

1-1 By: Burkett, et al. (Senate Sponsor - Hinojosa) H.B. No. 2950  
 1-2 (In the Senate - Received from the House May 3, 2017;  
 1-3 May 5, 2017, read first time and referred to Committee on Health &  
 1-4 Human Services; May 17, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 May 17, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2950 By: Uresti

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the continuation and functions of the Texas Board of  
 1-22 Nursing and to the regulation of the practice of nursing.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 301.003, Occupations Code, is amended to  
 1-25 read as follows:

1-26 Sec. 301.003. APPLICATION OF SUNSET ACT. The Texas Board of  
 1-27 Nursing is subject to Chapter 325, Government Code (Texas Sunset  
 1-28 Act). Unless continued in existence as provided by that chapter,  
 1-29 the board is abolished September 1, 2029 [2017].

1-30 SECTION 2. Section 301.059, Occupations Code, is amended by  
 1-31 amending Subsection (b) and adding Subsection (d) to read as  
 1-32 follows:

1-33 (b) The training program must provide the person with  
 1-34 information regarding:

1-35 (1) the law governing [~~legislation that created the~~  
 1-36 ~~board and~~] the board's operations;

1-37 (2) the programs, functions, rules, and budget of the  
 1-38 board;

1-39 (3) the scope of and limitations on the board's  
 1-40 rulemaking authority;

1-41 (4) [~~(2)~~] the results of the most recent formal audit  
 1-42 of the board;

1-43 (5) [~~(3)~~] the requirements of:

1-44 (A) laws relating to open meetings, public  
 1-45 information, administrative procedure, and disclosing conflicts of  
 1-46 interest; and

1-47 (B) other laws applicable to members of the board  
 1-48 in performing their duties; and

1-49 (6) [~~(4)~~] any applicable ethics policies adopted by  
 1-50 the board or the Texas Ethics Commission.

1-51 (d) The executive director of the board shall create a  
 1-52 training manual that includes the information required by  
 1-53 Subsection (b). The executive director shall distribute a copy of  
 1-54 the training manual annually to each board member. On receipt of  
 1-55 the training manual, each board member shall sign and submit to the  
 1-56 executive director a statement acknowledging receipt of the  
 1-57 training manual.

1-58 SECTION 3. Section 301.157, Occupations Code, is amended by  
 1-59 amending Subsections (d-4), (d-8), (d-9), and (d-11) and adding  
 1-60 Subsection (d-12) to read as follows:

2-1 (d-4) The board may recognize and accept as approved under  
 2-2 this section a school of nursing or educational program operated in  
 2-3 another state and approved by a state board of nursing or other  
 2-4 regulatory body of that state. The board shall adopt rules [~~develop~~  
 2-5 ~~policies~~] to ensure that the other state's standards are  
 2-6 substantially equivalent to the board's standards. The board by  
 2-7 rule shall develop a process for students enrolled in a school of  
 2-8 nursing or educational program operated in another state that does  
 2-9 not meet standards substantially equivalent to the board's  
 2-10 standards to apply for an initial license under this chapter.

2-11 (d-8) For purposes of Subsection (d-4), a nursing program  
 2-12 is considered to meet standards substantially equivalent to the  
 2-13 board's standards if the program:

2-14 (1) is part of an institution of higher education  
 2-15 located outside this state that is approved by the appropriate  
 2-16 regulatory authorities of that state;

2-17 (2) holds regional accreditation by an accrediting  
 2-18 body recognized by the United States secretary of education and the  
 2-19 Council for Higher Education Accreditation;

2-20 (3) holds specialty accreditation by an accrediting  
 2-21 body recognized by the United States secretary of education and the  
 2-22 Council for Higher Education Accreditation[~~, including the~~  
 2-23 ~~National League for Nursing Accrediting Commission~~];

2-24 (4) requires program applicants to be a licensed  
 2-25 practical or vocational nurse, a military service corpsman, or a  
 2-26 paramedic, or to hold a college degree in a clinically oriented  
 2-27 health care field with demonstrated experience providing direct  
 2-28 patient care; and

2-29 (5) graduates students who:

2-30 (A) achieve faculty-determined program outcomes,  
 2-31 including passing criterion-referenced examinations of nursing  
 2-32 knowledge essential to beginning a registered nursing practice and  
 2-33 transitioning to the role of registered nurse;

2-34 (B) pass a criterion-referenced summative  
 2-35 performance examination developed by faculty subject matter  
 2-36 experts that measures clinical competencies essential to beginning  
 2-37 a registered nursing practice and that meets nationally recognized  
 2-38 standards for educational testing, including the educational  
 2-39 testing standards of the American Educational Research  
 2-40 Association, the American Psychological Association, and the  
 2-41 National Council on Measurement in Education; and

2-42 (C) pass the National Council Licensure  
 2-43 Examination for Registered Nurses at a rate equivalent to the  
 2-44 board's required passage rate for students of approved in-state  
 2-45 programs.

2-46 (d-9) A graduate of a clinical competency assessment  
 2-47 program operated in another state and approved by a state board of  
 2-48 nursing or other regulatory body of another state is eligible to  
 2-49 apply for an initial license under this chapter if:

2-50 (1) [~~the board allowed graduates of the program to~~  
 2-51 ~~apply for an initial license under this chapter continuously during~~  
 2-52 ~~the 10-year period preceding January 1, 2007,~~

2-53 [~~2~~] the program does not make any substantial  
 2-54 changes in the length or content of its clinical competency  
 2-55 assessment without the board's approval; and

2-56 (2) [~~3~~] the program remains in good standing with  
 2-57 the state board of nursing or other regulatory body in the other  
 2-58 state[~~, and~~

2-59 [~~4~~] ~~the program participates in the research study~~  
 2-60 ~~under Section 105.008, Health and Safety Code].~~

2-61 (d-11) If a clinical competency assessment program operated  
 2-62 in another state graduates students who pass the National Council  
 2-63 Licensure Examination for Registered Nurses at a rate lower than  
 2-64 the board's required passage rate for graduating students of  
 2-65 approved in-state programs, not later than May 31 of the next school  
 2-66 year the program shall:

2-67 (1) for the first year the student passage rate is  
 2-68 lower than the board's required passage rate for students of  
 2-69 approved in-state programs, complete and submit to the board for

3-1 review and comment a self-study of the program in accordance with  
3-2 the board's guidelines;

3-3 (2) for the second consecutive year the student  
3-4 passage rate is lower than the board's required passage rate for  
3-5 students of approved in-state programs, allow the board to conduct  
3-6 a desk review to evaluate the program using the criteria typically  
3-7 used in an on-site visit and make recommendations to improve the  
3-8 program; and

3-9 (3) for the third consecutive year the student passage  
3-10 rate is lower than the board's required passage rate for students of  
3-11 approved in-state programs, provide notice on the program's  
3-12 Internet website that prospective students of the program may need  
3-13 to complete additional requirements to apply for an initial license  
3-14 in this state because the program has failed to meet the board's  
3-15 standards related to the required passage rate on the National  
3-16 Council Licensure Examination for Registered Nurses [Subsections  
3-17 (d-8), (d-9), (d-10), and (d-11) expire December 31, 2017. As part  
3-18 of the first review conducted under Section 301.003 after September  
3-19 1, 2009, the Sunset Advisory Commission shall:

3-20 [~~(1) recommend whether Subsections (d-8) and (d-9)~~  
3-21 ~~should be extended; and~~

3-22 [~~(2) recommend any changes to Subsections (d-8) and~~  
3-23 ~~(d-9) relating to the eligibility for a license of graduates of a~~  
3-24 ~~clinical competency assessment program operated in another state].~~

3-25 (d-12) A clinical competency assessment program operated in  
3-26 another state is not considered to meet standards substantially  
3-27 equivalent to the board's standards if the program fails to meet the  
3-28 applicable requirements under Subsection (d-11) or if the program's  
3-29 graduating student passage rate on the National Council Licensure  
3-30 Examination for Registered Nurses is lower than the board's  
3-31 required passage rate for graduating students of approved in-state  
3-32 programs for four consecutive years. A student enrolled in a  
3-33 program described by this subsection before December 31 of the  
3-34 fourth consecutive year is eligible to apply for an initial license  
3-35 under this chapter. The program shall notify a student who enrolls  
3-36 in the program after December 31 of the fourth consecutive year that  
3-37 the student is required to complete additional requirements  
3-38 established by the board under Subsection (d-4) to apply for an  
3-39 initial license under this chapter.

