

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 608, Page 1,
2 Section A, Line 2, by inserting immediately after all of said section and line the following:

3
4 "192.2490. 1. After an investigation and a determination has been made to place a person's
5 name on the employee disqualification list, that person shall be notified in writing mailed to his or
6 her last known address that:

7 (1) An allegation has been made against the person, the substance of the allegation and that
8 an investigation has been conducted which tends to substantiate the allegation;

9 (2) The person's name will be included in the employee disqualification list of the
10 department;

11 (3) The consequences of being so listed including the length of time to be listed; and

12 (4) The person's rights and the procedure to challenge the allegation.

13 2. If no reply has been received within thirty days of mailing the notice, the department may
14 include the name of such person on its list. The length of time the person's name shall appear on the
15 employee disqualification list shall be determined by the director or the director's designee, based
16 upon the criteria contained in subsection 9 of this section.

17 3. If the person so notified wishes to challenge the allegation, such person may file an
18 application for a hearing with the department. The department shall grant the application within
19 thirty days after receipt by the department and set the matter for hearing, or the department shall
20 notify the applicant that, after review, the allegation has been held to be unfounded and the
21 applicant's name will not be listed.

22 4. If a person's name is included on the employee disqualification list without the
23 department providing notice as required under subsection 1 of this section, such person may file a
24 request with the department for removal of the name or for a hearing. Within thirty days after
25 receipt of the request, the department shall either remove the name from the list or grant a hearing
26 and set a date therefor.

27 5. Any hearing shall be conducted in the county of the person's residence by the director of
28 the department or the director's designee. The provisions of chapter 536 for a contested case except
29 those provisions or amendments which are in conflict with this section shall apply to and govern the
30 proceedings contained in this section and the rights and duties of the parties involved. The person
31 appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter
32 536, relevant to the allegations.

33 6. Upon the record made at the hearing, the director of the department or the director's
34 designee shall determine all questions presented and shall determine whether the person shall be
35 listed on the employee disqualification list. The director of the department or the director's designee
36 shall clearly state the reasons for his or her decision and shall include a statement of findings of fact

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 and conclusions of law pertinent to the questions in issue.

2 7. A person aggrieved by the decision following the hearing shall be informed of his or her
3 right to seek judicial review as provided under chapter 536. If the person fails to appeal the
4 director's findings, those findings shall constitute a final determination that the person shall be
5 placed on the employee disqualification list.

6 8. A decision by the director shall be inadmissible in any civil action brought against a
7 facility or the in-home services provider agency and arising out of the facts and circumstances
8 which brought about the employment disqualification proceeding, unless the civil action is brought
9 against the facility or the in-home services provider agency by the department of health and senior
10 services or one of its divisions.

11 9. The length of time the person's name shall appear on the employee disqualification list
12 shall be determined by the director of the department of health and senior services or the director's
13 designee, based upon the following:

- 14 (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- 15 (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the
16 imminent danger to the health, safety or welfare of a resident or in-home services client;
- 17 (3) The degree of misappropriation of the property or funds, or falsification of any
18 documents for service delivery of an in-home services client;
- 19 (4) Whether the person has previously been listed on the employee disqualification list;
- 20 (5) Any mitigating circumstances;
- 21 (6) Any aggravating circumstances; and
- 22 (7) Whether alternative sanctions resulting in conditions of continued employment are
23 appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions
24 of employment may include, but are not limited to, additional training and employee counseling.
25 Conditional employment shall terminate upon the expiration of the designated length of time and
26 the person's submitting documentation which fulfills the department of health and senior services'
27 requirements.

28 10. The removal of any person's name from the list under this section shall not prevent the
29 director from keeping records of all acts finally determined to have occurred under this section.

30 11. The department shall provide the list maintained pursuant to this section to other state
31 departments upon request and to any person, corporation, organization, or association who:

- 32 (1) Is licensed as an operator under chapter 198;
- 33 (2) Provides in-home services under contract with the department of social services or its
34 divisions;
- 35 (3) Employs [nurses and nursing assistants] health care providers as defined in section
36 376.1350 for temporary or intermittent placement in health care facilities;
- 37 (4) Is approved by the department to issue certificates for nursing assistants training;
- 38 (5) Is an entity licensed under chapter 197;
- 39 (6) Is a recognized school of nursing, medicine, or other health profession for the purpose
40 of determining whether students scheduled to participate in clinical rotations with entities described
41 in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
- 42 (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that
43 conducts employee background checks on behalf of entities listed in [subdivisions (1), (2), (5), or
44 (6) of] this subsection. Such a consumer reporting agency shall conduct the employee
45 disqualification list check only upon the initiative or request of an entity described in [subdivisions
46 (1), (2), (5), or (6) of] this subsection when the entity is fulfilling its duties required under this
47 section.

48

1 The information shall be disclosed only to the requesting entity. The department shall inform any
2 person listed above who inquires of the department whether or not a particular name is on the list.
3 The department may require that the request be made in writing. No person, corporation,
4 organization, or association who is entitled to access the employee disqualification list may disclose
5 the information to any person, corporation, organization, or association who is not entitled to access
6 the list. Any person, corporation, organization, or association who is entitled to access the
7 employee disqualification list who discloses the information to any person, corporation,
8 organization, or association who is not entitled to access the list shall be guilty of an infraction.

9 12. No person, corporation, organization, or association who received the employee
10 disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly
11 employ any person who is on the employee disqualification list. Any person, corporation,
12 organization, or association who received the employee disqualification list under subdivisions (1)
13 to (7) of subsection 11 of this section, or any person responsible for providing health care service,
14 who declines to employ or terminates a person whose name is listed in this section shall be immune
15 from suit by that person or anyone else acting for or in behalf of that person for the failure to
16 employ or for the termination of the person whose name is listed on the employee disqualification
17 list.

18 13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or
19 192.2400 required to deny employment to an applicant or to discharge an employee, provisional or
20 otherwise, as a result of information obtained through any portion of the background screening and
21 employment eligibility determination process under section 210.903, or subsequent, periodic
22 screenings, shall not be liable in any action brought by the applicant or employee relating to
23 discharge where the employer is required by law to terminate the employee, provisional or
24 otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the
25 employee for work prior to the date of discharge, pursuant to section 288.100, if the employer
26 terminated the employee because the employee:

27 (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a
28 crime as listed in subsection 6 of section 192.2495;

29 (2) Was placed on the employee disqualification list under this section after the date of hire;

30 (3) Was placed on the employee disqualification registry maintained by the department of
31 mental health after the date of hire;

32 (4) Has a disqualifying finding under this section, section 192.2495, or is on any of the
33 background check lists in the family care safety registry under sections 210.900 to 210.936; or

34 (5) Was denied a good cause waiver as provided for in subsection 10 of section 192.2495.

