

By: Burkett, Thompson of Harris, Flynn,  
Raymond

H.B. No. 2950

Substitute the following for H.B. No. 2950:

By: Coleman

C.S.H.B. No. 2950

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Board of  
Nursing and to the regulation of the practice of nursing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 301.003, Occupations Code, is amended to  
read as follows:

Sec. 301.003. APPLICATION OF SUNSET ACT. The Texas Board of  
Nursing is subject to Chapter 325, Government Code (Texas Sunset  
Act). Unless continued in existence as provided by that chapter,  
the board is abolished September 1, 2029 [~~2017~~].

SECTION 2. Section 301.059, Occupations Code, is amended by  
amending Subsection (b) and adding Subsection (d) to read as  
follows:

(b) The training program must provide the person with  
information regarding:

(1) the law governing [~~legislation that created the  
board and~~] the board's operations;

(2) the programs, functions, rules, and budget of the  
board;

(3) the scope of and limitations on the board's  
rulemaking authority;

(4) [~~(2)~~] the results of the most recent formal audit  
of the board;

(5) [~~(3)~~] the requirements of:

1           (A) laws relating to open meetings, public  
2 information, administrative procedure, and disclosing conflicts of  
3 interest; and

4           (B) other laws applicable to members of the board  
5 in performing their duties; and

6           (6) [(4)] any applicable ethics policies adopted by  
7 the board or the Texas Ethics Commission.

8           (d) The executive director of the board shall create a  
9 training manual that includes the information required by  
10 Subsection (b). The executive director shall distribute a copy of  
11 the training manual annually to each board member. On receipt of  
12 the training manual, each board member shall sign and submit to the  
13 executive director a statement acknowledging receipt of the  
14 training manual.

15           SECTION 3. Section 301.157, Occupations Code, is amended by  
16 amending Subsections (d-4), (d-8), (d-9), and (d-11) and adding  
17 Subsection (d-12) to read as follows:

18           (d-4) The board may recognize and accept as approved under  
19 this section a school of nursing or educational program operated in  
20 another state and approved by a state board of nursing or other  
21 regulatory body of that state. The board shall adopt rules [~~develop~~  
22 ~~policies~~] to ensure that the other state's standards are  
23 substantially equivalent to the board's standards. The board by  
24 rule shall develop a process for students enrolled in a school of  
25 nursing or educational program operated in another state that does  
26 not meet standards substantially equivalent to the board's  
27 standards to apply for an initial license under this chapter.

1           (d-8) For purposes of Subsection (d-4), a nursing program  
2 is considered to meet standards substantially equivalent to the  
3 board's standards if the program:

4           (1) is part of an institution of higher education  
5 located outside this state that is approved by the appropriate  
6 regulatory authorities of that state;

7           (2) holds regional accreditation by an accrediting  
8 body recognized by the United States secretary of education and the  
9 Council for Higher Education Accreditation;

10           (3) holds specialty accreditation by an accrediting  
11 body recognized by the United States secretary of education and the  
12 Council for Higher Education Accreditation [~~including the~~  
13 ~~National League for Nursing Accrediting Commission~~];

14           (4) requires program applicants to be a licensed  
15 practical or vocational nurse, a military service corpsman, or a  
16 paramedic, or to hold a college degree in a clinically oriented  
17 health care field with demonstrated experience providing direct  
18 patient care; and

19           (5) graduates students who:

20           (A) achieve faculty-determined program outcomes,  
21 including passing criterion-referenced examinations of nursing  
22 knowledge essential to beginning a registered nursing practice and  
23 transitioning to the role of registered nurse;

24           (B) pass a criterion-referenced summative  
25 performance examination developed by faculty subject matter  
26 experts that measures clinical competencies essential to beginning  
27 a registered nursing practice and that meets nationally recognized

1 standards for educational testing, including the educational  
2 testing standards of the American Educational Research  
3 Association, the American Psychological Association, and the  
4 National Council on Measurement in Education; and

5 (C) pass the National Council Licensure  
6 Examination for Registered Nurses at a rate equivalent to the  
7 board's required passage rate for students of approved in-state  
8 programs.

9 (d-9) A graduate of a clinical competency assessment  
10 program operated in another state and approved by a state board of  
11 nursing or other regulatory body of another state is eligible to  
12 apply for an initial license under this chapter if:

13 (1) ~~[the board allowed graduates of the program to~~  
14 ~~apply for an initial license under this chapter continuously during~~  
15 ~~the 10-year period preceding January 1, 2007;~~

16 ~~[(2)]~~ the program does not make any substantial  
17 changes in the length or content of its clinical competency  
18 assessment without the board's approval; and

19 (2) ~~[(3)]~~ the program remains in good standing with  
20 the state board of nursing or other regulatory body in the other  
21 state ~~[, and~~

22 ~~[(4) the program participates in the research study~~  
23 ~~under Section 105.008, Health and Safety Code].~~

24 (d-11) If a clinical competency assessment program operated  
25 in another state graduates students who pass the National Council  
26 Licensure Examination for Registered Nurses at a rate lower than  
27 the board's required passage rate for graduating students of

1 approved in-state programs, not later than May 31 of the next school  
2 year the program shall:

3 (1) for the first year the student passage rate is  
4 lower than the board's required passage rate for students of  
5 approved in-state programs, complete and submit to the board for  
6 review and comment a self-study of the program in accordance with  
7 the board's guidelines;

8 (2) for the second consecutive year the student  
9 passage rate is lower than the board's required passage rate for  
10 students of approved in-state programs, allow the board to conduct  
11 a desk review to evaluate the program using the criteria typically  
12 used in an on-site visit and make recommendations to improve the  
13 program; and

14 (3) for the third consecutive year the student passage  
15 rate is lower than the board's required passage rate for students of  
16 approved in-state programs, provide notice on the program's  
17 Internet website that prospective students of the program may need  
18 to complete additional requirements to apply for an initial license  
19 in this state because the program has failed to meet the board's  
20 standards related to the required passage rate on the National  
21 Council Licensure Examination for Registered Nurses [Subsections  
22 (d-8), (d-9), (d-10), and (d-11) expire December 31, 2017. As part  
23 of the first review conducted under Section 301.003 after September  
24 1, 2009, the Sunset Advisory Commission shall:

25 [(1) recommend whether Subsections (d-8) and (d-9)  
26 should be extended; and

27 [(2) recommend any changes to Subsections (d-8) and

1 ~~(d-9) relating to the eligibility for a license of graduates of a~~  
2 ~~clinical competency assessment program operated in another state].~~

3 (d-12) A clinical competency assessment program operated in  
4 another state is not considered to meet standards substantially  
5 equivalent to the board's standards if the program fails to meet the  
6 applicable requirements under Subsection (d-11) or if the program's  
7 graduating student passage rate on the National Council Licensure  
8 Examination for Registered Nurses is lower than the board's  
9 required passage rate for graduating students of approved in-state  
10 programs for four consecutive years. A student enrolled in a  
11 program described by this subsection before December 31 of the  
12 fourth consecutive year is eligible to apply for an initial license  
13 under this chapter. The program shall notify a student who enrolls  
14 in the program after December 31 of the fourth consecutive year that  
15 the student is required to complete additional requirements  
16 established by the board under Subsection (d-4) to apply for an  
17 initial license under this chapter.

