURE IN A PARTY STATE.**

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

23 (1) THE APPLICANT HAS EVER HELD, OR IS THE HOLDER OF A
24 LICENSED PRACTICAL/VOCATIONAL NURSING LICENSE, A REGISTERED NURSING
25 LICENSE, OR AN ADVANCED PRACTICE REGISTERED NURSE LICENSE ISSUED BY ANY
26 OTHER STATE;

27 (2) THERE ARE ANY ENCUMBRANCES ON ANY LICENSE OR
28 MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT;

29 (3) ANY ADVERSE ACTION HAS BEEN TAKEN AGAINST ANY LICENSE
30 OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT; AND

31 (4) THE APPLICANT IS CURRENTLY PARTICIPATING IN AN
32 ALTERNATIVE PROGRAM.

33 (B) AN APRN MAY HOLD A MULTISTATE APRN LICENSE, ISSUED BY THE
34 HOME STATE, IN ONLY ONE PARTY STATE AT A TIME.

1 **(C) (1) IF AN APRN CHANGES THE APRN'S HOME STATE BY MOVING**
2 **BETWEEN TWO PARTY STATES, THE APRN MUST APPLY FOR APRN LICENSURE IN**
3 **THE NEW HOME STATE, AND THE MULTISTATE LICENSE ISSUED BY THE PRIOR HOME**
4 **STATE WILL BE DEACTIVATED IN ACCORDANCE WITH APPLICABLE RULES ADOPTED**
5 **BY THE COMMISSION.**

6 **(2) THE APRN MAY APPLY FOR LICENSURE IN ADVANCE OF A**
7 **CHANGE IN THE APRN'S HOME STATE.**

8 **(3) A MULTISTATE APRN LICENSE MAY NOT BE ISSUED BY THE NEW**
9 **HOME STATE UNTIL THE APRN PROVIDES SATISFACTORY EVIDENCE OF A CHANGE**
10 **IN THE APRN'S HOME STATE TO THE NEW HOME STATE AND SATISFIES ALL**
11 **APPLICABLE REQUIREMENTS TO OBTAIN A MULTISTATE APRN LICENSE FROM THE**
12 **NEW HOME STATE.**

13 **(D) IF AN APRN CHANGES THE APRN'S HOME STATE BY MOVING FROM A**
14 **PARTY STATE TO A NONPARTY STATE, THE APRN MULTISTATE LICENSE ISSUED BY**
15 **THE PRIOR HOME STATE WILL CONVERT TO A SINGLE-STATE LICENSE, VALID ONLY**
16 **IN THE FORMER HOME STATE.**

17 **ARTICLE V. ADDITIONAL AUTHORITIES INVESTED IN STATE PARTY LICENSING**
18 **BOARDS.**

19 **(A) IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A**
20 **LICENSING BOARD SHALL HAVE THE AUTHORITY TO:**

21 **(1) TAKE ADVERSE ACTION AGAINST AN APRN'S MULTISTATE**
22 **LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE;**

23 **(2) ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE**
24 **ON AN APRN'S AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE;**

25 **(3) COMPLETE ANY PENDING INVESTIGATIONS OF AN APRN WHO**
26 **CHANGES THE APRN'S HOME STATE DURING THE COURSE OF SUCH**
27 **INVESTIGATIONS;**

28 **(4) TAKE APPROPRIATE ACTION BASED ON INVESTIGATIONS AND**
29 **SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO THE**
30 **ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM WHO**
31 **SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ACTIONS;**

1 **(5) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS**
2 **THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AS WELL AS THE**
3 **PRODUCTION OF EVIDENCE;**

4 **(6) OBTAIN AND SUBMIT, FOR EACH APRN LICENSURE APPLICANT,**
5 **FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL**
6 **BUREAU OF INVESTIGATION FOR CRIMINAL BACKGROUND CHECKS, RECEIVE THE**
7 **RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH ON**
8 **CRIMINAL BACKGROUND CHECKS AND USE THE RESULTS IN MAKING LICENSURE**
9 **DECISIONS;**

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

13 **(8) TAKE ADVERSE ACTION BASED ON THE FACTUAL FINDINGS OF A**
14 **REMOTE STATE, PROVIDED THAT THE LICENSING BOARD FOLLOWS ITS OWN**
15 **PROCEDURES FOR TAKING SUCH ADVERSE ACTION.**

16 **(B) ONLY THE HOME STATE SHALL HAVE POWER TO TAKE ADVERSE ACTION**
17 **AGAINST AN APRN'S LICENSE ISSUED BY THE HOME STATE.**

