

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2543 Session of
2006

INTRODUCED BY HERSHEY, THOMAS, ALLEN, BAKER, BARRAR, BELFANTI,
BOYD, CAPPELLI, CLYMER, CRAHALLA, CURRY, DALLY, DeLUCA,
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WOJNAROSKI, YOUNGBLOOD, YUDICHAK AND SEMMEL, MARCH 17, 2006

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 17, 2006

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the Nurse
2 Licensure Compact; and providing for the form of the compact.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Nurse
7 Licensure Compact Act.

8 Section 2. Nurse Licensure Compact.

9 The Nurse Licensure Compact is enacted into law and entered
10 into with all jurisdictions legally joining in the compact in
11 the form substantially as set forth as follows:

12 NURSE LICENSURE COMPACT

13 ARTICLE I

14 Findings and Declaration of Purpose

1 The party states find that:

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

5 violations of nurse licensure and other laws regulating
6 the practice of nursing may result in injury or harm to the
7 public;

8 the expanded mobility of nurses and the use of advanced
9 communication technologies as part of our nation's healthcare
10 delivery system require greater coordination and cooperation
11 among states in the areas of nurse licensure and regulation;

12 new practice modalities and technology make compliance
13 with individual state nurse licensure laws difficult and
14 complex;

15 the current system of duplicative licensure for nurses
16 practicing in multiple states is cumbersome and redundant to
17 both nurses and states;

18 the general purposes of this Compact are to:

19 facilitate the states' responsibility to protect the
20 public's health and safety;

21 ensure and encourage the cooperation of party states
22 in the areas of nurse licensure and regulation;

23 facilitate the exchange of information between party
24 states in the areas of nurse regulation, investigation
25 and adverse actions;

26 promote compliance with the laws governing the
27 practice of nursing in each jurisdiction; and

28 invest all party states with the authority to hold a
29 nurse accountable for meeting all state practice laws in
30 the state in which the patient is located at the time

1 care is rendered through the mutual recognition of party
2 state licenses.

3 ARTICLE II

4 Definitions

5 As used in this Compact:

6 "Adverse Action" means a home or remote state action.

7 "Alternative program" means a voluntary, non-disciplinary
8 monitoring program approved by a nurse licensing board.

9 "Coordinated licensure information system" means an integrated
10 process for collecting, storing, and sharing information on
11 nurse licensure and enforcement activities related to nurse
12 licensure laws, which is administered by a non-profit
13 organization composed of and controlled by state nurse licensing
14 boards.

15 "Current significant investigative information" means:
16 investigative information that a licensing board, after a
17 preliminary inquiry that includes notification and an
18 opportunity for the nurse to respond if required by state law,
19 has reason to believe is not groundless and, if proved true,
20 would indicate more than a minor infraction; or investigative
21 information that indicates that the nurse represents an
22 immediate threat to public health and safety regardless of
23 whether the nurse has been notified and had an opportunity to
24 respond.

25 "Home state" means the party state which is the nurse's primary
26 state of residence.

27 "Home state action" means any administrative, civil, equitable
28 or criminal action permitted by the home state's laws which are
29 imposed on a nurse by the home state's licensing board or other
30 authority including actions against an individual's license such

1 as: revocation, suspension, probation or any other action which
2 affects a nurse's authorization to practice.

3 "Licensing board" means a party state's regulatory body
4 responsible for issuing nurse licenses.

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

13 "Nurse" means a registered nurse or licensed
14 practical/vocational nurse, as those terms are defined by each
15 party's state practice laws.

16 "Party state" means any state that has adopted this Compact.

17 "Remote state" means a party state, other than the home state,
18 where the patient is located at the time nursing care is
19 provided, or, in the case of the practice of nursing not
20 involving a patient, in such party state where the recipient of
21 nursing practice is located.