18 SECTION 4. Section [301.252](#), Occupations Code, is amended by  
19 amending Subsection (a) and adding Subsection (a-2) to read as  
20 follows:

21 (a) Each applicant for a registered nurse license or a  
22 vocational nurse license must submit to the board a sworn  
23 application that demonstrates the applicant's qualifications under  
24 this chapter, accompanied by evidence that the applicant:

25 (1) has good professional character related to the  
26 practice of nursing;

27 (2) has successfully completed a program of

1 professional or vocational nursing education approved under  
2 Section 301.157(d); and

3 (3) has passed the jurisprudence examination approved  
4 by the board as provided by Subsection (a-1).

5 (a-2) An applicant who provides satisfactory evidence that  
6 the applicant has not committed a violation of this chapter or a  
7 rule adopted under this chapter is considered to have good  
8 professional character related to the practice of nursing. A  
9 determination by the board that an applicant does not have good  
10 professional character related to the practice of nursing must be  
11 based on a showing by the board of a clear and rational connection  
12 between a violation of this chapter or a rule adopted under this  
13 chapter and the applicant's ability to effectively practice  
14 nursing.

15 SECTION 5. Section 301.257, Occupations Code, is amended by  
16 adding Subsections (l) and (m) to read as follows:

17 (l) The board may require in a declaratory order under this  
18 section that a person begin participation in a peer assistance  
19 program at the time of receipt of an initial license under this  
20 chapter. The board shall notify the person that, on issuance of the  
21 person's initial license, the person may request reevaluation of  
22 the person's required participation in the peer assistance program.

23 (m) The board by rule shall develop a process to determine  
24 whether a person should continue to be required to participate in a  
25 peer assistance program. In making the determination, the board  
26 shall:

27 (1) review the person's criminal history record

1 information and, if applicable, determine whether participation in  
2 the program is warranted based on the time that has elapsed since  
3 the conviction or end of community supervision;

4 (2) reevaluate or require a contractor administering a  
5 peer assistance program to reevaluate the treatment plan or the  
6 time the person is required to participate in the peer assistance  
7 program based on the person's individualized needs; and

8 (3) authorize, as appropriate, a waiver of peer  
9 assistance program completion if the board is satisfied the person  
10 has achieved a satisfactory period of treatment or documented  
11 sobriety, as defined by board rules, and continued participation is  
12 not necessary.

13 SECTION 6. Subchapter H, Chapter 301, Occupations Code, is  
14 amended by adding Section 301.355 to read as follows:

15 Sec. 301.355. DUTIES RELATED TO CERTAIN PRESCRIPTIONS. (a)  
16 An advanced practice registered nurse authorized to prescribe or  
17 order a drug or device may not prescribe a drug listed in Subsection  
18 (b) to a patient unless the advanced practice registered nurse has  
19 reviewed the patient's prescription history by accessing the  
20 prescription information submitted to the Texas State Board of  
21 Pharmacy as authorized by Section 481.076(a)(5), Health and Safety  
22 Code.

23 (b) Subsection (a) applies only to the prescribing of:

24 (1) opioids;

25 (2) benzodiazepines;

26 (3) barbiturates; or

27 (4) carisoprodol.



1        (c) Failure by an advanced practice registered nurse to  
2 comply with the requirements of this section is grounds for  
3 disciplinary action under Section 301.452.

4        SECTION 7. Section 301.4106, Occupations Code, is amended  
5 to read as follows:

6        Sec. 301.4106. PEER ASSISTANCE PROGRAMS. The board by rule  
7 shall develop guidelines to:

8            (1) outline the roles and responsibilities of the  
9 board and a peer assistance program established or approved by the  
10 board under Chapter 467, Health and Safety Code;

11           (2) outline the process for a peer assistance program  
12 to refer to the board complaints alleging a violation of the  
13 practice of nursing;

14           (3) establish requirements for successfully  
15 completing a peer assistance program and for notification of the  
16 board of the successful completion by a nurse the board has ordered  
17 to attend or referred to the program; ~~and~~

18           (4) establish a clear procedure based on meaningful  
19 performance goals for evaluating the success of a peer assistance  
20 program established or approved by the board under Chapter 467,  
21 Health and Safety Code;

22           (5) establish individualized requirements for  
23 participants in a peer assistance program, including the duration  
24 of participation in a peer assistance program for substance use,  
25 based on the individual's diagnosis and needs; and

26           (6) ensure that participation requirements and  
27 treatment plans for peer assistance program participants who are

1 referred to peer assistance for similar reasons are administered  
2 consistently.

3 SECTION 8. Section 301.452, Occupations Code, is amended by  
4 amending Subsection (b) and adding Subsection (e) to read as  
5 follows:

6 (b) A person is subject to denial of a license or to  
7 disciplinary action under this subchapter for:

8 (1) a violation of this chapter, a rule or regulation  
9 not inconsistent with this chapter, or an order issued under this  
10 chapter;

11 (2) fraud or deceit in procuring or attempting to  
12 procure a license to practice professional nursing or vocational  
13 nursing;

14 (3) a conviction for, or placement on deferred  
15 adjudication community supervision or deferred disposition for, a  
16 felony or for a misdemeanor involving moral turpitude;

17 (4) conduct that results in the revocation of  
18 probation imposed because of conviction for a felony or for a  
19 misdemeanor involving moral turpitude;

20 (5) use of a nursing license, diploma, or permit, or  
21 the transcript of such a document, that has been fraudulently  
22 purchased, issued, counterfeited, or materially altered;

23 (6) impersonating or acting as a proxy for another  
24 person in the licensing examination required under Section 301.253  
25 or 301.255;

26 (7) directly or indirectly aiding or abetting an  
27 unlicensed person in connection with the unauthorized practice of

1 nursing;

2 (8) revocation, suspension, or denial of, or any other  
3 action relating to, the person's license or privilege to practice  
4 nursing in another jurisdiction or under federal law;

5 (9) intemperate use of alcohol or drugs that the board  
6 determines endangers or could endanger a patient;

7 (10) unprofessional [~~or dishonorable~~] conduct in the  
8 practice of nursing that[~~, in the board's opinion,~~] is likely to  
9 deceive, defraud, or injure a patient or the public;

10 (11) adjudication of mental incompetency;

11 (12) lack of fitness to practice because of a mental or  
12 physical health condition that could result in injury to a patient  
13 or the public; or

14 (13) failure to care adequately for a patient or to  
15 conform to the minimum standards of acceptable nursing practice in  
16 a manner that, in the board's opinion, exposes a patient or other  
17 person unnecessarily to risk of harm.

18 (e) The board shall adopt rules to ensure that license  
19 denials and disciplinary action under Subsection (b)(10) are based  
20 on the application of objective criteria that are clearly and  
21 rationally connected to the applicant's or license holder's conduct  
22 and that any negative outcome resulting from that conduct is  
23 determined to affect the person's ability to effectively practice  
24 nursing.