18 **(C) (1) SUBPOENAS ISSUED BY A PARTY STATE LICENSING BOARD FOR**
19 **THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF**
20 **EVIDENCE FROM ANOTHER PARTY STATE SHALL BE ENFORCED IN THE LATTER**
21 **STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THAT COURT'S**
22 **PRACTICE AND PROCEDURE IN CONSIDERING SUBPOENAS ISSUED IN ITS OWN**
23 **PROCEEDINGS.**

24 **(2) THE ISSUING LICENSING BOARD SHALL PAY ANY WITNESS FEES,**
25 **TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE**
26 **STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.**

27 **(D) (1) FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE**
28 **LICENSING BOARD SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED**
29 **CONDUCT THAT OCCURRED OUTSIDE THE HOME STATE AS IT WOULD IF SUCH**
30 **CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING, THE HOME STATE**
31 **SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.**

32 **(2) IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST AN**
33 **APRN'S MULTISTATE LICENSE, THE APRN'S MULTISTATE LICENSURE PRIVILEGE**
34 **TO PRACTICE IN ALL OTHER PARTY STATES UNDER A MULTISTATE LICENSURE**

1 PRIVILEGE SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN
2 REMOVED FROM THE APRN'S MULTISTATE LICENSE.

3 (3) ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE
4 ACTION AGAINST AN APRN'S MULTISTATE LICENSE SHALL INCLUDE A STATEMENT
5 THAT THE APRN'S MULTISTATE LICENSURE PRIVILEGE IS DEACTIVATED IN ALL
6 PARTY STATES DURING THE PENDENCY OF THE ORDER.

7 (E) (1) NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S
8 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN
9 LIEU OF ADVERSE ACTION.

10 (2) THE HOME STATE LICENSING BOARD SHALL DEACTIVATE THE
11 MULTISTATE LICENSURE PRIVILEGE UNDER THE MULTISTATE LICENSE OF ANY
12 APRN FOR THE DURATION OF THE APRN'S PARTICIPATION IN AN ALTERNATIVE
13 PROGRAM.

14 ARTICLE VI. COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE
15 OF INFORMATION.

16 (A) (1) ALL PARTY STATES SHALL PARTICIPATE IN A COORDINATED
17 LICENSURE INFORMATION SYSTEM OF ALL APRNs, LICENSED REGISTERED
18 NURSES, AND LICENSED PRACTICAL/VOCATIONAL NURSES.

19 (2) THIS SYSTEM SHALL INCLUDE INFORMATION ON THE LICENSURE
20 AND DISCIPLINARY HISTORY OF EACH APRN, AS SUBMITTED BY PARTY STATES, TO
21 ASSIST IN THE COORDINATION OF APRN LICENSURE AND ENFORCEMENT EFFORTS.

22 (B) THE COMMISSION, IN CONSULTATION WITH THE ADMINISTRATOR OF
23 THE COORDINATED LICENSURE INFORMATION SYSTEM, SHALL FORMULATE
24 NECESSARY AND PROPER PROCEDURES FOR THE IDENTIFICATION, COLLECTION,
25 AND EXCHANGE OF INFORMATION UNDER THIS COMPACT.

26 (C) ALL LICENSING BOARDS SHALL PROMPTLY REPORT TO THE
27 COORDINATED LICENSURE INFORMATION SYSTEM:

28 (1) ANY ADVERSE ACTION;

29 (2) ANY CURRENT SIGNIFICANT INVESTIGATORY INFORMATION;

30 (3) DENIALS OF APPLICATIONS WITH THE REASONS FOR THE DENIAL;
31 AND

1 **(4) APRN PARTICIPATION IN ALTERNATIVE PROGRAMS KNOWN TO**
2 **THE LICENSING BOARD REGARDLESS OF WHETHER SUCH PARTICIPATION IS**
3 **DEEMED NONPUBLIC OR CONFIDENTIAL UNDER STATE LAW.**

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

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

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

18 **(G) THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH**
19 **A UNIFORM DATA SET TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY**
20 **STATE, WHICH SHALL INCLUDE:**

21 **(1) IDENTIFYING INFORMATION;**

22 **(2) LICENSURE DATA;**

23 **(3) INFORMATION RELATED TO ALTERNATIVE PROGRAM**
24 **PARTICIPATION; AND**

25 **(4) OTHER INFORMATION THAT MAY FACILITATE THE**
26 **ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY COMMISSION RULES.**

