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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3848

03/15/2018 Authored by Schomacker, Kresha, Zerwas, Kiel, Gruenhagen and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health occupations; creating a Nurse Licensure Compact; appropriating
1.3 money; proposing coding for new law in Minnesota Statutes, chapter 148.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [148.2855] NURSE LICENSURE COMPACT.

1.6 The Nurse Licensure Compact is enacted into law and entered into with all other
1.7 jurisdictions legally joining in it, in the form substantially as follows:

1.8 ARTICLE 1

1.9 DEFINITIONS

1.10 As used in this compact:

1.11 (a) "Adverse action" means any administrative, civil, equitable, or criminal action
1.12 permitted by a state's law that is imposed by a licensing board or other authority against a
1.13 nurse, including actions against an individual's license or multistate licensure privilege such
1.14 as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's
1.15 practice, or any other encumbrance on licensure affecting a nurse's authorization to practice,
1.16 including issuance of a cease and desist action.

1.17 (b) "Alternative program" means a nondisciplinary monitoring program approved by a
1.18 licensing board.

1.19 (c) "Coordinated licensure information system" means an integrated process for collecting,
1.20 storing, and sharing information on nurse licensure and enforcement activities related to

2.1 nurse licensure laws that is administered by a nonprofit organization composed of and  
2.2 controlled by licensing boards.

2.3 (d) "Current significant investigative information" means:

2.4 (1) investigative information that a licensing board, after a preliminary inquiry that  
2.5 includes notification and an opportunity for the nurse to respond, if required by state law,  
2.6 has reason to believe is not groundless and, if proved true, would indicate more than a minor  
2.7 infraction; or

2.8 (2) investigative information that indicates that the nurse represents an immediate threat  
2.9 to public health and safety, regardless of whether the nurse has been notified and had an  
2.10 opportunity to respond.

2.11 (e) "Encumbrance" means a revocation or suspension of, or any limitation on, the full  
2.12 and unrestricted practice of nursing imposed by a licensing board.

2.13 (f) "Home state" means the party state which is the nurse's primary state of residence.

2.14 (g) "Licensing board" means a party state's regulatory body responsible for issuing nurse  
2.15 licenses.

2.16 (h) "Multistate license" means a license to practice as a registered or a licensed  
2.17 practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes  
2.18 the licensed nurse to practice in all party states under a multistate licensure privilege.

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

2.22 (j) "Nurse" means a registered nurse (RN) or licensed practical/vocational nurse  
2.23 (LPN/VN), as those terms are defined by each party state's practice laws.

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

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

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

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

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

## 3.5 ARTICLE 2

### 3.6 GENERAL PROVISIONS AND JURISDICTION

3.7 (a) A multistate license to practice registered or licensed practical/vocational nursing  
3.8 issued by a home state to a resident in that state will be recognized by each party state as  
3.9 authorizing a nurse to practice as an RN or as a LPN/VN under a multistate licensure  
3.10 privilege in each party state.

3.11 (b) A state must implement procedures for considering the criminal history records of  
3.12 applicants for initial multistate license or licensure by endorsement. Such procedures shall  
3.13 include the submission of fingerprints or other biometric-based information by applicants  
3.14 for the purpose of obtaining an applicant's criminal history record information from the  
3.15 Federal Bureau of Investigation and the agency responsible for retaining that state's criminal  
3.16 records.

3.17 (c) Each party state shall require the following for an applicant to obtain or retain a  
3.18 multistate license in the home state:

3.19 (1) meets the home state's qualifications for licensure or renewal of licensure, as well  
3.20 as all other applicable state laws;

3.21 (2)(i) has graduated or is eligible to graduate from a licensing board-approved RN or  
3.22 LPN/VN prelicensure education program; or

3.23 (ii) has graduated from a foreign RN or LPN/VN prelicensure education program that:

3.24 (A) has been approved by the authorized accrediting body in the applicable country; and

3.25 (B) has been verified by an independent credentials review agency to be comparable to  
3.26 a licensing board-approved prelicensure education program;

3.27 (3) has, if a graduate of a foreign prelicensure education program not taught in English  
3.28 or if English is not the individual's native language, successfully passed an English  
3.29 proficiency examination that includes the components of reading, speaking, writing, and  
3.30 listening;

3.31 (4) has successfully passed an NCLEX-RN or NCLEX-PN Examination or recognized  
3.32 predecessor, as applicable;

4.1 (5) is eligible for or holds an active, unencumbered license;

4.2 (6) has submitted, in connection with an application for initial licensure or licensure by  
4.3 endorsement, fingerprints, or other biometric data for the purpose of obtaining criminal  
4.4 history record information from the Federal Bureau of Investigation and the agency  
4.5 responsible for retaining that state's criminal records;

4.6 (7) has not been convicted or found guilty, or has entered into an agreed disposition, of  
4.7 a felony offense under applicable state or federal criminal law;

4.8 (8) has not been convicted or found guilty, or has entered into an agreed disposition, of  
4.9 a misdemeanor offense related to the practice of nursing as determined on a case-by-case  
4.10 basis;

4.11 (9) is not currently enrolled in an alternative program;

4.12 (10) is subject to self-disclosure requirements regarding current participation in an  
4.13 alternative program; and

4.14 (11) has a valid United States Social Security number.

