A BILL FOR AN ACT

CONCERNING CERTAIN HEALTH CARE PROFESSIONS REGULATED BY THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH, REQUIRING CRIMINAL HISTORY RECORD CHECKS FOR INDIVIDUALS WITH PRESCRIPTIVE AUTHORITY AND CERTIFIED NURSE AIDES, REPEALING THE NURSE LICENSURE COMPACT, ENACTING THE ENHANCED NURSE LICENSURE COMPACT, AND, MAKING AN APPROPRIATION.

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 requires applicants for initial licensure or certification, as well as current licensees and certificate holders, to submit to a fingerprint-based criminal history record check for:

- Podiatrists (sections 1 and 2);
- Dentists and dental hygienists (sections 3 and 4);
- Medical doctors, physician assistants, and anesthesiologists (sections 5 and 6);
- Nurses (sections 7 and 8);
- Certified nurse aides (sections 10 and 11);
- Optometrists (sections 13 through 15); and
- Veterinarians (sections 16 through 18).

Section 9 of the bill eliminates the nurse alternative to discipline program.

Section 12 of the bill requires an employer of a certified nurse aide (CNA) to report whenever a CNA is terminated from employment or resigns in lieu of termination, within 30 days after the termination or resignation. The state board of nursing is authorized to fine an employer that fails to report the termination or resignation.

Section 19 amends the "Medical Transparency Act of 2010" to include a person applying for nurse licensure under the "Enhanced Nurse Licensure Compact" within the definition of "applicant".

Section 20 of the bill repeals the current "Nurse Licensure Compact" and adopts the "Enhanced Nurse Licensure Compact".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-32-104, amend (1) introductory portion, (1)(f), and (1)(g); and add (1)(h) as follows:

12-32-104. Powers and duties of board. (1) The Colorado podiatry board shall regulate the practice of podiatry. The board shall exercise, subject to the provisions of this article ARTICLE 32, the following powers and duties:

(f) Approve or refuse to approve podiatric colleges; and

(g) Adopt regulations RULES governing advertising by licensees to prevent the use of advertising which is misleading, deceptive, or false; AND
(h) Require a licensee who did not submit to a criminal history record check through initial application to the board to submit to a criminal history record check in the form and manner described in section 12-32-108.1 upon the licensee's first renewal after July 1, 2018.

SECTION 2. In Colorado Revised Statutes, add 12-32-108.1 as follows:

12-32-108.1. Requirement for criminal history record check for all applicants. (1) On and after July 1, 2018, with the submission of an application for a license under this article 32, each applicant shall have his or her fingerprints taken by a local law enforcement agency or another agency designated by the department for the purpose of obtaining a fingerprint-based criminal history record check. The applicant is required to submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the board. The board shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this article 32. The board may verify the
INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING BOARDS.

(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT UNDER SECTION 12-32-107 (3) OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (1) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS COMMITTED IN COLORADO:

(a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

(b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

(c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILICIT CHANNEL OF DISTRIBUTION OR USE.

(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND RETENTION OF ITS EMPLOYEES.

SECTION 3. In Colorado Revised Statutes, 12-35-107, amend (1) introductory portion; and add (1)(j) as follows:

12-35-107. Powers and duties of board. (1) The board shall
exercise, in accordance with this article ARTICLE 35, the following powers and duties:

(j) REQUIRE A LICENSEE LICENSED PURSUANT TO SECTION 12-35-117, 12-35-117.5, 12-35-120, 12-35-121, 12-35-126, or 12-35-127.5 WHO DID NOT SUBMIT TO A CRIMINAL HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND MANNER DESCRIBED IN SECTION 12-35-123.5 UPON THE LICENSEE'S FIRST RENEWAL AFTER JULY 1, 2018.

SECTION 4. In Colorado Revised Statutes, add 12-35-123.5 as follows:

FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE
FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
LICENSE PURSUANT TO THIS ARTICLE 35. THE BOARD MAY VERIFY THE
INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF
THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD
SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE
LICENSING BOARDS.