27 **(H) THE COMPACT ADMINISTRATOR OF A PARTY STATE SHALL PROVIDE ALL**
28 **INVESTIGATIVE DOCUMENTS AND INFORMATION REQUESTED BY ANOTHER PARTY**
29 **STATE.**

30 **ARTICLE VII. ESTABLISHMENT OF THE INTERSTATE COMMISSION OF APRN**
31 **COMPACT ADMINISTRATORS.**

1 **(A) (1) THE PARTY STATES HEREBY CREATE AND ESTABLISH A JOINT**
2 **PUBLIC AGENCY KNOWN AS THE INTERSTATE COMMISSION OF APRN COMPACT**
3 **ADMINISTRATORS.**

4 **(2) THE COMMISSION IS AN INSTRUMENTALITY OF THE PARTY**
5 **STATES.**

6 **(3) (I) VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR**
7 **AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A**
8 **COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE**
9 **COMMISSION IS LOCATED.**

10 **(II) THE COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL**
11 **DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE IN**
12 **ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.**

13 **(4) NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A**
14 **WAIVER OF SOVEREIGN IMMUNITY.**

15 **(B) (1) (I) EACH PARTY STATE SHALL HAVE AND BE LIMITED TO ONE**
16 **ADMINISTRATOR.**

17 **(II) THE HEAD OF THE STATE LICENSING BOARD OR DESIGNEE**
18 **SHALL BE THE ADMINISTRATOR OF THIS COMPACT FOR EACH PARTY STATE.**

19 **(III) ANY ADMINISTRATOR MAY BE REMOVED OR SUSPENDED**
20 **FROM OFFICE AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE**
21 **ADMINISTRATOR IS APPOINTED.**

22 **(IV) ANY VACANCY OCCURRING IN THE COMMISSION SHALL BE**
23 **FILLED IN ACCORDANCE WITH THE LAWS OF THE PARTY STATE IN WHICH THE**
24 **VACANCY EXISTS.**

25 **(2) (I) EACH ADMINISTRATOR SHALL BE ENTITLED TO ONLY ONE**
26 **VOTE WITH REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS**
27 **AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS**
28 **AND AFFAIRS OF THE COMMISSION.**

29 **(II) AN ADMINISTRATOR SHALL VOTE IN PERSON OR BY SUCH**
30 **OTHER MEANS AS PROVIDED IN THE BYLAWS.**

1 (III) THE BYLAWS MAY PROVIDE FOR AN ADMINISTRATOR'S
2 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
3 COMMUNICATION.

4 (3) (I) THE COMMISSION SHALL MEET AT LEAST ONCE DURING
5 EACH CALENDAR YEAR.

6 (II) ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN
7 THE BYLAWS OR RULES OF THE COMMISSION.

8 (4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION,
9 ALL MEETINGS SHALL BE OPEN TO THE PUBLIC AND PUBLIC NOTICE OF MEETINGS
10 SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING
11 PROVISIONS IN ARTICLE VIII.

12 (5) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE
13 COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE
14 COMMISSION MUST DISCUSS:

15 (I) NONCOMPLIANCE OF A PARTY STATE WITH ITS
16 OBLIGATIONS UNDER THIS COMPACT;

17 (II) THE EMPLOYMENT, COMPENSATION, DISCIPLINE, OR
18 OTHER PERSONNEL MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC
19 EMPLOYEES OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL
20 PERSONNEL PRACTICES AND PROCEDURES;

21 (III) CURRENT, THREATENED, OR REASONABLY ANTICIPATED
22 LITIGATION;

23 (IV) NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE
24 OF GOODS, SERVICES, OR REAL ESTATE;

25 (V) ACCUSING ANY PERSON OF A CRIME OR FORMALLY
26 CENSURING ANY PERSON;

27 (VI) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR
28 FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

29 (VII) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE
30 WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
31 PERSONAL PRIVACY;

1 **(VIII) DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR**
2 **LAW ENFORCEMENT PURPOSES;**

3 **(IX) DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS**
4 **PREPARED BY OR ON BEHALF OF THE COMMISSION FOR THE PURPOSE OF**
5 **INVESTIGATION OF COMPLIANCE WITH THIS COMPACT; OR**

6 **(X) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY**
7 **FEDERAL OR STATE STATUTE.**