35 14. Any person who has been listed on the employee disqualification list may request that
36 the director remove his or her name from the employee disqualification list. The request shall be
37 written and may not be made more than once every twelve months. The request will be granted by
38 the director upon a clear showing, by written submission only, that the person will not commit
39 additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of
40 any documents of service delivery to an in-home services client. The director may make conditional
41 the removal of a person's name from the list on any terms that the director deems appropriate, and
42 failure to comply with such terms may result in the person's name being relisted. The director's
43 determination of whether to remove the person's name from the list is not subject to appeal.

44 192.2495. 1. For the purposes of this section, the term "provider" means any person,
45 corporation or association who:

46 (1) Is licensed as an operator pursuant to chapter 198;

47 (2) Provides in-home services under contract with the department of social services or its
48 divisions;

1 (3) Employs [nurses or nursing assistants] health care providers as defined in section
2 376.1350 for temporary or intermittent placement in health care facilities;

3 (4) Is an entity licensed pursuant to chapter 197;

4 (5) Is a public or private facility, day program, residential facility or specialized service
5 operated, funded or licensed by the department of mental health; or

6 (6) Is a licensed adult day care provider.

7 2. For the purpose of this section "patient or resident" has the same meaning as such term is
8 defined in section 43.540.

9 3. Prior to allowing any person who has been hired as a full-time, part-time or temporary
10 position to have contact with any patient or resident the provider shall, or in the case of temporary
11 employees hired through or contracted for an employment agency, the employment agency shall
12 prior to sending a temporary employee to a provider:

13 (1) Request a criminal background check as provided in section 43.540. Completion of an
14 inquiry to the highway patrol for criminal records that are available for disclosure to a provider for
15 the purpose of conducting an employee criminal records background check shall be deemed to
16 fulfill the provider's duty to conduct employee criminal background checks pursuant to this section;
17 except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a
18 provider from further inquiry pursuant to common law requirements governing due diligence. If an
19 applicant has not resided in this state for five consecutive years prior to the date of his or her
20 application for employment, the provider shall request a nationwide check for the purpose of
21 determining if the applicant has a prior criminal history in other states. The fingerprint cards and
22 any required fees shall be sent to the highway patrol's central repository. The first set of fingerprints
23 shall be used for searching the state repository of criminal history information. If no identification
24 is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation,
25 Identification Division, for the searching of the federal criminal history files. The patrol shall notify
26 the submitting state agency of any criminal history information or lack of criminal history
27 information discovered on the individual. The provisions relating to applicants for employment
28 who have not resided in this state for five consecutive years shall apply only to persons who have no
29 employment history with a licensed Missouri facility during that five-year period. Notwithstanding
30 the provisions of section 610.120, all records related to any criminal history information discovered
31 shall be accessible and available to the provider making the record request; and

32 (2) Make an inquiry to the department of health and senior services whether the person is
33 listed on the employee disqualification list as provided in section 192.2490.

34 4. When the provider requests a criminal background check pursuant to section 43.540, the
35 requesting entity may require that the applicant reimburse the provider for the cost of such record
36 check. When a provider requests a nationwide criminal background check pursuant to subdivision
37 (1) of subsection 3 of this section, the total cost to the provider of any background check required
38 pursuant to this section shall not exceed five dollars which shall be paid to the state. State funding
39 and the obligation of a provider to obtain a nationwide criminal background check shall be subject
40 to the availability of appropriations.

41 5. An applicant for a position to have contact with patients or residents of a provider shall:

42 (1) Sign a consent form as required by section 43.540 so the provider may request a
43 criminal records review;

44 (2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal
45 history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall
46 include any suspended imposition of sentence, any suspended execution of sentence or any period of
47 probation or parole; [and]

48 (3) Disclose if the applicant is listed on the employee disqualification list as provided in

1 section 192.2490; and

2 (4) Disclose if the applicant is listed on any of the background checks in the family care
3 safety registry established under section 210.903. A provider not otherwise prohibited from
4 employing an individual listed on such background checks may deny employment to an individual
5 listed on any of the background checks in such registry.

6 6. An applicant who knowingly fails to disclose his or her criminal history as required in
7 subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A
8 misdemeanor if the provider knowingly hires or retains a person to have contact with patients or
9 residents and the person has been found guilty in this state or any other state or has been found
10 guilty of a crime, which if committed in Missouri would be a class A or B felony violation of
11 chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020.

12 7. Any in-home services provider agency or home health agency shall be guilty of a class A
13 misdemeanor if such agency knowingly employs a person to provide in-home services or home
14 health services to any in-home services client or home health patient and such person either refuses
15 to register with the family care safety registry or is listed on any of the background check lists in the
16 family care safety registry pursuant to sections 210.900 to 210.937.

17 8. The highway patrol shall examine whether protocols can be developed to allow a
18 provider to request a statewide fingerprint criminal records review check through local law
19 enforcement agencies.

20 9. A provider may use a private investigatory agency rather than the highway patrol to do a
21 criminal history records review check, and alternatively, the applicant pays the private investigatory
22 agency such fees as the provider and such agency shall agree.

23 10. Except for the hiring restriction based on the department of health and senior services
24 employee disqualification list established pursuant to section 192.2490, the department of health and
25 senior services shall promulgate rules and regulations to waive the hiring restrictions pursuant to
26 this section for good cause. For purposes of this section, "good cause" means the department has
27 made a determination by examining the employee's prior work history and other relevant factors
28 that such employee does not present a risk to the health or safety of residents.

29 195.430. 1. There is hereby established in the state treasury the "Controlled Substance
30 Abuse Prevention Fund", which shall consist of all fees collected by the department of health and
31 senior services for the issuance of registrations to manufacture, distribute, or dispense controlled
32 substances. The state treasurer shall be custodian of the fund. In accordance with sections 30.170
33 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and
34 moneys in the fund shall be used solely for the operation, regulation, enforcement, and educational
35 activities of the bureau of narcotics and dangerous drugs. Notwithstanding the provisions of section
36 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert
37 to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
38 same manner as other funds are invested. Any interest and moneys earned on such investments
39 shall be credited to the fund.

40 2. All fees authorized to be charged by the department shall be transmitted to the
41 department of revenue for deposit in the state treasury for credit to the fund, to be disbursed solely
42 for the payment of operating expenses of the bureau of narcotics and dangerous drugs to conduct
43 inspections, enforce controlled substances laws and regulations, provide education to health care
44 professionals and the public, and to prevent abuse of controlled substances.