25 SECTION 9. Subchapter L, Chapter 301, Occupations Code, is  
26 amended by adding Section 301.5525 to read as follows:

27 Sec. 301.5525. MONITORING HARMFUL PRESCRIBING PATTERNS OR

1 PRACTICES. (a) The board shall periodically check the prescribing  
2 information submitted to the Texas State Board of Pharmacy as  
3 authorized by Section 481.076(a)(1), Health and Safety Code, to  
4 determine whether an advanced practice registered nurse licensed  
5 under this chapter is engaging in potentially harmful prescribing  
6 patterns or practices.

7 (b) The board, in coordination with the Texas State Board of  
8 Pharmacy, shall determine the conduct that constitutes a  
9 potentially harmful prescribing pattern or practice for purposes of  
10 Subsection (a). In determining the conduct that constitutes a  
11 potentially harmful prescribing pattern or practice, the board at a  
12 minimum shall consider:

13 (1) the number of times an advanced practice  
14 registered nurse prescribes a drug listed in Section 301.355(b);  
15 and

16 (2) for prescriptions described by Subdivision (1),  
17 patterns of prescribing combinations of those drugs and other  
18 dangerous combinations of drugs identified by the board.

19 (c) If the board suspects that an advanced practice  
20 registered nurse licensed under this chapter may be engaging in  
21 potentially harmful prescribing patterns or practices, the board  
22 may notify the advanced practice registered nurse of the  
23 potentially harmful prescribing pattern or practice.

24 (d) The board may initiate a complaint against an advanced  
25 practice registered nurse based on information obtained under this  
26 section.

27 SECTION 10. Chapter 304, Occupations Code, is amended by

1 adding Section 304.0015 to read as follows:

2 Sec. 304.0015. NURSE LICENSURE COMPACT. The Nurse  
3 Licensure Compact is enacted and entered into with all other  
4 jurisdictions that legally join in the compact, which reads as  
5 follows:

6 NURSE LICENSURE COMPACT

7 ARTICLE I. FINDINGS AND DECLARATION OF PURPOSE

8 (a) The party states find that:

9 (1) the health and safety of the public are affected by  
10 the degree of compliance with and the effectiveness of enforcement  
11 activities related to state nurse licensure laws;

12 (2) violations of nurse licensure and other laws  
13 regulating the practice of nursing may result in injury or harm to  
14 the public;

15 (3) the expanded mobility of nurses and the use of  
16 advanced communication technologies as part of our nation's health  
17 care delivery system require greater coordination and cooperation  
18 among states in the areas of nurse licensure and regulation;

19 (4) new practice modalities and technology make  
20 compliance with individual state nurse licensure laws difficult and  
21 complex;

22 (5) the current system of duplicative licensure for  
23 nurses practicing in multiple states is cumbersome and redundant  
24 for both nurses and states; and

25 (6) uniformity of nurse licensure requirements  
26 throughout the states promotes public safety and public health  
27 benefits.

1        (b) The general purposes of this compact are to:

2                (1) facilitate the states' responsibility to protect  
3 the public's health and safety;

4                (2) ensure and encourage the cooperation of party  
5 states in the areas of nurse licensure and regulation;

6                (3) facilitate the exchange of information between  
7 party states in the areas of nurse regulation, investigation, and  
8 adverse actions;

9                (4) promote compliance with the laws governing the  
10 practice of nursing in each jurisdiction;

11                (5) invest all party states with the authority to hold  
12 a nurse accountable for meeting all state practice laws in the state  
13 in which the patient is located at the time care is rendered through  
14 the mutual recognition of party state licenses;

15                (6) decrease redundancies in the consideration and  
16 issuance of nurse licenses; and

17                (7) provide opportunities for interstate practice by  
18 nurses who meet uniform licensure requirements.

19                                ARTICLE II. DEFINITIONS

20                As used in this compact:

21                (a) "Adverse action" means any administrative, civil,  
22 equitable, or criminal action permitted by a state's laws that is  
23 imposed by a licensing board or other authority against a nurse,  
24 including actions against an individual's license or multistate  
25 licensure privilege such as revocation, suspension, probation,  
26 monitoring of the licensee, limitation on the licensee's practice,  
27 or any other encumbrance on licensure affecting a nurse's

1 authorization to practice, including issuance of a cease and desist  
2 action.

3 (b) "Alternative program" means a nondisciplinary  
4 monitoring program approved by a licensing board.

5 (c) "Coordinated licensure information system" means an  
6 integrated process for collecting, storing, and sharing  
7 information on nurse licensure and enforcement activities related  
8 to nurse licensure laws that is administered by a nonprofit  
9 organization composed of and controlled by licensing boards.

10 (d) "Current significant investigative information" means:

11 (1) investigative information that a licensing board,  
12 after a preliminary inquiry that includes notification and an  
13 opportunity for the nurse to respond, if required by state law, has  
14 reason to believe is not groundless and, if proven true, would  
15 indicate more than a minor infraction; or

16 (2) investigative information that indicates that the  
17 nurse represents an immediate threat to public health and safety  
18 regardless of whether the nurse has been notified and had an  
19 opportunity to respond.

20 (e) "Encumbrance" means a revocation or suspension of, or  
21 any limitation on, the full and unrestricted practice of nursing  
22 imposed by a licensing board.

23 (f) "Home state" means the party state which is the nurse's  
24 primary state of residence.

25 (g) "Licensing board" means a party state's regulatory body  
26 responsible for issuing nurse licenses.

27 (h) "Multistate license" means a license to practice as a

1 registered or a licensed practical/vocational nurse (LPN/VN)  
2 issued by a home state licensing board that authorizes the licensed  
3 nurse to practice in all party states under a multistate licensure  
4 privilege.

5 (i) "Multistate licensure privilege" means a legal  
6 authorization associated with a multistate license permitting the  
7 practice of nursing as either a registered nurse (RN) or LPN/VN in a  
8 remote state.

9 (j) "Nurse" means RN or LPN/VN, as those terms are defined  
10 by each party state's practice laws.

11 (k) "Party state" means any state that has adopted this  
12 compact.

13 (l) "Remote state" means a party state, other than the home  
14 state.

15 (m) "Single-state license" means a nurse license issued by a  
16 party state that authorizes practice only within the issuing state  
17 and does not include a multistate licensure privilege to practice  
18 in any other party state.

19 (n) "State" means a state, territory, or possession of the  
20 United States and the District of Columbia.

21 (o) "State practice laws" means a party state's laws, rules,  
22 and regulations that govern the practice of nursing, define the  
23 scope of nursing practice, and create the methods and grounds for  
24 imposing discipline. "State practice laws" do not include  
25 requirements necessary to obtain and retain a license, except for  
26 qualifications or requirements of the home state.



1           ARTICLE III. GENERAL PROVISIONS AND JURISDICTION

2           (a) A multistate license to practice registered or licensed  
3 practical/vocational nursing issued by a home state to a resident  
4 in that state will be recognized by each party state as authorizing  
5 a nurse to practice as a registered nurse (RN) or as a licensed  
6 practical/vocational nurse (LPN/VN), under a multistate licensure  
7 privilege, in each party state.

8           (b) A state must implement procedures for considering the  
9 criminal history records of applicants for initial multistate  
10 license or licensure by endorsement. Such procedures shall include  
11 the submission of fingerprints or other biometric-based  
12 information by applicants for the purpose of obtaining an  
13 applicant's criminal history record information from the Federal  
14 Bureau of Investigation and the agency responsible for retaining  
15 that state's criminal records.