8 **(6) (I) THE COMMISSION MAY MEET IN CLOSED SESSION ONLY**
9 **AFTER A MAJORITY OF THE ADMINISTRATORS VOTE TO CLOSE A MEETING IN WHOLE**
10 **OR IN PART.**

11 **(II) AS SOON AS PRACTICABLE, THE COMMISSION MUST MAKE**
12 **PUBLIC A COPY OF THE VOTE TO CLOSE THE MEETING REVEALING THE VOTE OF**
13 **EACH ADMINISTRATOR, WITH NO PROXY VOTES ALLOWED.**

14 **(7) (I) IF A MEETING, OR PORTION OF A MEETING, IS CLOSED IN**
15 **ACCORDANCE WITH PARAGRAPHS (5) AND (6) OF THIS SUBSECTION, THE**
16 **COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING**
17 **MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION.**

18 **(II) THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND**
19 **CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A**
20 **FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS FOR THE**
21 **ACTIONS, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED.**

22 **(III) ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN**
23 **ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.**

24 **(IV) ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING**
25 **SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE**
26 **COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.**

27 **(C) THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE**
28 **ADMINISTRATORS, ADOPT BYLAWS OR RULES TO GOVERN ITS CONDUCT AS MAY BE**
29 **NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND EXERCISE THE**
30 **POWERS OF THIS COMPACT, INCLUDING:**

31 **(1) ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;**

32 **(2) PROVIDING REASONABLE STANDARDS AND PROCEDURES:**

1 **(I) FOR THE ESTABLISHMENT AND MEETINGS OF OTHER**
2 **COMMITTEES; AND**

3 **(II) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF**
4 **ANY AUTHORITY OR FUNCTION OF THE COMMISSION;**

5 **(3) PROVIDING REASONABLE PROCEDURES FOR CALLING AND**
6 **CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE ADVANCE**
7 **NOTICE OF ALL MEETINGS, AND PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF**
8 **SUCH MEETINGS BY INTERESTED PARTIES, WITH ENUMERATED EXCEPTIONS**
9 **DESIGNED TO PROTECT THE PUBLIC'S INTEREST, THE PRIVACY OF INDIVIDUALS,**
10 **AND PROPRIETARY INFORMATION, INCLUDING TRADE SECRETS;**

11 **(4) ESTABLISHING THE TITLES, DUTIES AND AUTHORITY, AND**
12 **REASONABLE PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE**
13 **COMMISSION;**

14 **(5) PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR**
15 **THE ESTABLISHMENT OF THE PERSONNEL POLICIES AND PROGRAMS OF THE**
16 **COMMISSION; AND**

17 **(6) PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF**
18 **THE COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS FUNDS THAT**
19 **MAY EXIST AFTER THE TERMINATION OF THIS COMPACT AFTER THE PAYMENT OR**
20 **RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS.**

21 **(D) THE COMMISSION SHALL PUBLISH ITS BYLAWS AND RULES, AND ANY**
22 **AMENDMENTS THERETO, IN A CONVENIENT FORM ON THE WEBSITE OF THE**
23 **COMMISSION.**

24 **(E) NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR LAWS OF**
25 **ANY PARTY STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN THE PERSONNEL**
26 **POLICIES AND PROGRAMS OF THE COMMISSION.**

27 **(F) THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN**
28 **ACCORDANCE WITH THE BYLAWS.**

29 **(G) THE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS ARE**
30 **CONSISTENT WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.**

31 **(H) THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:**

1 **(1) TO PROMULGATE UNIFORM RULES TO FACILITATE AND**
2 **COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT THAT**
3 **SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL PARTY**
4 **STATES;**

5 **(2) TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN**
6 **THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY LICENSING**
7 **BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW MAY NOT BE AFFECTED;**

8 **(3) TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;**

9 **(4) TO BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF**
10 **PERSONNEL, INCLUDING EMPLOYEES OF A PARTY STATE OR NONPROFIT**
11 **ORGANIZATIONS;**

12 **(5) TO COOPERATE WITH OTHER ORGANIZATIONS THAT ADMINISTER**
13 **STATE COMPACTS RELATED TO THE REGULATION OF NURSING, INCLUDING BUT NOT**
14 **LIMITED TO SHARING ADMINISTRATIVE OR STAFF EXPENSES, OFFICE SPACE, OR**
15 **OTHER RESOURCES;**

16 **(6) TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX**
17 **COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE**
18 **AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT, AND ESTABLISH THE**
19 **COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF**
20 **INTEREST, QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED PERSONNEL**
21 **MATTERS;**

