

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 18-0109.01 Yelana Love x2295

**SENATE BILL 18-027**

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**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ENACTMENT OF THE "ENHANCED NURSE LICENSURE**  
102      **COMPACT".**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill repeals the current "Nurse Licensure Compact" and adopts the "Enhanced Nurse Licensure Compact".

The "Enhanced Nurse Licensure Compact" makes the following changes to the "Nurse Licensure Compact":

- ! Provides authority to each party state licensing board to obtain and submit criminal background checks for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.



1 TO THE PUBLIC;

2 3. THE EXPANDED MOBILITY OF NURSES AND THE USE OF  
3 ADVANCED COMMUNICATION TECHNOLOGIES AS PART OF OUR NATION'S  
4 HEALTH CARE DELIVERY SYSTEM REQUIRE GREATER COORDINATION AND  
5 COOPERATION AMONG STATES IN THE AREAS OF NURSE LICENSURE AND  
6 REGULATION;

7 4. NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE  
8 COMPLIANCE WITH INDIVIDUAL STATE NURSE LICENSURE LAWS DIFFICULT  
9 AND COMPLEX;

10 5. THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES  
11 PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT FOR  
12 BOTH NURSES AND STATES; AND

13 6. UNIFORMITY OF NURSE LICENSURE REQUIREMENTS  
14 THROUGHOUT THE STATES PROMOTES PUBLIC SAFETY AND PUBLIC HEALTH  
15 BENEFITS.

16 b. THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

17 1. FACILITATE THE STATES' RESPONSIBILITY TO PROTECT THE  
18 PUBLIC'S HEALTH AND SAFETY;

19 2. ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES  
20 IN THE AREAS OF NURSE LICENSURE AND REGULATION;

21 3. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN PARTY  
22 STATES IN THE AREAS OF NURSE REGULATION, INVESTIGATION AND  
23 ADVERSE ACTIONS;

24 4. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING THE  
25 PRACTICE OF NURSING IN EACH JURISDICTION;

26 5. INVEST ALL PARTY STATES WITH THE AUTHORITY TO HOLD A  
27 NURSE ACCOUNTABLE FOR MEETING ALL STATE PRACTICE LAWS IN THE

1 STATE IN WHICH THE PATIENT IS LOCATED AT THE TIME CARE IS RENDERED  
2 THROUGH THE MUTUAL RECOGNITION OF PARTY STATE LICENSES;

3 6. DECREASE REDUNDANCIES IN THE CONSIDERATION AND  
4 ISSUANCE OF NURSE LICENSES; AND

5 7. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY NURSES  
6 WHO MEET UNIFORM LICENSURE REQUIREMENTS.

7 **ARTICLE II**

8 **Definitions**

9 AS USED IN THIS COMPACT:

10 a. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,  
11 EQUITABLE OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS WHICH  
12 IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY AGAINST A  
13 NURSE, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR  
14 MULTISTATE LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION,  
15 PROBATION, MONITORING OF THE LICENSEE, LIMITATION OF THE LICENSEE'S  
16 PRACTICE, OR ANY OTHER ENCUMBRANCE ON LICENSURE AFFECTING A  
17 NURSE'S AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A CEASE  
18 AND DESIST ACTION.

19 b. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY  
20 MONITORING PROGRAM APPROVED BY A LICENSING BOARD.

21 c. "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN  
22 INTEGRATED PROCESS FOR COLLECTING, STORING AND SHARING  
23 INFORMATION ON NURSE LICENSURE AND ENFORCEMENT ACTIVITIES  
24 RELATED TO NURSE LICENSURE LAWS THAT IS ADMINISTERED BY A  
25 NONPROFIT ORGANIZATION COMPOSED OF AND CONTROLLED BY LICENSING  
26 BOARDS.

27 d. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

1           1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER  
2           A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN  
3           OPPORTUNITY FOR THE NURSE TO RESPOND IF REQUIRED BY STATE LAW,  
4           HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE,  
5           WOULD INDICATE MORE THAN A MINOR INFRACTION; OR

6           2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE NURSE  
7           REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY  
8           REGARDLESS OF WHETHER THE NURSE HAS BEEN NOTIFIED AND HAD AN  
9           OPPORTUNITY TO RESPOND.

10           e. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR  
11           ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING  
12           IMPOSED BY A LICENSING BOARD.

13           f. "HOME STATE" MEANS THE PARTY STATE WHICH IS THE NURSE'S  
14           PRIMARY STATE OF RESIDENCE.

15           g. "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY  
16           BODY RESPONSIBLE FOR ISSUING NURSE LICENSES.

17           h. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A  
18           REGISTERED OR A LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN)  
19           ISSUED BY A HOME STATE LICENSING BOARD THAT AUTHORIZES THE  
20           LICENSED NURSE TO PRACTICE IN ALL PARTY STATES UNDER A MULTISTATE  
21           LICENSURE PRIVILEGE.

22           i. "MULTISTATE LICENSURE PRIVILEGE" MEANS A LEGAL  
23           AUTHORIZATION ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING  
24           THE PRACTICE OF NURSING AS EITHER A REGISTERED NURSE (RN) OR  
25           LPN/VN IN A REMOTE STATE.

26           j. "NURSE" MEANS RN OR LPN/VN, AS THOSE TERMS ARE DEFINED  
27           BY EACH PARTY STATE'S PRACTICE LAWS.

1 k. "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS  
2 COMPACT.

3 l. "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE  
4 HOME STATE.

5 m. "SINGLE-STATE LICENSE" MEANS A NURSE LICENSE ISSUED BY  
6 A PARTY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING  
7 STATE AND DOES NOT INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO  
8 PRACTICE IN ANY OTHER PARTY STATE.

9 n. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE  
10 UNITED STATES AND THE DISTRICT OF COLUMBIA.

11 o. "STATE PRACTICE LAWS" MEANS A PARTY STATE'S LAWS, RULES  
12 AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE  
13 SCOPE OF NURSING PRACTICE, AND CREATE THE METHODS AND GROUNDS  
14 FOR IMPOSING DISCIPLINE. "STATE PRACTICE LAWS" DO NOT INCLUDE  
15 REQUIREMENTS NECESSARY TO OBTAIN AND RETAIN A LICENSE, EXCEPT  
16 FOR QUALIFICATIONS OR REQUIREMENTS OF THE HOME STATE.