16           (c) Each party state shall require the following for an  
17 applicant to obtain or retain a multistate license in the home  
18 state:

19                   (1) meets the home state's qualifications for  
20 licensure or renewal of licensure, as well as all other applicable  
21 state laws;

22                   (2)(i) has graduated or is eligible to graduate from a  
23 licensing board-approved RN or LPN/VN prelicensure education  
24 program; or

25                   (ii) has graduated from a foreign RN or LPN/VN  
26 prelicensure education program that (a) has been approved by the  
27 authorized accrediting body in the applicable country and (b) has

1 been verified by an independent credentials review agency to be  
2 comparable to a licensing board-approved prelicensure education  
3 program;

4 (3) has, if a graduate of a foreign prelicensure  
5 education program not taught in English or if English is not the  
6 individual's native language, successfully passed an English  
7 proficiency examination that includes the components of reading,  
8 speaking, writing, and listening;

9 (4) has successfully passed an NCLEX-RN or NCLEX-PN  
10 Examination or a recognized predecessor, as applicable;

11 (5) is eligible for or holds an active, unencumbered  
12 license;

13 (6) has submitted, in connection with an application  
14 for initial licensure or licensure by endorsement, fingerprints or  
15 other biometric data for the purpose of obtaining criminal history  
16 record information from the Federal Bureau of Investigation and the  
17 agency responsible for retaining that state's criminal records;

18 (7) has not been convicted or found guilty, or has  
19 entered into an agreed disposition, of a felony offense under  
20 applicable state or federal criminal law;

21 (8) has not been convicted or found guilty, or has  
22 entered into an agreed disposition, of a misdemeanor offense  
23 related to the practice of nursing as determined on a case-by-case  
24 basis;

25 (9) is not currently enrolled in an alternative  
26 program;

27 (10) is subject to self-disclosure requirements

1 regarding current participation in an alternative program; and

2 (11) has a valid United States social security number.

3 (d) All party states shall be authorized, in accordance with  
4 existing state due process law, to take adverse action against a  
5 nurse's multistate licensure privilege such as revocation,  
6 suspension, probation, or any other action that affects a nurse's  
7 authorization to practice under a multistate licensure privilege,  
8 including cease and desist actions. If a party state takes such  
9 action, it shall promptly notify the administrator of the  
10 coordinated licensure information system. The administrator of the  
11 coordinated licensure information system shall promptly notify the  
12 home state of any such actions by remote states.

13 (e) A nurse practicing in a party state must comply with the  
14 state practice laws of the state in which the client is located at  
15 the time service is provided. The practice of nursing is not  
16 limited to patient care, but shall include all nursing practice as  
17 defined by the state practice laws of the party state in which the  
18 client is located. The practice of nursing in a party state under a  
19 multistate licensure privilege will subject a nurse to the  
20 jurisdiction of the licensing board, the courts, and the laws of the  
21 party state in which the client is located at the time service is  
22 provided.

23 (f) Individuals not residing in a party state shall continue  
24 to be able to apply for a party state's single-state license as  
25 provided under the laws of each party state. However, the  
26 single-state license granted to these individuals will not be  
27 recognized as granting the privilege to practice nursing in any

1 other party state. Nothing in this compact shall affect the  
2 requirements established by a party state for the issuance of a  
3 single-state license.

4 (g) Any nurse holding a home state multistate license, on  
5 the effective date of this compact, may retain and renew the  
6 multistate license issued by the nurse's then-current home state,  
7 provided that:

8 (1) a nurse, who changes primary state of residence  
9 after this compact's effective date, must meet all applicable  
10 Article III(c) requirements to obtain a multistate license from the  
11 new home state; or

12 (2) a nurse who fails to satisfy the multistate  
13 licensure requirements in Article III(c) due to a disqualifying  
14 event occurring after this compact's effective date shall be  
15 ineligible to retain or renew a multistate license, and the nurse's  
16 multistate license shall be revoked or deactivated in accordance  
17 with applicable rules adopted by the Interstate Commission of Nurse  
18 Licensure Compact Administrators ("commission").

19 ARTICLE IV. APPLICATIONS FOR LICENSURE IN A PARTY STATE

20 (a) Upon application for a multistate license, the  
21 licensing board in the issuing party state shall ascertain, through  
22 the coordinated licensure information system, whether the  
23 applicant has ever held, or is the holder of, a license issued by  
24 any other state, whether there are any encumbrances on any license  
25 or multistate licensure privilege held by the applicant, whether  
26 any adverse action has been taken against any license or multistate  
27 licensure privilege held by the applicant, and whether the

1 applicant is currently participating in an alternative program.

2 (b) A nurse may hold a multistate license, issued by the  
3 home state, in only one party state at a time.

4 (c) If a nurse changes primary state of residence by moving  
5 between two party states, the nurse must apply for licensure in the  
6 new home state, and the multistate license issued by the prior home  
7 state will be deactivated in accordance with applicable rules  
8 adopted by the commission.

9 (1) The nurse may apply for licensure in advance of a  
10 change in primary state of residence.

11 (2) A multistate license shall not be issued by the new  
12 home state until the nurse provides satisfactory evidence of a  
13 change in primary state of residence to the new home state and  
14 satisfies all applicable requirements to obtain a multistate  
15 license from the new home state.

16 (d) If a nurse changes primary state of residence by moving  
17 from a party state to a nonparty state, the multistate license  
18 issued by the prior home state will convert to a single-state  
19 license, valid only in the former home state.

20 ARTICLE V. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

21 LICENSING BOARDS

22 (a) In addition to the other powers conferred by state law,  
23 a licensing board shall have the authority to:

24 (1) take adverse action against a nurse's multistate  
25 licensure privilege to practice within that party state.

26 (i) Only the home state shall have the power to  
27 take adverse action against a nurse's license issued by the home

1 state.

2 (ii) For purposes of taking adverse action, the  
3 home state licensing board shall give the same priority and effect  
4 to reported conduct received from a remote state as it would if such  
5 conduct had occurred within the home state. In so doing, the home  
6 state shall apply its own state laws to determine appropriate  
7 action.

8 (2) issue cease and desist orders or impose an  
9 encumbrance on a nurse's authority to practice within that party  
10 state.

11 (3) complete any pending investigation of a nurse who  
12 changes primary state of residence during the course of such  
13 investigation. The licensing board shall also have the authority  
14 to take appropriate action(s) and shall promptly report the  
15 conclusions of such investigations to the administrator of the  
16 coordinated licensure information system. The administrator of the  
17 coordinated licensure information system shall promptly notify the  
18 new home state of any such actions.

19 (4) issue subpoenas for both hearings and  
20 investigations that require the attendance and testimony of a  
21 witness, as well as the production of evidence. Subpoenas issued by  
22 a licensing board in a party state for the attendance and testimony  
23 of witnesses or the production of evidence from another party state  
24 shall be enforced in the latter state by any court of competent  
25 jurisdiction, according to the practice and procedures of that  
26 court applicable to subpoenas issued in proceedings pending before  
27 it. The issuing authority shall pay any witness fees, travel

1 expenses, mileage, and other fees required by the service statutes  
2 of the state in which the witnesses or evidence are located.