22 **(7) TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS, GRANTS,**
23 **AND GIFTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO**
24 **RECEIVE, UTILIZE, AND DISPOSE OF THE SAME, PROVIDED THAT AT ALL TIMES THE**
25 **COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF**
26 **INTEREST;**

27 **(8) TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR**
28 **DONATIONS OF, OR OTHERWISE OWN, HOLD, IMPROVE, OR USE ANY PROPERTY,**
29 **WHETHER REAL, PERSONAL, OR MIXED, PROVIDED THAT AT ALL TIMES THE**
30 **COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;**

31 **(9) TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,**
32 **ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL, PERSONAL,**
33 **OR MIXED;**

34 **(10) TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;**

1 **(11) TO BORROW MONEY;**

2 **(12) TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES**
3 **COMPOSED OF ADMINISTRATORS, STATE NURSING REGULATORS, STATE**
4 **LEGISLATORS OR THEIR REPRESENTATIVES, CONSUMER REPRESENTATIVES, AND**
5 **OTHER INTERESTED PERSONS;**

6 **(13) TO ISSUE ADVISORY OPINIONS;**

7 **(14) TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO**
8 **COOPERATE WITH, LAW ENFORCEMENT AGENCIES;**

9 **(15) TO ADOPT AND USE AN OFFICIAL SEAL; AND**

10 **(16) TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR**
11 **APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH**
12 **THE STATE REGULATION OF APRN LICENSURE AND PRACTICE.**

13 **(I) (1) THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT**
14 **OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND**
15 **ONGOING ACTIVITIES.**

16 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
17 **COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM EACH**
18 **PARTY STATE TO COVER THE COST OF ITS OPERATIONS, ACTIVITIES, AND STAFF IN**
19 **ITS ANNUAL BUDGET AS APPROVED EACH YEAR.**

20 **(II) THE AGGREGATE ANNUAL ASSESSMENT AMOUNT, IF ANY,**
21 **SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE**
22 **COMMISSION, WHICH SHALL PROMULGATE A RULE THAT IS BINDING ON ALL PARTY**
23 **STATES.**

24 **(3) THE COMMISSION MAY NOT:**

25 **(I) INCUR OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE**
26 **FUNDS ADEQUATE TO MEET THE OBLIGATIONS OF THE COMMISSION; OR**

27 **(II) PLEDGE THE CREDIT OF ANY OF THE PARTY STATES,**
28 **EXCEPT BY, AND WITH THE AUTHORITY OF, THE PARTY STATE.**

29 **(4) (I) THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF**
30 **ALL RECEIPTS AND DISBURSEMENTS.**

1 **(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,**
2 **THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO**
3 **THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS.**

4 **(III) ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED**
5 **BY THE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED**
6 **PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND**
7 **BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.**

8 **(J) THE COMMISSION SHALL ISSUE AN ANNUAL REPORT.**

9 **(K) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
10 **PARAGRAPH, THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR,**
11 **EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE**
12 **FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY,**
13 **FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR**
14 **OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED**
15 **ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM**
16 **THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN**
17 **THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES.**

18 **(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH**
19 **SHALL BE CONSTRUED TO PROTECT ANY PERSON FROM SUIT OR LIABILITY FOR ANY**
20 **DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR**
21 **WANTON MISCONDUCT OF THAT PERSON.**

22 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
23 **PARAGRAPH, THE COMMISSION SHALL DEFEND ANY ADMINISTRATOR, OFFICER,**
24 **EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION IN**
25 **ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR**
26 **ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF**
27 **COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE PERSON**
28 **AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING**
29 **OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR**
30 **RESPONSIBILITIES.**

31 **(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH,**
32 **SHALL BE CONSTRUED TO:**

33 **1. PROHIBIT A PERSON FROM RETAINING THE PERSON'S**
34 **OWN COUNSEL; OR**

1 **2. PROTECT ANY PERSON FROM SUIT OR LIABILITY FOR**
2 **ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL,**
3 **OR WANTON MISCONDUCT OF THAT PERSON.**

4 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY**
6 **ADMINISTRATOR, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR**
7 **REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR**
8 **JUDGMENT OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR**
9 **ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF**
10 **COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE PERSON**
11 **HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF**
12 **COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES.**