3-40 SECTION 4. Subchapter D, Chapter 301, Occupations Code, is  
3-41 amended by adding Section 301.1583 to read as follows:

3-42 Sec. 301.1583. DISCIPLINARY RECORD. The board shall remove  
3-43 a disciplinary action from a nurse's record on the board's Internet  
3-44 website if:

3-45 (1) the nurse applies to the board for removal;

3-46 (2) the disciplinary action is the only disciplinary  
3-47 action taken against the nurse;

3-48 (3) the disciplinary action was an administrative,  
3-49 clerical, or other minor violation not causing harm to a patient;

3-50 (4) the disciplinary action did not result in the  
3-51 suspension or revocation of, or the probation of the suspension or  
3-52 revocation of, the nurse's license;

3-53 (5) the disciplinary action does not provide any  
3-54 indication that continued practice by the nurse may risk harm to a  
3-55 patient; and

3-56 (6) the disciplinary action occurred at least five  
3-57 years before the date the nurse applied for removal.

3-58 SECTION 5. Section 301.252, Occupations Code, is amended by  
3-59 amending Subsection (a) and adding Subsection (a-2) to read as  
3-60 follows:

3-61 (a) Each applicant for a registered nurse license or a  
3-62 vocational nurse license must submit to the board a sworn  
3-63 application that demonstrates the applicant's qualifications under  
3-64 this chapter, accompanied by evidence that the applicant:

3-65 (1) has good professional character related to the  
3-66 practice of nursing;

3-67 (2) has successfully completed a program of  
3-68 professional or vocational nursing education approved under  
3-69 Section 301.157(d); and

4-1 (3) has passed the jurisprudence examination approved  
4-2 by the board as provided by Subsection (a-1).

4-3 (a-2) An applicant who provides satisfactory evidence that  
4-4 the applicant has not committed a violation of this chapter or a  
4-5 rule adopted under this chapter is considered to have good  
4-6 professional character related to the practice of nursing. A  
4-7 determination by the board that an applicant does not have good  
4-8 professional character related to the practice of nursing must be  
4-9 based on a showing by the board of a clear and rational connection  
4-10 between a violation of this chapter or a rule adopted under this  
4-11 chapter and the applicant's ability to effectively practice  
4-12 nursing.

4-13 SECTION 6. Section 301.257, Occupations Code, is amended by  
4-14 adding Subsections (l) and (m) to read as follows:

4-15 (l) The board may require in a declaratory order under this  
4-16 section that a person begin participation in a peer assistance  
4-17 program at the time of receipt of an initial license under this  
4-18 chapter. The board shall notify the person that, on issuance of the  
4-19 person's initial license, the person may request reevaluation of  
4-20 the person's required participation in the peer assistance program.

4-21 (m) The board by rule shall develop a process to determine  
4-22 whether a person should continue to be required to participate in a  
4-23 peer assistance program. In making the determination, the board  
4-24 shall:

4-25 (1) review the person's criminal history record  
4-26 information and, if applicable, determine whether participation in  
4-27 the program is warranted based on the time that has elapsed since  
4-28 the conviction or end of community supervision;

4-29 (2) reevaluate or require a contractor administering a  
4-30 peer assistance program to reevaluate the treatment plan or the  
4-31 time the person is required to participate in the peer assistance  
4-32 program based on the person's individualized needs; and

4-33 (3) authorize, as appropriate, a waiver of peer  
4-34 assistance program completion if the board is satisfied the person  
4-35 has achieved a satisfactory period of treatment or documented  
4-36 sobriety, as defined by board rules, and continued participation is  
4-37 not necessary.

4-38 SECTION 7. Section 301.301(b), Occupations Code, is amended  
4-39 to read as follows:

4-40 (b) A person may renew an unexpired license issued under  
4-41 this chapter on payment to the board of the required renewal fee  
4-42 before the expiration date of the license [~~payment to the board of~~  
4-43 ~~any costs assessed under Section 301.461,~~] and compliance with any  
4-44 other renewal requirements adopted by the board. A person whose  
4-45 license has expired may not engage in activities that require a  
4-46 license until the license has been renewed.

4-47 SECTION 8. Section 301.4106, Occupations Code, is amended  
4-48 to read as follows:

4-49 Sec. 301.4106. PEER ASSISTANCE PROGRAMS. The board by rule  
4-50 shall develop guidelines to:

4-51 (1) outline the roles and responsibilities of the  
4-52 board and a peer assistance program established or approved by the  
4-53 board under Chapter 467, Health and Safety Code;

4-54 (2) outline the process for a peer assistance program  
4-55 to refer to the board complaints alleging a violation of the  
4-56 practice of nursing;

4-57 (3) establish requirements for successfully  
4-58 completing a peer assistance program and for notification of the  
4-59 board of the successful completion by a nurse the board has ordered  
4-60 to attend or referred to the program; [and]

4-61 (4) establish a clear procedure based on meaningful  
4-62 performance goals for evaluating the success of a peer assistance  
4-63 program established or approved by the board under Chapter 467,  
4-64 Health and Safety Code;

4-65 (5) establish individualized requirements for  
4-66 participants in a peer assistance program, including the duration  
4-67 of participation in a peer assistance program for substance use,  
4-68 based on the individual's diagnosis and needs; and

4-69 (6) ensure that participation requirements and



5-1 treatment plans for peer assistance program participants who are  
5-2 referred to peer assistance for similar reasons are administered  
5-3 consistently.

5-4 SECTION 9. Section 301.452, Occupations Code, is amended by  
5-5 amending Subsection (b) and adding Subsection (e) to read as  
5-6 follows:

5-7 (b) A person is subject to denial of a license or to  
5-8 disciplinary action under this subchapter for:

5-9 (1) a violation of this chapter, a rule or regulation  
5-10 not inconsistent with this chapter, or an order issued under this  
5-11 chapter;

5-12 (2) fraud or deceit in procuring or attempting to  
5-13 procure a license to practice professional nursing or vocational  
5-14 nursing;

5-15 (3) a conviction for, or placement on deferred  
5-16 adjudication community supervision or deferred disposition for, a  
5-17 felony or for a misdemeanor involving moral turpitude;

5-18 (4) conduct that results in the revocation of  
5-19 probation imposed because of conviction for a felony or for a  
5-20 misdemeanor involving moral turpitude;

5-21 (5) use of a nursing license, diploma, or permit, or  
5-22 the transcript of such a document, that has been fraudulently  
5-23 purchased, issued, counterfeited, or materially altered;

5-24 (6) impersonating or acting as a proxy for another  
5-25 person in the licensing examination required under Section 301.253  
5-26 or 301.255;

5-27 (7) directly or indirectly aiding or abetting an  
5-28 unlicensed person in connection with the unauthorized practice of  
5-29 nursing;

5-30 (8) revocation, suspension, or denial of, or any other  
5-31 action relating to, the person's license or privilege to practice  
5-32 nursing in another jurisdiction or under federal law;

5-33 (9) intemperate use of alcohol or drugs that the board  
5-34 determines endangers or could endanger a patient;

5-35 (10) unprofessional [~~or dishonorable~~] conduct in the  
5-36 practice of nursing that [~~in the board's opinion,~~] is likely to  
5-37 deceive, defraud, or injure a patient or the public;

5-38 (11) adjudication of mental incompetency;

5-39 (12) lack of fitness to practice because of a mental or  
5-40 physical health condition that could result in injury to a patient  
5-41 or the public; or

5-42 (13) failure to care adequately for a patient or to  
5-43 conform to the minimum standards of acceptable nursing practice in  
5-44 a manner that, in the board's opinion, exposes a patient or other  
5-45 person unnecessarily to risk of harm.

5-46 (e) The board shall adopt rules to ensure that license  
5-47 denials and disciplinary action under Subsection (b)(10) are based  
5-48 on the application of objective criteria that are clearly and  
5-49 rationally connected to the applicant's or license holder's conduct  
5-50 and that any negative outcome resulting from that conduct is  
5-51 determined to affect the person's ability to effectively practice  
5-52 nursing.