(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
COMMITTED ANY ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER
SECTION 12-35-129 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE
CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (1) OF THIS
SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO
CONTENDER TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE
FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS
COMMITTED IN COLORADO:

(a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
16-22-102 (9);

(b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

(c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILICIT
CHANNEL OF DISTRIBUTION OR USE.

(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR
ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND RETENTION OF ITS EMPLOYEES.

SECTION 5. In Colorado Revised Statutes, 12-36-104, amend (1) introductory portion; and add (1)(f) as follows:

12-36-104. Powers and duties of board. (1) In addition to all other powers and duties conferred and imposed upon the board by this article ARTICLE 36, the board has the following powers and duties to:

(f) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND MANNER DESCRIBED IN SECTION 12-36-111 (3) UPON THE LICENSEE'S FIRST RENEWAL AFTER JULY 1, 2018.

SECTION 6. In Colorado Revised Statutes, 12-36-111, add (3), (4), and (5) as follows:

12-36-111. Applications for license - criminal history record check required. (3) ON AND AFTER JULY 1, 2018, WITH THE SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 36, EACH APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS ARTICLE. THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING BOARDS.

(4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT UNDER SECTION 12-36-117 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (3) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS COMMITTED IN COLORADO:

(a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

(b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

(c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT CHANNEL OF DISTRIBUTION OR USE.

(5) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
SPECIFIED IN SUBSECTION (3) OF THIS SECTION DOES NOT REMOVE OR
ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
RETENTION OF ITS EMPLOYEES.

(1)(l)(I)(D), (1)(m), and (1)(n) as follows:

12-38-108. Powers and duties of the board - rules. (1) The board has the following powers and duties:

(I) (I) (D) To require a licensee who did not submit to a criminal history record check through initial application to the board to submit to a criminal history record check in the form and manner described in section 12-38-115.5 upon the licensee's first renewal after July 1, 2018.

(m) To facilitate the licensure of nurses under the "Enhanced Nurse Licensure Compact", part 32 of article 60 of title 24, as follows:

(I) Appoint a qualified delegate to serve on the interstate commission of nurse licensure compact administrators;

(II) Participate in the coordinated licensure information system;

(III) Require an applicant for licensure under the compact to have his or her fingerprints taken by a local law enforcement agency or another agency designated by the department for the purpose of obtaining a fingerprint-based criminal history record check. The applicant is required to submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the

(IV) NOTIFY THE COMPACT COMMISSION OF ANY ADVERSE ACTION TAKEN BY THE BOARD;

(V) APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE COMPACT COMMISSION TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF.

(n) TO FINE EMPLOYERS THAT FAIL TO REPORT AS REQUIRED BY SECTION 12-38-116.5 (3)(b)(I) NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION.

SECTION 8. In Colorado Revised Statutes, add 12-38-115.5 as follows:

12-38-115.5. Requirement for criminal history record check
for certain applicants. (1) On and after July 1, 2018, with the submission of an application for a license under this article 38, each applicant shall have his or her fingerprints taken by a local law enforcement agency or another agency designated by the department for the purpose of obtaining a fingerprint-based criminal history record check. The applicant is required to submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the board. The board shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this article 38. The board may verify the information an applicant is required to submit. The results of the criminal history record check are confidential. The board shall not release the results to the public or other state licensing boards.

(2) Notwithstanding any provision of law to the contrary, the board may deny a license if the applicant has committed any act that is grounds for discipline under section 12-38-117 or if the board determines, subsequent to the criminal
HISTORY RECORD CHECK REQUIRED IN SUBSECTION (1) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO CONTENDEREO TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS COMMITTED IN COLORADO:

(a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

(b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

(c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT CHANNEL OF DISTRIBUTION OR USE.

(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND RETENTION OF ITS EMPLOYEES.