13 **(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH**
14 **SHALL BE CONSTRUED TO PROTECT ANY PERSON FROM SUIT OR LIABILITY FOR ANY**
15 **DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR**
16 **WANTON MISCONDUCT OF THAT PERSON.**

17 **ARTICLE VIII. RULEMAKING.**

18 **(A) (1) THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS IN**
19 **ACCORDANCE WITH THE CRITERIA IN THIS ARTICLE AND THE RULES ADOPTED**
20 **UNDER THIS ARTICLE.**

21 **(2) RULES AND AMENDMENTS SHALL BECOME BINDING AS OF THE**
22 **DATE SPECIFIED IN EACH RULE OR AMENDMENT AND SHALL HAVE THE SAME FORCE**
23 **AND EFFECT AS PROVISIONS OF THIS COMPACT.**

24 **(B) RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A**
25 **REGULAR OR SPECIAL MEETING OF THE COMMISSION.**

26 **(C) BEFORE ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION,**
27 **AND AT LEAST 60 DAYS IN ADVANCE OF THE MEETING AT WHICH THE RULE WILL BE**
28 **CONSIDERED AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED**
29 **RULEMAKING:**

30 **(1) ON THE WEBSITE OF THE COMMISSION; AND**

31 **(2) ON THE WEBSITE OF EACH LICENSING BOARD OR THE**
32 **PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH PROPOSED**
33 **RULES.**

1 **(D) THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:**

2 **(1) THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN**
3 **WHICH THE RULE WILL BE CONSIDERED AND VOTED ON;**

4 **(2) THE TEXT OF THE PROPOSED RULE OR AMENDMENT, AND THE**
5 **REASON FOR THE PROPOSED RULE;**

6 **(3) A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY**
7 **INTERESTED PERSON; AND**

8 **(4) THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT**
9 **NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC**
10 **HEARING AND ANY WRITTEN COMMENTS.**

11 **(E) BEFORE ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL**
12 **ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND ARGUMENTS,**
13 **WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.**

14 **(F) EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS ARTICLE, THE**
15 **COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING BEFORE IT**
16 **ADOPTS A RULE OR AMENDMENT.**

17 **(G) (1) THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE**
18 **OF THE SCHEDULED PUBLIC HEARING.**

19 **(2) HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH**
20 **PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO**
21 **COMMENT ORALLY OR IN WRITING.**

22 **(3) ALL HEARINGS SHALL BE RECORDED, AND A COPY WILL BE MADE**
23 **AVAILABLE ON REQUEST.**

24 **(4) (I) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS**
25 **REQUIRING A SEPARATE HEARING ON EACH RULE.**

26 **(II) RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE**
27 **COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.**

28 **(H) IF NO ONE APPEARS AT THE PUBLIC HEARING, THE COMMISSION MAY**
29 **PROCEED WITH ADOPTION OF THE PROPOSED RULE.**

1 **(I) FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF**
2 **BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE**
3 **COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.**

4 **(J) THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL**
5 **ADMINISTRATORS:**

6 **(1) TAKE FINAL ACTION ON THE PROPOSED RULE; AND**

7 **(2) DETERMINE THE EFFECTIVE DATE OF THE RULE, IF ANY, BASED**
8 **ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.**

9 **(K) (1) ON DETERMINATION THAT AN EMERGENCY EXISTS, THE**
10 **COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR**
11 **NOTICE, AN OPPORTUNITY FOR COMMENT OR A HEARING, PROVIDED THAT THE**
12 **USUAL RULEMAKING PROCEDURES PROVIDED FOR IN THIS COMPACT SHALL BE**
13 **RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, BUT IN**
14 **NO EVENT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE RULE.**

15 **(2) FOR THE PURPOSES OF THIS SUBSECTION, AN EMERGENCY RULE**
16 **IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO:**

17 **(I) MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,**
18 **OR WELFARE;**

19 **(II) PREVENT A LOSS OF COMMISSION OR PARTY STATE FUNDS;**
20 **OR**

21 **(III) MEET A DEADLINE FOR THE PROMULGATION OF AN**
22 **ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.**

23 **(L) (1) THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY**
24 **ADOPTED RULE OR AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL**
25 **ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL**
26 **ERRORS.**

27 **(2) PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE**
28 **WEBSITE OF THE COMMISSION.**

29 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
30 **REVISION SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF 30**
31 **DAYS AFTER POSTING.**

1 **(II) THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS**
2 **THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE.**

3 **(III) A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED**
4 **TO THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD.**