45 3. Any moneys appropriated or made available by gift, grant, bequest, contribution, or
46 otherwise to carry out the purposes of this section shall be paid to and deposited in the controlled
47 substances abuse prevention fund.

48 195.435. The bureau of narcotics and dangerous drugs shall employ no less than one investigator

1 for every two thousand five hundred controlled substance registrants."; and

2
3 Further amend said bill, Page 4, Section 208.800, Line 3, by inserting immediately after all of said
4 section and line the following:

5
6 "335.360. 1. The party states find that:

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

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

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

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

16 (5) The current system of duplicative licensure for nurses practicing in multiple states is
17 cumbersome and redundant to both nurses and states; and

18 (6) Uniformity of nurse licensure requirements throughout the states promotes public safety
19 and public health benefits.

20 2. The general purposes of this compact are to:

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

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

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

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

27 (5) Invest all party states with the authority to hold a nurse accountable for meeting all state
28 practice laws in the state in which the patient is located at the time care is rendered through the
29 mutual recognition of party state licenses;

30 (6) Decrease redundancies in the consideration and issuance of nurse licenses; and

31 (7) Provide opportunities for interstate practice by nurses who meet uniform licensure
32 requirements.

33 335.365. As used in this compact, the following terms shall mean:

34 (1) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a
35 state's laws which is imposed by a licensing board or other authority against a nurse, including
36 actions against an individual's license or multistate licensure privilege such as revocation,
37 suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other
38 encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease
39 and desist action;

40 (2) "Alternative program", a nondisciplinary monitoring program approved by a licensing
41 board;

42 (3) "Coordinated licensure information system", an integrated process for collecting,
43 storing, and sharing information on nurse licensure and enforcement activities related to nurse
44 licensure laws that is administered by a nonprofit organization composed of and controlled by
45 licensing boards;

46 (4) "Current significant investigative information":

47 (a) Investigative information that a licensing board, after a preliminary inquiry that includes
48 notification and an opportunity for the nurse to respond, if required by state law, has reason to

1 believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2 (b) Investigative information that indicates that the nurse represents an immediate threat to
3 public health and safety, regardless of whether the nurse has been notified and had an opportunity to
4 respond;

5 (5) "Encumbrance", a revocation or suspension of, or any limitation on, the full and
6 unrestricted practice of nursing imposed by a licensing board;

7 (6) "Home state", the party state which is the nurse's primary state of residence;

8 (7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

9 (8) "Multistate license", a license to practice as a registered nurse, "RN", or a licensed
10 practical or vocational nurse, "LPN" or "VN", issued by a home state licensing board that authorizes
11 the licensed nurse to practice in all party states under a multistate licensure privilege;

12 (9) "Multistate licensure privilege", a legal authorization associated with a multistate license
13 permitting the practice of nursing as either an RN, LPN, or VN in a remote state;

14 (10) "Nurse", an RN, LPN, or VN, as those terms are defined by each party state's practice
15 laws;

16 (11) "Party state", any state that has adopted this compact;

17 (12) "Remote state", a party state, other than the home state;

18 (13) "Single-state license", a nurse license issued by a party state that authorizes practice
19 only within the issuing state and does not include a multistate licensure privilege to practice in any
20 other party state;

21 (14) "State", a state, territory, or possession of the United States and the District of
22 Columbia;

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

27 335.370. 1. A multistate license to practice registered or licensed practical or vocational
28 nursing issued by a home state to a resident in that state shall be recognized by each party state as
29 authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational
30 nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.

31 2. A state must implement procedures for considering the criminal history records of
32 applicants for initial multistate license or licensure by endorsement. Such procedures shall include
33 the submission of fingerprints or other biometric-based information by applicants for the purpose of
34 obtaining an applicant's criminal history record information from the Federal Bureau of
35 Investigation and the agency responsible for retaining that state's criminal records.

36 3. Each party state shall require the following for an applicant to obtain or retain a
37 multistate license in the home state:

38 (1) Meets the home state's qualifications for licensure or renewal of licensure as well as all
39 other applicable state laws;

40 (2) (a) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN
41 or VN prelicensure education program; or

42 (b) Has graduated from a foreign RN or LPN or VN prelicensure education program that
43 has been approved by the authorized accrediting body in the applicable country and has been
44 verified by an independent credentials review agency to be comparable to a licensing board-
45 approved prelicensure education program;

46 (3) Has, if a graduate of a foreign prelicensure education program not taught in English or if
47 English is not the individual's native language, successfully passed an English proficiency
48 examination that includes the components of reading, speaking, writing, and listening;

1 (4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized
2 predecessor, as applicable;

3 (5) Is eligible for or holds an active, unencumbered license;

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

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

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

12 (9) Is not currently enrolled in an alternative program;

13 (10) Is subject to self-disclosure requirements regarding current participation in an
14 alternative program; and

15 (11) Has a valid United States Social Security number.

16 4. All party states shall be authorized, in accordance with existing state due process law, to
17 take adverse action against a nurse's multistate licensure privilege such as revocation, suspension,
18 probation, or any other action that affects a nurse's authorization to practice under a multistate
19 licensure privilege, including cease and desist actions. If a party state takes such action, it shall
20 promptly notify the administrator of the coordinated licensure information system. The
21 administrator of the coordinated licensure information system shall promptly notify the home state
22 of any such actions by remote states.

23 5. A nurse practicing in a party state shall comply with the state practice laws of the state in
24 which the client is located at the time service is provided. The practice of nursing is not limited to
25 patient care, but shall include all nursing practice as defined by the state practice laws of the party
26 state in which the client is located. The practice of nursing in a party state under a multistate
27 licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the
28 laws of the party state in which the client is located at the time service is provided.

29 6. Individuals not residing in a party state shall continue to be able to apply for a party
30 state's single-state license as provided under the laws of each party state. However, the single-state
31 license granted to these individuals shall not be recognized as granting the privilege to practice
32 nursing in any other party state. Nothing in this compact shall affect the requirements established
33 by a party state for the issuance of a single-state license.

34 7. Any nurse holding a home state multistate license on the effective date of this compact
35 may retain and renew the multistate license issued by the nurse's then current home state, provided
36 that:

37 (1) A nurse who changes primary state of residence after this compact's effective date shall
38 meet all applicable requirements as provided in subsection 3 of this section to obtain a multistate
39 license from a new home state;

40 (2) A nurse who fails to satisfy the multistate licensure requirements in subsection 3 of this
41 section due to a disqualifying event occurring after this compact's effective date shall be ineligible
42 to retain or renew a multistate license, and the nurse's multistate license shall be revoked or
43 deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse
44 Licensure Compact Administrators, commission.