3 (5) obtain and submit, for each nurse licensure  
4 applicant, fingerprint or other biometric-based information to the  
5 Federal Bureau of Investigation for criminal background checks,  
6 receive the results of the Federal Bureau of Investigation record  
7 search on criminal background checks, and use the results in making  
8 licensure decisions.

9 (6) if otherwise permitted by state law, recover from  
10 the affected nurse the costs of investigations and disposition of  
11 cases resulting from any adverse action taken against that nurse.

12 (7) take adverse action based on the factual findings  
13 of the remote state, provided that the licensing board follows its  
14 own procedures for taking such adverse action.

15 (b) If adverse action is taken by the home state against a  
16 nurse's multistate license, the nurse's multistate licensure  
17 privilege to practice in all other party states shall be  
18 deactivated until all encumbrances have been removed from the  
19 multistate license. All home state disciplinary orders that impose  
20 adverse action against a nurse's multistate license shall include a  
21 statement that the nurse's multistate licensure privilege is  
22 deactivated in all party states during the pendency of the order.

23 (c) Nothing in this compact shall override a party state's  
24 decision that participation in an alternative program may be used  
25 in lieu of adverse action. The home state licensing board shall  
26 deactivate the multistate licensure privilege under the multistate  
27 license of any nurse for the duration of the nurse's participation

1 in an alternative program.

2 ARTICLE VI. COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE  
3 OF INFORMATION

4 (a) All party states shall participate in a coordinated  
5 licensure information system of all licensed registered nurses  
6 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This  
7 system will include information on the licensure and disciplinary  
8 history of each nurse, as submitted by party states, to assist in  
9 the coordination of nurse licensure and enforcement efforts.

10 (b) The commission, in consultation with the administrator  
11 of the coordinated licensure information system, shall formulate  
12 necessary and proper procedures for the identification,  
13 collection, and exchange of information under this compact.

14 (c) All licensing boards shall promptly report to the  
15 coordinated licensure information system any adverse action, any  
16 current significant investigative information, denials of  
17 applications (with the reasons for such denials), and nurse  
18 participation in alternative programs known to the licensing board  
19 regardless of whether such participation is deemed nonpublic or  
20 confidential under state law.

21 (d) Current significant investigative information and  
22 participation in nonpublic or confidential alternative programs  
23 shall be transmitted through the coordinated licensure information  
24 system only to party state licensing boards.

25 (e) Notwithstanding any other provision of law, all party  
26 state licensing boards contributing information to the coordinated  
27 licensure information system may designate information that may not



1 be shared with nonparty states or disclosed to other entities or  
2 individuals without the express permission of the contributing  
3 state.

4 (f) Any personally identifiable information obtained from  
5 the coordinated licensure information system by a party state  
6 licensing board shall not be shared with nonparty states or  
7 disclosed to other entities or individuals except to the extent  
8 permitted by the laws of the party state contributing the  
9 information.

10 (g) Any information contributed to the coordinated  
11 licensure information system that is subsequently required to be  
12 expunged by the laws of the party state contributing that  
13 information shall also be expunged from the coordinated licensure  
14 information system.

15 (h) The compact administrator of each party state shall  
16 furnish a uniform data set to the compact administrator of each  
17 other party state, which shall include, at a minimum:

18 (1) identifying information;  
19 (2) licensure data;  
20 (3) information related to alternative program  
21 participation; and

22 (4) other information that may facilitate the  
23 administration of this compact, as determined by commission rules.

24 (i) The compact administrator of a party state shall provide  
25 all investigative documents and information requested by another  
26 party state.

1 ARTICLE VII. ESTABLISHMENT OF INTERSTATE COMMISSION OF NURSE

2 LICENSURE COMPACT ADMINISTRATORS

3 (a) The party states hereby create and establish a joint  
4 public entity known as the Interstate Commission of Nurse Licensure  
5 Compact Administrators.

6 (1) The commission is an instrumentality of the party  
7 states.

8 (2) Venue is proper and judicial proceedings by or  
9 against the commission shall be brought solely and exclusively in a  
10 court of competent jurisdiction where the principal office of the  
11 commission is located. The commission may waive venue and  
12 jurisdictional defenses to the extent it adopts or consents to  
13 participate in alternative dispute resolution proceedings.

14 (3) Nothing in this compact shall be construed to be a  
15 waiver of sovereign immunity.

16 (b) Membership, Voting, and Meetings

17 (1) Each party state shall have and be limited to one  
18 administrator. The head of the state licensing board or a designee  
19 shall be the administrator of this compact for each party state.  
20 Any administrator may be removed or suspended from office as  
21 provided by the law of the state from which the administrator is  
22 appointed. Any vacancy occurring in the commission shall be filled  
23 in accordance with the laws of the party state in which the vacancy  
24 exists.

25 (2) Each administrator shall be entitled to one (1)  
26 vote with regard to the promulgation of rules and the creation of  
27 bylaws and shall otherwise have an opportunity to participate in

1 the business and affairs of the commission. An administrator shall  
2 vote in person or by such other means as provided in the bylaws. The  
3 bylaws may provide for an administrator's participation in meetings  
4 by telephone or other means of communication.

5 (3) The commission shall meet at least once during  
6 each calendar year. Additional meetings shall be held as set forth  
7 in the bylaws or rules of the commission.

8 (4) All meetings shall be open to the public, and  
9 public notice of meetings shall be given in the same manner as  
10 required under the rulemaking provisions in Article VIII.

11 (5) The commission may convene in a closed, nonpublic  
12 meeting if the commission must discuss:

13 (i) noncompliance of a party state with its  
14 obligations under this compact;

15 (ii) the employment, compensation, discipline,  
16 or other personnel matters, practices, or procedures related to  
17 specific employees or other matters related to the commission's  
18 internal personnel practices and procedures;

19 (iii) current, threatened, or reasonably  
20 anticipated litigation;

21 (iv) negotiation of contracts for the purchase or  
22 sale of goods, services, or real estate;

23 (v) accusing any person of a crime or formally  
24 censuring any person;

25 (vi) disclosure of trade secrets or commercial or  
26 financial information that is privileged or confidential;

27 (vii) disclosure of information of a personal

1 nature where disclosure would constitute a clearly unwarranted  
2 invasion of personal privacy;

3 (viii) disclosure of investigatory records  
4 compiled for law enforcement purposes;

5 (ix) disclosure of information related to any  
6 reports prepared by or on behalf of the commission for the purpose  
7 of investigation of compliance with this compact; or

8 (x) matters specifically exempted from  
9 disclosure by federal or state statute.

10 (6) If a meeting or portion of a meeting is closed  
11 pursuant to this provision, the commission's legal counsel or  
12 designee shall certify that the meeting may be closed and shall  
13 reference each relevant exempting provision. The commission shall  
14 keep minutes that fully and clearly describe all matters discussed  
15 in a meeting and shall provide a full and accurate summary of  
16 actions taken, and the reasons therefor, including a description of  
17 the views expressed. All documents considered in connection with  
18 an action shall be identified in such minutes. All minutes and  
19 documents of a closed meeting shall remain under seal, subject to  
20 release by a majority vote of the commission or order of a court of  
21 competent jurisdiction.