5-53 SECTION 10. Section 301.459, Occupations Code, is amended  
5-54 by amending Subsection (a) and adding Subsection (a-1) to read as  
5-55 follows:

5-56 (a) The board by rule shall adopt procedures under Chapter  
5-57 2001, Government Code, governing formal disposition of a contested  
5-58 case. An administrative law judge employed by the [The] State  
5-59 Office of Administrative Hearings shall conduct a formal hearing.  
5-60 After receiving the administrative law judge's findings of fact and  
5-61 conclusions of law for a contested case, the board shall dispose of  
5-62 the case by issuing a final order based on the administrative law  
5-63 judge's findings of fact and conclusions of law.

5-64 (a-1) Notwithstanding Section 2001.058(e), Government  
5-65 Code, the board in a contested case may not change a finding of fact  
5-66 or conclusion of law or vacate or modify an order of the  
5-67 administrative law judge. The board may obtain judicial review of  
5-68 any finding of fact or conclusion of law issued by the  
5-69 administrative law judge as provided by Section 2001.058(f)(5),

6-1 Government Code. For each case, the administrative law judge may  
6-2 make a recommendation regarding an appropriate action or sanction.  
6-3 The board has the sole authority and discretion to determine the  
6-4 appropriate action or sanction.

6-5 SECTION 11. Section 301.461, Occupations Code, is amended  
6-6 to read as follows:

6-7 Sec. 301.461. ASSESSMENT OF COSTS PROHIBITED. The board  
6-8 may not assess a person who is found to have violated this chapter  
6-9 the administrative costs of conducting a hearing to determine the  
6-10 violation.

6-11 SECTION 12. Chapter 304, Occupations Code, is amended by  
6-12 adding Section 304.0015 to read as follows:

6-13 Sec. 304.0015. NURSE LICENSURE COMPACT. The Nurse  
6-14 Licensure Compact is enacted and entered into with all other  
6-15 jurisdictions that legally join in the compact, which reads as  
6-16 follows:

6-17 NURSE LICENSURE COMPACT

6-18 ARTICLE I. FINDINGS AND DECLARATION OF PURPOSE

6-19 (a) The party states find that:

6-20 (1) the health and safety of the public are affected by  
6-21 the degree of compliance with and the effectiveness of enforcement  
6-22 activities related to state nurse licensure laws;

6-23 (2) violations of nurse licensure and other laws  
6-24 regulating the practice of nursing may result in injury or harm to  
6-25 the public;

6-26 (3) the expanded mobility of nurses and the use of  
6-27 advanced communication technologies as part of our nation's health  
6-28 care delivery system require greater coordination and cooperation  
6-29 among states in the areas of nurse licensure and regulation;

6-30 (4) new practice modalities and technology make  
6-31 compliance with individual state nurse licensure laws difficult and  
6-32 complex;

6-33 (5) the current system of duplicative licensure for  
6-34 nurses practicing in multiple states is cumbersome and redundant  
6-35 for both nurses and states; and

6-36 (6) uniformity of nurse licensure requirements  
6-37 throughout the states promotes public safety and public health  
6-38 benefits.

6-39 (b) The general purposes of this compact are to:

6-40 (1) facilitate the states' responsibility to protect  
6-41 the public's health and safety;

6-42 (2) ensure and encourage the cooperation of party  
6-43 states in the areas of nurse licensure and regulation;

6-44 (3) facilitate the exchange of information between  
6-45 party states in the areas of nurse regulation, investigation, and  
6-46 adverse actions;

6-47 (4) promote compliance with the laws governing the  
6-48 practice of nursing in each jurisdiction;

6-49 (5) invest all party states with the authority to hold  
6-50 a nurse accountable for meeting all state practice laws in the state  
6-51 in which the patient is located at the time care is rendered through  
6-52 the mutual recognition of party state licenses;

6-53 (6) decrease redundancies in the consideration and  
6-54 issuance of nurse licenses; and

6-55 (7) provide opportunities for interstate practice by  
6-56 nurses who meet uniform licensure requirements.

6-57 ARTICLE II. DEFINITIONS

6-58 As used in this compact:

6-59 (a) "Adverse action" means any administrative, civil,  
6-60 equitable, or criminal action permitted by a state's laws that is  
6-61 imposed by a licensing board or other authority against a nurse,  
6-62 including actions against an individual's license or multistate  
6-63 licensure privilege such as revocation, suspension, probation,  
6-64 monitoring of the licensee, limitation on the licensee's practice,  
6-65 or any other encumbrance on licensure affecting a nurse's  
6-66 authorization to practice, including issuance of a cease and desist  
6-67 action.

6-68 (b) "Alternative program" means a nondisciplinary  
6-69 monitoring program approved by a licensing board.

7-1 (c) "Coordinated licensure information system" means an  
 7-2 integrated process for collecting, storing, and sharing  
 7-3 information on nurse licensure and enforcement activities related  
 7-4 to nurse licensure laws that is administered by a nonprofit  
 7-5 organization composed of and controlled by licensing boards.

7-6 (d) "Current significant investigative information" means:  
 7-7 (1) investigative information that a licensing board,  
 7-8 after a preliminary inquiry that includes notification and an  
 7-9 opportunity for the nurse to respond, if required by state law, has  
 7-10 reason to believe is not groundless and, if proven true, would  
 7-11 indicate more than a minor infraction; or

7-12 (2) investigative information that indicates that the  
 7-13 nurse represents an immediate threat to public health and safety  
 7-14 regardless of whether the nurse has been notified and had an  
 7-15 opportunity to respond.

7-16 (e) "Encumbrance" means a revocation or suspension of, or  
 7-17 any limitation on, the full and unrestricted practice of nursing  
 7-18 imposed by a licensing board.

7-19 (f) "Home state" means the party state which is the nurse's  
 7-20 primary state of residence.

7-21 (g) "Licensing board" means a party state's regulatory body  
 7-22 responsible for issuing nurse licenses.

7-23 (h) "Multistate license" means a license to practice as a  
 7-24 registered or a licensed practical/vocational nurse (LPN/VN)  
 7-25 issued by a home state licensing board that authorizes the licensed  
 7-26 nurse to practice in all party states under a multistate licensure  
 7-27 privilege.

7-28 (i) "Multistate licensure privilege" means a legal  
 7-29 authorization associated with a multistate license permitting the  
 7-30 practice of nursing as either a registered nurse (RN) or LPN/VN in a  
 7-31 remote state.

7-32 (j) "Nurse" means RN or LPN/VN, as those terms are defined  
 7-33 by each party state's practice laws.

7-34 (k) "Party state" means any state that has adopted this  
 7-35 compact.

7-36 (l) "Remote state" means a party state, other than the home  
 7-37 state.

7-38 (m) "Single-state license" means a nurse license issued by a  
 7-39 party state that authorizes practice only within the issuing state  
 7-40 and does not include a multistate licensure privilege to practice  
 7-41 in any other party state.

7-42 (n) "State" means a state, territory, or possession of the  
 7-43 United States and the District of Columbia.

7-44 (o) "State practice laws" means a party state's laws, rules,  
 7-45 and regulations that govern the practice of nursing, define the  
 7-46 scope of nursing practice, and create the methods and grounds for  
 7-47 imposing discipline. "State practice laws" do not include  
 7-48 requirements necessary to obtain and retain a license, except for  
 7-49 qualifications or requirements of the home state.

#### 7-50 ARTICLE III. GENERAL PROVISIONS AND JURISDICTION

7-51 (a) A multistate license to practice registered or licensed  
 7-52 practical/vocational nursing issued by a home state to a resident  
 7-53 in that state will be recognized by each party state as authorizing  
 7-54 a nurse to practice as a registered nurse (RN) or as a licensed  
 7-55 practical/vocational nurse (LPN/VN), under a multistate licensure  
 7-56 privilege, in each party state.

7-57 (b) A state must implement procedures for considering the  
 7-58 criminal history records of applicants for initial multistate  
 7-59 license or licensure by endorsement. Such procedures shall include  
 7-60 the submission of fingerprints or other biometric-based  
 7-61 information by applicants for the purpose of obtaining an  
 7-62 applicant's criminal history record information from the Federal  
 7-63 Bureau of Investigation and the agency responsible for retaining  
 7-64 that state's criminal records.