17 **ARTICLE III**

18 **General Provisions and Jurisdiction**

19 a. A MULTISTATE LICENSE TO PRACTICE REGISTERED OR LICENSED  
20 PRACTICAL/VOCATIONAL NURSING ISSUED BY A HOME STATE TO A  
21 RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS  
22 AUTHORIZING A NURSE TO PRACTICE AS A REGISTERED NURSE (RN) OR AS  
23 A LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN), UNDER A  
24 MULTISTATE LICENSURE PRIVILEGE, IN EACH PARTY STATE.

25 b. A STATE MUST IMPLEMENT PROCEDURES FOR CONSIDERING THE  
26 CRIMINAL HISTORY RECORDS OF APPLICANTS FOR INITIAL MULTISTATE  
27 LICENSE OR LICENSURE BY ENDORSEMENT. SUCH PROCEDURES SHALL

1 INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED  
2 INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN  
3 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE  
4 FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR  
5 RETAINING THAT STATE'S CRIMINAL RECORDS.

6 c. EACH PARTY STATE SHALL REQUIRE THE FOLLOWING FOR AN  
7 APPLICANT TO OBTAIN OR RETAIN A MULTISTATE LICENSE IN THE HOME  
8 STATE:

9 1. MEETS THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR  
10 RENEWAL OF LICENSURE, AS WELL AS, ALL OTHER APPLICABLE STATE  
11 LAWS;

12 2. i. HAS GRADUATED OR IS ELIGIBLE TO GRADUATE FROM A  
13 LICENSING BOARD-APPROVED RN OR LPN/VN PRELICENSURE EDUCATION  
14 PROGRAM; OR

15 ii. HAS GRADUATED FROM A FOREIGN RN OR LPN/VN  
16 PRELICENSURE EDUCATION PROGRAM THAT (a) HAS BEEN APPROVED BY  
17 THE AUTHORIZED ACCREDITING BODY IN THE APPLICABLE COUNTRY AND  
18 (b) HAS BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW  
19 AGENCY TO BE COMPARABLE TO A LICENSING BOARD-APPROVED  
20 PRELICENSURE EDUCATION PROGRAM;

21 3. HAS, IF A GRADUATE OF A FOREIGN PRELICENSURE EDUCATION  
22 PROGRAM NOT TAUGHT IN ENGLISH OR IF ENGLISH IS NOT THE  
23 INDIVIDUAL'S NATIVE LANGUAGE, SUCCESSFULLY PASSED AN ENGLISH  
24 PROFICIENCY EXAMINATION THAT INCLUDES THE COMPONENTS OF  
25 READING, SPEAKING, WRITING, AND LISTENING;

26 4. HAS SUCCESSFULLY PASSED AN NCLEX-RN® OR NCLEX-PN®  
27 EXAMINATION OR RECOGNIZED PREDECESSOR, AS APPLICABLE;

1           5. IS ELIGIBLE FOR OR HOLDS AN ACTIVE, UNENCUMBERED  
2 LICENSE;

3           6. HAS SUBMITTED, IN CONNECTION WITH AN APPLICATION FOR  
4 INITIAL LICENSURE OR LICENSURE BY ENDORSEMENT, FINGERPRINTS OR  
5 OTHER BIOMETRIC DATA FOR THE PURPOSE OF OBTAINING CRIMINAL  
6 HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF  
7 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT  
8 STATE'S CRIMINAL RECORDS;

9           7. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED  
10 INTO AN AGREED DISPOSITION, OF A FELONY OFFENSE UNDER APPLICABLE  
11 STATE OR FEDERAL CRIMINAL LAW;

12           8. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED  
13 INTO AN AGREED DISPOSITION, OF A MISDEMEANOR OFFENSE RELATED TO  
14 THE PRACTICE OF NURSING AS DETERMINED ON A CASE-BY-CASE BASIS;

15           9. IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM;

16           10. IS SUBJECT TO SELF-DISCLOSURE REQUIREMENTS REGARDING  
17 CURRENT PARTICIPATION IN AN ALTERNATIVE PROGRAM; AND

18           11. HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER.

19           d. ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE  
20 WITH EXISTING STATE DUE PROCESS LAW, TO TAKE ADVERSE ACTION  
21 AGAINST A NURSE'S MULTISTATE LICENSURE PRIVILEGE SUCH AS  
22 REVOCATION, SUSPENSION, PROBATION OR ANY OTHER ACTION THAT  
23 AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE UNDER A MULTISTATE  
24 LICENSURE PRIVILEGE, INCLUDING CEASE AND DESIST ACTIONS. IF A PARTY  
25 STATE TAKES SUCH ACTION, IT SHALL PROMPTLY NOTIFY THE  
26 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM.  
27 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION



1 SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH ACTIONS  
2 BY REMOTE STATES.

3 e. A NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH  
4 THE STATE PRACTICE LAWS OF THE STATE IN WHICH THE CLIENT IS  
5 LOCATED AT THE TIME SERVICE IS PROVIDED. THE PRACTICE OF NURSING  
6 IS NOT LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL NURSING  
7 PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF THE PARTY STATE  
8 IN WHICH THE CLIENT IS LOCATED. THE PRACTICE OF NURSING IN A PARTY  
9 STATE UNDER A MULTISTATE LICENSURE PRIVILEGE WILL SUBJECT A NURSE  
10 TO THE JURISDICTION OF THE LICENSING BOARD, THE COURTS AND THE  
11 LAWS OF THE PARTY STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME  
12 SERVICE IS PROVIDED.

13 f. INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE  
14 TO BE ABLE TO APPLY FOR A PARTY STATE'S SINGLE-STATE LICENSE AS  
15 PROVIDED UNDER THE LAWS OF EACH PARTY STATE. HOWEVER, THE  
16 SINGLE-STATE LICENSE GRANTED TO THESE INDIVIDUALS WILL NOT BE  
17 RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE NURSING IN ANY  
18 OTHER PARTY STATE. NOTHING IN THIS COMPACT SHALL AFFECT THE  
19 REQUIREMENTS ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A  
20 SINGLE-STATE LICENSE.