45 335.375. 1. Upon application for a multistate license, the licensing board in the issuing
46 party state shall ascertain, through the coordinated licensure information system, whether the
47 applicant has ever held, or is the holder of, a license issued by any other state, whether there are any
48 encumbrances on any license or multistate licensure privilege held by the applicant, whether any

1 adverse action has been taken against any license or multistate licensure privilege held by the
2 applicant, and whether the applicant is currently participating in an alternative program.

3 2. A nurse shall hold a multistate license, issued by the home state, in only one party state at
4 a time.

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

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

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

12 4. If a nurse changes primary state of residence by moving from a party state to a non-party
13 state, the multistate license issued by the prior home state shall convert to a single-state license,
14 valid only in the former home state.

15 335.380. 1. In addition to the other powers conferred by state law, a licensing board shall
16 have the authority to:

17 (1) Take adverse action against a nurse's multistate licensure privilege to practice within that
18 party state;

19 (a) Only the home state shall have the power to take adverse action against a nurse's license
20 issued by the home state;

21 (b) For purposes of taking adverse action, the home state licensing board shall give the same
22 priority and effect to reported conduct received from a remote state as it would if such conduct had
23 occurred within the home state. In so doing, the home state shall apply its own state laws to
24 determine appropriate action;

25 (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to
26 practice within that party state;

27 (3) Complete any pending investigations of a nurse who changes primary state of residence
28 during the course of such investigations. The licensing board shall also have the authority to take
29 appropriate action and shall promptly report the conclusions of such investigations to the
30 administrator of the coordinated licensure information system. The administrator of the coordinated
31 licensure information system shall promptly notify the new home state of any such actions;

32 (4) Issue subpoenas for both hearings and investigations that require the attendance and
33 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
34 board in a party state for the attendance and testimony of witnesses or the production of evidence
35 from another party state shall be enforced in the latter state by any court of competent jurisdiction
36 according to the practice and procedure of that court applicable to subpoenas issued in proceedings
37 pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and
38 other fees required by the service statutes of the state in which the witnesses or evidence are located;

39 (5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric
40 based information to the Federal Bureau of Investigation for criminal background checks, receive
41 the results of the Federal Bureau of Investigation record search on criminal background checks, and
42 use the results in making licensure decisions;

43 (6) If otherwise permitted by state law, recover from the affected nurse the costs of
44 investigations and disposition of cases resulting from any adverse action taken against that nurse;
45 and

46 (7) Take adverse action based on the factual findings of the remote state; provided that, the
47 licensing board follows its own procedures for taking such adverse action.

48 2. If adverse action is taken by the home state against a nurse's multistate license, the nurse's

1 multistate licensure privilege to practice in all other party states shall be deactivated until all
2 encumbrances have been removed from the multistate license. All home state disciplinary orders
3 that impose adverse action against a nurse's multistate license shall include a statement that the
4 nurse's multistate licensure privilege is deactivated in all party states during the pendency of the
5 order.

6 3. Nothing in this compact shall override a party state's decision that participation in an
7 alternative program may be used in lieu of adverse action. The home state licensing board shall
8 deactivate the multistate licensure privilege under the multistate license of any nurse for the duration
9 of the nurse's participation in an alternative program.

10 335.385. 1. All party states shall participate in a coordinated licensure information system
11 of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or
12 "VNs". This system shall include information on the licensure and disciplinary history of each
13 nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement
14 efforts.

15 2. The commission, in consultation with the administrator of the coordinated licensure
16 information system, shall formulate necessary and proper procedures for the identification,
17 collection, and exchange of information under this compact.

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

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

26 5. Notwithstanding any other provision of law, all party state licensing boards contributing
27 information to the coordinated licensure information system may designate information that shall
28 not be shared with non-party states or disclosed to other entities or individuals without the express
29 permission of the contributing state.

30 6. Any personally identifiable information obtained from the coordinated licensure
31 information system by a party state licensing board shall not be shared with non-party states or
32 disclosed to other entities or individuals except to the extent permitted by the laws of the party state
33 contributing the information.

34 7. Any information contributed to the coordinated licensure information system that is
35 subsequently required to be expunged by the laws of the party state contributing that information
36 shall also be expunged from the coordinated licensure information system.

37 8. The compact administrator of each party state shall furnish a uniform data set to the
38 compact administrator of each other party state, which shall include, at a minimum:

39 (1) Identifying information;

40 (2) Licensure data;

41 (3) Information related to alternative program participation; and

42 (4) Other information that may facilitate the administration of this compact, as determined
43 by commission rules.

44 9. The compact administrator of a party state shall provide all investigative documents and
45 information requested by another party state.

46 335.390. 1. The party states hereby create and establish a joint public entity known as the
47 "Interstate Commission of Nurse Licensure Compact Administrators".

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

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

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

6 2. (1) Each party state shall have and be limited to one administrator. The head of the state
7 licensing board or designee shall be the administrator of this compact for each party state. Any
8 administrator may be removed or suspended from office as provided by the law of the state from
9 which the administrator is appointed. Any vacancy occurring in the commission shall be filled in
10 accordance with the laws of the party state in which the vacancy exists.

11 (2) Each administrator shall be entitled to one vote with regard to the promulgation of rules
12 and creation of bylaws and shall otherwise have an opportunity to participate in the business and
13 affairs of the commission. An administrator shall vote in person or by such other means as provided
14 in the bylaws. The bylaws may provide for an administrator's participation in meetings by
15 telephone or other means of communication.

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

18 (4) All meetings shall be open to the public, and public notice of meetings shall be given in
19 the same manner as required under the rulemaking provisions in section 335.395.

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

22 (a) Noncompliance of a party state with its obligations under this compact;

23 (b) The employment, compensation, discipline, or other personnel matters, practices, or
24 procedures related to specific employees, or other matters related to the commission's internal
25 personnel practices and procedures;

26 (c) Current, threatened, or reasonably anticipated litigation;

27 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

28 (e) Accusing any person of a crime or formally censuring any person;

29 (f) Disclosure of trade secrets or commercial or financial information that is privileged or
30 confidential;

31 (g) Disclosure of information of a personal nature where disclosure would constitute a
32 clearly unwarranted invasion of personal privacy;

33 (h) Disclosure of investigatory records compiled for law enforcement purposes;

34 (i) Disclosure of information related to any reports prepared by or on behalf of the
35 commission for the purpose of investigation of compliance with this compact; or

36 (j) Matters specifically exempted from disclosure by federal or state statute.