22 "Remote state action" means any administrative, civil, equitable
23 or criminal action permitted by a remote state's laws which are
24 imposed on a nurse by the remote state's licensing board or
25 other authority including actions against an individual's
26 multistate licensure privilege to practice in the remote state,
27 and cease and desist and other injunctive or equitable orders
28 issued by remote states or the licensing boards thereof.

29 "State" means a state, territory, or possession of the United
30 States, the District of Columbia or the Commonwealth of Puerto

1 Rico.

2 "State practice laws" means those individual party's state laws
3 and regulations that govern the practice of nursing, define the
4 scope of nursing practice, and create the methods and grounds
5 for imposing discipline.

6 "State practice laws" does not include the initial
7 qualifications for licensure or requirements necessary to obtain
8 and retain a license, except for qualifications or requirements
9 of the home state.

10 ARTICLE III

11 General Provisions and Jurisdiction

12 A license to practice registered nursing issued by a home
13 state to a resident in that state will be recognized by each
14 party state as authorizing a multistate licensure privilege to
15 practice as a registered nurse in such party state. A license to
16 practice licensed practical/vocational nursing issued by a home
17 state to a resident in that state will be recognized by each
18 party state as authorizing a multistate licensure privilege to
19 practice as a licensed practical/vocational nurse in such party
20 state. In order to obtain or retain a license, an applicant must
21 meet the home state's qualifications for licensure and license
22 renewal as well as all other applicable state laws.

23 Party states may, in accordance with state due process laws,
24 limit or revoke the multistate licensure privilege of any nurse
25 to practice in their state and may take any other actions under
26 their applicable state laws necessary to protect the health and
27 safety of their citizens. If a party state takes such action, it
28 shall promptly notify the administrator of the coordinated
29 licensure information system. The administrator of the
30 coordinated licensure information system shall promptly notify

1 the home state of any such actions by remote states. Every nurse
2 practicing in a party state must comply with the state practice
3 laws of the state in which the patient is located at the time
4 care is rendered. In addition, the practice of nursing is not
5 limited to patient care, but shall include all nursing practice
6 as defined by the state practice laws of a party state. The
7 practice of nursing will subject a nurse to the jurisdiction of
8 the nurse licensing board and the courts, as well as the laws,
9 in that party state.

10 This Compact does not affect additional requirements imposed
11 by states for advanced practice registered nursing. However, a
12 multistate licensure privilege to practice registered nursing
13 granted by a party state shall be recognized by other party
14 states as a license to practice registered nursing if one is
15 required by state law as a precondition for qualifying for
16 advanced practice registered nurse authorization.

17 Individuals not residing in a party state shall continue to be
18 able to apply for nurse licensure as provided for under the laws
19 of each party state. However, the license granted to these
20 individuals will not be recognized as granting the privilege to
21 practice nursing in any other party state unless explicitly
22 agreed to by that party state.

23 ARTICLE IV

24 Applications for Licensure in a Party State

25 Upon application for a license, the licensing board in a
26 party state shall ascertain, through the coordinated licensure
27 information system, whether the applicant has ever held, or is
28 the holder of, a license issued by any other state, whether
29 there are any restrictions on the multistate licensure
30 privilege, and whether any other adverse action by any state has

1 been taken against the license.

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

4 A nurse who intends to change primary state of residence may
5 apply for licensure in the new home state in advance of such
6 change. However, new licenses will not be issued by a party
7 state until after a nurse provides evidence of change in primary
8 state of residence satisfactory to the new home state's
9 licensing board.

10 When a nurse changes primary state of residence by:

11 moving between two party states, and obtains a
12 license from the new home state, the license from the
13 former home state is no longer valid;

14 moving from a non-party state to a party state, and
15 obtains a license from the new home state, the individual
16 state license issued by the non-party state is not
17 affected and will remain in full force if so provided by
18 the laws of the non-party state;

19 moving from a party state to a non-party state, the
20 license issued by the prior home state converts to an
21 individual state license, valid only in the former home
22 state, without the multistate licensure privilege to
23 practice in other party states.