SECTION 9. In Colorado Revised Statutes, 12-38-117, amend (1) introductory portion and (1)(j) as follows:

12-38-117. Grounds for discipline. (1) "Grounds for discipline", as used in this article ARTICLE 38, means any action by any person who:

(j) (l) Has a physical or mental disability which renders him unable to practice nursing with reasonable skill and safety to the patients and which may endanger the health or safety of persons under his care;

FAILS TO NOTIFY THE BOARD OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT AFFECTS THE PERSON'S ABILITY TO TREAT CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE;
(II) Fails to act within the limitations created by a physical or mental illness or condition that renders the person unable to treat clients with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

(III) Fails to comply with the limitations agreed to under a confidential agreement entered into pursuant to section 12-38-117.5;

SECTION 10. In Colorado Revised Statutes, add 12-38-117.5 as follows:

12-38-117.5. Confidential agreements to limit practice - violation grounds for discipline. (1) If a professional nurse, practical nurse, or retired volunteer nurse suffers from a physical or mental illness or condition that renders the licensee unable to practice as a professional nurse, practical nurse, or retired volunteer nurse with reasonable skill and with safety to patients, the professional nurse, practical nurse, or retired volunteer nurse shall notify the board of the illness or condition in a manner and within a period determined by the board. The board may require the licensee to submit to an examination or refer the licensee to a peer health assistance program pursuant to section 12-38-131 to evaluate the extent of the illness or condition and its impact on the licensee's ability to practice with reasonable skill and with safety to patients.

(2) (a) Upon determining that a professional nurse, practical nurse, or retired volunteer nurse with a physical or mental illness or condition is able to render limited nursing
SERVICES WITH REASONABLE SKILL AND WITH SAFETY TO PATIENTS, THE BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE PROFESSIONAL NURSE, PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE IN WHICH THE PROFESSIONAL NURSE, PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTION IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY THE BOARD.

(b) AS PART OF THE AGREEMENT, THE LICENSEE SHALL BE SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED APPROPRIATE BY THE BOARD. THE BOARD MAY REFER THE LICENSEE TO THE PEER ASSISTANCE HEALTH PROGRAM FOR REEVALUATION OR MONITORING.

(c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS NECESSARY BASED ON THE RESULTS OF THE REEVALUATION OR OF MONITORING.

(3) BY ENTERING INTO THE AGREEMENT WITH THE BOARD PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE LICENSEE IS NOT ENGAGING IN AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINE, AND THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND IS NOT A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE LICENSEE FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE IS GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-38-117 (1)(j)(III), AND THE LICENSEE IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-38-116.5.

(4) THIS SECTION DOES NOT APPLY TO A LICENSEE SUBJECT TO DISCIPLINE AS DESCRIBED IN SECTION 12-38-117 (1)(i).

SECTION 11. In Colorado Revised Statutes, 12-38-131, amend
12-38-131. Nursing peer health assistance - fund - rules. (1) As a condition of licensure and for the purpose of supporting a nursing peer health assistance program, or a nurse alternative to discipline program, every applicant for an initial license or to reinstate a license and any person renewing a license issued pursuant to this article ARTICLE 38 shall pay to the administering entity designated pursuant to paragraph (e) of subsection (3) SUBSECTION (3)(c) of this section AN ANNUAL fee in an amount set by the board, not to exceed twenty-five dollars; per year, except that the board may adjust such THE FEE amount each January 1 to reflect changes in the United States department of labor's bureau of labor statistics consumer price index, or its successor index, for the Denver-Boulder consolidated metropolitan statistical area for the price of goods paid by urban consumers.

(2) (b) Moneys MONEY in the fund shall be used to support a nursing peer health assistance program or nurse alternative to discipline program in providing assistance to licensees needing help in dealing with physical, emotional, psychiatric, psychological, drug abuse, or alcohol abuse problems that may be detrimental to their ability to practice nursing.

(3) (a) The board shall select one or more recognized peer health assistance organizations or nurse alternative to discipline programs as designated providers. For purposes of selecting designated providers, the board shall use a competitive bidding process that encourages participation from interested vendors. To be eligible for designation by the board pursuant to this section, a peer health assistance organization or nurse alternative to discipline program shall:
(4) Notwithstanding sections 12-38-116.5 and 24-4-104, C.R.S., the board may immediately suspend the license of any licensee who is referred to a peer health assistance program or nurse alternative to discipline program by the board and who fails to attend or to complete the program. If the licensee objects to the suspension, he or she may submit a written request to the board for a formal hearing on the suspension within ten days after receiving notice of the suspension, and the board shall grant the request. In the hearing, the licensee shall bear the burden of proving that his or her license should not be suspended.