37 (6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this
38 subsection, the commission's legal counsel or designee shall certify that the meeting shall be closed
39 and shall reference each relevant exempting provision. The commission shall keep minutes that
40 fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate
41 summary of actions taken, and the reasons therefor, including a description of the views expressed.
42 All documents considered in connection with an action shall be identified in such minutes. All
43 minutes and documents of a closed meeting shall remain under seal, subject to release by a majority
44 vote of the commission or order of a court of competent jurisdiction.

45 3. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules
46 to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the
47 powers of this compact including, but not limited to:

48 (1) Establishing the fiscal year of the commission;

1 (2) Providing reasonable standards and procedures:

2 (a) For the establishment and meetings of other committees; and

3 (b) Governing any general or specific delegation of any authority or function of the
4 commission;

5 (3) Providing reasonable procedures for calling and conducting meetings of the
6 commission, ensuring reasonable advance notice of all meetings and providing an opportunity for
7 attendance of such meetings by interested parties, with enumerated exceptions designed to protect
8 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.
9 The commission may meet in closed session only after a majority of the administrators vote to close
10 a meeting in whole or in part. As soon as practicable, the commission must make public a copy of
11 the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

12 (4) Establishing the titles, duties, and authority and reasonable procedures for the election of
13 the officers of the commission;

14 (5) Providing reasonable standards and procedures for the establishment of the personnel
15 policies and programs of the commission. Notwithstanding any civil service or other similar laws
16 of any party state, the bylaws shall exclusively govern the personnel policies and programs of the
17 commission; and

18 (6) Providing a mechanism for winding up the operations of the commission and the
19 equitable disposition of any surplus funds that may exist after the termination of this compact after
20 the payment or reserving of all of its debts and obligations.

21 4. The commission shall publish its bylaws and rules, and any amendments thereto, in a
22 convenient form on the website of the commission.

23 5. The commission shall maintain its financial records in accordance with the bylaws.

24 6. The commission shall meet and take such actions as are consistent with the provisions of
25 this compact and the bylaws.

26 7. The commission shall have the following powers:

27 (1) To promulgate uniform rules to facilitate and coordinate implementation and
28 administration of this compact. The rules shall have the force and effect of law and shall be binding
29 in all party states;

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

33 (3) To purchase and maintain insurance and bonds;

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

36 (5) To cooperate with other organizations that administer state compacts related to the
37 regulation of nursing including, but not limited to, sharing administrative or staff expenses, office
38 space, or other resources;

39 (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such
40 individuals appropriate authority to carry out the purposes of this compact, and to establish the
41 commission's personnel policies and programs relating to conflicts of interest, qualifications of
42 personnel, and other related personnel matters;

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

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

1 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
2 any property, whether real, personal, or mixed;

3 (10) To establish a budget and make expenditures;

4 (11) To borrow money;

5 (12) To appoint committees, including advisory committees comprised of administrators,
6 state nursing regulators, state legislators or their representatives, consumer representatives, and
7 other such interested persons;

8 (13) To provide and receive information from, and to cooperate with, law enforcement
9 agencies;

10 (14) To adopt and use an official seal; and

11 (15) To perform such other functions as may be necessary or appropriate to achieve the
12 purposes of this compact consistent with the state regulation of nurse licensure and practice.

13 8. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of
14 its establishment, organization, and ongoing activities.

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

19 (3) The commission shall not incur obligations of any kind prior to securing the funds
20 adequate to meet the same; nor shall the commission pledge the credit of any of the party states,
21 except by and with the authority of such party state.

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

27 9. (1) The administrators, officers, executive director, employees, and representatives of the
28 commission shall be immune from suit and liability, either personally or in their official capacity,
29 for any claim for damage to or loss of property, personal injury, or other civil liability caused by or
30 arising out of any actual or alleged act, error, or omission that occurred, or that the person against
31 whom the claim is made had a reasonable basis for believing occurred, within the scope of
32 commission employment, duties, or responsibilities; provided that, nothing in this paragraph shall
33 be construed to protect any such person from suit or liability for any damage, loss, injury, or
34 liability caused by the intentional, willful, or wanton misconduct of that person.

35 (2) The commission shall defend any administrator, officer, executive director, employee, or
36 representative of the commission in any civil action seeking to impose liability arising out of any
37 actual or alleged act, error, or omission that occurred within the scope of commission employment,
38 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
39 for believing occurred within the scope of commission employment, duties, or responsibilities;
40 provided that, nothing herein shall be construed to prohibit that person from retaining his or her own
41 counsel; and provided further that the actual or alleged act, error, or omission did not result from
42 that person's intentional, willful, or wanton misconduct.

43 (3) The commission shall indemnify and hold harmless any administrator, officer, executive
44 director, employee, or representative of the commission for the amount of any settlement or
45 judgment obtained against that person arising out of any actual or alleged act, error, or omission that
46 occurred within the scope of commission employment, duties, or responsibilities, or that such
47 person had a reasonable basis for believing occurred within the scope of commission employment,
48 duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result

1 from the intentional, willful, or wanton misconduct of that person.

2 335.395. 1. The commission shall exercise its rulemaking powers pursuant to the criteria
3 set forth in this section and the rules adopted thereunder. Rules and amendments shall become
4 binding as of the date specified in each rule or amendment and shall have the same force and effect
5 as provisions of this compact.

6 2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the
7 commission.

8 3. Prior to promulgation and adoption of a final rule or rules by the commission, and at least
9 sixty days in advance of the meeting at which the rule shall be considered and voted upon, the
10 commission shall file a notice of proposed rulemaking:

11 (1) On the website of the commission; and

12 (2) On the website of each licensing board or the publication in which each state would
13 otherwise publish proposed rules.

14 4. The notice of proposed rulemaking shall include:

15 (1) The proposed time, date, and location of the meeting in which the rule shall be
16 considered and voted upon;

17 (2) The text of the proposed rule or amendment, and the reason for the proposed rule;

18 (3) A request for comments on the proposed rule from any interested person;

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

21 5. Prior to adoption of a proposed rule, the commission shall allow persons to submit
22 written data, facts, opinions, and arguments, which shall be made available to the public.

23 6. The commission shall grant an opportunity for a public hearing before it adopts a rule or
24 amendment.

25 7. The commission shall publish the place, time, and date of the scheduled public hearing.

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

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

31 8. If no one appears at the public hearing, the commission may proceed with promulgation
32 of the proposed rule.

33 9. Following the scheduled hearing date, or by the close of business on the scheduled
34 hearing date if the hearing was not held, the commission shall consider all written and oral
35 comments received.