24 ARTICLE V

25 Adverse Actions

26 In addition to the General Provisions described in Article
27 III, the following provisions apply:

28 The licensing board of a remote state shall promptly report
29 to the administrator of the coordinated licensure information
30 system any remote state actions including the factual and legal

1 basis for such action, if known. The licensing board of a remote
2 state shall also promptly report any significant current
3 investigative information yet to result in a remote state
4 action. The administrator of the coordinated licensure
5 information system shall promptly notify the home state of any
6 such reports.

7 The licensing board of a party state shall have the authority
8 to complete any pending investigations for a nurse who changes
9 primary state of residence during the course of such
10 investigations. It shall also have the authority to take
11 appropriate action(s), and shall promptly report the conclusions
12 of such investigations to the administrator of the coordinated
13 licensure information system. The administrator of the
14 coordinated licensure information system shall promptly notify
15 the new home state of any such actions.

16 A remote state may take adverse action affecting the
17 multistate licensure privilege to practice within that party
18 state. However, only the home state shall have the power to
19 impose adverse action against the license issued by the home
20 state.

21 For purposes of imposing adverse action, the licensing board
22 of the home state shall give the same priority and effect to
23 reported conduct received from a remote state as it would if
24 such conduct had occurred within the home state. In so doing, it
25 shall apply its own state laws to determine appropriate action.
26 The home state may take adverse action based on the factual
27 findings of the remote state, so long as each state follows its
28 own procedures for imposing such adverse action.

29 Nothing in this Compact shall override a party state's
30 decision that participation in an alternative program may be

1 used in lieu of licensure action and that such participation
2 shall remain non-public if required by the party state's laws.
3 Party states must require nurses who enter any alternative
4 programs to agree not to practice in any other party state
5 during the term of the alternative program without prior
6 authorization from such other party state.

7 ARTICLE VI

8 Additional Authorities Invested in
9 Party State Nurse Licensing Boards

10 Notwithstanding any other powers, party state nurse licensing
11 boards shall have the authority to:

12 if otherwise permitted by state law, recover from the
13 affected nurse the costs of investigations and disposition of
14 cases resulting from any adverse action taken against that
15 nurse;

16 issue subpoenas for both hearings and investigations
17 which require the attendance and testimony of witnesses, and
18 the production of evidence. Subpoenas issued by a nurse
19 licensing board in a party state for the attendance and
20 testimony of witnesses, and/or the production of evidence
21 from another party state, shall be enforced in the latter
22 state by any court of competent jurisdiction, according to
23 the practice and procedure of that court applicable to
24 subpoenas issued in proceedings pending before it. The
25 issuing authority shall pay any witness fees, travel
26 expenses, mileage and other fees required by the service
27 statutes of the state where the witnesses and/or evidence are
28 located;

29 issue cease and desist orders to limit or revoke a
30 nurse's authority to practice in their state;

1 promulgate uniform rules and regulations as provided for
2 in Article VIII(c).

3 ARTICLE VII

4 Coordinated Licensure Information System

5 All party states shall participate in a cooperative effort to
6 create a coordinated data base of all licensed registered nurses
7 and licensed practical/vocational nurses. This system will
8 include information on the licensure and disciplinary history of
9 each nurse, as contributed by party states, to assist in the
10 coordination of nurse licensure and enforcement efforts.

11 Notwithstanding any other provision of law, all party states'
12 licensing boards shall promptly report adverse actions, actions
13 against multistate licensure privileges, any current significant
14 investigative information yet to result in adverse action,
15 denials of applications, and the reasons for such denials, to
16 the coordinated licensure information system.

17 Current significant investigative information shall be
18 transmitted through the coordinated licensure information system
19 only to party state licensing boards.

20 Notwithstanding any other provision of law, all party states'
21 licensing boards contributing information to the coordinated
22 licensure information system may designate information that may
23 not be shared with non-party states or disclosed to other
24 entities or individuals without the express permission of the
25 contributing state.