(6) Nothing in this section shall be construed to create any liability of the board, members of the board, or the state of Colorado for the actions of the board in making awards to peer health assistance organizations or nurse alternative to discipline programs or in designating licensees to participate in the programs of such organizations. No civil action may NOT be brought or maintained against the board, its members, or the state for an injury alleged to have been the result of an act or omission of a licensee participating in or referred to a program provided by a peer health assistance organization. or to a nurse alternative to discipline program. However, the state shall remain liable under the provisions of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., if an injury alleged to have been the result of an act or omission of a licensee participating in or referred to a peer health assistance diversion program or nurse alternative to discipline program occurred while the licensee was performing duties as an employee of the state.

SECTION 12. In Colorado Revised Statutes, 12-38.1-103, add (4.5) as follows:

(4.5) The board may require a certificate holder who did not submit to a criminal history record check through initial application to the board to submit to a criminal history record check in the form and manner described in section 12-38.1-106.5 upon the certificate holder's first renewal after July 1, 2018.

**SECTION 13.** In Colorado Revised Statutes, add 12-38.1-106.5 as follows:

**12-38.1-106.5. Requirement for criminal history record check.**

(1) On and after July 1, 2018, in addition to all other requirements set forth in this article 38.1, with the submission of an application for a certificate under this article 38.1, each applicant shall have his or her fingerprints taken by a local law enforcement agency or another agency designated by the department for the purpose of obtaining a fingerprint-based criminal history record check. The applicant is required to submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the board. The board shall use the information resulting from the fingerprint-based criminal history record check to investigate...
AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS ARTICLE 38.1. THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING BOARDS.

(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY DENY A CERTIFICATE IF THE APPLICANT HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINE UNDER SECTION 12-38.1-111 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO CONTENDER TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS COMMITTED IN COLORADO:

(a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

(b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

(c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT CHANNEL OF DISTRIBUTION OR USE.

(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND RETENTION OF ITS EMPLOYEES.

(12) as follows:


(12) An employer of a nurse aide shall report to the board any disciplinary action taken against the nurse aide or any resignation in lieu of a disciplinary action for conduct which constitutes a violation of this article:

SECTION 15. In Colorado Revised Statutes, 12-38.1-111, add (5) as follows:

12-38.1-111. Grounds for discipline. (5) An employer shall report any violation of this article 38.1 that results in a nurse aide being terminated from employment, including resignation in lieu of termination, within thirty days after the termination or resignation. The board may fine an employer that fails to report as required by this subsection (5) not less than five hundred dollars and not more than five thousand dollars for each violation.

SECTION 16. In Colorado Revised Statutes, 12-40-107, amend (1) introductory portion; and add (1)(o) as follows:

12-40-107. Powers and duties of the board - rules. (1) In addition to all other powers and duties conferred upon the board by this article ARTICLE 40, the board has the following powers and duties:

(o) To require a licensee who did not submit to a criminal history record check through initial application to the board to submit to a criminal history record check in the form and manner described in section 12-40-107.2 (2)(b)(V) or 12-40-108 (4), as applicable, upon the licensee's first renewal after July 1, 2018.
SECTION 17. In Colorado Revised Statutes, 12-40-107.2, amend (2)(b)(III) and (2)(b)(IV); and add (2)(b)(V), (7), and (8) as follows:

12-40-107.2. Volunteer optometrist license. (2) A person applying for a license under this section:

(b) Shall:

(III) Maintain liability insurance as provided in section 12-40-126; and

(IV) Comply with the continuing education requirements established in section 12-40-113 (1)(f); except that the board may establish lesser continuing education requirements for volunteer licensees; AND

(V) On and after July 1, 2018, have his or her fingerprints taken by a local law enforcement agency or another agency designated by the department for the purpose of obtaining a fingerprint-based criminal history record check. The applicant is required to submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the board. The board shall use the information resulting from the fingerprint-based
CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS ARTICLE 40. THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING BOARDS.