36 10. The commission shall, by majority vote of all administrators, take final action on the
37 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
38 record and the full text of the rule.

39 11. Upon determination that an emergency exists, the commission may consider and adopt
40 an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the
41 usual rulemaking procedures provided in this compact and in this section shall be retroactively
42 applied to the rule as soon as reasonably possible, in no event later than ninety days after the
43 effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be
44 adopted immediately in order to:

45 (1) Meet an imminent threat to public health, safety, or welfare;

46 (2) Prevent a loss of commission or party state funds; or

47 (3) Meet a deadline for the promulgation of an administrative rule that is required by federal
48 law or rule.

1 12. The commission may direct revisions to a previously adopted rule or amendment for
2 purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical
3 errors. Public notice of any revisions shall be posted on the website of the commission. The
4 revision shall be subject to challenge by any person for a period of thirty days after posting. The
5 revision shall be challenged only on grounds that the revision results in a material change to a rule.
6 A challenge shall be made in writing and delivered to the commission prior to the end of the notice
7 period. If no challenge is made, the revision shall take effect without further action. If the revision
8 is challenged, the revision shall not take effect without the approval of the commission.

9 335.400. 1. (1) Each party state shall enforce this compact and take all actions necessary
10 and appropriate to effectuate this compact's purposes and intent.

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

16 2. (1) If the commission determines that a party state has defaulted in the performance of
17 its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

18 (a) Provide written notice to the defaulting state and other party states of the nature of the
19 default, the proposed means of curing the default, or any other action to be taken by the
20 commission; and

21 (b) Provide remedial training and specific technical assistance regarding the default.

22 (2) If a state in default fails to cure the default, the defaulting state's membership in this
23 compact shall be terminated upon an affirmative vote of a majority of the administrators, and all
24 rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of
25 termination. A cure of the default does not relieve the offending state of obligations or liabilities
26 incurred during the period of default.

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

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

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

37 (6) The defaulting state may appeal the action of the commission by petitioning the United
38 States District Court for the District of Columbia or the federal district in which the commission has
39 its principal offices. The prevailing party shall be awarded all costs of such litigation, including
40 reasonable attorneys' fees.

41 3. (1) Upon request by a party state, the (1) commission shall attempt to resolve disputes
42 related to the compact that arise among party states and between party and non-party states.

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

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

47 (a) The party states shall submit the issues in dispute to an arbitration panel, which shall be
48 comprised of individuals appointed by the compact administrator in each of the affected party states

1 and an individual mutually agreed upon by the compact administrators of all the party states
2 involved in the dispute.

3 (b) The decision of a majority of the arbitrators shall be final and binding.

4 4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the
5 provisions and rules of this compact.

6 (2) By majority vote, the commission may initiate legal action in the United States District
7 Court for the District of Columbia or the federal district in which the commission has its principal
8 offices against a party state that is in default to enforce compliance with the provisions of this
9 compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief
10 and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded
11 all costs of such litigation, including reasonable attorneys' fees.

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

14 335.405. 1. This compact shall become effective and binding on the earlier of the date of
15 legislative enactment of this compact into law by no less than twenty-six states or December 31,
16 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact
17 superseded by this compact "prior compact" shall be deemed to have withdrawn from said prior
18 compact within six months after the effective date of this compact.

19 2. Each party state to this compact shall continue to recognize a nurse's multistate licensure
20 privilege to practice in that party state issued under the prior compact until such party state has
21 withdrawn from the prior compact.

22 3. Any party state may withdraw from this compact by enacting a statute repealing the
23 same. A party state's withdrawal shall not take effect until six months after enactment of the
24 repealing statute.

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

28 5. Nothing contained in this compact shall be construed to invalidate or prevent any nurse
29 licensure agreement or other cooperative arrangement between a party state and a non-party state
30 that is made in accordance with the other provisions of this compact.

31 6. This compact may be amended by the party states. No amendment to this compact shall
32 become effective and binding upon the party states unless and until it is enacted into the laws of all
33 party states.

34 7. Representatives of non-party states to this compact shall be invited to participate in the
35 activities of the commission on a nonvoting basis prior to the adoption of this compact by all states.

36 335.410. This compact shall be liberally construed so as to effectuate the purposes thereof.
37 The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of
38 this compact is declared to be contrary to the constitution of any party state or of the United States
39 or the applicability thereof to any government, agency, person, or circumstance is held invalid, the
40 validity of the remainder of this compact and the applicability thereof to any government, agency,
41 person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the
42 constitution of any party state, this compact shall remain in full force and effect as to the remaining
43 party states and in full force and effect as to the party state affected as to all severable matters.

44 335.415. 1. The term "head of the nurse licensing board" as referred to in section 335.390
45 of this compact shall mean the executive director of the Missouri state board of nursing.

46 2. This compact is designed to facilitate the regulation of nurses, and does not relieve
47 employers from complying with statutorily imposed obligations.

48 3. This compact does not supersede existing state labor laws."; and

1 [335.300. 1. The party states find that:

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

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

7 (3) The expanded mobility of nurses and the use of advanced communication
8 technologies as part of our nation's health care delivery system require greater
9 coordination and cooperation among states in the areas of nurse licensure and
10 regulation;

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

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

15 2. The general purposes of this compact are to:

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

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

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

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

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

27
28 [335.305. As used in this compact, the following terms shall mean:

29 (1) "Adverse action", a home or remote state action;

30 (2) "Alternative program", a voluntary, nondisciplinary monitoring program
31 approved by a nurse licensing board;

32 (3) "Coordinated licensure information system", an integrated process for
33 collecting, storing, and sharing information on nurse licensure and enforcement
34 activities related to nurse licensure laws, which is administered by a nonprofit
35 organization composed of and controlled by state nurse licensing boards;

36 (4) "Current significant investigative information":

37 (a) Investigative information that a licensing board, after a preliminary
38 inquiry that includes notification and an opportunity for the nurse to respond if
39 required by state law, has reason to believe is not groundless and, if proved true,
40 would indicate more than a minor infraction; or

41 (b) Investigative information that indicates that the nurse represents an
42 immediate threat to public health and safety regardless of whether the nurse has been
43 notified and had an opportunity to respond;

44 (5) "Home state", the party state that is the nurse's primary state of residence;

45 (6) "Home state action", any administrative, civil, equitable, or criminal
46 action permitted by the home state's laws that are imposed on a nurse by the home
47 state's licensing board or other authority including actions against an individual's
48 license such as: revocation, suspension, probation, or any other action affecting a

1 nurse's authorization to practice;