7-65 (c) Each party state shall require the following for an  
 7-66 applicant to obtain or retain a multistate license in the home  
 7-67 state:

7-68 (1) meets the home state's qualifications for  
 7-69 licensure or renewal of licensure, as well as all other applicable

8-1 state laws;  
8-2 (2)(i) has graduated or is eligible to graduate from a  
8-3 licensing board-approved RN or LPN/VN prelicensure education  
8-4 program; or  
8-5 (ii) has graduated from a foreign RN or LPN/VN  
8-6 prelicensure education program that (a) has been approved by the  
8-7 authorized accrediting body in the applicable country and (b) has  
8-8 been verified by an independent credentials review agency to be  
8-9 comparable to a licensing board-approved prelicensure education  
8-10 program;  
8-11 (3) has, if a graduate of a foreign prelicensure  
8-12 education program not taught in English or if English is not the  
8-13 individual's native language, successfully passed an English  
8-14 proficiency examination that includes the components of reading,  
8-15 speaking, writing, and listening;  
8-16 (4) has successfully passed an NCLEX-RN or NCLEX-PN  
8-17 Examination or a recognized predecessor, as applicable;  
8-18 (5) is eligible for or holds an active, unencumbered  
8-19 license;  
8-20 (6) has submitted, in connection with an application  
8-21 for initial licensure or licensure by endorsement, fingerprints or  
8-22 other biometric data for the purpose of obtaining criminal history  
8-23 record information from the Federal Bureau of Investigation and the  
8-24 agency responsible for retaining that state's criminal records;  
8-25 (7) has not been convicted or found guilty, or has  
8-26 entered into an agreed disposition, of a felony offense under  
8-27 applicable state or federal criminal law;  
8-28 (8) has not been convicted or found guilty, or has  
8-29 entered into an agreed disposition, of a misdemeanor offense  
8-30 related to the practice of nursing as determined on a case-by-case  
8-31 basis;  
8-32 (9) is not currently enrolled in an alternative  
8-33 program;  
8-34 (10) is subject to self-disclosure requirements  
8-35 regarding current participation in an alternative program; and  
8-36 (11) has a valid United States social security number.  
8-37 (d) All party states shall be authorized, in accordance with  
8-38 existing state due process law, to take adverse action against a  
8-39 nurse's multistate licensure privilege such as revocation,  
8-40 suspension, probation, or any other action that affects a nurse's  
8-41 authorization to practice under a multistate licensure privilege,  
8-42 including cease and desist actions. If a party state takes such  
8-43 action, it shall promptly notify the administrator of the  
8-44 coordinated licensure information system. The administrator of the  
8-45 coordinated licensure information system shall promptly notify the  
8-46 home state of any such actions by remote states.  
8-47 (e) A nurse practicing in a party state must comply with the  
8-48 state practice laws of the state in which the client is located at  
8-49 the time service is provided. The practice of nursing is not  
8-50 limited to patient care, but shall include all nursing practice as  
8-51 defined by the state practice laws of the party state in which the  
8-52 client is located. The practice of nursing in a party state under a  
8-53 multistate licensure privilege will subject a nurse to the  
8-54 jurisdiction of the licensing board, the courts, and the laws of the  
8-55 party state in which the client is located at the time service is  
8-56 provided.  
8-57 (f) Individuals not residing in a party state shall continue  
8-58 to be able to apply for a party state's single-state license as  
8-59 provided under the laws of each party state. However, the  
8-60 single-state license granted to these individuals will not be  
8-61 recognized as granting the privilege to practice nursing in any  
8-62 other party state. Nothing in this compact shall affect the  
8-63 requirements established by a party state for the issuance of a  
8-64 single-state license.  
8-65 (g) Any nurse holding a home state multistate license, on  
8-66 the effective date of this compact, may retain and renew the  
8-67 multistate license issued by the nurse's then-current home state,  
8-68 provided that:  
8-69 (1) a nurse, who changes primary state of residence



9-1 after this compact's effective date, must meet all applicable  
9-2 Article III(c) requirements to obtain a multistate license from the  
9-3 new home state; or

9-4 (2) a nurse who fails to satisfy the multistate  
9-5 licensure requirements in Article III(c) due to a disqualifying  
9-6 event occurring after this compact's effective date shall be  
9-7 ineligible to retain or renew a multistate license, and the nurse's  
9-8 multistate license shall be revoked or deactivated in accordance  
9-9 with applicable rules adopted by the Interstate Commission of Nurse  
9-10 Licensure Compact Administrators ("commission").

9-11 ARTICLE IV. APPLICATIONS FOR LICENSURE IN A PARTY STATE

9-12 (a) Upon application for a multistate license, the  
9-13 licensing board in the issuing party state shall ascertain, through  
9-14 the coordinated licensure information system, whether the  
9-15 applicant has ever held, or is the holder of, a license issued by  
9-16 any other state, whether there are any encumbrances on any license  
9-17 or multistate licensure privilege held by the applicant, whether  
9-18 any adverse action has been taken against any license or multistate  
9-19 licensure privilege held by the applicant, and whether the  
9-20 applicant is currently participating in an alternative program.

9-21 (b) A nurse may hold a multistate license, issued by the  
9-22 home state, in only one party state at a time.

9-23 (c) If a nurse changes primary state of residence by moving  
9-24 between two party states, the nurse must apply for licensure in the  
9-25 new home state, and the multistate license issued by the prior home  
9-26 state will be deactivated in accordance with applicable rules  
9-27 adopted by the commission.

9-28 (1) The nurse may apply for licensure in advance of a  
9-29 change in primary state of residence.

9-30 (2) A multistate license shall not be issued by the new  
9-31 home state until the nurse provides satisfactory evidence of a  
9-32 change in primary state of residence to the new home state and  
9-33 satisfies all applicable requirements to obtain a multistate  
9-34 license from the new home state.

9-35 (d) If a nurse changes primary state of residence by moving  
9-36 from a party state to a nonparty state, the multistate license  
9-37 issued by the prior home state will convert to a single-state  
9-38 license, valid only in the former home state.

9-39 ARTICLE V. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

9-40 LICENSING BOARDS

9-41 (a) In addition to the other powers conferred by state law,  
9-42 a licensing board shall have the authority to:

9-43 (1) take adverse action against a nurse's multistate  
9-44 licensure privilege to practice within that party state.

9-45 (i) Only the home state shall have the power to  
9-46 take adverse action against a nurse's license issued by the home  
9-47 state.

9-48 (ii) For purposes of taking adverse action, the  
9-49 home state licensing board shall give the same priority and effect  
9-50 to reported conduct received from a remote state as it would if such  
9-51 conduct had occurred within the home state. In so doing, the home  
9-52 state shall apply its own state laws to determine appropriate  
9-53 action.

9-54 (2) issue cease and desist orders or impose an  
9-55 encumbrance on a nurse's authority to practice within that party  
9-56 state.

9-57 (3) complete any pending investigation of a nurse who  
9-58 changes primary state of residence during the course of such  
9-59 investigation. The licensing board shall also have the authority  
9-60 to take appropriate action(s) and shall promptly report the  
9-61 conclusions of such investigations to the administrator of the  
9-62 coordinated licensure information system. The administrator of the  
9-63 coordinated licensure information system shall promptly notify the  
9-64 new home state of any such actions.

9-65 (4) issue subpoenas for both hearings and  
9-66 investigations that require the attendance and testimony of a  
9-67 witness, as well as the production of evidence. Subpoenas issued by  
9-68 a licensing board in a party state for the attendance and testimony  
9-69 of witnesses or the production of evidence from another party state

10-1 shall be enforced in the latter state by any court of competent  
 10-2 jurisdiction, according to the practice and procedures of that  
 10-3 court applicable to subpoenas issued in proceedings pending before  
 10-4 it. The issuing authority shall pay any witness fees, travel  
 10-5 expenses, mileage, and other fees required by the service statutes  
 10-6 of the state in which the witnesses or evidence are located.

10-7 (5) obtain and submit, for each nurse licensure  
 10-8 applicant, fingerprint or other biometric-based information to the  
 10-9 Federal Bureau of Investigation for criminal background checks,  
 10-10 receive the results of the Federal Bureau of Investigation record  
 10-11 search on criminal background checks, and use the results in making  
 10-12 licensure decisions.