21 g. ANY NURSE HOLDING A HOME STATE MULTISTATE LICENSE, ON  
22 THE EFFECTIVE DATE OF THIS COMPACT, MAY RETAIN AND RENEW THE  
23 MULTISTATE LICENSE ISSUED BY THE NURSE'S THEN-CURRENT HOME  
24 STATE, PROVIDED THAT:

25 1. A NURSE, WHO CHANGES PRIMARY STATE OF RESIDENCE AFTER  
26 THIS COMPACT'S EFFECTIVE DATE, MUST MEET ALL APPLICABLE ARTICLE  
27 III.c. REQUIREMENTS TO OBTAIN A MULTISTATE LICENSE FROM A NEW

1 HOME STATE.

2 2. A NURSE WHO FAILS TO SATISFY THE MULTISTATE LICENSURE  
3 REQUIREMENTS IN ARTICLE III.c. DUE TO A DISQUALIFYING EVENT  
4 OCCURRING AFTER THIS COMPACT'S EFFECTIVE DATE SHALL BE INELIGIBLE  
5 TO RETAIN OR RENEW A MULTISTATE LICENSE, AND THE NURSE'S  
6 MULTISTATE LICENSE SHALL BE REVOKED OR DEACTIVATED IN  
7 ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE INTERSTATE  
8 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS  
9 ("COMMISSION").

10 **ARTICLE IV**

11 **Applications for Licensure in a Party State**

12 a. UPON APPLICATION FOR A MULTISTATE LICENSE, THE LICENSING  
13 BOARD IN THE ISSUING PARTY STATE SHALL ASCERTAIN, THROUGH THE  
14 COORDINATED LICENSURE INFORMATION SYSTEM, WHETHER THE  
15 APPLICANT HAS EVER HELD, OR IS THE HOLDER OF, A LICENSE ISSUED BY  
16 ANY OTHER STATE, WHETHER THERE ARE ANY ENCUMBRANCES ON ANY  
17 LICENSE OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT,  
18 WHETHER ANY ADVERSE ACTION HAS BEEN TAKEN AGAINST ANY LICENSE  
19 OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT AND  
20 WHETHER THE APPLICANT IS CURRENTLY IN AN ALTERNATIVE PROGRAM.

21 b. A NURSE MAY HOLD A MULTISTATE LICENSE, ISSUED BY THE  
22 HOME STATE, IN ONLY ONE PARTY STATE AT A TIME.

23 c. IF A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY MOVING  
24 BETWEEN TWO PARTY STATES, THE NURSE MUST APPLY FOR LICENSURE IN  
25 THE NEW HOME STATE AND THE MULTISTATE LICENSE ISSUED BY THE  
26 PRIOR HOME STATE WILL BE DEACTIVATED IN ACCORDANCE WITH  
27 APPLICABLE RULES ADOPTED BY THE COMMISSION.



1           2. ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE  
2 ON A NURSE'S AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE.

3           3. COMPLETE ANY PENDING INVESTIGATIONS OF A NURSE WHO  
4 CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF SUCH  
5 INVESTIGATIONS. THE LICENSING BOARD SHALL ALSO HAVE THE  
6 AUTHORITY TO TAKE APPROPRIATE ACTION(S) AND SHALL PROMPTLY  
7 REPORT THE CONCLUSIONS OF SUCH INVESTIGATIONS TO THE  
8 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM.  
9 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION  
10 SYSTEM SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH  
11 ACTIONS.

12           4. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS  
13 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AS WELL  
14 AS, THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING  
15 BOARD IN A PARTY STATE FOR THE ATTENDANCE AND TESTIMONY OF  
16 WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER PARTY  
17 STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF  
18 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE  
19 OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS  
20 PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS  
21 FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE  
22 SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE  
23 ARE LOCATED.

24           5. OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT,  
25 FINGERPRINT OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL  
26 BUREAU OF INVESTIGATION FOR CRIMINAL BACKGROUND CHECKS,  
27 RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION

1 RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE  
2 RESULTS IN MAKING LICENSURE DECISIONS.

3 6. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE  
4 AFFECTED NURSE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF  
5 CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT  
6 NURSE.

7 7. TAKE ADVERSE ACTION BASED ON THE FACTUAL FINDINGS OF  
8 THE REMOTE STATE, PROVIDED THAT THE LICENSING BOARD FOLLOWS ITS  
9 OWN PROCEDURES FOR TAKING SUCH ADVERSE ACTION.

10 b. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A  
11 NURSE'S MULTISTATE LICENSE, THE NURSE'S MULTISTATE LICENSURE  
12 PRIVILEGE TO PRACTICE IN ALL OTHER PARTY STATES SHALL BE  
13 DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE  
14 MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT  
15 IMPOSE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSE SHALL  
16 INCLUDE A STATEMENT THAT THE NURSE'S MULTISTATE LICENSURE  
17 PRIVILEGE IS DEACTIVATED IN ALL PARTY STATES DURING THE PENDENCY  
18 OF THE ORDER.

19 c. NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S  
20 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE  
21 USED IN LIEU OF ADVERSE ACTION. THE HOME STATE LICENSING BOARD  
22 SHALL DEACTIVATE THE MULTISTATE LICENSURE PRIVILEGE UNDER THE  
23 MULTISTATE LICENSE OF ANY NURSE FOR THE DURATION OF THE NURSE'S  
24 PARTICIPATION IN AN ALTERNATIVE PROGRAM.

25 **ARTICLE VI**

26 **Coordinated Licensure Information**  
27 **System and Exchange of Information**

1           a. ALL PARTY STATES SHALL PARTICIPATE IN A COORDINATED  
2 LICENSURE INFORMATION SYSTEM OF ALL LICENSED REGISTERED NURSES  
3 (RNs) AND LICENSED PRACTICAL/VOCATIONAL NURSES (LPNs/VNs). THIS  
4 SYSTEM WILL INCLUDE INFORMATION ON THE LICENSURE AND  
5 DISCIPLINARY HISTORY OF EACH NURSE, AS SUBMITTED BY PARTY STATES,  
6 TO ASSIST IN THE COORDINATION OF NURSE LICENSURE AND ENFORCEMENT  
7 EFFORTS.

8           b. THE COMMISSION, IN CONSULTATION WITH THE ADMINISTRATOR  
9 OF THE COORDINATED LICENSURE INFORMATION SYSTEM, SHALL  
10 FORMULATE NECESSARY AND PROPER PROCEDURES FOR THE  
11 IDENTIFICATION, COLLECTION AND EXCHANGE OF INFORMATION UNDER  
12 THIS COMPACT.

