

By: Burkett

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 National
13 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.