(7) Notwithstanding any provision of law to the contrary, the board may deny a license if the applicant has committed any act that is defined as unprofessional conduct under section 12-40-118 or if the board determines, subsequent to the criminal history record check required in subsection (2)(b)(V) of this section, that the applicant was convicted of, pled guilty or nolo contendere to, or received a deferred sentence to any of the following charges, regardless of whether the act was committed in Colorado:

(a) Unlawful sexual behavior, as defined in section 16-22-102 (9);
(b) Diversion, as defined in section 18-18-309 (1); or
(c) The transfer of a substance with effects similar to the effects of a controlled substance from a licit to an illicit channel of distribution or use.

(8) The criminal history record check requirement specified in subsection (2)(b)(V) of this section does not remove or eliminate any separate or independent duty of an employer to exercise reasonable care in the hiring, supervision, and retention of its employees.
SECTION 18. In Colorado Revised Statutes, 12-40-108, add (4), (5), and (6) as follows:


(4) On and after July 1, 2018, with the submission of an application for a license under this section, each applicant shall have his or her fingerprints taken by a local law enforcement agency or another agency designated by the department for the purpose of obtaining a fingerprint-based criminal history record check. The applicant is required to submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado Bureau of Investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado Bureau of Investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation and shall forward the results of the criminal history record check to the board. The board shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this article 40. The board may verify the information an applicant is required to submit. The results of the criminal history record check are confidential. The board shall not release the results to the public or other state licensing boards.

(5) Notwithstanding any provision of law to the
CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS
COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT
UNDER SECTION 12-40-118 OR IF THE BOARD DETERMINES, SUBSEQUENT
TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (4)
OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY
OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY
OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS
COMMITTED IN COLORADO:

(a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
16-22-102 (9);

(b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

(c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE
EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT
CHANNEL OF DISTRIBUTION OR USE.

(6) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
SPECIFIED IN SUBSECTION (4) OF THIS SECTION DOES NOT REMOVE OR
ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
RETENTION OF ITS EMPLOYEES.

SECTION 19. In Colorado Revised Statutes, 12-64-105, add
(9)(n) as follows:

12-64-105. Board of veterinary medicine - creation - powers.

(9) The board has the power to:

(n) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL
HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO
SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
MANNER DESCRIBED IN SECTION 12-64-110.3 UPON THE LICENSEE’S FIRST
RENEWAL AFTER JULY 1, 2018.

SECTION 20. In Colorado Revised Statutes, 12-64-107.5, add (6) as follows:

12-64-107.5. Academic license. (6) Notwithstanding any provision of law to the contrary, the board may deny a license if the applicant has committed any act that is defined as grounds for discipline under section 12-64-111 or if the board determines, subsequent to the criminal history record check required in section 12-64-110.3, that the applicant was convicted of, pled guilty or nolo contendere to, or received a deferred sentence to any of the following charges, regardless of whether the act was committed in Colorado:

(a) Unlawful sexual behavior, as defined in section 16-22-102 (9);

(b) Diversion, as defined in section 18-18-309 (1); or

(c) The transfer of a substance with effects similar to the effects of a controlled substance from a licit to an illicit channel of distribution or use.

SECTION 21. In Colorado Revised Statutes, add 12-64-110.3 as follows:

12-64-110.3. Requirement for criminal history record check for all applicants. (1) On and after July 1, 2018, with the submission of an application for a license under this article 64, each applicant shall have his or her fingerprints taken by a local law enforcement agency or another agency designated by the department for the purpose of obtaining a fingerprint-based criminal history record check. The applicant is required to
Submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the Federal bureau of investigation and shall forward the results of the criminal history record check to the board. The board shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this article 64. The board may verify the information an applicant is required to submit. The results of the criminal history record check are confidential. The board shall not release the results to the public or other state licensing boards.

(2) Notwithstanding any provision of law to the contrary, the board may deny a license if the board determines, subsequent to the criminal history record check required in subsection (1) of this section, that the applicant was convicted of, pled guilty or nolo contendere to, or received a deferred sentence to any of the following charges, regardless of whether the act was committed in Colorado:

(a) Unlawful sexual behavior, as defined in section 16-22-102 (9);

(b) Diversion, as defined in section 18-18-309 (1); or
(c) The transfer of a substance with effects similar to the effects of a controlled substance from a licit to an illicit channel of distribution or use.