13           c. ALL LICENSING BOARDS SHALL PROMPTLY REPORT TO THE  
14 COORDINATED LICENSURE INFORMATION SYSTEM ANY ADVERSE ACTION,  
15 ANY CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION, DENIALS OF  
16 APPLICATIONS (WITH THE REASONS FOR SUCH DENIALS) AND NURSE  
17 PARTICIPATION IN ALTERNATIVE PROGRAMS KNOWN TO THE LICENSING  
18 BOARD REGARDLESS OF WHETHER SUCH PARTICIPATION IS DEEMED  
19 NONPUBLIC OR CONFIDENTIAL UNDER STATE LAW.

20           d. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION AND  
21 PARTICIPATION IN NONPUBLIC OR CONFIDENTIAL ALTERNATIVE PROGRAMS  
22 SHALL BE TRANSMITTED THROUGH THE COORDINATED LICENSURE  
23 INFORMATION SYSTEM ONLY TO PARTY STATE LICENSING BOARDS.

24           e. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY  
25 STATE LICENSING BOARDS CONTRIBUTING INFORMATION TO THE  
26 COORDINATED LICENSURE INFORMATION SYSTEM MAY DESIGNATE  
27 INFORMATION THAT MAY NOT BE SHARED WITH NONPARTY STATES OR

1 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT THE EXPRESS  
2 PERMISSION OF THE CONTRIBUTING STATE.

3 f. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED FROM  
4 THE COORDINATED LICENSURE INFORMATION SYSTEM BY A PARTY STATE  
5 LICENSING BOARD SHALL NOT BE SHARED WITH NONPARTY STATES OR  
6 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS EXCEPT TO THE EXTENT  
7 PERMITTED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THE  
8 INFORMATION.

9 g. ANY INFORMATION CONTRIBUTED TO THE COORDINATED  
10 LICENSURE INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO  
11 BE EXPUNGED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THAT  
12 INFORMATION, SHALL ALSO BE EXPUNGED FROM THE COORDINATED  
13 LICENSURE INFORMATION SYSTEM.

14 h. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL  
15 FURNISH A UNIFORM DATA SET TO THE COMPACT ADMINISTRATOR OF EACH  
16 OTHER PARTY STATE, WHICH SHALL INCLUDE, AT A MINIMUM:

- 17 1. IDENTIFYING INFORMATION;
- 18 2. LICENSURE DATA;
- 19 3. INFORMATION RELATED TO ALTERNATIVE PROGRAM  
20 PARTICIPATION; AND
- 21 4. OTHER INFORMATION THAT MAY FACILITATE THE  
22 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY COMMISSION  
23 RULES.

24 i. THE COMPACT ADMINISTRATOR OF A PARTY STATE SHALL  
25 PROVIDE ALL INVESTIGATIVE DOCUMENTS AND INFORMATION REQUESTED  
26 BY ANOTHER PARTY STATE.

27 **ARTICLE VII**

1                                   **Establishment of the Interstate Commission**  
2                                   **of Nurse Licensure Compact Administrators**

3                   a. THE PARTY STATES HEREBY CREATE AND ESTABLISH A JOINT  
4 PUBLIC ENTITY KNOWN AS THE INTERSTATE COMMISSION OF NURSE  
5 LICENSURE COMPACT ADMINISTRATORS.

6                   1. THE COMMISSION IS AN INSTRUMENTALITY OF THE PARTY  
7 STATES.

8                   2. VENUE IS PROPER, AND JUDICIAL PROCEEDINGS BY OR AGAINST  
9 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY, IN A  
10 COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE  
11 COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND  
12 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO  
13 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

14                  3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A  
15 WAIVER OF SOVEREIGN IMMUNITY.

16                   b. MEMBERSHIP, VOTING AND MEETINGS

17                  1. EACH PARTY STATE SHALL HAVE AND BE LIMITED TO ONE  
18 ADMINISTRATOR. THE HEAD OF THE STATE LICENSING BOARD OR DESIGNEE  
19 SHALL BE THE ADMINISTRATOR OF THIS COMPACT FOR EACH PARTY STATE.  
20 ANY ADMINISTRATOR MAY BE REMOVED OR SUSPENDED FROM OFFICE AS  
21 PROVIDED BY THE LAW OF THE STATE FROM WHICH THE ADMINISTRATOR  
22 IS APPOINTED. ANY VACANCY OCCURRING IN THE COMMISSION SHALL BE  
23 FILLED IN ACCORDANCE WITH THE LAWS OF THE PARTY STATE IN WHICH  
24 THE VACANCY EXISTS.

25                  2. EACH ADMINISTRATOR SHALL BE ENTITLED TO ONE (1) VOTE  
26 WITH REGARD TO THE PROMULGATION OF RULES AND CREATION OF  
27 BYLAWS AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE



1 IN THE BUSINESS AND AFFAIRS OF THE COMMISSION. AN ADMINISTRATOR  
2 SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE  
3 BYLAWS. THE BYLAWS MAY PROVIDE FOR AN ADMINISTRATOR'S  
4 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF  
5 COMMUNICATION.

6 3. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH  
7 CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN  
8 THE BYLAWS OR RULES OF THE COMMISSION.

9 4. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC  
10 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED  
11 UNDER THE RULEMAKING PROVISIONS IN ARTICLE VIII.

12 5. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC  
13 MEETING IF THE COMMISSION MUST DISCUSS:

14 i. NONCOMPLIANCE OF A PARTY STATE WITH ITS OBLIGATIONS  
15 UNDER THIS COMPACT;

16 ii. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER  
17 PERSONNEL MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC  
18 EMPLOYEES OR OTHER MATTERS RELATED TO THE COMMISSION'S  
19 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

20 iii. CURRENT, THREATENED OR REASONABLY ANTICIPATED  
21 LITIGATION;

22 iv. NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF  
23 GOODS, SERVICES OR REAL ESTATE;

24 v. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING  
25 ANY PERSON;

26 vi. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
27 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

1           vii. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE  
2 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF  
3 PERSONAL PRIVACY;

4           viii. DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW  
5 ENFORCEMENT PURPOSES;

6           ix. DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS  
7 PREPARED BY OR ON BEHALF OF THE COMMISSION FOR THE PURPOSE OF  
8 INVESTIGATION OF COMPLIANCE WITH THIS COMPACT; OR

9           x. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY  
10 FEDERAL OR STATE STATUTE.

11           6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT  
12 TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE  
13 SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL  
14 REFERENCE EACH RELEVANT EXEMPTING PROVISION. THE COMMISSION  
15 SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS  
16 DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE  
17 SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFOR, INCLUDING  
18 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED  
19 IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.  
20 ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN  
21 UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE  
22 COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.