10-13 (6) if otherwise permitted by state law, recover from  
 10-14 the affected nurse the costs of investigations and disposition of  
 10-15 cases resulting from any adverse action taken against that nurse.

10-16 (7) take adverse action based on the factual findings  
 10-17 of the remote state, provided that the licensing board follows its  
 10-18 own procedures for taking such adverse action.

10-19 (b) If adverse action is taken by the home state against a  
 10-20 nurse's multistate license, the nurse's multistate licensure  
 10-21 privilege to practice in all other party states shall be  
 10-22 deactivated until all encumbrances have been removed from the  
 10-23 multistate license. All home state disciplinary orders that impose  
 10-24 adverse action against a nurse's multistate license shall include a  
 10-25 statement that the nurse's multistate licensure privilege is  
 10-26 deactivated in all party states during the pendency of the order.

10-27 (c) Nothing in this compact shall override a party state's  
 10-28 decision that participation in an alternative program may be used  
 10-29 in lieu of adverse action. The home state licensing board shall  
 10-30 deactivate the multistate licensure privilege under the multistate  
 10-31 license of any nurse for the duration of the nurse's participation  
 10-32 in an alternative program.

#### 10-33 ARTICLE VI. COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE 10-34 OF INFORMATION

10-35 (a) All party states shall participate in a coordinated  
 10-36 licensure information system of all licensed registered nurses  
 10-37 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This  
 10-38 system will include information on the licensure and disciplinary  
 10-39 history of each nurse, as submitted by party states, to assist in  
 10-40 the coordination of nurse licensure and enforcement efforts.

10-41 (b) The commission, in consultation with the administrator  
 10-42 of the coordinated licensure information system, shall formulate  
 10-43 necessary and proper procedures for the identification,  
 10-44 collection, and exchange of information under this compact.

10-45 (c) All licensing boards shall promptly report to the  
 10-46 coordinated licensure information system any adverse action, any  
 10-47 current significant investigative information, denials of  
 10-48 applications (with the reasons for such denials), and nurse  
 10-49 participation in alternative programs known to the licensing board  
 10-50 regardless of whether such participation is deemed nonpublic or  
 10-51 confidential under state law.

10-52 (d) Current significant investigative information and  
 10-53 participation in nonpublic or confidential alternative programs  
 10-54 shall be transmitted through the coordinated licensure information  
 10-55 system only to party state licensing boards.

10-56 (e) Notwithstanding any other provision of law, all party  
 10-57 state licensing boards contributing information to the coordinated  
 10-58 licensure information system may designate information that may not  
 10-59 be shared with nonparty states or disclosed to other entities or  
 10-60 individuals without the express permission of the contributing  
 10-61 state.

10-62 (f) Any personally identifiable information obtained from  
 10-63 the coordinated licensure information system by a party state  
 10-64 licensing board shall not be shared with nonparty states or  
 10-65 disclosed to other entities or individuals except to the extent  
 10-66 permitted by the laws of the party state contributing the  
 10-67 information.

10-68 (g) Any information contributed to the coordinated  
 10-69 licensure information system that is subsequently required to be

11-1 expunged by the laws of the party state contributing that  
 11-2 information shall also be expunged from the coordinated licensure  
 11-3 information system.

11-4 (h) The compact administrator of each party state shall  
 11-5 furnish a uniform data set to the compact administrator of each  
 11-6 other party state, which shall include, at a minimum:

11-7 (1) identifying information;

11-8 (2) licensure data;

11-9 (3) information related to alternative program  
 11-10 participation; and

11-11 (4) other information that may facilitate the  
 11-12 administration of this compact, as determined by commission rules.

11-13 (i) The compact administrator of a party state shall provide  
 11-14 all investigative documents and information requested by another  
 11-15 party state.

11-16 ARTICLE VII. ESTABLISHMENT OF INTERSTATE COMMISSION OF NURSE  
 11-17 LICENSURE COMPACT ADMINISTRATORS

11-18 (a) The party states hereby create and establish a joint  
 11-19 public entity known as the Interstate Commission of Nurse Licensure  
 11-20 Compact Administrators.

11-21 (1) The commission is an instrumentality of the party  
 11-22 states.

11-23 (2) Venue is proper and judicial proceedings by or  
 11-24 against the commission shall be brought solely and exclusively in a  
 11-25 court of competent jurisdiction where the principal office of the  
 11-26 commission is located. The commission may waive venue and  
 11-27 jurisdictional defenses to the extent it adopts or consents to  
 11-28 participate in alternative dispute resolution proceedings.

11-29 (3) Nothing in this compact shall be construed to be a  
 11-30 waiver of sovereign immunity.

11-31 (b) Membership, Voting, and Meetings

11-32 (1) Each party state shall have and be limited to one  
 11-33 administrator. The head of the state licensing board or a designee  
 11-34 shall be the administrator of this compact for each party state.  
 11-35 Any administrator may be removed or suspended from office as  
 11-36 provided by the law of the state from which the administrator is  
 11-37 appointed. Any vacancy occurring in the commission shall be filled  
 11-38 in accordance with the laws of the party state in which the vacancy  
 11-39 exists.

11-40 (2) Each administrator shall be entitled to one (1)  
 11-41 vote with regard to the promulgation of rules and the creation of  
 11-42 bylaws and shall otherwise have an opportunity to participate in  
 11-43 the business and affairs of the commission. An administrator shall  
 11-44 vote in person or by such other means as provided in the bylaws. The  
 11-45 bylaws may provide for an administrator's participation in meetings  
 11-46 by telephone or other means of communication.

11-47 (3) The commission shall meet at least once during  
 11-48 each calendar year. Additional meetings shall be held as set forth  
 11-49 in the bylaws or rules of the commission.

11-50 (4) All meetings shall be open to the public, and  
 11-51 public notice of meetings shall be given in the same manner as  
 11-52 required under the rulemaking provisions in Article VIII.

11-53 (5) The commission may convene in a closed, nonpublic  
 11-54 meeting if the commission must discuss:

11-55 (i) noncompliance of a party state with its  
 11-56 obligations under this compact;

11-57 (ii) the employment, compensation, discipline,  
 11-58 or other personnel matters, practices, or procedures related to  
 11-59 specific employees or other matters related to the commission's  
 11-60 internal personnel practices and procedures;

11-61 (iii) current, threatened, or reasonably  
 11-62 anticipated litigation;

11-63 (iv) negotiation of contracts for the purchase or  
 11-64 sale of goods, services, or real estate;

11-65 (v) accusing any person of a crime or formally  
 11-66 censuring any person;

11-67 (vi) disclosure of trade secrets or commercial or  
 11-68 financial information that is privileged or confidential;