2 (7) "Licensing board", a party state's regulatory body responsible for issuing
3 nurse licenses;

4 (8) "Multistate licensing privilege", current, official authority from a remote
5 state permitting the practice of nursing as either a registered nurse or a licensed
6 practical/vocational nurse in such party state. All party states have the authority, in
7 accordance with existing state due process law, to take actions against the nurse's
8 privilege such as: revocation, suspension, probation, or any other action that affects
9 a nurse's authorization to practice;

10 (9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms
11 are defined by each state's practice laws;

12 (10) "Party state", any state that has adopted this compact;

13 (11) "Remote state", a party state, other than the home state:

14 (a) Where a patient is located at the time nursing care is provided; or

15 (b) In the case of the practice of nursing not involving a patient, in such party
16 state where the recipient of nursing practice is located;

17 (12) "Remote state action":

18 (a) Any administrative, civil, equitable, or criminal action permitted by a
19 remote state's laws which are imposed on a nurse by the remote state's licensing
20 board or other authority including actions against an individual's multistate licensure
21 privilege to practice in the remote state; and

22 (b) Cease and desist and other injunctive or equitable orders issued by remote
23 states or the licensing boards thereof;

24 (13) "State", a state, territory, or possession of the United States, the District
25 of Columbia, or the Commonwealth of Puerto Rico;

26 (14) "State practice laws", those individual party's state laws and regulations
27 that govern the practice of nursing, define the scope of nursing practice, and create
28 the methods and grounds for imposing discipline. State practice laws does not
29 include the initial qualifications for licensure or requirements necessary to obtain and
30 retain a license, except for qualifications or requirements of the home state.]

31
32 [335.310. 1. A license to practice registered nursing issued by a home state
33 to a resident in that state will be recognized by each party state as authorizing a
34 multistate licensure privilege to practice as a registered nurse in such party state. A
35 license to practice licensed practical/vocational nursing issued by a home state to a
36 resident in that state will be recognized by each party state as authorizing a multistate
37 licensure privilege to practice as a licensed practical/vocational nurse in such party
38 state. In order to obtain or retain a license, an applicant must meet the home state's
39 qualifications for licensure and license renewal as well as all other applicable state
40 laws.

41 2. Party states may, in accordance with state due process laws, limit or
42 revoke the multistate licensure privilege of any nurse to practice in their state and
43 may take any other actions under their applicable state laws necessary to protect the
44 health and safety of their citizens. If a party state takes such action, it shall promptly
45 notify the administrator of the coordinated licensure information system. The
46 administrator of the coordinated licensure information system shall promptly notify
47 the home state of any such actions by remote states.

48 3. Every nurse practicing in a party state must comply with the state practice

1 laws of the state in which the patient is located at the time care is rendered. In
 2 addition, the practice of nursing is not limited to patient care, but shall include all
 3 nursing practice as defined by the state practice laws of a party state. The practice of
 4 nursing will subject a nurse to the jurisdiction of the nurse licensing board and the
 5 courts, as well as the laws, in that party state.

6 4. This compact does not affect additional requirements imposed by states for
 7 advanced practice registered nursing. However, a multistate licensure privilege to
 8 practice registered nursing granted by a party state shall be recognized by other party
 9 states as a license to practice registered nursing if one is required by state law as a
 10 precondition for qualifying for advanced practice registered nurse authorization.

11 5. Individuals not residing in a party state shall continue to be able to apply
 12 for nurse licensure as provided for under the laws of each party state.
 13 However, the license granted to these individuals will not be recognized as granting
 14 the privilege to practice nursing in any other party state unless explicitly agreed to by
 15 that party state.]

16
 17 [335.315. 1. Upon application for a license, the licensing board in a party
 18 state shall ascertain, through the coordinated licensure information system, whether
 19 the applicant has ever held, or is the holder of, a license issued by any other state,
 20 whether there are any restrictions on the multistate licensure privilege, and whether
 21 any other adverse action by any state has been taken against the license.

22 2. A nurse in a party state shall hold licensure in only one party state at a
 23 time, issued by the home state.

24 3. A nurse who intends to change primary state of residence may apply for
 25 licensure in the new home state in advance of such change. However, new licenses
 26 will not be issued by a party state until after a nurse provides evidence of change in
 27 primary state of residence satisfactory to the new home state's licensing board.

28 4. When a nurse changes primary state of residence by:

29 (1) Moving between two party states, and obtains a license from the new
 30 home state, the license from the former home state is no longer valid;

31 (2) Moving from a nonparty state to a party state, and obtains a license from
 32 the new home state, the individual state license issued by the nonparty state is not
 33 affected and will remain in full force if so provided by the laws of the nonparty state;

34 (3) Moving from a party state to a nonparty state, the license issued by the
 35 prior home state converts to an individual state license, valid only in the former home
 36 state, without the multistate licensure privilege to practice in other party states.]

37
 38 [335.320. In addition to the general provisions described in article III of this
 39 compact, the following provisions apply:

40 (1) The licensing board of a remote state shall promptly report to the
 41 administrator of the coordinated licensure information system any remote state
 42 actions including the factual and legal basis for such action, if known. The licensing
 43 board of a remote state shall also promptly report any significant current
 44 investigative information yet to result in a remote state action. The administrator of
 45 the coordinated licensure information system shall promptly notify the home state of
 46 any such reports;

47 (2) The licensing board of a party state shall have the authority to complete
 48 any pending investigations for a nurse who changes primary state of residence during

1 the course of such investigations. It shall also have the authority to take appropriate
2 actions, and shall promptly report the conclusions of such investigations to the
3 administrator of the coordinated licensure information system. The administrator of
4 the coordinated licensure information system shall promptly notify the new home
5 state of any such actions;

6 (3) A remote state may take adverse action affecting the multistate licensure
7 privilege to practice within that party state. However, only the home state shall have
8 the power to impose adverse action against the license issued by the home state;

9 (4) For purposes of imposing adverse action, the licensing board of the home
10 state shall give the same priority and effect to reported conduct received from a
11 remote state as it would if such conduct had occurred within the home state, in so
12 doing, it shall apply its own state laws to determine appropriate action;

13 (5) The home state may take adverse action based on the factual findings of
14 the remote state, so long as each state follows its own procedures for imposing such
15 adverse action;

16 (6) Nothing in this compact shall override a party state's decision that
17 participation in an alternative program may be used in lieu of licensure action and
18 that such participation shall remain nonpublic if required by the party state's laws.
19 Party states must require nurses who enter any alternative programs to agree not to
20 practice in any other party state during the term of the alternative program without
21 prior authorization from such other party state.]
22

