



General Assembly

February Session, 2006

Raised Bill No. 5618

LCO No. 2232

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Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT ESTABLISHING A NURSE LICENSURE COMPACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) The Interstate Nurse
2 Licensure Compact is hereby enacted into law and entered into by this
3 state with all states legally joining therein in the form substantially as
4 follows:

5 ARTICLE I. Policy and Purpose

6 (a) The party states find that:

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

10 (2) Violations of nurse licensure and other laws regulating the
11 practice of nursing may result in injury or harm to the public;

12 (3) The expanded mobility of nurses and the use of advanced
13 communication technologies as part of our nation's healthcare delivery
14 system require greater coordination and cooperation among states in

15 the areas of nurse licensure and regulation;

16 (4) New practice modalities and technology make compliance with
17 individual state nurse licensure laws difficult and complex; and

18 (5) The current system of duplicative licensure for nurses practicing
19 in multiple states is cumbersome and redundant to both nurses and
20 states.

21 (b) The general purposes of this Compact are to:

22 (1) Facilitate the states' responsibility to protect the public's health
23 and safety;

24 (2) Ensure and encourage the cooperation of party states in the areas
25 of nurse licensure and regulation;

26 (3) Facilitate the exchange of information between party states in the
27 areas of nurse regulation, investigation and adverse actions;

28 (4) Promote compliance with the laws governing the practice of
29 nursing in each jurisdiction;

30 (5) Invest all party states with the authority to hold a nurse
31 accountable for meeting all state practice laws in the state in which the
32 patient is located at the time care is rendered through the mutual
33 recognition of party state licenses.

34 ARTICLE II. Definitions

35 As used in this compact:

36 (1) "Board" means the party state's regulatory body responsible for
37 issuing nurse licenses.

38 (2) "Information system" means the coordinated licensure
39 information system.

40 (3) "Primary state of residence" means the state of a person's

41 declared, fixed permanent and principal home for legal purposes, or
42 domicile.

43 (4) "Public" means any individual or entity, but does not include
44 designated staff or representatives of the board or the National Council
45 of State Boards of Nursing, Inc.

46 ARTICLE III. Issuance of Nurse Licenses by a Compact Party State

47 (a) Effective July 1, 2006, no applicant for initial licensure will be
48 issued a compact license granting a multi-state privilege to practice
49 unless the applicant first obtains a passing score on the applicable
50 National Council Licensure Examination or its predecessor
51 examination used for licensure.

52 (b) A nurse applying for a license in a home party state shall
53 produce evidence of the nurse's primary state of residence. Such
54 evidence shall include a declaration signed by the applicant. Further
55 evidence that may be requested may include, but need not be limited
56 to:

57 (1) A driver's license denoting the applicant's home address;

58 (2) A voter registration card displaying the applicant's home
59 address; or

60 (3) A federal income tax return declaring the applicant's primary
61 state of residence.

62 (c) A nurse changing primary state of residence, from one party
63 state to another party state, may continue to practice under the former
64 home state license and multi-state licensure privilege during the
65 processing of the nurse's licensure application in the new home state
66 for a period not to exceed thirty days.

67 (d) The licensure application in the new home state of a nurse under
68 pending investigation by the former home state shall be held in

69 abeyance and the thirty-day period in subsection (c) of this Article
70 shall be stayed until resolution of the pending investigation.

71 (e) The former home state license shall no longer be valid upon the
72 issuance of a new home state license.

73 (f) If a decision is made by the new home state denying licensure,
74 the new home state shall notify the former home state not later than
75 ten business days after the decision and the former home state may
76 take action in accordance with that state's laws and rules.

77 ARTICLE IV. Limitations on multi-state licensure privilege

78 Home state boards shall include in all licensure disciplinary orders
79 and agreements that limit practice or require monitoring the
80 requirement that the licensee subject to said order or agreement will
81 agree to limit the licensee's practice to the home state during the
82 pendency of the disciplinary order or agreement. This requirement
83 may, in the alternative, allow the nurse to practice in other party states
84 with prior written authorization from both the home state and such
85 other party state boards.

86 ARTICLE V. Information system

87 (a) The public shall have access to nurse licensure information
88 limited to:

89 (1) The nurse's name;

90 (2) Jurisdiction(s) of licensure;

91 (3) License expiration dates;

92 (4) Licensure classifications and statuses;

93 (5) Public emergency and final disciplinary actions, as defined by
94 contributing state authority; and

95 (6) The status of multi-state licensure privileges.

96 (7) Nonparty state boards shall have access to all information
97 system data except current significant investigative information and
98 other information, as limited by contributing party state authority.

99 (8) Party state boards shall have access to all information system
100 data contributed by the party states and other information, as limited
101 by contributing nonparty state authority.

102 (b) The licensee may make a request, in writing, to the home state
103 board to review the data relating to the licensee in the information
104 system. In the event a licensee asserts that any data relating to him or
105 her is inaccurate, the burden of proof shall be upon the licensee to
106 provide evidence that substantiates such claim. Not later than ten
107 business days after receiving evidence that substantiates a claim by a
108 licensee that data relating to the licensee in the information system is
109 inaccurate, the board shall verify and correct the inaccurate data in the
110 information system.

111 (c) The board shall report to the information system not later than
112 ten business days after:

113 (1) Disciplinary action, agreement or order requiring licensee
114 participation in alternative programs or that limit practice or require
115 monitoring, except agreements and orders relating to participation in
116 alternative programs required to remain confidential by contributing
117 state authority;

118 (2) Dismissal of a complaint by a licensee; and

119 (3) Changes in status of disciplinary action, or licensure
120 encumbrance.

121 (d) Current significant investigative information shall be deleted
122 from the information system not later than ten business days after a
123 report of disciplinary action, agreement or order requiring licensee

124 participation in alternative programs or agreements that limit practice
125 or require monitoring or dismissal of a complaint.

126 (e) Changes to licensure information in the information system shall
127 be completed not later than ten business days after receiving
128 notification of such change from a board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

Statement of Purpose:

To establish a nurse licensure compact.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]