(3) The criminal history background check requirement specified in subsection (1) of this section does not remove or eliminate any separate or independent duty of an employer to exercise reasonable care in the hiring, supervision, and retention of its employees.

SECTION 22. In Colorado Revised Statutes, 24-34-110, amend (3)(a)(XI) as follows:

24-34-110. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration - repeal. (3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(XI) Practical nursing, professional nursing, or advanced practice nursing pursuant to article 38 of title 12 C.R.S. or part 32 of article 60 of title 24;

SECTION 23. In Colorado Revised Statutes, repeal and reenact, with amendments, part 32 of article 60 of title 24 as follows:

PART 32

ENHANCED NURSE LICENSURE COMPACT

24-60-3201. Short title. The short title of this part 32 is the "Enhanced Nurse Licensure Compact".

24-60-3202. Compact approved and ratified. The General Assembly hereby approves and ratifies, and the Governor shall
ENTER INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH
ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING
THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

ARTICLE I

Findings and Declaration of Purpose

a. THE PARTY STATES FIND THAT:

1. THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE
   DEGREE OF COMPLIANCE WITH AND THE EFFECTIVENESS OF ENFORCEMENT
   ACTIVITIES RELATED TO STATE NURSE LICENSURE LAWS;

2. VIOLATIONS OF NURSE LICENSURE AND OTHER LAWS
   REGULATING THE PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM
   TO THE PUBLIC;

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

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

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

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

b. THE GENERAL PURPOSES OF THIS COMPACT ARE TO:
1. Facilitate the states' responsibility to protect the public's health and safety;
2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
3. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;
4. Promote compliance with the laws governing the practice of nursing in each jurisdiction;
5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;
6. Decrease redundancies in the consideration and issuance of nurse licenses; and
7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II

Definitions

As used in this Compact:

a. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation of the licensee's practice, or any other encumbrance on licensure affecting a
NURSE'S AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A CEASE
AND DESIST ACTION.

b. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY
MONITORING PROGRAM APPROVED BY A LICENSING BOARD.
c. "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN
INTEGRATED PROCESS FOR COLLECTING, STORING AND SHARING
INFORMATION ON NURSE LICENSURE AND ENFORCEMENT ACTIVITIES
RELATED TO NURSE LICENSURE LAWS THAT IS ADMINISTERED BY A
NONPROFIT ORGANIZATION COMPOSED OF AND CONTROLLED BY LICENSING
BOARDS.
d. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:
1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER
A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN
OPPORTUNITY FOR THE NURSE TO RESPOND IF REQUIRED BY STATE LAW,
HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE,
WOULD INDICATE MORE THAN A MINOR INFRACTION; OR
2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE NURSE
REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY
REGARDLESS OF WHETHER THE NURSE HAS BEEN NOTIFIED AND HAD AN
OPPORTUNITY TO RESPOND.
e. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR
ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING
IMPOSED BY A LICENSING BOARD.
f. "HOME STATE" MEANS THE PARTY STATE WHICH IS THE NURSE'S
PRIMARY STATE OF RESIDENCE.
g. "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY
BODY RESPONSIBLE FOR ISSUING NURSE LICENSES.
h. "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

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

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

k. "Party state" means any state that has adopted this compact.

l. "Remote state" means a party state, other than the home state.

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

n. "State" means a state, territory or possession of the United States and the District of Columbia.

o. "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.
ARTICLE III

General Provisions and Jurisdiction

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

b. A STATE MUST IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY RECORDS OF APPLICANTS FOR INITIAL MULTISTATE LICENSE OR LICENSURE BY ENDORSEMENT. SUCH PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN APPLICANT’S CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE’S CRIMINAL RECORDS.

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

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

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

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

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

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

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

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

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

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

9. IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM;

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

11. HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER.

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

The administrator of the coordinated licensure information
system shall promptly notify the home state of any such actions
by remote states.