11-69 (vii) disclosure of information of a personal

12-1 nature where disclosure would constitute a clearly unwarranted  
12-2 invasion of personal privacy;  
12-3 (viii) disclosure of investigatory records  
12-4 compiled for law enforcement purposes;  
12-5 (ix) disclosure of information related to any  
12-6 reports prepared by or on behalf of the commission for the purpose  
12-7 of investigation of compliance with this compact; or  
12-8 (x) matters specifically exempted from  
12-9 disclosure by federal or state statute.  
12-10 (6) If a meeting or portion of a meeting is closed  
12-11 pursuant to this provision, the commission's legal counsel or  
12-12 designee shall certify that the meeting may be closed and shall  
12-13 reference each relevant exempting provision. The commission shall  
12-14 keep minutes that fully and clearly describe all matters discussed  
12-15 in a meeting and shall provide a full and accurate summary of  
12-16 actions taken, and the reasons therefor, including a description of  
12-17 the views expressed. All documents considered in connection with  
12-18 an action shall be identified in such minutes. All minutes and  
12-19 documents of a closed meeting shall remain under seal, subject to  
12-20 release by a majority vote of the commission or order of a court of  
12-21 competent jurisdiction.  
12-22 (c) The commission shall, by a majority vote of the  
12-23 administrators, prescribe bylaws or rules to govern its conduct as  
12-24 may be necessary or appropriate to carry out the purposes and  
12-25 exercise the powers of this compact, including but not limited to:  
12-26 (1) establishing the fiscal year of the commission;  
12-27 (2) providing reasonable standards and procedures:  
12-28 (i) for the establishment and meeting of other  
12-29 committees; and  
12-30 (ii) governing any general or specific  
12-31 delegation of any authority or function of the commission;  
12-32 (3) providing reasonable procedures for calling and  
12-33 conducting meetings of the commission, ensuring reasonable advance  
12-34 notice of all meetings, and providing an opportunity for attendance  
12-35 of such meetings by interested parties, with enumerated exceptions  
12-36 designed to protect the public's interest, the privacy of  
12-37 individuals, and proprietary information, including trade secrets.  
12-38 The commission may meet in closed session only after a majority of  
12-39 the administrators vote to close a meeting in whole or in part. As  
12-40 soon as practicable, the commission must make public a copy of the  
12-41 vote to close the meeting revealing the vote of each administrator,  
12-42 with no proxy votes allowed;  
12-43 (4) establishing the titles, duties and authority, and  
12-44 reasonable procedures for the election of the officers of the  
12-45 commission;  
12-46 (5) providing reasonable standards and procedures for  
12-47 the establishment of the personnel policies and programs of the  
12-48 commission. Notwithstanding any civil service or other similar  
12-49 laws of any party state, the bylaws shall exclusively govern the  
12-50 personnel policies and programs of the commission; and  
12-51 (6) providing a mechanism for winding up the  
12-52 operations of the commission and the equitable disposition of any  
12-53 surplus funds that may exist after the termination of this compact  
12-54 after the payment or reserving of all of its debts and obligations.  
12-55 (d) The commission shall publish its bylaws and rules, and  
12-56 any amendments thereto, in a convenient form on the website of the  
12-57 commission.  
12-58 (e) The commission shall maintain its financial records in  
12-59 accordance with the bylaws.  
12-60 (f) The commission shall meet and take such actions as are  
12-61 consistent with the provisions of this compact and the bylaws.  
12-62 (g) The commission shall have the following powers:  
12-63 (1) to promulgate uniform rules to facilitate and  
12-64 coordinate implementation and administration of this compact. The  
12-65 rules shall have the force and effect of law and shall be binding in  
12-66 all party states;  
12-67 (2) to bring and prosecute legal proceedings or  
12-68 actions in the name of the commission, provided that the standing of  
12-69 any licensing board to sue or be sued under applicable law shall not

13-1 be affected;

13-2 (3) to purchase and maintain insurance and bonds;

13-3 (4) to borrow, accept, or contract for services of  
13-4 personnel, including, but not limited to, employees of a party  
13-5 state or nonprofit organizations;

13-6 (5) to cooperate with other organizations that  
13-7 administer state compacts related to the regulation of nursing,  
13-8 including, but not limited to, sharing administrative or staff  
13-9 expenses, office space, or other resources;

13-10 (6) to hire employees, elect or appoint officers, fix  
13-11 compensation, define duties, grant such individuals appropriate  
13-12 authority to carry out the purposes of this compact, and to  
13-13 establish the commission's personnel policies and programs  
13-14 relating to conflicts of interest, qualifications of personnel, and  
13-15 other related personnel matters;

13-16 (7) to accept any and all appropriate donations,  
13-17 grants, and gifts of money, equipment, supplies, materials, and  
13-18 services, and to receive, utilize, and dispose of the same;  
13-19 provided that at all times the commission shall avoid any  
13-20 appearance of impropriety or conflict of interest;

13-21 (8) to lease, purchase, accept appropriate gifts or  
13-22 donations of, or otherwise to own, hold, improve, or use, any  
13-23 property, whether real, personal, or mixed; provided that at all  
13-24 times the commission shall avoid any appearance of impropriety;

13-25 (9) to sell, convey, mortgage, pledge, lease,  
13-26 exchange, abandon, or otherwise dispose of any property, whether  
13-27 real, personal, or mixed;

13-28 (10) to establish a budget and make expenditures;

13-29 (11) to borrow money;

13-30 (12) to appoint committees, including advisory  
13-31 committees comprised of administrators, state nursing regulators,  
13-32 state legislators or their representatives, consumer  
13-33 representatives, and other such interested persons;

13-34 (13) to provide and receive information from, and to  
13-35 cooperate with, law enforcement agencies;

13-36 (14) to adopt and use an official seal; and

13-37 (15) to perform such other functions as may be  
13-38 necessary or appropriate to achieve the purposes of this compact  
13-39 consistent with the state regulation of nurse licensure and  
13-40 practice.

13-41 (h) Financing of the Commission

13-42 (1) The commission shall pay, or provide for the  
13-43 payment of, the reasonable expenses of its establishment,  
13-44 organization, and ongoing activities.

13-45 (2) The commission may also levy on and collect an  
13-46 annual assessment from each party state to cover the cost of its  
13-47 operations, activities, and staff in its annual budget as approved  
13-48 each year. The aggregate annual assessment amount, if any, shall be  
13-49 allocated based upon a formula to be determined by the commission,  
13-50 which shall promulgate a rule that is binding upon all party states.

13-51 (3) The commission shall not incur an obligation of  
13-52 any kind prior to securing the funds adequate to meet the same; nor  
13-53 shall the commission pledge the credit of any of the party states,  
13-54 except by and with the authority of such party state.

13-55 (4) The commission shall keep accurate accounts of all  
13-56 receipts and disbursements. The receipts and disbursements of the  
13-57 commission shall be subject to the audit and accounting procedures  
13-58 established under its bylaws. However, all receipts and  
13-59 disbursements of funds handled by the commission shall be audited  
13-60 yearly by a certified or licensed public accountant, and the report  
13-61 of the audit shall be included in and become part of the annual  
13-62 report of the commission.

13-63 (i) Qualified Immunity, Defense, and Indemnification

13-64 (1) The compact administrators, officers, executive  
13-65 directors, employees, and representatives of the commission shall  
13-66 be immune from suit and liability, either personally or in their  
13-67 official capacity, for any claim for damage to or loss of property,  
13-68 or personal injury or other civil liability caused by or arising out  
13-69 of any actual or alleged act, error, or omission that occurred, or



14-1 that the person against whom the claim is made had a reasonable  
 14-2 basis for believing occurred, within the scope of commission  
 14-3 employment, duties, or responsibilities; provided that nothing in  
 14-4 this subdivision shall be construed to protect any such person from  
 14-5 suit or liability for any damages, loss, injury, or liability  
 14-6 caused by the intentional, wilful, or wanton misconduct of that  
 14-7 person.

14-8 (2) The commission shall defend any administrator,  
 14-9 officer, executive director, employee, or representative of the  
 14-10 commission in any civil action seeking to impose liability arising  
 14-11 out of any actual or alleged act, error, or omission that occurred  
 14-12 within the scope of commission employment, duties, or  
 14-13 responsibilities, or that the person against whom the claim is made  
 14-14 had a reasonable basis for believing occurred within the scope of  
 14-15 commission employment, duties, or responsibilities; provided that  
 14-16 nothing herein shall be construed to prohibit that person from  
 14-17 retaining his or her own counsel; and provided further that the  
 14-18 actual or alleged act, error, or omission did not result from that  
 14-19 person's intentional, wilful, or wanton misconduct.

14-20 (3) The commission shall indemnify and hold harmless  
 14-21 any administrator, officer, executive director, employee, or  
 14-22 representative of the commission for the amount of any settlement  
 14-23 or judgment obtained against that person arising out of any actual  
 14-24 or alleged act, error, or omission that occurred within the scope of  
 14-25 commission employment, duties, or responsibilities, or that such  
 14-26 person had a reasonable basis for believing occurred within the  
 14-27 scope of commission employment, duties, or responsibilities;  
 14-28 provided that the actual or alleged act, error, or omission did not  
 14-29 result from the intentional, wilful, or wanton misconduct of that  
 14-30 person.

#### 14-31 ARTICLE VIII. RULEMAKING

14-32 (a) The commission shall exercise its rulemaking powers  
 14-33 pursuant to the criteria set forth in this article and the rules  
 14-34 adopted thereunder. Rules and amendments shall become binding as  
 14-35 of the date specified in each rule or amendment and shall have the  
 14-36 same force and effect as provisions of this compact.

14-37 (b) Rules or amendments to the rules shall be adopted at a  
 14-38 regular or special meeting of the commission.