23 [335.325. Notwithstanding any other powers, party state nurse licensing
24 boards shall have the authority to:

25 (1) If otherwise permitted by state law, recover from the affected nurse the
26 costs of investigations and disposition of cases resulting from any adverse action
27 taken against that nurse;

28 (2) Issue subpoenas for both hearings and investigations which require the
29 attendance and testimony of witnesses, and the production of evidence. Subpoenas
30 issued by a nurse licensing board in a party state for the attendance and testimony of
31 witnesses, and/or the production of evidence from another party state, shall be
32 enforced in the latter state by any court of competent jurisdiction, according to the
33 practice and procedure of that court applicable to subpoenas issued in proceedings
34 pending before it. The issuing authority shall pay any witness fees, travel expenses,
35 mileage, and other fees required by the service statutes of the state where the
36 witnesses and evidence are located;

37 (3) Issue cease and desist orders to limit or revoke a nurse's authority to
38 practice in their state;

39 (4) Promulgate uniform rules and regulations as provided for in subsection 3
40 of section 335.335.]
41

42 [335.330. 1. All party states shall participate in a cooperative effort to create
43 a coordinated database of all licensed registered nurses and licensed
44 practical/vocational nurses. This system will include information on the licensure
45 and disciplinary history of each nurse, as contributed by party states, to assist in the
46 coordination of nurse licensure and enforcement efforts.

47 2. Notwithstanding any other provision of law, all party states' licensing
48 boards shall promptly report adverse actions, actions against multistate licensure

1 privileges, any current significant investigative information yet to result in adverse
2 action, denials of applications, and the reasons for such denials to the coordinated
3 licensure information system.

4 3. Current significant investigative information shall be transmitted through
5 the coordinated licensure information system only to party state licensing boards.

6 4. Notwithstanding any other provision of law, all party states' licensing
7 boards contributing information to the coordinated licensure information system may
8 designate information that may not be shared with nonparty states or disclosed to
9 other entities or individuals without the express permission of the contributing state.

10 5. Any personally identifiable information obtained by a party state's
11 licensing board from the coordinated licensure information system may not be shared
12 with nonparty states or disclosed to other entities or individuals except to the extent
13 permitted by the laws of the party state contributing the information.

14 6. Any information contributed to the coordinated licensure information
15 system that is subsequently required to be expunged by the laws of the party state
16 contributing that information shall also be expunged from the coordinated licensure
17 information system.

18 7. The compact administrators, acting jointly with each other and in
19 consultation with the administrator of the coordinated licensure information system,
20 shall formulate necessary and proper procedures for the identification, collection, and
21 exchange of information under this compact.]

22
23 [335.335. 1. The head of the nurse licensing board, or his/her designee, of
24 each party state shall be the administrator of this compact for his/her state.

25 2. The compact administrator of each party shall furnish to the compact
26 administrator of each other party state any information and documents including, but
27 not limited to, a uniform data set of investigations, identifying information, licensure
28 data, and disclosable alternative program participation information to facilitate the
29 administration of this compact.

30 3. Compact administrators shall have the authority to develop uniform rules
31 to facilitate and coordinate implementation of this compact. These uniform rules
32 shall be adopted by party states, under the authority invested under subsection 4 of
33 section 335.325.]

34
35 [335.340. No party state or the officers or employees or agents of a party
36 state's nurse licensing board who acts in accordance with the provisions of this
37 compact shall be liable on account of any act or omission in good faith while
38 engaged in the performance of their duties under this compact. Good faith in this
39 article shall not include willful misconduct, gross negligence, or recklessness.]

40
41 [335.345. 1. This compact shall enter into force and become effective as to
42 any state when it has been enacted into the laws of that state. Any party state may
43 withdraw from this compact by enacting a statute repealing the same, but no such
44 withdrawal shall take effect until six months after the withdrawing state has given
45 notice of the withdrawal to the executive heads of all other party states.

46 2. No withdrawal shall affect the validity or applicability by the licensing
47 boards of states remaining party to the compact of any report of adverse action
48 occurring prior to the withdrawal.

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

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

9 [335.350. 1. This compact shall be liberally construed so as to effectuate the
10 purposes thereof. The provisions of this compact shall be severable and if any
11 phrase, clause, sentence, or provision of this compact is declared to be contrary to the
12 constitution of any party state or of the United States or the applicability thereof to
13 any government, agency, person, or circumstance is held invalid, the validity of the
14 remainder of this compact and the applicability thereof to any government, agency,
15 person, or circumstance shall not be affected thereby. If this compact shall be held
16 contrary to the constitution of any state party thereto, the compact shall remain in full
17 force and effect as to the remaining party states and in full force and effect as to the
18 party state affected as to all severable matters.

19 2. In the event party states find a need for settling disputes arising under this
20 compact:

21 (1) The party states may submit the issues in dispute to an arbitration panel
22 which will be comprised of an individual appointed by the compact administrator in
23 the home state, an individual appointed by the compact administrator in the remote
24 states involved, and an individual mutually agreed upon by the compact
25 administrators of all the party states involved in the dispute;

26 (2) The decision of a majority of the arbitrators shall be final and binding.]
27

28 [335.355. 1. The term "head of the nurse licensing board" as referred to in
29 article VIII of this compact shall mean the executive director of the Missouri state
30 board of nursing.

31 2. A person who is extended the privilege to practice in this state pursuant to
32 the nurse licensure compact is subject to discipline by the board, as set forth in this
33 chapter, for violation of this chapter or the rules and regulations promulgated herein.
34 A person extended the privilege to practice in this state pursuant to the nurse
35 licensure compact shall be subject to adhere to all requirements of this chapter, as if
36 such person were originally licensed in this state.

37 3. Sections 335.300 to 335.355 are applicable only to nurses whose home
38 states are determined by the Missouri state board of nursing to have licensure
39 requirements that are substantially equivalent or more stringent than those of
40 Missouri.

41 4. This compact is designed to facilitate the regulation of nurses, and does
42 not relieve employers from complying with statutorily imposed obligations.

43 5. This compact does not supercede existing state labor laws.]" ; and

44 Section B. The repeal of sections 335.300 to 335.355 and the enactment of sections 335.360
45 to 335.415 of this act shall become effective on December 31, 2018, or upon the enactment of
46 sections 335.360 to 335.415 of this act by no less than twenty-six states and notification of such
47 enactment to the revisor of statutes by the Interstate Commission of Nurse Licensure Compact
48 Administrators, whichever occurs first." ; and

1
2 Further amend said bill by amending the title, enacting clause, and intersectional references
3 accordingly.
4
5