22 (c) The commission shall, by a majority vote of the  
23 administrators, prescribe bylaws or rules to govern its conduct as  
24 may be necessary or appropriate to carry out the purposes and  
25 exercise the powers of this compact, including but not limited to:

26 (1) establishing the fiscal year of the commission;

27 (2) providing reasonable standards and procedures:

1                   (i) for the establishment and meeting of other  
2 committees; and

3                   (ii) governing any general or specific  
4 delegation of 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  
8 of such meetings by interested parties, with enumerated exceptions  
9 designed to protect the public's interest, the privacy of  
10 individuals, and proprietary information, including trade secrets.  
11 The commission may meet in closed session only after a majority of  
12 the administrators vote to close a meeting in whole or in part. As  
13 soon as practicable, the commission must make public a copy of the  
14 vote to close the meeting revealing the vote of each administrator,  
15 with no proxy votes allowed;

16                   (4) establishing the titles, duties and authority, and  
17 reasonable procedures for the election of the officers of the  
18 commission;

19                   (5) providing reasonable standards and procedures for  
20 the establishment of the personnel policies and programs of the  
21 commission. Notwithstanding any civil service or other similar  
22 laws of any party state, the bylaws shall exclusively govern the  
23 personnel policies and programs of the commission; and

24                   (6) providing a mechanism for winding up the  
25 operations of the commission and the equitable disposition of any  
26 surplus funds that may exist after the termination of this compact  
27 after the payment or reserving of all of its debts and obligations.

1       (d) The commission shall publish its bylaws and rules, and  
2 any amendments thereto, in a convenient form on the website of the  
3 commission.

4       (e) The commission shall maintain its financial records in  
5 accordance with the bylaws.

6       (f) The commission shall meet and take such actions as are  
7 consistent with the provisions of this compact and the bylaws.

8       (g) The commission shall have the following powers:

9           (1) to promulgate uniform rules to facilitate and  
10 coordinate implementation and administration of this compact. The  
11 rules shall have the force and effect of law and shall be binding in  
12 all party states;

13           (2) to bring and prosecute legal proceedings or  
14 actions in the name of the commission, provided that the standing of  
15 any licensing board to sue or be sued under applicable law shall not  
16 be affected;

17           (3) to purchase and maintain insurance and bonds;

18           (4) to borrow, accept, or contract for services of  
19 personnel, including, but not limited to, employees of a party  
20 state or nonprofit organizations;

21           (5) to cooperate with other organizations that  
22 administer state compacts related to the regulation of nursing,  
23 including, but not limited to, sharing administrative or staff  
24 expenses, office space, or other resources;

25           (6) to hire employees, elect or appoint officers, fix  
26 compensation, define duties, grant such individuals appropriate  
27 authority to carry out the purposes of this compact, and to

1 establish the commission's personnel policies and programs  
2 relating to conflicts of interest, qualifications of personnel, and  
3 other related personnel matters;

4 (7) to accept any and all appropriate donations,  
5 grants, and gifts of money, equipment, supplies, materials, and  
6 services, and to receive, utilize, and dispose of the same;  
7 provided that at all times the commission shall avoid any  
8 appearance of impropriety or conflict of interest;

9 (8) to lease, purchase, accept appropriate gifts or  
10 donations of, or otherwise to own, hold, improve, or use, any  
11 property, whether real, personal, or mixed; provided that at all  
12 times the commission shall avoid any appearance of impropriety;

13 (9) to sell, convey, mortgage, pledge, lease,  
14 exchange, abandon, or otherwise dispose of any property, whether  
15 real, personal, or mixed;

16 (10) to establish a budget and make expenditures;

17 (11) to borrow money;

18 (12) to appoint committees, including advisory  
19 committees comprised of administrators, state nursing regulators,  
20 state legislators or their representatives, consumer  
21 representatives, and other such interested persons;

22 (13) to provide and receive information from, and to  
23 cooperate with, law enforcement agencies;

24 (14) to adopt and use an official seal; and

25 (15) to perform such other functions as may be  
26 necessary or appropriate to achieve the purposes of this compact  
27 consistent with the state regulation of nurse licensure and

1 practice.

2 (h) Financing of the Commission

3 (1) The commission shall pay, or provide for the  
4 payment of, the reasonable expenses of its establishment,  
5 organization, and ongoing activities.

6 (2) The commission may also levy on and collect an  
7 annual assessment from each party state to cover the cost of its  
8 operations, activities, and staff in its annual budget as approved  
9 each year. The aggregate annual assessment amount, if any, shall be  
10 allocated based upon a formula to be determined by the commission,  
11 which shall promulgate a rule that is binding upon all party states.

12 (3) The commission shall not incur an obligation of  
13 any kind prior to securing the funds adequate to meet the same; nor  
14 shall the commission pledge the credit of any of the party states,  
15 except by and with the authority of such party state.

16 (4) The commission shall keep accurate accounts of all  
17 receipts and disbursements. The receipts and disbursements of the  
18 commission shall be subject to the audit and accounting procedures  
19 established under its bylaws. However, all receipts and  
20 disbursements of funds handled by the commission shall be audited  
21 yearly by a certified or licensed public accountant, and the report  
22 of the audit shall be included in and become part of the annual  
23 report of the commission.

24 (i) Qualified Immunity, Defense, and Indemnification

25 (1) The compact administrators, officers, executive  
26 directors, employees, and representatives of the commission shall  
27 be immune from suit and liability, either personally or in their



1 official capacity, for any claim for damage to or loss of property,  
2 or personal injury or other civil liability caused by or arising out  
3 of any actual or alleged act, error, or omission that occurred, or  
4 that the person against whom the claim is made had a reasonable  
5 basis for believing occurred, within the scope of commission  
6 employment, duties, or responsibilities; provided that nothing in  
7 this subdivision shall be construed to protect any such person from  
8 suit or liability for any damages, loss, injury, or liability  
9 caused by the intentional, wilful, or wanton misconduct of that  
10 person.

11 (2) The commission shall defend any administrator,  
12 officer, executive director, employee, or representative of the  
13 commission in any civil action seeking to impose liability arising  
14 out of any actual or alleged act, error, or omission that occurred  
15 within the scope of commission employment, duties, or  
16 responsibilities, or that the person against whom the claim is made  
17 had a reasonable basis for believing occurred within the scope of  
18 commission employment, duties, or responsibilities; provided that  
19 nothing herein shall be construed to prohibit that person from  
20 retaining his or her own counsel; and provided further that the  
21 actual or alleged act, error, or omission did not result from that  
22 person's intentional, wilful, or wanton misconduct.

23 (3) The commission shall indemnify and hold harmless  
24 any administrator, officer, executive director, employee, or  
25 representative of the commission for the amount of any settlement  
26 or judgment obtained against that person arising out of any actual  
27 or alleged act, error, or omission that occurred within the scope of

1 commission employment, duties, or responsibilities, or that such  
2 person had a reasonable basis for believing occurred within the  
3 scope of commission employment, duties, or responsibilities;  
4 provided that the actual or alleged act, error, or omission did not  
5 result from the intentional, wilful, or wanton misconduct of that  
6 person.