14-39 (c) Prior to promulgation and adoption of a final rule or  
 14-40 rules by the commission, and at least sixty (60) days in advance of  
 14-41 the meeting at which the rule will be considered and voted upon, the  
 14-42 commission shall file a notice of proposed rulemaking:

14-43 (1) on the website of the commission; and  
 14-44 (2) on the website of each licensing board or the  
 14-45 publication in which each state would otherwise publish proposed  
 14-46 rules.

14-47 (d) The notice of proposed rulemaking shall include:  
 14-48 (1) the proposed time, date, and location of the  
 14-49 meeting in which the rule will be considered and voted upon;

14-50 (2) the text of the proposed rule or amendment, and the  
 14-51 reason for the proposed rule;

14-52 (3) a request for comments on the proposed rule from  
 14-53 any interested person; and

14-54 (4) the manner in which interested persons may submit  
 14-55 notice to the commission of their intention to attend the public  
 14-56 hearing and any written comments.

14-57 (e) Prior to adoption of a proposed rule, the commission  
 14-58 shall allow persons to submit written data, facts, opinions, and  
 14-59 arguments, which shall be made available to the public.

14-60 (f) The commission shall grant an opportunity for a public  
 14-61 hearing before it adopts a rule or amendment.

14-62 (g) The commission shall publish the place, time, and date  
 14-63 of the scheduled public hearing.

14-64 (1) Hearings shall be conducted in a manner providing  
 14-65 each person who wishes to comment a fair and reasonable opportunity  
 14-66 to comment orally or in writing. All hearings will be recorded, and  
 14-67 a copy will be made available upon request.

14-68 (2) Nothing in this section shall be construed as  
 14-69 requiring a separate hearing on each rule. Rules may be grouped for

15-1 the convenience of the commission at hearings required by this  
 15-2 section.

15-3 (h) If no one appears at the public hearing, the commission  
 15-4 may proceed with promulgation of the proposed rule.

15-5 (i) Following the scheduled hearing date, or by the close of  
 15-6 business on the scheduled hearing date if the hearing was not held,  
 15-7 the commission shall consider all written and oral comments  
 15-8 received.

15-9 (j) The commission shall, by majority vote of all  
 15-10 administrators, take final action on the proposed rule and shall  
 15-11 determine the effective date of the rule, if any, based on the  
 15-12 rulemaking record and the full text of the rule.

15-13 (k) Upon determination that an emergency exists, the  
 15-14 commission may consider and adopt an emergency rule without prior  
 15-15 notice, opportunity for comment, or hearing; provided that the  
 15-16 usual rulemaking procedures provided in this compact and in this  
 15-17 section shall be retroactively applied to the rule as soon as  
 15-18 reasonably possible, and in no event later than ninety (90) days  
 15-19 after the effective date of the rule. For the purposes of this  
 15-20 provision, an emergency rule is one that must be adopted  
 15-21 immediately in order to:

15-22 (1) meet an imminent threat to public health, safety,  
 15-23 or welfare;

15-24 (2) prevent a loss of commission or party state funds;  
 15-25 or

15-26 (3) meet a deadline for the promulgation of an  
 15-27 administrative rule that is required by federal law or rule.

15-28 (l) The commission may direct revisions to a previously  
 15-29 adopted rule or amendment for purposes of correcting typographical  
 15-30 errors, errors in format, errors in consistency, or grammatical  
 15-31 errors. Public notice of any revisions shall be posted on the  
 15-32 website of the commission. The revision shall be subject to  
 15-33 challenge by any person for a period of thirty (30) days after  
 15-34 posting. The revision may be challenged only on grounds that the  
 15-35 revision results in a material change to a rule. A challenge shall  
 15-36 be made in writing, and delivered to the commission, prior to the  
 15-37 end of the notice period. If no challenge is made, the revision  
 15-38 will take effect without further action. If the revision is  
 15-39 challenged, the revision may not take effect without the approval  
 15-40 of the commission.

#### 15-41 ARTICLE IX. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

##### 15-42 (a) Oversight

15-43 (1) Each party state shall enforce this compact and  
 15-44 take all actions necessary and appropriate to effectuate this  
 15-45 compact's purposes and intent.

15-46 (2) The commission shall be entitled to receive  
 15-47 service of process in any proceeding that may affect the powers,  
 15-48 responsibilities, or actions of the commission, and shall have  
 15-49 standing to intervene in such a proceeding for all purposes.  
 15-50 Failure to provide service of process in such proceeding to the  
 15-51 commission shall render a judgment or order void as to the  
 15-52 commission, this compact, or promulgated rules.

##### 15-53 (b) Default, Technical Assistance, and Termination

15-54 (1) If the commission determines that a party state  
 15-55 has defaulted in the performance of its obligations or  
 15-56 responsibilities under this compact or the promulgated rules, the  
 15-57 commission shall:

15-58 (i) provide written notice to the defaulting  
 15-59 state and other party states of the nature of the default, the  
 15-60 proposed means of curing the default, or any other action to be  
 15-61 taken by the commission; and

15-62 (ii) provide remedial training and specific  
 15-63 technical assistance regarding the default.

15-64 (2) If a state in default fails to cure the default,  
 15-65 the defaulting state's membership in this compact may be terminated  
 15-66 upon an affirmative vote of a majority of the administrators, and  
 15-67 all rights, privileges, and benefits conferred by this compact may  
 15-68 be terminated on the effective date of termination. A cure of the  
 15-69 default does not relieve the offending state of obligations or

16-1 liabilities incurred during the period of default.

16-2 (3) Termination of membership in this compact shall be  
 16-3 imposed only after all other means of securing compliance have been  
 16-4 exhausted. Notice of intent to suspend or terminate shall be given  
 16-5 by the commission to the governor of the defaulting state and to the  
 16-6 executive officer of the defaulting state's licensing board and  
 16-7 each of the party states.

16-8 (4) A state whose membership in this compact has been  
 16-9 terminated is responsible for all assessments, obligations, and  
 16-10 liabilities incurred through the effective date of the termination,  
 16-11 including obligations that extend beyond the effective date of  
 16-12 termination.

16-13 (5) The commission shall not bear any costs related to  
 16-14 a state that is found to be in default or whose membership in this  
 16-15 compact has been terminated unless agreed upon in writing between  
 16-16 the commission and the defaulting state.

16-17 (6) The defaulting state may appeal the action of the  
 16-18 commission by petitioning the U.S. District Court for the District  
 16-19 of Columbia or the federal district in which the commission has its  
 16-20 principal offices. The prevailing party shall be awarded all costs  
 16-21 of such litigation, including reasonable attorneys' fees.

16-22 (c) Dispute Resolution

16-23 (1) Upon request by a party state, the commission  
 16-24 shall attempt to resolve disputes related to the compact that arise  
 16-25 among party states and between party and nonparty states.

16-26 (2) The commission shall promulgate a rule providing  
 16-27 for both mediation and binding dispute resolution for disputes, as  
 16-28 appropriate.

16-29 (3) In the event the commission cannot resolve  
 16-30 disputes among party states arising under this compact:

16-31 (i) the party states may submit the issues in  
 16-32 dispute to an arbitration panel, which will be comprised of  
 16-33 individuals appointed by the compact administrator in each of the  
 16-34 affected party states and an individual mutually agreed upon by the  
 16-35 compact administrators of all the party states involved in the  
 16-36 dispute; and

16-37 (ii) the decision of a majority of the  
 16-38 arbitrators shall be final and binding.

16-39 (d) Enforcement

16-40 (1) The commission, in the reasonable exercise of its  
 16-41 discretion, shall enforce the provisions and rules of this compact.

16-42 (2) By majority vote, the commission may initiate  
 16-43 legal action in the U.S. District Court for the District of Columbia  
 16-44 or in the federal district in which the commission has its principal  
 16-45 offices against a party state that is in default to enforce  
 16-46 compliance with the provisions of this compact and its promulgated  
 16-47 rules and bylaws. The relief sought may include both injunctive  
 16-48 relief and damages. In the event judicial enforcement is  
 16-49 necessary, the prevailing party shall be awarded all costs of such  
 16-50 litigation, including reasonable attorneys' fees.

16-51 (3) The remedies herein shall not be the exclusive  
 16-52 remedies of the commission. The commission may pursue any other  
 16-53 remedies available under federal or state law.