4.15 (d) All party states shall be authorized, in accordance with existing state due process  
4.16 law, to take adverse action against a nurse's multistate licensure privilege such as revocation,  
4.17 suspension, probation, or any other action that affects a nurse's authorization to practice  
4.18 under a multistate licensure privilege, including cease and desist actions. If a party state  
4.19 takes such action, it shall promptly notify the administrator of the coordinated licensure  
4.20 information system. The administrator of the coordinated licensure information system shall  
4.21 promptly notify the home state of any such actions by remote states.

4.22 (e) A nurse practicing in a party state must comply with the state practice laws of the  
4.23 state in which the client is located at the time service is provided. The practice of nursing  
4.24 is not limited to patient care, but shall include all nursing practice as defined by the state  
4.25 practice laws of the party state in which the client is located. The practice of nursing in a  
4.26 party state under a multistate licensure privilege will subject a nurse to the jurisdiction of  
4.27 the licensing board, the courts, and the laws of the party state in which the client is located  
4.28 at the time service is provided.

4.29 (f) Individuals not residing in a party state shall continue to be able to apply for a party  
4.30 state's single-state license as provided under the laws of each party state. However, the  
4.31 single-state license granted to these individuals will not be recognized as granting the  
4.32 privilege to practice nursing in any other party state. Nothing in this compact shall affect  
4.33 the requirements established by a party state for the issuance of a single-state license.

5.1 (g) Any nurse holding a home state multistate license, on the effective date of this  
5.2 compact, may retain and renew the multistate license issued by the nurse's then-current  
5.3 home state, provided that:

5.4 (1) a nurse, who changes primary state of residence after this compact's effective date,  
5.5 must meet all applicable Article 111.c. requirements to obtain a multistate license from a  
5.6 new home state; or

5.7 (2) a nurse who fails to satisfy the multistate licensure requirements in Article 111.c.  
5.8 due to a disqualifying event occurring after this compact's effective date shall be ineligible  
5.9 to retain or renew a multistate license, and the nurse's multistate license shall be revoked  
5.10 or deactivated in accordance with applicable rules adopted by the Interstate Commission  
5.11 of Nurse Licensure Compact Administrators ("Commission").

### 5.12 ARTICLE 3

#### 5.13 APPLICATIONS FOR LICENSURE IN A PARTY STATE

5.14 (a) Upon application for a multistate license, the licensing board in the issuing party  
5.15 state shall ascertain, through the coordinated licensure information system, whether the  
5.16 applicant has ever held, or is the holder of, a license issued by any other state, whether there  
5.17 are any encumbrances on any license or multistate licensure privilege held by the applicant,  
5.18 whether any adverse action has been taken against any license or multistate licensure privilege  
5.19 held by the applicant, and whether the applicant is currently participating in an alternative  
5.20 program.

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

5.23 (c) If a nurse changes primary state of residence by moving between two party states,  
5.24 the nurse must apply for licensure in the new home state, and the multistate license issued  
5.25 by the prior home state will be deactivated in accordance with applicable rules adopted by  
5.26 the commission:

5.27 (1) the nurse may apply for licensure in advance of a change in primary state of residence;  
5.28 and

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

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

#### 6.4 ARTICLE 4

##### 6.5 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

6.6 (a) In addition to the other powers conferred by state law, a licensing board shall have  
6.7 the authority to:

6.8 (1) take adverse action against a nurse's multistate licensure privilege to practice within  
6.9 that party state:

6.10 (i) only the home state shall have the power to take adverse action against a nurse's  
6.11 license issued by the home state; and

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

6.16 (2) issue cease and desist orders or impose an encumbrance on a nurse's authority to  
6.17 practice within that party state;

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

6.24 (4) issue subpoenas for both hearings and investigations that require the attendance and  
6.25 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing  
6.26 board in a party state for the attendance and testimony of witnesses or the production of  
6.27 evidence from another party state shall be enforced in the latter state by any court of  
6.28 competent jurisdiction, according to the practice and procedure of that court applicable to  
6.29 subpoenas issued in proceedings pending before it. The issuing authority shall pay any  
6.30 witness fees, travel expenses, mileage, and other fees required by the service statutes of the  
6.31 state in which the witnesses or evidence are located;