7 ARTICLE VIII. RULEMAKING

8 (a) The commission shall exercise its rulemaking powers  
9 pursuant to the criteria set forth in this article and the rules  
10 adopted thereunder. Rules and amendments shall become binding as  
11 of the date specified in each rule or amendment and shall have the  
12 same force and effect as provisions of this compact.

13 (b) Rules or amendments to the rules shall be adopted at a  
14 regular or special meeting of the commission.

15 (c) Prior to promulgation and adoption of a final rule or  
16 rules by the commission, and at least sixty (60) days in advance of  
17 the meeting at which the rule will be considered and voted upon, the  
18 commission shall file a notice of proposed rulemaking:

19 (1) on the website of the commission; and

20 (2) on the website of each licensing board or the  
21 publication in which each state would otherwise publish proposed  
22 rules.

23 (d) The notice of proposed rulemaking shall include:

24 (1) the proposed time, date, and location of the  
25 meeting in which the rule will be considered and voted upon;

26 (2) the text of the proposed rule or amendment, and the  
27 reason for the proposed rule;

1           (3) a request for comments on the proposed rule from  
2 any interested person; and

3           (4) the manner in which interested persons may submit  
4 notice to the commission of their intention to attend the public  
5 hearing and any written comments.

6           (e) Prior to adoption of a proposed rule, the commission  
7 shall allow persons to submit written data, facts, opinions, and  
8 arguments, which shall be made available to the public.

9           (f) The commission shall grant an opportunity for a public  
10 hearing before it adopts a rule or amendment.

11           (g) The commission shall publish the place, time, and date  
12 of the scheduled public hearing.

13           (1) Hearings shall be conducted in a manner providing  
14 each person who wishes to comment a fair and reasonable opportunity  
15 to comment orally or in writing. All hearings will be recorded, and  
16 a copy will be made available upon request.

17           (2) Nothing in this section shall be construed as  
18 requiring a separate hearing on each rule. Rules may be grouped for  
19 the convenience of the commission at hearings required by this  
20 section.

21           (h) If no one appears at the public hearing, the commission  
22 may proceed with promulgation of the proposed rule.

23           (i) Following the scheduled hearing date, or by the close of  
24 business on the scheduled hearing date if the hearing was not held,  
25 the commission shall consider all written and oral comments  
26 received.

27           (j) The commission shall, by majority vote of all

1 administrators, take final action on the proposed rule and shall  
2 determine the effective date of the rule, if any, based on the  
3 rulemaking record and the full text of the rule.

4 (k) Upon determination that an emergency exists, the  
5 commission may consider and adopt an emergency rule without prior  
6 notice, opportunity for comment, or hearing; provided that the  
7 usual rulemaking procedures provided in this compact and in this  
8 section shall be retroactively applied to the rule as soon as  
9 reasonably possible, and in no event later than ninety (90) days  
10 after the effective date of the rule. For the purposes of this  
11 provision, an emergency rule is one that must be adopted  
12 immediately in order to:

13 (1) meet an imminent threat to public health, safety,  
14 or welfare;

15 (2) prevent a loss of commission or party state funds;  
16 or

17 (3) meet a deadline for the promulgation of an  
18 administrative rule that is required by federal law or rule.

19 (1) The commission may direct revisions to a previously  
20 adopted rule or amendment for purposes of correcting typographical  
21 errors, errors in format, errors in consistency, or grammatical  
22 errors. Public notice of any revisions shall be posted on the  
23 website of the commission. The revision shall be subject to  
24 challenge by any person for a period of thirty (30) days after  
25 posting. The revision may be challenged only on grounds that the  
26 revision results in a material change to a rule. A challenge shall  
27 be made in writing, and delivered to the commission, prior to the

1 end of the notice period. If no challenge is made, the revision  
2 will take effect without further action. If the revision is  
3 challenged, the revision may not take effect without the approval  
4 of the commission.

5 ARTICLE IX. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

6 (a) Oversight

7 (1) Each party state shall enforce this compact and  
8 take all actions necessary and appropriate to effectuate this  
9 compact's purposes and intent.

10 (2) The commission shall be entitled to receive  
11 service of process in any proceeding that may affect the powers,  
12 responsibilities, or actions of the commission, and shall have  
13 standing to intervene in such a proceeding for all purposes.  
14 Failure to provide service of process in such proceeding to the  
15 commission shall render a judgment or order void as to the  
16 commission, this compact, or promulgated rules.

17 (b) Default, Technical Assistance, and Termination

18 (1) If the commission determines that a party state  
19 has defaulted in the performance of its obligations or  
20 responsibilities under this compact or the promulgated rules, the  
21 commission shall:

22 (i) provide written notice to the defaulting  
23 state and other party states of the nature of the default, the  
24 proposed means of curing the default, or any other action to be  
25 taken by the commission; and

26 (ii) provide remedial training and specific  
27 technical assistance regarding the default.

1           (2) If a state in default fails to cure the default,  
2 the defaulting state's membership in this compact may be terminated  
3 upon an affirmative vote of a majority of the administrators, and  
4 all rights, privileges, and benefits conferred by this compact may  
5 be terminated on the effective date of termination. A cure of the  
6 default does not relieve the offending state of obligations or  
7 liabilities incurred during the period of default.

8           (3) Termination of membership in this compact shall be  
9 imposed only after all other means of securing compliance have been  
10 exhausted. Notice of intent to suspend or terminate shall be given  
11 by the commission to the governor of the defaulting state and to the  
12 executive officer of the defaulting state's licensing board and  
13 each of the party states.

14           (4) A state whose membership in this compact has been  
15 terminated is responsible for all assessments, obligations, and  
16 liabilities incurred through the effective date of the termination,  
17 including obligations that extend beyond the effective date of  
18 termination.

19           (5) The commission shall not bear any costs related to  
20 a state that is found to be in default or whose membership in this  
21 compact has been terminated unless agreed upon in writing between  
22 the commission and the defaulting state.

23           (6) The defaulting state may appeal the action of the  
24 commission by petitioning the U.S. District Court for the District  
25 of Columbia or the federal district in which the commission has its  
26 principal offices. The prevailing party shall be awarded all costs  
27 of such litigation, including reasonable attorneys' fees.

1           (c) Dispute Resolution

2           (1) Upon request by a party state, the commission  
3 shall attempt to resolve disputes related to the compact that arise  
4 among party states and between party and nonparty states.

5           (2) The commission shall promulgate a rule providing  
6 for both mediation and binding dispute resolution for disputes, as  
7 appropriate.

8           (3) In the event the commission cannot resolve  
9 disputes among party states arising under this compact:

10           (i) the party states may submit the issues in  
11 dispute to an arbitration panel, which will be comprised of  
12 individuals appointed by the compact administrator in each of the  
13 affected party states and an individual mutually agreed upon by the  
14 compact administrators of all the party states involved in the  
15 dispute; and

16           (ii) the decision of a majority of the  
17 arbitrators shall be final and binding.

18           (d) Enforcement

19           (1) The commission, in the reasonable exercise of its  
20 discretion, shall enforce the provisions and rules of this compact.