23           c. THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE  
24 ADMINISTRATORS, PRESCRIBE BYLAWS OR RULES TO GOVERN ITS CONDUCT  
25 AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES  
26 AND EXERCISE THE POWERS OF THIS COMPACT, INCLUDING BUT NOT  
27 LIMITED TO:

- 1           1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;
- 2           2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:
- 3           i. FOR THE ESTABLISHMENT AND MEETINGS OF OTHER
- 4 COMMITTEES; AND
- 5           ii. GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY
- 6 AUTHORITY OR FUNCTION OF THE COMMISSION;
- 7           3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND
- 8 CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE
- 9 ADVANCE NOTICE OF ALL MEETINGS AND PROVIDING AN OPPORTUNITY FOR
- 10 ATTENDANCE OF SUCH MEETINGS BY INTERESTED PARTIES, WITH
- 11 ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S INTEREST,
- 12 THE PRIVACY OF INDIVIDUALS, AND PROPRIETARY INFORMATION,
- 13 INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED
- 14 SESSION ONLY AFTER A MAJORITY OF THE ADMINISTRATORS VOTE TO
- 15 CLOSE A MEETING IN WHOLE OR IN PART. AS SOON AS PRACTICABLE, THE
- 16 COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO CLOSE THE
- 17 MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY
- 18 VOTES ALLOWED;
- 19           4. ESTABLISHING THE TITLES, DUTIES AND AUTHORITY AND
- 20 REASONABLE PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE
- 21 COMMISSION;
- 22           5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR
- 23 THE ESTABLISHMENT OF THE PERSONNEL POLICIES AND PROGRAMS OF THE
- 24 COMMISSION. NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR
- 25 LAWS OF ANY PARTY STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN
- 26 THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION; AND
- 27           6. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF

1 THE COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS  
2 FUNDS THAT MAY EXIST AFTER THE TERMINATION OF THIS COMPACT  
3 AFTER THE PAYMENT OR RESERVING OF ALL OF ITS DEBTS AND  
4 OBLIGATIONS;

5 d. THE COMMISSION SHALL PUBLISH ITS BYLAWS AND RULES, AND  
6 ANY AMENDMENTS THERETO, IN A CONVENIENT FORM ON THE WEBSITE OF  
7 THE COMMISSION.

8 e. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN  
9 ACCORDANCE WITH THE BYLAWS.

10 f. THE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS ARE  
11 CONSISTENT WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

12 g. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

13 1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND  
14 COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.  
15 THE RULES SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE  
16 BINDING IN ALL PARTY STATES;

17 2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN  
18 THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY  
19 LICENSING BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT  
20 BE AFFECTED;

21 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

22 4. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF  
23 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A PARTY  
24 STATE OR NONPROFIT ORGANIZATIONS;

25 5. TO COOPERATE WITH OTHER ORGANIZATIONS THAT ADMINISTER  
26 STATE COMPACTS RELATED TO THE REGULATION OF NURSING, INCLUDING  
27 BUT NOT LIMITED TO SHARING ADMINISTRATIVE OR STAFF EXPENSES,

1 OFFICE SPACE OR OTHER RESOURCES;

2 6. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX  
3 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE  
4 AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT, AND TO  
5 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS  
6 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL  
7 AND OTHER RELATED PERSONNEL MATTERS;

8 7. TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS, GRANTS  
9 AND GIFTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES,  
10 AND TO RECEIVE, UTILIZE AND DISPOSE OF THE SAME; PROVIDED THAT AT  
11 ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF  
12 IMPROPRIETY OR CONFLICT OF INTEREST;

13 8. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR  
14 DONATIONS OF, OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY  
15 PROPERTY, WHETHER REAL, PERSONAL OR MIXED; PROVIDED THAT AT ALL  
16 TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;

17 9. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,  
18 ABANDON OR OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL,  
19 PERSONAL OR MIXED;

20 10. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

21 11. TO BORROW MONEY;

22 12. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES  
23 COMPRISED OF ADMINISTRATORS, STATE NURSING REGULATORS, STATE  
24 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER  
25 REPRESENTATIVES, AND OTHER SUCH INTERESTED PERSONS;

26 13. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO  
27 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

1           14. TO ADOPT AND USE AN OFFICIAL SEAL; AND

2           15. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY  
3 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT  
4 CONSISTENT WITH THE STATE REGULATION OF NURSE LICENSURE AND  
5 PRACTICE.

6           h. FINANCING OF THE COMMISSION

7           1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT  
8 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION  
9 AND ONGOING ACTIVITIES.

10          2. THE COMMISSION MAY ALSO LEVY ON AND COLLECT AN ANNUAL  
11 ASSESSMENT FROM EACH PARTY STATE TO COVER THE COST OF ITS  
12 OPERATIONS, ACTIVITIES AND STAFF IN ITS ANNUAL BUDGET AS APPROVED  
13 EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT, IF ANY,  
14 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE  
15 COMMISSION, WHICH SHALL PROMULGATE A RULE THAT IS BINDING UPON  
16 ALL PARTY STATES.

17          3. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND  
18 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL  
19 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE PARTY STATES,  
20 EXCEPT BY, AND WITH THE AUTHORITY OF, SUCH PARTY STATE.

21          4. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
22 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF  
23 THE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING  
24 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS  
25 AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE  
26 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND  
27 THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF

1 THE ANNUAL REPORT OF THE COMMISSION.

2 i. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION

3 1. THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR,  
4 EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION SHALL BE  
5 IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR  
6 OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF  
7 PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR  
8 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
9 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD  
10 A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF  
11 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES; PROVIDED THAT  
12 NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY  
13 SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR  
14 LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR WANTON  
15 MISCONDUCT OF THAT PERSON.

16 2. THE COMMISSION SHALL DEFEND ANY ADMINISTRATOR,  
17 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE  
18 COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING  
19 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
20 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR  
21 RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS  
22 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE  
23 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES;  
24 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT  
25 PERSON FROM RETAINING HIS OR HER OWN COUNSEL; AND PROVIDED  
26 FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID  
27 NOT RESULT FROM THAT PERSON'S INTENTIONAL, WILLFUL OR WANTON

1 MISCONDUCT.

2 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY  
3 ADMINISTRATOR, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR  
4 REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY  
5 SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING  
6 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
7 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR  
8 RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR  
9 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,  
10 DUTIES OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED  
11 ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL,  
12 WILLFUL, OR WANTON MISCONDUCT OF THAT PERSON.