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

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

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

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

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

ARTICLE IV

Applications for Licensure in a Party State

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

b. A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

c. If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the Commission.

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

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

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

ARTICLE V

Additional Authorities Invested in Party State Licensing Boards

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

1. Take adverse action against a nurse’s multistate
LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE.

i. Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

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

2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.

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

4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as, the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of
COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE
OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS
FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE
SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE
ARE LOCATED.

5. OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT,
FINGERPRINT OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL
BUREAU OF INVESTIGATION FOR CRIMINAL BACKGROUND CHECKS,
RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION
RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE
RESULTS IN MAKING LICENSURE DECISIONS.

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

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

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

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

ARTICLE VI

Coordinated Licensure Information

System and Exchange of Information

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

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

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

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

e. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY
STATE LICENSING BOARDS CONTRIBUTING INFORMATION TO THE
COORDINATED LICENSURE INFORMATION SYSTEM MAY DESIGNATE
INFORMATION THAT MAY NOT BE SHARED WITH NONPARTY STATES OR
DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT THE EXPRESS
PERMISSION OF THE CONTRIBUTING STATE.

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

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

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

1. IDENTIFYING INFORMATION;
2. LICENSURE DATA;

3. INFORMATION RELATED TO ALTERNATIVE PROGRAM PARTICIPATION; AND

4. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY COMMISSION RULES.

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

ARTICLE VII

Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

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

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

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

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

b. MEMBERSHIP, VOTING AND MEETINGS

1. EACH PARTY STATE SHALL HAVE AND BE LIMITED TO ONE
ADMINISTRATOR. THE HEAD OF THE STATE LICENSING BOARD OR DESIGNEE SHALL BE THE ADMINISTRATOR OF THIS COMPACT FOR EACH PARTY STATE.

Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

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

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

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII.

5. The commission may convene in a closed, non-public meeting if the commission must discuss:
   i. Noncompliance of a party state with its obligations under this compact;
   ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific
employees or other matters related to the Commission's internal personnel practices and procedures;

iii. current, threatened or reasonably anticipated litigation;

iv. negotiation of contracts for the purchase or sale of goods, services or real estate;

v. accusing any person of a crime or formally censuring any person;

vi. disclosure of trade secrets or commercial or financial information that is privileged or confidential;

vii. disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

viii. disclosure of investigatory records compiled for law enforcement purposes;

ix. disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigation of compliance with this Compact; or

x. matters specifically exempted from disclosure by federal or state statute.

6. if a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. the Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including
A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.

ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.

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

1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;

2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:
   i. FOR THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES; AND
   ii. GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR FUNCTION OF THE COMMISSION;

3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL MEETINGS AND PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY INTERESTED PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC’S INTEREST, THE PRIVACY OF INDIVIDUALS, AND PROPRIETARY INFORMATION, INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED SESSION ONLY AFTER A MAJORITY OF THE ADMINISTRATORS VOTE TO CLOSE A MEETING IN WHOLE OR IN PART. AS SOON AS PRACTICABLE, THE COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO CLOSE THE MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY
VOTES ALLOWED;


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

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

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

g. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

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

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

3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

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

5. TO COOPERATE WITH OTHER ORGANIZATIONS THAT ADMINISTER STATE COMPACTS RELATED TO THE REGULATION OF NURSING, INCLUDING, BUT NOT LIMITED TO SHARING ADMINISTRATIVE OR STAFF EXPENSES, OFFICE SPACE OR OTHER RESOURCES;

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

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

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

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

10. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;
11. TO BORROW MONEY;
12. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES
COMPRISED OF ADMINISTRATORS, STATE NURSING REGULATORS, STATE
LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER
REPRESENTATIVES, AND OTHER SUCH INTERESTED PERSONS;
13. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO
COOPERATE WITH, LAW ENFORCEMENT AGENCIES;
14. TO ADOPT AND USE AN OFFICIAL SEAL; AND
15. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT
CONSISTENT WITH THE STATE REGULATION OF NURSE LICENSURE AND
PRACTICE.