6.32 (5) obtain and submit, for each nurse licensure applicant, fingerprint, or other  
6.33 biometric-based information to the Federal Bureau of Investigation for criminal background

7.1 checks, receive the results of the Federal Bureau of Investigation record search on criminal  
7.2 background checks, and use the results in making licensure decisions;

7.3 (6) if otherwise permitted by state law, recover from the affected nurse the costs of  
7.4 investigations and disposition of cases resulting from any adverse action taken against that  
7.5 nurse; and

7.6 (7) take adverse action based on the factual findings of the remote state, provided that  
7.7 the licensing board follows its own procedures for taking such adverse action.

7.8 (b) If adverse action is taken by the home state against a nurse's multistate license, the  
7.9 nurse's multistate licensure privilege to practice in all other party states shall be deactivated  
7.10 until all encumbrances have been removed from the multistate license. All home state  
7.11 disciplinary orders that impose adverse action against a nurse's multistate license shall  
7.12 include a statement that the nurse's multistate licensure privilege is deactivated in all party  
7.13 states during the pendency of the order.

7.14 (c) Nothing in this compact shall override a party state's decision that participation in  
7.15 an alternative program may be used in lieu of adverse action. The home state licensing board  
7.16 shall deactivate the multistate licensure privilege under the multistate license of any nurse  
7.17 for the duration of the nurse's participation in an alternative program.

## 7.18 ARTICLE 5

### 7.19 COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF 7.20 INFORMATION

7.21 (a) All party states shall participate in a coordinated licensure information system of all  
7.22 licensed registered nurses (RNs) and licensed practical/vocational nurses (LPN/VNs). This  
7.23 system will include information on the licensure and disciplinary history of each nurse, as  
7.24 submitted by party states, to assist in the coordination of nurse licensure and enforcement  
7.25 efforts.

7.26 (b) The commission, in consultation with the administrator of the coordinated licensure  
7.27 information system, shall formulate necessary and proper procedures for the identification,  
7.28 collection, and exchange of information under this compact.

7.29 (c) All licensing boards shall promptly report to the coordinated licensure information  
7.30 system any adverse action, any current significant investigative information, denials of  
7.31 applications, including the reasons for such denials, and nurse participation in alternative  
7.32 programs known to the licensing board, regardless of whether such participation is deemed  
7.33 nonpublic or confidential under state law.

8.1 (d) Current significant investigative information and participation in nonpublic or  
 8.2 confidential alternative programs shall be transmitted through the coordinated licensure  
 8.3 information system only to party state licensing boards.

8.4 (e) Notwithstanding any other provision of law, all party state licensing boards  
 8.5 contributing information to the coordinated licensure information system may designate  
 8.6 information that may not be shared with nonparty states or disclosed to other entities or  
 8.7 individuals without the express permission of the contributing state.

8.8 (f) Any personally identifiable information obtained from the coordinated licensure  
 8.9 information system by a party state licensing board shall not be shared with nonparty states  
 8.10 or disclosed to other entities or individuals except to the extent permitted by the laws of the  
 8.11 party state contributing the information.

8.12 (g) Any information contributed to the coordinated licensure information system that is  
 8.13 subsequently required to be expunged by the laws of the party state contributing that  
 8.14 information shall also be expunged from the coordinated licensure information system.

8.15 (h) The compact administrator of each party state shall furnish a uniform data set to the  
 8.16 compact administrator of each other party state, which shall include, at a minimum:

8.17 (1) identifying information;

8.18 (2) licensure data;

8.19 (3) information related to alternative program participation; and

8.20 (4) other information that may facilitate the administration of this compact, as determined  
 8.21 by commission rules.

8.22 (i) The compact administrator of a party state shall provide all investigative documents  
 8.23 and information requested by another party state.

## 8.24 ARTICLE 6

### 8.25 ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE

#### 8.26 COMPACT ADMINISTRATORS

8.27 (a) The party states hereby create and establish a joint public entity known as the Interstate  
 8.28 Commission of Nurse Licensure Compact Administrators:

8.29 (1) the commission is an instrumentality of the party states;

8.30 (2) venue is proper, and judicial proceedings by or against the commission shall be  
 8.31 brought solely and exclusively, in a court of competent jurisdiction where the principal



9.1 office of the commission is located. The commission may waive venue and jurisdictional  
9.2 defenses to the extent it adopts or consents to participate in alternative dispute resolution  
9.3 proceedings; and

9.4 (3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

9.5 (b) Membership, voting, and meetings:

9.6 (1) each party state shall have and be limited to one administrator. The head of the state  
9.7 licensing board or designee shall be the administrator of this compact for each party state.