5 **(IV) IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE**
6 **EFFECT WITHOUT FURTHER ACTION.**

7 **(V) IF THE REVISION IS CHALLENGED, THE REVISION MAY NOT**
8 **TAKE EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.**

9 **ARTICLE IX. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

10 **(A) (1) EACH PARTY STATE SHALL ENFORCE THIS COMPACT AND TAKE**
11 **ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS COMPACT'S**
12 **PURPOSES AND INTENT.**

13 **(2) THE COMMISSION SHALL:**

14 **(I) BE ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY**
15 **PROCEEDING THAT MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF**
16 **THE COMMISSION; AND**

17 **(II) HAVE STANDING TO INTERVENE IN A PROCEEDING FOR ALL**
18 **PURPOSES.**

19 **(3) FAILURE TO PROVIDE SERVICE OF PROCESS TO THE COMMISSION**
20 **SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS**
21 **COMPACT, OR ADOPTED RULES.**

22 **(B) (1) IF THE COMMISSION DETERMINES THAT A PARTY STATE HAS**
23 **DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES**
24 **UNDER THIS COMPACT OR THE ADOPTED RULES, THE COMMISSION SHALL:**

25 **(I) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE**
26 **AND OTHER PARTY STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED**
27 **MEANS OF CURING THE DEFAULT, OR ANY OTHER ACTION TO BE TAKEN BY THE**
28 **COMMISSION; AND**

29 **(II) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL**
30 **ASSISTANCE REGARDING THE DEFAULT.**

1 **(2) (I) IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE**
2 **DEFAULTING STATE'S MEMBERSHIP IN THIS COMPACT MAY BE TERMINATED ON AN**
3 **AFFIRMATIVE VOTE OF A MAJORITY OF THE ADMINISTRATORS, AND ALL RIGHTS,**
4 **PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT MAY BE TERMINATED**
5 **ON THE EFFECTIVE DATE OF TERMINATION.**

6 **(II) A CURE OF THE DEFAULT DOES NOT RELIEVE THE**
7 **OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE**
8 **PERIOD OF DEFAULT.**

9 **(3) (I) TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL**
10 **BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE**
11 **BEEN EXHAUSTED.**

12 **(II) NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE**
13 **GIVEN BY THE COMMISSION TO THE GOVERNOR OF THE DEFAULTING STATE, TO THE**
14 **EXECUTIVE OFFICER OF THE DEFAULTING STATE'S LICENSING BOARD, THE**
15 **DEFAULTING STATE'S LICENSING BOARD, AND TO EACH OF THE PARTY STATES.**

16 **(4) A STATE WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN**
17 **TERMINATED IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS, AND**
18 **LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION,**
19 **INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE DATE OF**
20 **TERMINATION.**

21 **(5) THE COMMISSION MAY NOT BEAR ANY COSTS RELATED TO A**
22 **STATE THAT IS FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS**
23 **COMPACT HAS BEEN TERMINATED UNLESS AGREED ON IN WRITING BETWEEN THE**
24 **COMMISSION AND THE DEFAULTING STATE.**

25 **(6) (I) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE**
26 **COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE DISTRICT OF**
27 **COLUMBIA OR THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS**
28 **PRINCIPAL OFFICES.**

29 **(II) THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF**
30 **SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS' FEES.**

31 **(C) (1) ON REQUEST BY A PARTY STATE, THE COMMISSION SHALL**
32 **ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG**
33 **PARTY STATES AND BETWEEN PARTY AND NONPARTY STATES.**

1 **(2) THE COMMISSION SHALL ADOPT A RULE PROVIDING FOR BOTH**
2 **MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES, AS APPROPRIATE.**

3 **(3) IN THE EVENT THE COMMISSION CANNOT RESOLVE DISPUTES**
4 **AMONG PARTY STATES ARISING UNDER THIS COMPACT:**

5 **(I) THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO**
6 **AN ARBITRATION PANEL, WHICH WILL BE COMPOSED OF INDIVIDUALS APPOINTED**
7 **BY THE COMPACT ADMINISTRATOR IN EACH OF THE AFFECTED PARTY STATES AND**
8 **AN INDIVIDUAL MUTUALLY AGREED ON BY THE COMPACT ADMINISTRATORS OF ALL**
9 **THE PARTY STATES INVOLVED IN THE DISPUTE; AND**

10 **(II) THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL**
11 **BE FINAL AND BINDING.**

12 **(D) (1) THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS**
13 **DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.**