13 **ARTICLE VIII**

14 **Rulemaking**

15 a. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS  
16 PURSUANT TO THE CRITERIA SET FORTH IN THIS ARTICLE AND THE RULES  
17 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME  
18 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT AND  
19 SHALL HAVE THE SAME FORCE AND EFFECT AS PROVISIONS OF THIS  
20 COMPACT.

21 b. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT  
22 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

23 c. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR  
24 RULES BY THE COMMISSION, AND AT LEAST SIXTY (60) DAYS IN ADVANCE  
25 OF THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED  
26 UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING:

27 1. ON THE WEBSITE OF THE COMMISSION; AND



1           2. ON THE WEBSITE OF EACH LICENSING BOARD OR THE  
2 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH  
3 PROPOSED RULES.

4           d. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

5           1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN  
6 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;

7           2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT, AND THE  
8 REASON FOR THE PROPOSED RULE;

9           3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY  
10 INTERESTED PERSON; AND

11           4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT  
12 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC  
13 HEARING AND ANY WRITTEN COMMENTS.

14           e. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION  
15 SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND  
16 ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

17           f. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC  
18 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT.

19           g. THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE  
20 OF THE SCHEDULED PUBLIC HEARING.

21           1. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH  
22 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE  
23 OPPORTUNITY TO COMMENT ORALLY OR IN WRITING. ALL HEARINGS WILL  
24 BE RECORDED, AND A COPY WILL BE MADE AVAILABLE UPON REQUEST.

25           2. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING  
26 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE  
27 CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS

1 SECTION.

2 h. IF NO ONE APPEARS AT THE PUBLIC HEARING, THE COMMISSION  
3 MAY PROCEED WITH PROMULGATION OF THE PROPOSED RULE.

4 i. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE  
5 OF BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT  
6 HELD, THE COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL  
7 COMMENTS RECEIVED.

8 j. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL  
9 ADMINISTRATORS, TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL  
10 DETERMINE THE EFFECTIVE DATE OF THE RULE, IF ANY, BASED ON THE  
11 RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

12 k. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE  
13 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT  
14 PRIOR NOTICE, OPPORTUNITY FOR COMMENT OR HEARING, PROVIDED THAT  
15 THE USUAL RULEMAKING PROCEDURES PROVIDED IN THIS COMPACT AND  
16 IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON  
17 AS REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS  
18 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS  
19 PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED  
20 IMMEDIATELY IN ORDER TO:

21 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR  
22 WELFARE;

23 2. PREVENT A LOSS OF COMMISSION OR PARTY STATE FUNDS; OR

24 3. MEET A DEADLINE FOR THE PROMULGATION OF AN  
25 ADMINISTRATIVE RULE THAT IS REQUIRED BY FEDERAL LAW OR RULE.

26 1. THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY  
27 ADOPTED RULE OR AMENDMENT FOR PURPOSES OF CORRECTING

1 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR  
2 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE  
3 POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE  
4 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY (30)  
5 DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON  
6 GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE.  
7 A CHALLENGE SHALL BE MADE IN WRITING, AND DELIVERED TO THE  
8 COMMISSION, PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE  
9 IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF  
10 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT  
11 WITHOUT THE APPROVAL OF THE COMMISSION.

## 12 **ARTICLE IX**

### 13 **Oversight, Dispute Resolution and Enforcement**

#### 14 a. OVERSIGHT

15 1. EACH PARTY STATE SHALL ENFORCE THIS COMPACT AND TAKE  
16 ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS  
17 COMPACT'S PURPOSES AND INTENT.

18 2. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF  
19 PROCESS IN ANY PROCEEDING THAT MAY AFFECT THE POWERS,  
20 RESPONSIBILITIES OR ACTIONS OF THE COMMISSION, AND SHALL HAVE  
21 STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES.  
22 FAILURE TO PROVIDE SERVICE OF PROCESS IN SUCH PROCEEDING TO THE  
23 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE  
24 COMMISSION, THIS COMPACT OR PROMULGATED RULES.

#### 25 b. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION

26 1. IF THE COMMISSION DETERMINES THAT A PARTY STATE HAS  
27 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR

1 RESPONSIBILITIES UNDER THIS COMPACT OR THE PROMULGATED RULES,  
2 THE COMMISSION SHALL:

3 i. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND  
4 OTHER PARTY STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED  
5 MEANS OF CURING THE DEFAULT OR ANY OTHER ACTION TO BE TAKEN BY  
6 THE COMMISSION; AND

7 ii. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL  
8 ASSISTANCE REGARDING THE DEFAULT.

9 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE  
10 DEFAULTING STATE'S MEMBERSHIP IN THIS COMPACT MAY BE TERMINATED  
11 UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ADMINISTRATORS,  
12 AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY THIS  
13 COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF TERMINATION.  
14 A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF  
15 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

16 3. TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE  
17 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE  
18 BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL  
19 BE GIVEN BY THE COMMISSION TO THE GOVERNOR OF THE DEFAULTING  
20 STATE AND TO THE EXECUTIVE OFFICER OF THE DEFAULTING STATE'S  
21 LICENSING BOARD AND EACH OF THE PARTY STATES.

22 4. A STATE WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN  
23 TERMINATED IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS AND  
24 LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION,  
25 INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE DATE OF  
26 TERMINATION.

27 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A

1 STATE THAT IS FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS  
2 COMPACT HAS BEEN TERMINATED UNLESS AGREED UPON IN WRITING  
3 BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

4 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE  
5 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE DISTRICT  
6 OF COLUMBIA OR THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS  
7 ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL  
8 COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS' FEES.

9 c. DISPUTE RESOLUTION

10 1. UPON REQUEST BY A PARTY STATE, THE COMMISSION SHALL  
11 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE  
12 AMONG PARTY STATES AND BETWEEN PARTY AND NON-PARTY STATES.

13 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR  
14 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES, AS  
15 APPROPRIATE.