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

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

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

9.18 (4) all meetings shall be open to the public, and public notice of meetings shall be given  
9.19 in the same manner as required under the rulemaking provisions in article 7;

9.20 (5) the commission may convene in a closed, nonpublic meeting if the commission must  
9.21 discuss:

9.22 (i) noncompliance of a party state with its obligations under this compact;

9.23 (ii) the employment, compensation, discipline, or other personnel matters, practices, or  
9.24 procedures related to specific employees or other matters related to the commission's internal  
9.25 personnel practices and procedures;

9.26 (iii) current, threatened, or reasonably anticipated litigation;

9.27 (iv) negotiation of contracts for the purchase or sale of goods, services, or real estate;

9.28 (v) accusing any person of a crime or formally censuring any person;

9.29 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
9.30 or confidential;

10.1 (vii) disclosure of information of a personal nature where disclosure would constitute a  
 10.2 clearly unwarranted invasion of personal privacy;

10.3 (viii) disclosure of investigatory records compiled for law enforcement purposes;

10.4 (ix) disclosure of information related to any reports prepared by or on behalf of the  
 10.5 commission for the purpose of investigation of compliance with this compact; or

10.6 (x) matters specifically exempted from disclosure by federal or state statute; and

10.7 (6) if a meeting, or portion of a meeting, is closed pursuant to this provision, the  
 10.8 commission's legal counsel or designee shall certify that the meeting may be closed and  
 10.9 shall reference each relevant exempting provision. The commission shall keep minutes that  
 10.10 fully and clearly describe all matters discussed in a meeting and shall provide a full and  
 10.11 accurate summary of actions taken, and the reasons therefore, including a description of the  
 10.12 views expressed. All documents considered in connection with an action shall be identified  
 10.13 in minutes. All minutes and documents of a closed meeting shall remain under seal, subject  
 10.14 to release by a majority vote of the commission or order of a court of competent jurisdiction.

10.15 (c) The commission shall, by a majority vote of the administrators, prescribe bylaws or  
 10.16 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and  
 10.17 exercise the powers of this compact, including, but not limited to:

10.18 (1) establishing the fiscal year of the commission;

10.19 (2) providing reasonable standards and procedures:

10.20 (i) for the establishment and meetings of other committees; and

10.21 (ii) governing any general or specific delegation of any authority or function of the  
 10.22 commission;

10.23 (3) providing reasonable procedures for calling and conducting meetings of the  
 10.24 commission, ensuring reasonable advance notice of all meetings and providing an opportunity  
 10.25 for attendance of such meetings by interested parties, with enumerated exceptions designed  
 10.26 to protect the public's interest, the privacy of individuals, and proprietary information,  
 10.27 including trade secrets. The commission may meet in closed session only after a majority  
 10.28 of the administrators vote to close a meeting in whole or in part. As soon as practicable, the  
 10.29 commission must make public a copy of the vote to close the meeting revealing the vote of  
 10.30 each administrator, with no proxy votes allowed;

10.31 (4) establishing the titles, duties, and authority and reasonable procedures for the election  
 10.32 of the officers of the commission;

11.1 (5) providing reasonable standards and procedures for the establishment of the personnel  
11.2 policies and programs of the commission. Notwithstanding any civil service or other similar  
11.3 laws of any party state, the bylaws shall exclusively govern the personnel policies and  
11.4 programs of the commission; and

11.5 (6) providing a mechanism for winding up the operations of the commission and the  
11.6 equitable disposition of any surplus funds that may exist after the termination of this compact  
11.7 after the payment or reserving of all of its debts and obligations.

11.8 (d) The commission shall publish its bylaws and rules, and any amendments thereto, in  
11.9 a convenient form on the Web site of the commission.

11.10 (e) The commission shall maintain its financial records in accordance with the bylaws.

11.11 (f) The commission shall meet and take actions as are consistent with the provisions of  
11.12 this compact and the bylaws.

11.13 (g) The commission shall have the following powers:

11.14 (1) to promulgate uniform rules to facilitate and coordinate implementation and  
11.15 administration of this compact. The rules shall have the force and effect of law and shall  
11.16 be binding in all party states;

11.17 (2) to bring and prosecute legal proceedings or actions in the name of the commission,  
11.18 provided that the standing of any licensing board to sue or be sued under applicable law  
11.19 shall not be affected;

11.20 (3) to purchase and maintain insurance and bonds;

11.21 (4) to borrow, accept, or contract for services of personnel, including, but not limited  
11.22 to, employees of a party state or nonprofit organizations;

11.23 (5) to cooperate with other organizations that administer state compacts related to the  
11.24 regulation of nursing, including, but not limited to, sharing administrative or staff expenses,  
11.25 office space, or other resources;