21           (2) By majority vote, the commission may initiate  
22 legal action in the U.S. District Court for the District of Columbia  
23 or in the federal district in which the commission has its principal  
24 offices against a party state that is in default to enforce  
25 compliance with the provisions of this compact and its promulgated  
26 rules and bylaws. The relief sought may include both injunctive  
27 relief and damages. In the event judicial enforcement is

1 necessary, the prevailing party shall be awarded all costs of such  
2 litigation, including reasonable attorneys' fees.

3 (3) The remedies herein shall not be the exclusive  
4 remedies of the commission. The commission may pursue any other  
5 remedies available under federal or state law.

6 ARTICLE X. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENTS

7 (a) This compact shall become effective and binding on the  
8 earlier of the date of legislative enactment of this compact into  
9 law by no less than twenty-six (26) states or December 31, 2018. All  
10 party states to this compact that also were parties to the prior  
11 Nurse Licensure Compact, superseded by this compact ("prior  
12 compact"), shall be deemed to have withdrawn from said prior  
13 compact within six (6) months after the effective date of this  
14 compact.

15 (b) Each party state to this compact shall continue to  
16 recognize a nurse's multistate licensure privilege to practice in  
17 that party state issued under the prior compact until the party  
18 state has withdrawn from the prior compact.

19 (c) Any party state may withdraw from this compact by  
20 enacting a statute repealing the same. A party state's withdrawal  
21 shall not take effect until six (6) months after enactment of the  
22 repealing statute.

23 (d) A party state's withdrawal or termination shall not  
24 affect the continuing requirement of the withdrawing or terminated  
25 state's licensing board to report adverse actions and significant  
26 investigations occurring prior to the effective date of such  
27 withdrawal or termination.



1       (e) Nothing contained in this compact shall be construed to  
2 invalidate or prevent any nurse licensure agreement or other  
3 cooperative arrangement between a party state and a nonparty state  
4 that is made in accordance with the other provisions of this  
5 compact.

6       (f) This compact may be amended by the party states. No  
7 amendment to this compact shall become effective and binding upon  
8 the party states unless and until it is enacted into the laws of all  
9 party states.

10       (g) Representatives of nonparty states to this compact  
11 shall be invited to participate in the activities of the  
12 commission, on a nonvoting basis, prior to the adoption of this  
13 compact by all states.

14               ARTICLE XI. CONSTRUCTION AND SEVERABILITY

15       This compact shall be liberally construed so as to effectuate  
16 the purposes thereof. The provisions of this compact shall be  
17 severable, and if any phrase, clause, sentence, or provision of  
18 this compact is declared to be contrary to the constitution of any  
19 party state or the United States, or if the applicability thereof to  
20 any government, agency, person, or circumstance is held invalid,  
21 the validity of the remainder of this compact and the applicability  
22 thereof to any government, agency, person, or circumstance shall  
23 not be affected thereby. If this compact shall be held to be  
24 contrary to the constitution of any party state, this compact shall  
25 remain in full force and effect as to the remaining party states and  
26 in full force and effect as to the party state affected as to all  
27 severable matters.

1 SECTION 11. Chapter 304, Occupations Code, is amended by  
2 adding Section 304.0025 to read as follows:

3 Sec. 304.0025. RULES ADOPTED UNDER COMPACT. The Interstate  
4 Commission of Nurse Licensure Compact Administrators established  
5 under the Nurse Licensure Compact under Section 304.0015 may not  
6 adopt rules that alter the requirements or scope of practice of a  
7 license issued under Chapter 301. Any rule adopted by the  
8 Interstate Commission of Nurse Licensure Compact Administrators  
9 that purports to alter the requirements or scope of practice of a  
10 license issued under Chapter 301 is not enforceable.

11 SECTION 12. Section 304.006(a), Occupations Code, is  
12 amended to read as follows:

13 (a) On request and payment of a reasonable fee, the Texas  
14 Board of Nursing shall provide a registered or vocational nurse  
15 licensed by this state with a copy of information regarding the  
16 nurse maintained by the coordinated licensure information system  
17 under Article VI [7] of the Nurse Licensure Compact.

18 SECTION 13. Section 304.008(a), Occupations Code, is  
19 amended to read as follows:

20 (a) In reporting information to the coordinated licensure  
21 information system under Article VI [7] of the Nurse Licensure  
22 Compact, the Texas Board of Nursing may disclose personally  
23 identifiable information about the nurse, including the nurse's  
24 social security number.

25 SECTION 14. (a) Sections 301.160 and 301.163, Occupations  
26 Code, are repealed.

27 (b) Effective December 31, 2018, Sections 304.001 and

1 304.009, Occupations Code, are repealed.

2 SECTION 15. (a) Except as provided by Subsection (b) of  
3 this section, Section 301.059, Occupations Code, as amended by this  
4 Act, applies to a member of the Texas Board of Nursing appointed  
5 before, on, or after the effective date of this Act.

6 (b) A member of the Texas Board of Nursing who, before the  
7 effective date of this Act, completed the training program required  
8 by Section 301.059, Occupations Code, as that law existed before  
9 the effective date of this Act, is required to complete additional  
10 training only on subjects added to the training program required by  
11 Section 301.059, Occupations Code, as amended by this Act. A board  
12 member described by this subsection may not vote, deliberate, or be  
13 counted as a member in attendance at a meeting of the board held on  
14 or after December 1, 2017, until the member completes the  
15 additional training.

16 SECTION 16. (a) Not later than May 31, 2018, the Texas  
17 Board of Nursing shall adopt the rules necessary to implement the  
18 changes in law made by this Act to Section 301.157, Occupations  
19 Code. In adopting rules under this subsection, the board shall  
20 provide an opportunity for public comment and, through the board's  
21 Advisory Committee on Education, seek comment from interested  
22 parties. The rules must:

23 (1) clearly define substantially equivalent education  
24 standards for purposes of recognizing a school of nursing or  
25 educational program operated in another state; and

26 (2) establish a process for enabling students enrolled  
27 in an out-of-state school of nursing or educational program that

1 does not meet standards substantially equivalent to the board's  
2 standards to apply for initial licensure under Chapter 301,  
3 Occupations Code.

4 (b) Not later than March 1, 2018, the Texas Board of Nursing  
5 shall adopt the rules necessary to implement the changes in law made  
6 by this Act to Sections 301.252 and 301.452, Occupations Code. In  
7 adopting rules under this subsection, the board shall seek comments  
8 from relevant interested parties.

9 (c) Section 301.157(d-11), Occupations Code, as amended by  
10 this Act, applies beginning with the passage rates available in  
11 January 2018, reflecting the passage rates for the preceding year.  
12 If the passage rate for a clinical competency assessment program  
13 available in January 2018 does not meet the Texas Board of Nursing's  
14 required passage rate for students of approved in-state programs,  
15 the clinical competency assessment program shall complete the  
16 self-study required under Section 301.157(d-11)(1), Occupations  
17 Code, as amended by this Act, not later than May 31, 2018.

18 SECTION 17. Section 301.355, Occupations Code, as added by  
19 this Act, applies only to a prescription issued on or after  
20 September 1, 2018. A prescription issued before September 1, 2018,  
21 is governed by the law in effect on the date the prescription was  
22 issued, and the former law is continued in effect for that purpose.

23 SECTION 18. Except as otherwise provided by this Act, this  
24 Act takes effect September 1, 2017.