16 3. IN THE EVENT THE COMMISSION CANNOT RESOLVE DISPUTES  
17 AMONG PARTY STATES ARISING UNDER THIS COMPACT:

18 i. THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN  
19 ARBITRATION PANEL, WHICH WILL BE COMPRISED OF INDIVIDUALS  
20 APPOINTED BY THE COMPACT ADMINISTRATOR IN EACH OF THE AFFECTED  
21 PARTY STATES AND AN INDIVIDUAL MUTUALLY AGREED UPON BY THE  
22 COMPACT ADMINISTRATORS OF ALL THE PARTY STATES INVOLVED IN THE  
23 DISPUTE.

24 ii. THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE  
25 FINAL AND BINDING.

26 d. ENFORCEMENT

27 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS

1 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS  
2 COMPACT.

3 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL  
4 ACTION IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR  
5 THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL  
6 OFFICES AGAINST A PARTY STATE THAT IS IN DEFAULT TO ENFORCE  
7 COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND ITS  
8 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE  
9 BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL  
10 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED  
11 ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS'  
12 FEES.

13 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES  
14 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER  
15 REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.

## 16 **ARTICLE X**

### 17 **Effective Date, Withdrawal and Amendment**

18 a. THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING ON THE  
19 EARLIER OF THE DATE OF LEGISLATIVE ENACTMENT OF THIS COMPACT  
20 INTO LAW BY NO LESS THAN TWENTY-SIX (26) STATES OR DECEMBER 31,  
21 2018. ALL PARTY STATES TO THIS COMPACT, THAT ALSO WERE PARTIES TO  
22 THE PRIOR NURSE LICENSURE COMPACT, SUPERSEDED BY THIS COMPACT,  
23 ("PRIOR COMPACT"), SHALL BE DEEMED TO HAVE WITHDRAWN FROM SAID  
24 PRIOR COMPACT WITHIN SIX (6) MONTHS AFTER THE EFFECTIVE DATE OF  
25 THIS COMPACT.

26 b. EACH PARTY STATE TO THIS COMPACT SHALL CONTINUE TO  
27 RECOGNIZE A NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN

1 THAT PARTY STATE ISSUED UNDER THE PRIOR COMPACT UNTIL SUCH  
2 PARTY STATE HAS WITHDRAWN FROM THE PRIOR COMPACT.

3 c. ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY  
4 ENACTING A STATUTE REPEALING THE SAME. A PARTY STATE'S  
5 WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL SIX (6) MONTHS AFTER  
6 ENACTMENT OF THE REPEALING STATUTE.

7 d. A PARTY STATE'S WITHDRAWAL OR TERMINATION SHALL NOT  
8 AFFECT THE CONTINUING REQUIREMENT OF THE WITHDRAWING OR  
9 TERMINATED STATE'S LICENSING BOARD TO REPORT ADVERSE ACTIONS  
10 AND SIGNIFICANT INVESTIGATIONS OCCURRING PRIOR TO THE EFFECTIVE  
11 DATE OF SUCH WITHDRAWAL OR TERMINATION.

12 e. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED  
13 TO INVALIDATE OR PREVENT ANY NURSE LICENSURE AGREEMENT OR  
14 OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A  
15 NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER  
16 PROVISIONS OF THIS COMPACT.

17 f. THIS COMPACT MAY BE AMENDED BY THE PARTY STATES. NO  
18 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING  
19 UPON THE PARTY STATES UNLESS AND UNTIL IT IS ENACTED INTO THE LAWS  
20 OF ALL PARTY STATES.

21 g. REPRESENTATIVES OF NONPARTY STATES TO THIS COMPACT  
22 SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE  
23 COMMISSION, ON A NONVOTING BASIS, PRIOR TO THE ADOPTION OF THIS  
24 COMPACT BY ALL STATES.

25 **ARTICLE XI**

26 **Construction and Severability**

27 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO

1 EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT  
2 SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR  
3 PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE  
4 CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES, OR IF THE  
5 APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR  
6 CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF  
7 THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,  
8 AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.  
9 IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION  
10 OF ANY PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE AND  
11 EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND  
12 EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE  
13 MATTERS.

14 **SECTION 3.** In Colorado Revised Statutes, 12-38-103, **amend**  
15 the introductory portion, (8), (11), and (13) as follows:

16 **12-38-103. Definitions - repeal.** As used in this ~~article~~ ARTICLE  
17 38, unless the context otherwise requires:

18 (8) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION  
19 (8), AS AMENDED, "practical nurse", "trained practical nurse", "licensed  
20 vocational nurse", or "licensed practical nurse" means a person who holds  
21 a license to practice pursuant to ~~the provisions of this article~~ ARTICLE 38  
22 as a licensed practical nurse in this state or is licensed in another state and  
23 is practicing in this state pursuant to section ~~24-60-3202, C.R.S.~~  
24 24-60-3802, with the right to use the title "licensed practical nurse" and  
25 its abbreviation, "L.P.N."

26 (b) (I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (8), AS  
27 AMENDED, THROUGH ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE



1 DATE OF THIS SUBSECTION (8), AS AMENDED, "PRACTICAL NURSE",  
2 "TRAINED PRACTICAL NURSE", "LICENSED VOCATIONAL NURSE", OR  
3 "LICENSED PRACTICAL NURSE" MEANS A PERSON WHO HOLDS A LICENSE TO  
4 PRACTICE PURSUANT TO THIS ARTICLE 38 AS A LICENSED PRACTICAL NURSE  
5 IN THIS STATE OR IS LICENSED IN ANOTHER STATE AND IS PRACTICING IN  
6 THIS STATE PURSUANT TO SECTION 24-60-3202, WITH THE RIGHT TO USE  
7 THE TITLE "LICENSED PRACTICAL NURSE" AND ITS ABBREVIATION, "L.P.N."

8 (II) THIS SUBSECTION (8)(b) IS REPEALED, EFFECTIVE JANUARY 1,  
9 2019.

10 (11) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION  
11 (11), AS AMENDED, "registered nurse" or "registered professional nurse"  
12 means a professional nurse, and only a person who holds a license to  
13 practice professional nursing in this state pursuant to ~~the provisions of~~  
14 ~~this article~~ ARTICLE 38 or who holds a license in another state and is  
15 practicing in this state pursuant to section ~~24-60-3202, C.R.S., shall have~~  
16 ~~the right to~~ 24-60-3802 MAY use the title "registered nurse" and its  
17 abbreviation, "R.N."