11.26 (6) to hire employees, elect or appoint officers, fix compensation, define duties, grant  
11.27 such individuals appropriate authority to carry out the purposes of this compact, and to  
11.28 establish the commission's personnel policies and programs relating to conflicts of interest,  
11.29 qualifications of personnel, and other related personnel matters;

11.30 (7) to accept any and all appropriate donations, grants, and gifts of money, equipment,  
11.31 supplies, materials, and services, and to receive, utilize, and dispose of the same; provided

- 12.1 that at all times the commission shall avoid any appearance of impropriety or conflict of  
12.2 interest;
- 12.3 (8) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
12.4 hold, improve, or use any property, whether real, personal, or mixed; provided that at all  
12.5 times the commission shall avoid any appearance of impropriety;
- 12.6 (9) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
12.7 of any property, whether real, personal, or mixed;
- 12.8 (10) to establish a budget and make expenditures;
- 12.9 (11) to borrow money;
- 12.10 (12) to appoint committees, including advisory committees comprised of administrators,  
12.11 state nursing regulators, state legislators or their representatives, and consumer  
12.12 representatives, and other such interested persons;
- 12.13 (13) to provide and receive information from, and to cooperate with, law enforcement  
12.14 agencies;
- 12.15 (14) to adopt and use an official seal; and
- 12.16 (15) to perform such other functions as may be necessary or appropriate to achieve the  
12.17 purposes of this Compact consistent with the state regulation of nurse licensure and practice.
- 12.18 (h) Financing of the commission:
- 12.19 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of  
12.20 its establishment, organization, and ongoing activities;
- 12.21 (2) the commission may also levy on and collect an annual assessment from each party  
12.22 state to cover the cost of its operations, activities, and staff in its annual budget as approved  
12.23 each year. The aggregate annual assessment amount, if any, shall be allocated based upon  
12.24 a formula to be determined by the commission, which shall promulgate a rule that is binding  
12.25 upon all party states;
- 12.26 (3) the commission shall not incur obligations of any kind prior to securing the funds  
12.27 adequate to meet the same; nor shall the commission pledge the credit of any of the party  
12.28 states, except by, and with the authority of, such party state; and
- 12.29 (4) the commission shall keep accurate accounts of all receipts and disbursements. The  
12.30 receipts and disbursements of the commission shall be subject to the audit and accounting  
12.31 procedures established under its bylaws. However, all receipts and disbursements of funds  
12.32 handled by the commission shall be audited yearly by a certified or licensed public

13.1 accountant, and the report of the audit shall be included in and become part of the annual  
 13.2 report of the commission.

13.3 (i) Qualified immunity, defense, and indemnification:

13.4 (1) the administrators, officers, executive director, employees, and representatives of  
 13.5 the commission shall be immune from suit and liability, either personally or in their official  
 13.6 capacity, for any claim for damage to or loss of property or personal injury or other civil  
 13.7 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
 13.8 or that the person against whom the claim is made had a reasonable basis for believing  
 13.9 occurred, within the scope of commission employment, duties, or responsibilities; provided  
 13.10 that nothing in this paragraph shall be construed to protect any such person from suit or  
 13.11 liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton  
 13.12 misconduct of that person;

13.13 (2) the commission shall defend any administrator, officer, executive director, employee,  
 13.14 or representative of the commission in any civil action seeking to impose liability arising  
 13.15 out of any actual or alleged act, error, or omission that occurred within the scope of  
 13.16 commission employment, duties, or responsibilities, or that the person against whom the  
 13.17 claim is made had a reasonable basis for believing occurred within the scope of commission  
 13.18 employment, duties, or responsibilities; provided that nothing herein shall be construed to  
 13.19 prohibit that person from retaining his or her own counsel; and provided further that the  
 13.20 actual or alleged act, error, or omission did not result from that person's intentional, willful,  
 13.21 or wanton misconduct; and

13.22 (3) the commission shall indemnify and hold harmless any administrator, officer,  
 13.23 executive director, employee, or representative of the commission for the amount of any  
 13.24 settlement or judgment obtained against that person arising out of any actual or alleged act,  
 13.25 error, or omission that occurred within the scope of commission employment, duties, or  
 13.26 responsibilities, or that such person had a reasonable basis for believing occurred within  
 13.27 the scope of commission employment, duties, or responsibilities, provided that the actual  
 13.28 or alleged act, error, or omission did not result from the intentional, willful, or wanton  
 13.29 misconduct of that person.

13.30 ARTICLE 7

13.31 RULEMAKING

13.32 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set  
 13.33 forth in this article and the rules adopted thereunder. Rules and amendments shall become

14.1 binding as of the date specified in each rule or amendment and shall have the same force  
14.2 and effect as provisions of this compact.