h. FINANCING OF THE COMMISSION
1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION
AND ONGOING ACTIVITIES.
2. THE COMMISSION MAY ALSO LEVY ON AND COLLECT AN ANNUAL
ASSESSMENT FROM EACH PARTY STATE TO COVER THE COST OF ITS
OPERATIONS, ACTIVITIES AND STAFF IN ITS ANNUAL BUDGET AS APPROVED
EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT, IF ANY,
SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE
COMMISSION, WHICH SHALL PROMULGATE A RULE THAT IS BINDING UPON
ALL PARTY STATES.
3. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL
THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE PARTY STATES,
EXCEPT BY, AND WITH THE AUTHORITY OF, SUCH PARTY STATE.

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

i. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION

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

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

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

ARTICLE VIII 
Rulemaking

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

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

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

1. On the website of the Commission; and
2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

d. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment, and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

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

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

g. The Commission shall publish the place, time, and date of the scheduled public hearing.

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

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

h. If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

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

k. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days.
AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED
IMMEDIATELY IN ORDER TO:

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

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

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

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

ARTICLE IX

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

a. OVERSIGHT

1. EACH PARTY STATE SHALL ENFORCE THIS COMPACT AND TAKE
ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS
COMPACT’S PURPOSES AND INTENT.
2. The Commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the Commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

b. Default, Technical Assistance and Termination

1. If the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

   i. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the Commission; and

   ii. Provide remedial training and specific technical assistance regarding the default.

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

3. Termination of membership in this Compact shall be imposed only after all other means of securing compliance have
BEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO THE GOVERNOR OF THE DEFAULTING STATE AND TO THE EXECUTIVE OFFICER OF THE DEFAULTING STATE'S LICENSING BOARD AND EACH OF THE PARTY STATES.

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

5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT IS FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN TERMINATED UNLESS AGREED UPON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.


c. Dispute Resolution

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

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

3. IN THE EVENT THE COMMISSION CANNOT RESOLVE DISPUTES AMONG PARTY STATES ARISING UNDER THIS COMPACT:
i. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

ii. The decision of a majority of the arbitrators shall be final and binding.

d. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

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

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE X

Effective Date, Withdrawal and Amendment
a. This Compact shall become effective and binding on the earlier of the date of legislative enactment of this Compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this Compact, that also were parties to the prior Nurse Licensure Compact, superseded by this Compact, ("Prior Compact"), shall be deemed to have withdrawn from said Prior Compact within six (6) months after the effective date of this Compact.

b. Each party state to this Compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the Prior Compact until such party state has withdrawn from the Prior Compact.

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

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

e. Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this Compact.

f. This Compact may be amended by the party states. No
AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING
UPON THE PARTY STATES UNLESS AND UNTIL IT IS ENACTED INTO THE LAWS
OF ALL PARTY STATES.

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

ARTICLE XI

Construction and Severability

THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT
SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR
PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE
CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES, OR IF THE
APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR
CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF
THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.
IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION
OF ANY PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE AND
EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND
EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE
MATTERS.

24-60-3203. Effective date - notification to the revisor of
statutes. The executive director of the Department of Regulatory
Agencies shall notify the revisor of statutes in writing when the
condition specified in article X a. of this part 32 has occurred by
E-mailing the notice to revisorofstatutes.ga@state.co.us. The repeal and reenactment of this part 32 takes effect upon the notice that the compact has been enacted by twenty-six states or December 31, 2018, whichever occurs first.

SECTION 24. Appropriation. (1) For the 2017-18 state fiscal year, $576,126 is appropriated to the department of public safety. This appropriation is from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S. To implement this act, the department may use this appropriation as follows:

(a) $279,144 for use by the biometric identification and records unit for criminal history record checks, which amount is based on an assumption that the unit will require an additional 0.9 FTE; and

(b) $296,982 for use by executive director's office for leased space.

(2) For the 2017-18 state fiscal year, $50,000 is appropriated to the department of regulatory agencies. This appropriation is from the division of professions and occupations cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement this act, the department may use this appropriation for the purchase of information technology services.

(3) For the 2017-18 state fiscal year, $50,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (2) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of regulatory agencies.

SECTION 25. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.