26 Any personally identifiable information obtained by a party
27 state's licensing board from the coordinated licensure
28 information system may not be shared with non-party states or
29 disclosed to other entities or individuals except to the extent
30 permitted by the laws of the party state contributing the

1 information.

2 Any information contributed to the coordinated licensure
3 information system that is subsequently required to be expunged
4 by the laws of the party state contributing that information,
5 shall also be expunged from the coordinated licensure
6 information system.

7 The Compact administrators, acting jointly with each other
8 and in consultation with the administrator of the coordinated
9 licensure information system, shall formulate necessary and
10 proper procedures for the identification, collection and
11 exchange of information under this Compact.

12 ARTICLE VIII

13 Compact Administration and Interchange of Information

14 The head of the nurse licensing board, or his/her designee,
15 of each party state shall be the administrator of this Compact
16 for his/her state.

17 The Compact administrator of each party state shall furnish
18 to the Compact administrator of each other party state any
19 information and documents including, but not limited to, a
20 uniform data set of investigations, identifying information,
21 licensure data, and disclosable alternative program
22 participation information to facilitate the administration of
23 this Compact.

24 Compact administrators shall have the authority to develop
25 uniform rules to facilitate and coordinate implementation of
26 this Compact. These uniform rules shall be adopted by party
27 states, under the authority invested under Article VI (d).

28 ARTICLE IX

29 Immunity

30 No party state or the officers or employees or agents of a

1 party state's nurse licensing board who acts in accordance with
2 the provisions of this Compact shall be liable on account of any
3 act or omission in good faith while engaged in the performance
4 of their duties under this Compact. Good faith in this article
5 shall not include willful misconduct, gross negligence, or
6 recklessness.

7 ARTICLE X

8 Entry into Force, Withdrawal and Amendment

9 This Compact shall enter into force and become effective as
10 to any state when it has been enacted into the laws of that
11 state. Any party state may withdraw from this Compact by
12 enacting a statute repealing the same, but no such withdrawal
13 shall take effect until six months after the withdrawing state
14 has given notice of the withdrawal to the executive heads of all
15 other party states.

16 No withdrawal shall affect the validity or applicability by
17 the licensing boards of states remaining party to Compact of any
18 report of adverse action occurring prior to the withdrawal.
19 Nothing contained in this Compact shall be construed to
20 invalidate or prevent any nurse licensure agreement or other
21 cooperative arrangement between a party state and a non-party
22 state that is made in accordance with the other provisions of
23 this Compact.

24 This Compact may be amended by the party states. No amendment
25 to this Compact shall become effective and binding upon the
26 party states unless and until it is enacted into the laws of all
27 party states.

28 ARTICLE XI

29 Construction and Severability

30 This Compact shall be liberally construed so as to effectuate

1 the purposes thereof. The provisions of this Compact shall be
2 severable and if any phrase, clause, sentence or provision of
3 this Compact is declared to be contrary to the constitution of
4 any party state or of the United States or the applicability
5 thereof to any government, agency, person or circumstance is
6 held invalid, the validity of the remainder of this Compact and
7 the applicability thereof to any government, agency, person or
8 circumstance shall not be affected thereby. If this Compact
9 shall be held contrary to the constitution of any state party
10 thereto, the Compact shall remain in full force and effect as to
11 the remaining party states and in full force and effect as to
12 the party state affected as to all severable matters.

13 In the event party states find a need for settling disputes
14 arising under this Compact:

15 The party states may submit the issues in dispute to an
16 arbitration panel which will be comprised of an individual
17 appointed by the Compact administrator in the home state; an
18 individual appointed by the Compact administrator in the remote
19 state(s) involved; and an individual mutually agreed upon by the
20 Compact administrators of all the party states involved in the
21 dispute.

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

24 Section 10. Effective date.

25 This act shall take effect immediately.