14.3 (b) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
14.4 the commission.

14.5 (c) Prior to promulgation and adoption of a final rule or rules by the commission, and  
14.6 at least 60 days in advance of the meeting at which the rule will be considered and voted  
14.7 upon, the commission shall file a notice of proposed rulemaking:

14.8 (1) on the Web site of the commission; and

14.9 (2) on the Web site of each licensing board or the publication in which state would  
14.10 otherwise publish proposed rules.

14.11 (d) The notice of proposed rulemaking shall include:

14.12 (1) the proposed time, date, and location of the meeting in which the rule will be  
14.13 considered and voted upon;

14.14 (2) the text of the proposed rule or amendment, and the reason for the proposed rule;

14.15 (3) a request for comments on the proposed rule from any interested person; and

14.16 (4) the manner in which interested persons may submit notice to the commission of their  
14.17 intention to attend the public hearing and any written comments.

14.18 (e) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
14.19 written data, facts, opinions, and arguments, which shall be made available to the public.

14.20 (f) The commission shall grant an opportunity for a public hearing before it adopts a  
14.21 rule or amendment.

14.22 (g) The commission shall publish the place, time, and date of the scheduled public  
14.23 hearing:

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

14.27 (2) nothing in this section shall be construed as requiring a separate hearing on each  
14.28 rule. Rules may be grouped for the convenience of the commission at hearings required by  
14.29 this section.

14.30 (h) If no one appears at the public hearing, the commission may proceed with  
14.31 promulgation of the proposed rule.

15.1 (i) Following the scheduled hearing date, or by the close of business on the scheduled  
 15.2 hearing date if the hearing was not held, the commission shall consider all written and oral  
 15.3 comments received.

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

15.7 (k) Upon determination that an emergency exists, the commission may consider and  
 15.8 adopt an emergency rule without prior notice, opportunity for comment or hearing, provided  
 15.9 that the usual rulemaking procedures provided in this compact and in this section shall be  
 15.10 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
 15.11 days after the effective date of the rule. For the purposes of this provision, an emergency  
 15.12 rule is one that must be adopted immediately in order to:

15.13 (1) meet an imminent threat to public health, safety, or welfare;

15.14 (2) prevent a loss of commission or party state funds; or

15.15 (3) meet a deadline for the promulgation of an administrative rule that is required by  
 15.16 federal law or rule.

15.17 (l) The commission may direct revisions to a previously adopted rule or amendment for  
 15.18 purposes of correcting typographical errors, errors in format, errors in consistency, or  
 15.19 grammatical errors. Public notice of any revisions shall be posted on the Web site of the  
 15.20 commission. The revision shall be subject to challenge by any person for a period of 30  
 15.21 days after posting. The revision may be challenged only on grounds that the revision results  
 15.22 in a material change to a rule. A challenge shall be made in writing, and delivered to the  
 15.23 commission prior to the end of the notice period. If no challenge is made, the revision will  
 15.24 take effect without further action. If the revision is challenged, the revision may not take  
 15.25 effect without the approval of the commission.

## 15.26 ARTICLE 8

### 15.27 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

15.28 (a) Oversight:

15.29 (1) each party state shall enforce this compact and take all actions necessary and  
 15.30 appropriate to effectuate this compact's purposes and intent; and

15.31 (2) the commission shall be entitled to receive service of process in any proceeding that  
 15.32 may affect the powers, responsibilities, or actions of the commission, and shall have standing

16.1 to intervene in such a proceeding for all purposes. Failure to provide service of process in  
16.2 such proceeding to the commission shall render a judgment or order void as to the  
16.3 commission, this compact, or promulgated rules.

16.4 (b) Default, technical assistance, and termination:

16.5 (1) if the commission determines that a party state has defaulted in the performance of  
16.6 its obligations or responsibilities under this compact or the promulgated rules, the commission  
16.7 shall:

16.8 (i) provide written notice to the defaulting state and other party states of the nature of  
16.9 the default, the proposed means of curing the default or any other action to be taken by the  
16.10 commission; and

16.11 (ii) provide remedial training and specific technical assistance regarding the default;

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

16.17 (3) termination of membership in this compact shall be imposed only after all other  
16.18 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
16.19 shall be given by the commission to the governor of the defaulting state and to the executive  
16.20 officer of the defaulting state's licensing board and each of the party states;

16.21 (4) a state whose membership in this compact has been terminated is responsible for all  
16.22 assessments, obligations, and liabilities incurred through the effective date of termination,  
16.23 including obligations that extend beyond the effective date of termination;

16.24 (5) the commission shall not bear any costs related to a state that is found to be in default  
16.25 or whose membership in this compact has been terminated, unless agreed upon in writing  
16.26 between the commission and the defaulting state; and

16.27 (6) the defaulting state may appeal the action of the commission by petitioning the U.S.  
16.28 District Court for the District of Columbia or the federal district in which the commission  
16.29 has its principal offices. The prevailing party shall be awarded all costs of such litigation,  
16.30 including reasonable attorneys' fees.