14 **(2) (I) BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL**
15 **ACTION IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE**
16 **FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL OFFICES**
17 **AGAINST A PARTY STATE THAT IS IN DEFAULT TO ENFORCE COMPLIANCE WITH THE**
18 **PROVISIONS OF THIS COMPACT AND ITS ADOPTED RULES AND BYLAWS.**

19 **(II) THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE**
20 **RELIEF AND DAMAGES.**

21 **(III) IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE**
22 **PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,**
23 **INCLUDING REASONABLE ATTORNEYS' FEES.**

24 **(3) (I) THE REMEDIES PROVIDED FOR IN THIS ARTICLE MAY NOT**
25 **BE THE EXCLUSIVE REMEDIES OF THE COMMISSION.**

26 **(II) THE COMMISSION MAY PURSUE ANY OTHER REMEDIES**
27 **AVAILABLE UNDER FEDERAL OR STATE LAW.**

28 **ARTICLE X. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.**

29 **(A) THIS COMPACT SHALL COME INTO LIMITED EFFECT AT SUCH TIME AS**
30 **THIS COMPACT HAS BEEN ENACTED INTO LAW IN SEVEN PARTY STATES FOR THE**
31 **SOLE PURPOSE OF ESTABLISHING AND CONVENING THE COMMISSION TO ADOPT**
32 **RULES RELATING TO ITS OPERATION.**

1 (B) ANY STATE THAT JOINS THIS COMPACT SUBSEQUENT TO THE
2 COMMISSION'S INITIAL ADOPTION OF THE APRN UNIFORM LICENSURE
3 REQUIREMENTS SHALL BE SUBJECT TO ALL RULES THAT HAVE BEEN PREVIOUSLY
4 ADOPTED BY THE COMMISSION.

5 (C) (1) ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY
6 ENACTING A STATUTE REPEALING THE SAME.

7 (2) A PARTY STATE'S WITHDRAWAL MAY NOT TAKE EFFECT UNTIL 6
8 MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

9 (D) A PARTY STATE'S WITHDRAWAL OR TERMINATION MAY NOT AFFECT THE
10 CONTINUING REQUIREMENT OF THE WITHDRAWING OR TERMINATED STATE'S
11 LICENSING BOARD TO REPORT ADVERSE ACTIONS AND SIGNIFICANT
12 INVESTIGATIONS OCCURRING BEFORE THE EFFECTIVE DATE OF THE WITHDRAWAL
13 OR TERMINATION.

14 (E) NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
15 INVALIDATE OR PREVENT ANY APRN LICENSURE AGREEMENT OR OTHER
16 COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A NONPARTY STATE
17 THAT IS MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS COMPACT.

18 (F) (1) THIS COMPACT MAY BE AMENDED BY THE PARTY STATES.

19 (2) AN AMENDMENT TO THIS COMPACT MAY NOT BECOME EFFECTIVE
20 AND BINDING ON THE PARTY STATES UNLESS AND UNTIL IT IS ENACTED INTO THE
21 LAWS OF ALL PARTY STATES.

22 (G) REPRESENTATIVES OF NONPARTY STATES TO THIS COMPACT SHALL BE
23 INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE COMMISSION, ON A
24 NONVOTING BASIS, BEFORE THE ADOPTION OF THIS COMPACT BY ALL STATES.

25 ARTICLE XI. CONSTRUCTION AND SEVERABILITY.

26 (A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
27 EFFECTUATE THE PURPOSES OF THE COMPACT.

28 (B) THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY
29 PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED TO BE
30 CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED
31 STATES, OR IF THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY,
32 PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER

1 OF THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
2 AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

3 (C) IF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF
4 A PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO
5 THE REMAINING PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTY
6 STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

7 SECTION 2. AND BE IT FURTHER ENACTED, That on the formation of the
8 Interstate Commission of APRN Compact Administrators established under Section 1 of
9 this Act, the Compact Administrator of the State shall recommend that:

10 (1) an APRN Advisory Committee be formed and composed of advanced
11 practice registered nurses seated on party state licensing boards; and

12 (2) the APRN Advisory Committee advise the Interstate Commission of
13 Compact Administrators of regulatory matters, as needed.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is contingent on the
15 enacting of substantially similar legislation in six other states. The Maryland Department
16 of Health shall notify the Department of Legislative Services within 10 days after any state
17 has enacted legislation that is substantially similar to this Act.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this
19 Act, this Act shall take effect October 1, 2023.