

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0109.01 Yelana Love x2295

SENATE BILL 18-027

SENATE SPONSORSHIP

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Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENACTMENT OF THE "ENHANCED NURSE LICENSURE**
102 **COMPACT", AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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 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

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.*

- obtain and submit criminal background checks for multistate nurse licensure candidates;
- ! Allows the Interstate Commission of Nurse Licensure Compact Administrators to adopt rules related to the compact; and
- ! Specifies the procedure for states to enter, withdraw from, or amend the compact.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** part 32 of
3 article 60 of title 24.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 38 to article
5 60 of title 24 as follows:

6 **PART 38**

7 **ENHANCED NURSE LICENSURE COMPACT**

8 **24-60-3801. Short title.** THE SHORT TITLE OF THIS PART 38 IS THE
9 "ENHANCED NURSE LICENSURE COMPACT".

10 **24-60-3802. Compact approved and ratified.** THE GENERAL
11 ASSEMBLY HEREBY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL
12 ENTER INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH
13 ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING
14 THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

15 **ARTICLE I**

16 **Findings and Declaration of Purpose**

17 a. THE PARTY STATES FIND THAT:

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

21 2. VIOLATIONS OF NURSE LICENSURE AND OTHER LAWS
22 REGULATING THE PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM

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**

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**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

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. Appropriation.** (1) For the 2017-18 state fiscal
12 year, \$233,702 is appropriated to the department of public safety for use
13 by the biometric identification and records unit, which amount is based
14 on an assumption that the unit will require an additional 0.5 FTE. This
15 appropriation is from the Colorado bureau of investigation identification
16 unit fund created in section 24-33.5-426, C.R.S. To implement this act,
17 the unit may use this appropriation for criminal history record checks.

18 (2) For the 2017-18 state fiscal year, \$114,000 is appropriated to
19 the department of regulatory agencies. This appropriation is from the
20 professions and occupations cash fund created in section 24-34-105
21 (2)(b)(I), C.R.S. To implement this act, the department may use this
22 appropriation as follows:

23 (a) \$4,000 for use by the division of professions and occupations
24 for operating expenses; and

25 (b) \$110,000 for the purchase of information technology services.

26 (3) For the 2017-18 state fiscal year, \$110,000 is appropriated to
27 the office of the governor for use by the office of information technology.

1 This appropriation is from reappropriated funds received from the
2 department of regulatory agencies under subsection (2)(b) of this section.
3 To implement this act, the office may use this appropriation to provide
4 information technology services for the department of regulatory
5 agencies.

6 **SECTION 8. Appropriation.** (1) For the 2018-19 state fiscal
7 year, \$336,009 is appropriated to the department of public safety for use
8 by the biometric identification and records unit, which amount is based
9 on an assumption that the unit will require an additional 2.0 FTE. This
10 appropriation is from the Colorado bureau of investigation identification
11 unit fund created in section 24-33.5-426, C.R.S. To implement this act,
12 the unit may use this appropriation for criminal history record checks.

13 (2) For the 2018-19 state fiscal year, \$134,746 is appropriated to
14 the department of regulatory agencies. This appropriation is from the
15 professions and occupations cash fund created in section 24-34-105
16 (2)(b)(I), C.R.S. To implement this act, the department may use this
17 appropriation as follows:

18 (a) \$38,403 for use by the division of professions and occupations
19 for personal services, which amount is based on an assumption that the
20 division will require an additional 0.6 FTE;

21 (b) \$2,570 for use by the division of professions and occupations
22 for operating expenses; and

23 (c) \$93,773 for the purchase of legal services.

24 (3) For the 2018-19 state fiscal year, \$93,773 is appropriated to
25 the department of law. This appropriation is from reappropriated funds
26 received from the department of regulatory agencies under subsection
27 (2)(c) of this section and is based on an assumption that the department

1 of law will require an additional 0.5 FTE. To implement this act, the
2 department of law may use this appropriation to provide legal services for
3 the department of regulatory agencies.

4 **SECTION 9. Effective date.** This act takes effect upon passage;
5 except that section 1 of this act takes effect 180 days after the effective
6 date of section 2 of this act.

7 **SECTION 10. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.