16.31 (c) Dispute resolution:



17.1 (1) upon request by a party state, the commission shall attempt to resolve disputes related  
17.2 to the compact that arise among party states and between party and nonparty states;

17.3 (2) the commission shall promulgate a rule providing for both mediation and binding  
17.4 dispute resolution for disputes, as appropriate; and

17.5 (3) in the event the commission cannot resolve disputes among party states arising under  
17.6 this compact:

17.7 (i) the party states may submit the issues in dispute to an arbitration panel, which will  
17.8 be comprised of individuals appointed by the compact administrator in each of the affected  
17.9 party states and an individual mutually agreed upon by the compact administrators of all  
17.10 the party states involved in the dispute; and

17.11 (ii) the decision of a majority of the arbitrators shall be final and binding.

17.12 (d) Enforcement:

17.13 (1) the commission, in the reasonable exercise of its discretion, shall enforce the  
17.14 provisions and rules of this compact;

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

17.21 (3) the remedies herein shall not be the exclusive remedies of the commission. The  
17.22 commission may pursue any other remedies available under federal or state law.

## 17.23 ARTICLE 9

### 17.24 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

17.25 (a) This compact shall become effective and binding on the earlier of the date of  
17.26 legislative enactment of this compact into law by no less than 26 states or December 31,  
17.27 2018. All party states to this compact, that also were parties to the prior Nurse Licensure  
17.28 Compact, superseded by this compact, ("prior compact"), shall be deemed to have withdrawn  
17.29 from said prior compact within six months after the effective date of this compact.

17.30 (b) Each party state to this compact shall continue to recognize a nurse's multistate  
17.31 licensure privilege to practice in that party state issued under the prior compact until such  
17.32 party state has withdrawn from the prior compact.

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

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

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

18.11 (f) This compact may be amended by the party states. No amendment to this compact  
 18.12 shall become effective and binding upon the party states, unless and until it is enacted into  
 18.13 the laws of all party states.

18.14 (g) Representatives of nonparty states to this compact shall be invited to participate in  
 18.15 the activities of the commission, on a nonvoting basis, prior to the adoption of this compact  
 18.16 by all states.

## 18.17 ARTICLE 10

### 18.18 CONSTRUCTION AND SEVERABILITY

18.19 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
 18.20 provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision  
 18.21 of this compact is declared to be contrary to the constitution of any party state or of the  
 18.22 United States, or if the applicability thereof to any government, agency, person, or  
 18.23 circumstance is held invalid, the validity of the remainder of this compact and the  
 18.24 applicability thereof to any government, agency, person, or circumstance shall not be affected  
 18.25 thereby. If this compact shall be held to be contrary to the constitution of any party state,  
 18.26 this compact shall remain in full force and effect as to the remaining party states and in full  
 18.27 force and effect as to the party state affected as to all severable matters.

### 18.28 Sec. 2. [148.2856] APPLICATION OF NURSE LICENSURE COMPACT TO 18.29 EXISTING LAWS.

18.30 (a) A nurse practicing professional or practical nursing in Minnesota under the authority  
 18.31 of section 148.2855 shall have the same obligations, privileges, and rights as if the nurse  
 18.32 was licensed in Minnesota. Notwithstanding any contrary provisions in section 148.2855,  
 18.33 the Board of Nursing shall comply with all laws and rules with respect to registered and

19.1 licensed practical nurses practicing professional or practical nursing in Minnesota under  
19.2 the authority of section 148.2855, and all such individuals shall be governed and regulated  
19.3 as if they were licensed by the board.

19.4 (b) Section 148.2855 does not relieve employers of nurses from complying with statutorily  
19.5 imposed obligations.

19.6 (c) Section 148.2855 does not supersede existing state labor laws.

19.7 (d) For purposes of the Minnesota Government Data Practices Act, chapter 13, an  
19.8 individual not licensed as a nurse under sections 148.171 to 148.285 who practices  
19.9 professional or practical nursing in Minnesota under the authority of section 148.2855 is  
19.10 considered to be a licensee of the board.

19.11 (e) Uniform rules developed by the compact administrators shall not be subject to the  
19.12 provisions of sections 14.05 to 14.389, except for sections 14.07, 14.08, 14.101, 14.131,  
19.13 14.18, 14.22, 14.23, 14.27, 14.28, 14.365, 14.366, 14.37, and 14.38.