18 (b) (I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (11), AS  
19 AMENDED, THROUGH ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE  
20 DATE OF THIS SUBSECTION (11), AS AMENDED, "REGISTERED NURSE" OR  
21 "REGISTERED PROFESSIONAL NURSE" MEANS A PROFESSIONAL NURSE, AND  
22 ONLY A PERSON WHO HOLDS A LICENSE TO PRACTICE PROFESSIONAL  
23 NURSING IN THIS STATE PURSUANT TO THIS ARTICLE 38 OR WHO HOLDS A  
24 LICENSE IN ANOTHER STATE AND IS PRACTICING IN THIS STATE PURSUANT  
25 TO SECTION 24-60-3202 MAY USE THE TITLE "REGISTERED NURSE" AND ITS  
26 ABBREVIATION, "R.N."

27 (II) THIS SUBSECTION (11)(b) IS REPEALED, EFFECTIVE JANUARY

1 1, 2019.

2 (13) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION  
3 (13), AS AMENDED, "unauthorized practice" means the practice of  
4 practical nursing or the practice of professional nursing by any person  
5 who has not been issued a license under ~~the provisions of this article~~  
6 ARTICLE 38, or is not practicing in this state pursuant to section  
7 ~~24-60-3202, C.R.S. 24-60-3802~~, or whose license has been suspended or  
8 revoked or has expired.

9 (b) (I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (13), AS  
10 AMENDED, THROUGH ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE  
11 DATE OF THIS SUBSECTION (13), AS AMENDED, "UNAUTHORIZED PRACTICE"  
12 MEANS THE PRACTICE OF PRACTICAL NURSING OR THE PRACTICE OF  
13 PROFESSIONAL NURSING BY ANY PERSON WHO HAS NOT BEEN ISSUED A  
14 LICENSE UNDER THIS ARTICLE 38, OR IS NOT PRACTICING IN THIS STATE  
15 PURSUANT TO SECTION 24-60-3202, OR WHOSE LICENSE HAS BEEN  
16 SUSPENDED OR REVOKED OR HAS EXPIRED.

17 (II) THIS SUBSECTION (13)(b) IS REPEALED, EFFECTIVE JANUARY  
18 1, 2019.

19 **SECTION 4.** In Colorado Revised Statutes, 12-38-108, **amend**  
20 (4); and **add** (1)(m) as follows:

21 **12-38-108. Powers and duties of the board - rules - repeal.**

22 (1) The board has the following powers and duties:

23 (m) TO FACILITATE THE LICENSURE OF NURSES UNDER THE  
24 "ENHANCED NURSE LICENSURE COMPACT", PART 38 OF ARTICLE 60 OF  
25 TITLE 24, AS FOLLOWS:

26 (I) APPOINT A QUALIFIED DELEGATE TO SERVE ON THE INTERSTATE  
27 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS;

1 (II) PARTICIPATE IN THE COORDINATED LICENSURE INFORMATION  
2 SYSTEM, AS THAT IS DEFINED IN ARTICLE II c. OF SECTION 24-60-3802;

3 (III) REQUIRE AN APPLICANT FOR LICENSURE UNDER THE COMPACT  
4 TO HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW  
5 ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE  
6 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING  
7 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT  
8 IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER  
9 FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD  
10 CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE  
11 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS  
12 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF  
13 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL  
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING  
15 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
16 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS  
17 OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE BOARD  
18 SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED  
19 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE  
20 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO  
21 THE COMPACT. THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT  
22 IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL HISTORY RECORD  
23 CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS  
24 TO THE PUBLIC, THE INTERSTATE COMMISSION OF NURSE LICENSURE  
25 COMPACT ADMINISTRATORS, OR OTHER STATE LICENSING BOARDS.

26 (IV) NOTIFY THE INTERSTATE COMMISSION OF NURSE LICENSURE  
27 COMPACT ADMINISTRATORS OF ANY ADVERSE ACTION TAKEN BY THE

1 BOARD; AND

2 (V) APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE  
3 INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT  
4 ADMINISTRATORS TO COVER THE COST OF THE OPERATIONS AND  
5 ACTIVITIES OF THE COMMISSION AND ITS STAFF.

6 (4) (a) The board shall administer the provisions of the nurse  
7 licensure compact pursuant to section 24-60-3202. ~~C.R.S. Before~~  
8 ~~recognizing a nurse license from another state that is party to the nurse~~  
9 ~~licensure compact, the board shall determine that such state's~~  
10 ~~qualifications for a nursing license are substantially equivalent to or more~~  
11 ~~stringent than the minimum qualifications for issuance of a Colorado~~  
12 ~~license under this article.~~

13 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1,  
14 2019.

15 **SECTION 5.** In Colorado Revised Statutes, 12-38-118.5, **amend**  
16 (4) as follows:

17 **12-38-118.5. Inactive license status - reactivation - repeal.**

18 (4) (a) A license on inactive status shall constitute a single state license  
19 issued by Colorado and without multistate licensure privilege pursuant to  
20 part ~~32~~ 38 of article 60 of title 24. ~~C.R.S.~~

21 (b) (I) A LICENSE ON INACTIVE STATUS SHALL CONSTITUTE A  
22 SINGLE STATE LICENSE ISSUED BY COLORADO AND WITHOUT MULTISTATE  
23 LICENSURE PRIVILEGE PURSUANT TO PART 32 OF ARTICLE 60 OF TITLE 24.

24 (II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE JANUARY 1,  
25 2019.

26 **SECTION 6.** In Colorado Revised Statutes, 24-34-102, **repeal**  
27 (4.5) as follows:

1           **24-34-102. Division of professions and occupations - creation**  
2           **- duties of division and department heads - license renewal,**  
3           **reinstatement, and endorsement - definitions - rules - review of**  
4           **functions.** (4.5) ~~It is the intent of the general assembly that the~~  
5           ~~employees authorized in Senate Bill 06-020, enacted at the second regular~~  
6           ~~session of the sixty-fifth general assembly, for the implementation of the~~  
7           ~~"Nurse Licensure Compact", part 32 of article 60 of this title, be funded~~  
8           ~~only for the fiscal years 2006-07 and 2007-08. The salaries to be paid~~  
9           ~~such employees shall be within the appropriation made by the general~~  
10           ~~assembly for such fiscal years.~~

11           **SECTION 7. Effective date.** This act takes effect upon passage;  
12           except that section 1 of this act takes effect 180 days after the effective  
13           date of section 2 of this act.

14           **SECTION 8. Safety clause.** The general assembly hereby finds,  
15           determines, and declares that this act is necessary for the immediate  
16           preservation of the public peace, health, and safety.