16-54 ARTICLE X. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENTS

16-55 (a) This compact shall become effective and binding on the  
 16-56 earlier of the date of legislative enactment of this compact into  
 16-57 law by no less than twenty-six (26) states or December 31, 2018. All  
 16-58 party states to this compact that also were parties to the prior  
 16-59 Nurse Licensure Compact, superseded by this compact ("prior  
 16-60 compact"), shall be deemed to have withdrawn from said prior  
 16-61 compact within six (6) months after the effective date of this  
 16-62 compact.

16-63 (b) Each party state to this compact shall continue to  
 16-64 recognize a nurse's multistate licensure privilege to practice in  
 16-65 that party state issued under the prior compact until the party  
 16-66 state has withdrawn from the prior compact.

16-67 (c) Any party state may withdraw from this compact by  
 16-68 enacting a statute repealing the same. A party state's withdrawal  
 16-69 shall not take effect until six (6) months after enactment of the

17-1 repealing statute.

17-2 (d) A party state's withdrawal or termination shall not  
 17-3 affect the continuing requirement of the withdrawing or terminated  
 17-4 state's licensing board to report adverse actions and significant  
 17-5 investigations occurring prior to the effective date of such  
 17-6 withdrawal or termination.

17-7 (e) Nothing contained in this compact shall be construed to  
 17-8 invalidate or prevent any nurse licensure agreement or other  
 17-9 cooperative arrangement between a party state and a nonparty state  
 17-10 that is made in accordance with the other provisions of this  
 17-11 compact.

17-12 (f) This compact may be amended by the party states. No  
 17-13 amendment to this compact shall become effective and binding upon  
 17-14 the party states unless and until it is enacted into the laws of all  
 17-15 party states.

17-16 (g) Representatives of nonparty states to this compact  
 17-17 shall be invited to participate in the activities of the  
 17-18 commission, on a nonvoting basis, prior to the adoption of this  
 17-19 compact by all states.

17-20 ARTICLE XI. CONSTRUCTION AND SEVERABILITY

17-21 This compact shall be liberally construed so as to effectuate  
 17-22 the purposes thereof. The provisions of this compact shall be  
 17-23 severable, and if any phrase, clause, sentence, or provision of  
 17-24 this compact is declared to be contrary to the constitution of any  
 17-25 party state or the United States, or if the applicability thereof to  
 17-26 any government, agency, person, or circumstance is held invalid,  
 17-27 the validity of the remainder of this compact and the applicability  
 17-28 thereof to any government, agency, person, or circumstance shall  
 17-29 not be affected thereby. If this compact shall be held to be  
 17-30 contrary to the constitution of any party state, this compact shall  
 17-31 remain in full force and effect as to the remaining party states and  
 17-32 in full force and effect as to the party state affected as to all  
 17-33 severable matters.

17-34 SECTION 13. Chapter 304, Occupations Code, is amended by  
 17-35 adding Section 304.0025 to read as follows:

17-36 Sec. 304.0025. RULES ADOPTED UNDER COMPACT. The Interstate  
 17-37 Commission of Nurse Licensure Compact Administrators established  
 17-38 under the Nurse Licensure Compact under Section 304.0015 may not  
 17-39 adopt rules that alter the requirements or scope of practice of a  
 17-40 license issued under Chapter 301. Any rule adopted by the  
 17-41 Interstate Commission of Nurse Licensure Compact Administrators  
 17-42 that purports to alter the requirements or scope of practice of a  
 17-43 license issued under Chapter 301 is not enforceable.

17-44 SECTION 14. Section 304.006(a), Occupations Code, is  
 17-45 amended to read as follows:

17-46 (a) On request and payment of a reasonable fee, the Texas  
 17-47 Board of Nursing shall provide a registered or vocational nurse  
 17-48 licensed by this state with a copy of information regarding the  
 17-49 nurse maintained by the coordinated licensure information system  
 17-50 under Article VI [7] of the Nurse Licensure Compact.

17-51 SECTION 15. Section 304.008(a), Occupations Code, is  
 17-52 amended to read as follows:

17-53 (a) In reporting information to the coordinated licensure  
 17-54 information system under Article VI [7] of the Nurse Licensure  
 17-55 Compact, the Texas Board of Nursing may disclose personally  
 17-56 identifiable information about the nurse, including the nurse's  
 17-57 social security number.

17-58 SECTION 16. (a) Sections 301.160 and 301.163, Occupations  
 17-59 Code, are repealed.

17-60 (b) Effective December 31, 2018, Sections 304.001 and  
 17-61 304.009, Occupations Code, are repealed.

17-62 SECTION 17. (a) Except as provided by Subsection (b) of  
 17-63 this section, Section 301.059, Occupations Code, as amended by this  
 17-64 Act, applies to a member of the Texas Board of Nursing appointed  
 17-65 before, on, or after the effective date of this Act.

17-66 (b) A member of the Texas Board of Nursing who, before the  
 17-67 effective date of this Act, completed the training program required  
 17-68 by Section 301.059, Occupations Code, as that law existed before  
 17-69 the effective date of this Act, is required to complete additional

18-1 training only on subjects added to the training program required by  
18-2 Section 301.059, Occupations Code, as amended by this Act. A board  
18-3 member described by this subsection may not vote, deliberate, or be  
18-4 counted as a member in attendance at a meeting of the board held on  
18-5 or after December 1, 2017, until the member completes the  
18-6 additional training.

18-7 SECTION 18. (a) Not later than May 31, 2018, the Texas  
18-8 Board of Nursing shall adopt the rules necessary to implement the  
18-9 changes in law made by this Act to Section 301.157, Occupations  
18-10 Code. In adopting rules under this subsection, the board shall  
18-11 provide an opportunity for public comment and, through the board's  
18-12 Advisory Committee on Education, seek comment from interested  
18-13 parties. The rules must:

18-14 (1) clearly define substantially equivalent education  
18-15 standards for purposes of recognizing a school of nursing or  
18-16 educational program operated in another state; and

18-17 (2) establish a process for enabling students enrolled  
18-18 in an out-of-state school of nursing or educational program that  
18-19 does not meet standards substantially equivalent to the board's  
18-20 standards to apply for initial licensure under Chapter 301,  
18-21 Occupations Code.

18-22 (b) Not later than March 1, 2018, the Texas Board of Nursing  
18-23 shall adopt the rules necessary to implement the changes in law made  
18-24 by this Act to Sections 301.252 and 301.452, Occupations Code. In  
18-25 adopting rules under this subsection, the board shall seek comments  
18-26 from relevant interested parties.

18-27 (c) Section 301.157(d-11), Occupations Code, as amended by  
18-28 this Act, applies beginning with the passage rates available in  
18-29 January 2018, reflecting the passage rates for the preceding year.  
18-30 If the passage rate for a clinical competency assessment program  
18-31 available in January 2018 does not meet the Texas Board of Nursing's  
18-32 required passage rate for students of approved in-state programs,  
18-33 the clinical competency assessment program shall complete the  
18-34 self-study required under Section 301.157(d-11)(1), Occupations  
18-35 Code, as amended by this Act, not later than May 31, 2018.

18-36 (d) Sections 301.301(b) and 301.461, Occupations Code, as  
18-37 amended by this Act, apply only to the assessment of the  
18-38 administrative costs of conducting a hearing to determine a  
18-39 violation on or after the effective date of this Act. The  
18-40 assessment of the administrative costs of conducting a hearing to  
18-41 determine a violation before the effective date of this Act is  
18-42 governed by the law in effect on the date the administrative costs  
18-43 were assessed, and the former law is continued in effect for that  
18-44 purpose.

18-45 (e) Section 301.459, Occupations Code, as amended by this  
18-46 Act, applies only to a contested case for which an administrative  
18-47 law judge employed by the State Office of Administrative Hearings  
18-48 issues written findings of fact and conclusions of law on or after  
18-49 the effective date of this Act. A contested case for which an  
18-50 administrative law judge employed by the State Office of  
18-51 Administrative Hearings issues written findings of fact and  
18-52 conclusions of law before the effective date of this Act is governed  
18-53 by the law in effect on the date the findings of fact and  
18-54 conclusions of law were issued, and the former law is continued in  
18-55 effect for that purpose.

18-56 SECTION 19. Except as otherwise provided by this Act, this  
18-57 Act takes effect September 1, 2017.

18-58 \* \* \* \* \*