19.14 (f) Proceedings brought against an individual's multistate privilege shall be adjudicated  
19.15 following the procedures listed in sections 14.50 to 14.62 and shall be subject to judicial  
19.16 review as provided for in sections 14.63 to 14.69.

19.17 (g) For purposes of sections 62M.09, subdivision 2; 121A.22, subdivision 4; 144.051;  
19.18 144.052; 145A.02, subdivision 18; 148.975; 151.37; 152.12; 154.04; 595.02, subdivision  
19.19 1, paragraph (g); 604.20, subdivision 5; and 631.40, subdivision 2; and chapters 319B and  
19.20 364, holders of a multistate privilege who are licensed as registered or licensed practical  
19.21 nurses in the home state shall be considered to be licensees in Minnesota. If any of the  
19.22 statutes listed in this paragraph are limited to registered nurses or the practice of professional  
19.23 nursing, then only holders of a multistate privilege who are licensed as registered nurses in  
19.24 the home state shall be considered licensees.

19.25 (h) The reporting requirements of sections 144.4175, 148.263, 626.52, and 626.557  
19.26 apply to individuals not licensed as registered or licensed practical nurses under sections  
19.27 148.171 to 148.285 who practice professional or practical nursing in Minnesota under the  
19.28 authority of section 148.2855.

19.29 (i) The board may take action against an individual's multistate privilege based on the  
19.30 grounds listed in section 148.261, subdivision 1, and any other statute authorizing or requiring  
19.31 the board to take corrective or disciplinary action.

20.1 (j) The board may take all forms of disciplinary action provided for in section 148.262,  
20.2 subdivision 1, and corrective action provided for in section 214.103, subdivision 6, against  
20.3 an individual's multistate privilege.

20.4 (k) The immunity provisions of section 148.264, subdivision 1, apply to individuals who  
20.5 practice professional or practical nursing in Minnesota under the authority of section  
20.6 148.2855.

20.7 (l) The cooperation requirements of section 148.265 apply to individuals who practice  
20.8 professional or practical nursing in Minnesota under the authority of section 148.2855.

20.9 (m) The provisions of section 148.283 shall not apply to individuals who practice  
20.10 professional or practical nursing in Minnesota under the authority of section 148.2855.

20.11 (n) Complaints against individuals who practice professional or practical nursing in  
20.12 Minnesota under the authority of section 148.2855 shall be handled as provided in sections  
20.13 214.10 and 214.103.

20.14 (o) All provisions of section 148.2855 authorizing or requiring the board to provide data  
20.15 to party states are authorized by section 214.10, subdivision 8, paragraph (d).

20.16 (p) Except as provided in section 13.41, subdivision 6, the board shall not report to a  
20.17 remote state any active investigative data regarding a complaint investigation against a nurse  
20.18 licensed under sections 148.171 to 148.285, unless the board obtains reasonable assurances  
20.19 from the remote state that the data will be maintained with the same protections as provided  
20.20 in Minnesota law.

20.21 (q) The provisions of sections 214.17 to 214.25 apply to individuals who practice  
20.22 professional or practical nursing in Minnesota under the authority of section 148.2855 when  
20.23 the practice involves direct physical contact between the nurse and a patient.

20.24 (r) A nurse practicing professional or practical nursing in Minnesota under the authority  
20.25 of section 148.2855 must comply with any criminal background check required under  
20.26 Minnesota law.

20.27 **Sec. 3. [148.2858] MISCELLANEOUS PROVISIONS.**

20.28 (a) For the purposes of section 148.2855, "head of the Nurse Licensing Board" means  
20.29 the executive director of the board.

20.30 (b) The Board of Nursing shall have the authority to recover from a nurse practicing  
20.31 professional or practical nursing in Minnesota under the authority of section 148.2855 the

21.1 costs of investigation and disposition of cases resulting from any adverse action taken against  
21.2 the nurse.

21.3 (c) The board may implement a system of identifying individuals who practice  
21.4 professional or practical nursing in Minnesota under the authority of section 148.2855.

21.5 Sec. 4. **APPROPRIATION.**

21.6 \$..... in fiscal year 2019 is appropriated from the state government special revenue fund  
21.7 to the Board of Nursing for the purposes of implementing Minnesota Statutes, section  
21.8 148.2855. The state government special revenue fund base appropriation to the Board of  
21.9 Nursing is increased by \$..... in fiscal years 2020 and 2021.

21.10 Sec. 5. **EFFECTIVE DATE.**

21.11 Sections 1 to 3 are effective upon implementation of the coordinated licensure information  
21.12 system defined in section 1, article 6, but no sooner than July 1, 2019.