
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 549 Session of
2007

INTRODUCED BY HERSHEY, BAKER, BARRAR, BASTIAN, BELFANTI,
BENNINGHOFF, BEYER, BOYD, CAPPELLI, CARROLL, CUTLER, DALLY,
DENLINGER, FABRIZIO, FAIRCHILD, FRANKEL, FREEMAN, GEORGE,
GERGELY, GILLESPIE, GINGRICH, GOODMAN, GRELL, GRUCELA,
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RAPP, REICHLEY, ROAE, RUBLEY, SABATINA, SCAVELLO, SIPTROTH,
SOLOBAY, SONNEY, STABACK, STERN, R. STEVENSON, SURRA,
SWANGER, TRUE, WALKO, WATSON, WOJNAROSKI AND YOUNGBLOOD,
MARCH 6, 2007

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,
MARCH 6, 2007

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

1 Findings and Declaration of Purpose

2 a. The party states find that:

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

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

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

14 4. new practice modalities and technology make
15 compliance with individual state nurse licensure laws
16 difficult and complex;

17 5. the current system of duplicative licensure for
18 nurses practicing in multiple states is cumbersome and
19 redundant to both nurses and states;

20 b. The general purposes of this Compact are to:

21 1. facilitate the states' responsibility to protect the
22 public's health and safety;

23 2. ensure and encourage the cooperation of party states
24 in the areas of nurse licensure and regulation;

25 3. facilitate the exchange of information between party
26 states in the areas of nurse regulation, investigation and
27 adverse actions;

28 4. promote compliance with the laws governing the
29 practice of nursing in each jurisdiction; and

30 5. invest all party states with the authority to hold a

1 nurse accountable for meeting all state practice laws in the
2 state in which the patient is located at the time care is
3 rendered through the mutual recognition of party state
4 licenses.

5 ARTICLE II

6 Definitions

7 As used in this Compact:

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

9 "Alternative program" means a voluntary, nondisciplinary
10 monitoring program approved by a nurse licensing board.

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

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

27 "Home state" means the party state which is the nurse's primary
28 state of residence.

29 "Home state action" means any administrative, civil, equitable
30 or criminal action permitted by the home state's laws which are

1 imposed on a nurse by the home state's licensing board or other
2 authority including actions against an individual's license such
3 as: revocation, suspension, probation or any other action which
4 affects a nurse's authorization to practice.

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

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

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

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

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

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

1 "State" means a state, territory, or possession of the United
2 States, the District of Columbia or the Commonwealth of Puerto
3 Rico.

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

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

12 ARTICLE III

13 General Provisions and Jurisdiction

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

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

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

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

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

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

25 ARTICLE IV

26 Applications for Licensure in a Party State

27 a. Upon application for a license, the licensing board in a
28 party state shall ascertain, through the coordinated licensure
29 information system, whether the applicant has ever held, or is
30 the holder of, a license issued by any other state, whether

1 there are any restrictions on the multistate licensure
2 privilege, and whether any other adverse action by any state has
3 been taken against the license.

4 b. A nurse in a party state shall hold licensure in only one
5 party state at a time, issued by the home state.

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

12 d. When a nurse changes primary state of residence by:

13 1. moving between two party states, and obtains a
14 license from the new home state, the license from the former
15 home state is no longer valid;

16 2. moving from a nonparty state to a party state, and
17 obtains a license from the new home state, the individual
18 state license issued by the nonparty state is not affected
19 and will remain in full force if so provided by the laws of
20 the nonparty state;

21 3. moving from a party state to a nonparty state, the
22 license issued by the prior home state converts to an
23 individual state license, valid only in the former home
24 state, without the multistate licensure privilege to practice
25 in other party states.

26 ARTICLE V

27 Adverse Actions

28 In addition to the General Provisions described in Article
29 III, the following provisions apply:

30 a. The licensing board of a remote state shall promptly

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

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

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

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

28 e. The home state may take adverse action based on the
29 factual findings of the remote state, so long as each state
30 follows its own procedures for imposing such adverse action.

1 f. Nothing in this Compact shall override a party state's
2 decision that participation in an alternative program may be
3 used in lieu of licensure action and that such participation
4 shall remain nonpublic if required by the party state's laws.
5 Party states must require nurses who enter any alternative
6 programs to agree not to practice in any other party state
7 during the term of the alternative program without prior
8 authorization from such other party state.

9 ARTICLE VI

10 Additional Authorities Invested in
11 Party State Nurse Licensing Boards

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

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

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

30 c. issue cease and desist orders to limit or revoke a

1 nurse's authority to practice in their respective states;

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

4 ARTICLE VII

5 Coordinated Licensure Information System

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

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

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

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

28 e. Any personally identifiable information obtained by a
29 party state's licensing board from the coordinated licensure
30 information system may not be shared with nonparty states or

1 disclosed to other entities or individuals except to the extent
2 permitted by the laws of the party state contributing the
3 information.

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

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

14 ARTICLE VIII

15 Compact Administration and Interchange of Information

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

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

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

1 ARTICLE IX

2 Immunity

3 No party state or the officers or employees or agents of a
4 party state's nurse licensing board who acts in accordance with
5 the provisions of this Compact shall be liable on account of any
6 act or omission in good faith while engaged in the performance
7 of their duties under this Compact. Good faith in this article
8 shall not include willful misconduct, gross negligence, or
9 recklessness.

10 ARTICLE X

11 Entry into Force, Withdrawal and Amendment

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

19 b. No withdrawal shall affect the validity or applicability
20 by the licensing boards of states remaining party to Compact of
21 any report of adverse action occurring prior to the withdrawal.

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

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

ARTICLE XI

Construction and Severability

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

17 b. In the event party states find a need for settling
18 disputes arising under this Compact:

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

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

28 Section 10. Effective date.

29 This act shall take effect immediately.