

SENATE BILL NO. 202

BY SENATORS PEACOCK AND JOHNS

1 AN ACT

2 To enact Part V of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:1018 through 1020, relative to the Nurse Licensure Compact;
4 to provide for enactment of the model language required to participate in the
5 compact; to provide for appointment of an administrator; to provide for enforcement
6 and rulemaking authority; to provide for an effective date; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part V of Chapter 11 of Title 37 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 37:1018 through 1020, is hereby enacted to read as follows:

11 PART V. NURSE LICENSURE COMPACT

12 §1018. Nurse Licensure Compact; adoption

13 The Nurse Licensure Compact is hereby recognized and enacted into law
14 and entered into by this state with all states legally joining therein in the form
15 substantially as follows:

16 NURSE LICENSURE COMPACT

17 ARTICLE I. Findings and Declaration of Purpose

18 (a) The party states find that:

19 (1) The health and safety of the public are affected by the degree of
20 compliance with and the effectiveness of enforcement activities related to state
21 nurse licensure laws.

22 (2) Violations of nurse licensure and other laws regulating the practice
23 of nursing may result in injury or harm to the public.

24 (3) The expanded mobility of nurses and the use of advanced
25 communication technologies as part of our nation's health care delivery system

1 require greater coordination and cooperation among states in the areas of nurse
2 licensure and regulation.

3 (4) New practice modalities and technology make compliance with
4 individual state nurse licensure laws difficult and complex.

5 (5) The current system of duplicative licensure for nurses practicing in
6 multiple states is cumbersome and redundant for both nurses and states.

7 (6) Uniformity of nurse licensure requirements throughout the states
8 promotes public safety and public health benefits.

9 (b) The general purposes of this compact are to:

10 (1) Facilitate the states' responsibility to protect the public's health and
11 safety.

12 (2) Ensure and encourage the cooperation of party states in the areas of
13 nurse licensure and regulation.

14 (3) Facilitate the exchange of information between party states in the
15 areas of nurse regulation, investigation, and adverse actions.

16 (4) Promote compliance with the laws governing the practice of nursing
17 in each jurisdiction.

18 (5) Invest all party states with the authority to hold a nurse accountable
19 for meeting all state practice laws in the state in which the patient is located at
20 the time care is rendered through the mutual recognition of party state licenses.

21 (6) Decrease redundancies in the consideration and issuance of nurse
22 licenses.

23 (7) Provide opportunities for interstate practice by nurses who meet
24 uniform licensure requirements.

25 ARTICLE II. Definitions

26 As used in this compact:

27 (a) "Adverse action" means any administrative, civil, equitable, or
28 criminal action permitted by a state's laws which is imposed by a licensing
29 board or other authority against a nurse, including actions against an
30 individual's license or multistate licensure privilege such as revocation,

1 suspension, probation, monitoring of the licensee, limitation on the licensee's
2 practice, or any other encumbrance on licensure affecting a nurse's
3 authorization to practice, including issuance of a cease and desist action.

4 (b) "Alternative program" means a nondisciplinary monitoring program
5 approved by a licensing board.

6 (c) "Coordinated licensure information system" means an integrated
7 process for collecting, storing, and sharing information on nurse licensure and
8 enforcement activities related to nurse licensure laws that is administered by a
9 nonprofit organization composed of and controlled by licensing boards.

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

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

15 (2) Investigative information that indicates that the nurse represents an
16 immediate threat to public health and safety regardless of whether the nurse
17 has been notified and had an opportunity to respond.

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

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

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

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

29 (i) "Multistate licensure privilege" means a legal authorization
30 associated with a multistate license permitting the practice of nursing as either

1 a registered nurse (RN) or LPN/VN in a remote state.

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

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

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

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

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

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

16 ARTICLE III. General Provisions and Jurisdiction

17 (a) A multistate license to practice registered or licensed
18 practical/vocational nursing issued by a home state to a resident in that state
19 will be recognized by each party state as authorizing a nurse to practice as a
20 registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN),
21 under a multistate licensure privilege, in each party state.

22 (b) A state must implement procedures for considering the criminal
23 history records of applicants for initial multistate license or licensure by
24 endorsement. Such procedures shall include the submission of fingerprints or
25 other biometric-based information by applicants for the purpose of obtaining
26 an applicant's criminal history record information from the Federal Bureau of
27 Investigation and the agency responsible for retaining that state's criminal
28 records.

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

1 (1) Meets the home state's qualifications for licensure or renewal of
2 licensure, as well as, all other applicable state laws.

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

5 (ii) Has graduated from a foreign RN or LPN/VN prelicensure education
6 program that (a) has been approved by the authorized accrediting body in the
7 applicable country and (b) has been verified by an independent credentials
8 review agency to be comparable to a licensing board-approved prelicensure
9 education program.

10 (3) Has, if a graduate of a foreign prelicensure education program not
11 taught in English or if English is not the individual's native language,
12 successfully passed an English proficiency examination that includes the
13 components of reading, speaking, writing, and listening.

14 (4) Has successfully passed an NCLEX-RN® or NCLEX-PN®
15 examination or recognized predecessor, as applicable.

16 (5) Is eligible for or holds an active, unencumbered license.

17 (6) Has submitted, in connection with an application for initial licensure
18 or licensure by endorsement, fingerprints or other biometric data for the
19 purpose of obtaining criminal history record information from the Federal
20 Bureau of Investigation and the agency responsible for retaining that state's
21 criminal records.

22 (7) Has not been convicted or found guilty, or has entered into an agreed
23 disposition, of a felony offense under applicable state or federal criminal law.

24 (8) Has not been convicted or found guilty, or has entered into an agreed
25 disposition, of a misdemeanor offense related to the practice of nursing as
26 determined on a case-by-case basis.

27 (9) Is not currently enrolled in an alternative program.

28 (10) Is subject to self-disclosure requirements regarding current
29 participation in an alternative program.

30 (11) Has a valid United States Social Security number.

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

9 (e) A nurse practicing in a party state must comply with the state
10 practice laws of the state in which the client is located at the time service is
11 provided. The practice of nursing is not limited to patient care, but shall include
12 all nursing practice as defined by the state practice laws of the party state in
13 which the client is located. The practice of nursing in a party state under a
14 multistate licensure privilege will subject a nurse to the jurisdiction of the
15 licensing board, the courts, and the laws of the party state in which the client is
16 located at the time service is provided.

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

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

26 (1) A nurse, who changes primary state of residence after this compact's
27 effective date, must meet all applicable Article III.c. requirements to obtain a
28 multistate license from a new home state.

29 (2) A nurse who fails to satisfy the multistate licensure requirements in
30 Article III.c. due to a disqualifying event occurring after this compact's effective

1 date shall be ineligible to retain or renew a multistate license, and the nurse's
2 multistate license shall be revoked or deactivated in accordance with applicable
3 rules adopted by the Interstate Commission of Nurse Licensure Compact
4 Administrators ("commission").

5 ARTICLE IV. Applications for Licensure in a Party State

6 (a) Upon application for a multistate license, the licensing board in the
7 issuing party state shall ascertain, through the coordinated licensure
8 information system, whether the applicant has ever held, or is the holder of, a
9 license issued by any other state, whether there are any encumbrances on any
10 license or multistate licensure privilege held by the applicant, whether any
11 adverse action has been taken against any license or multistate licensure
12 privilege held by the applicant and whether the applicant is currently
13 participating in an alternative program.

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

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

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

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

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

29 ARTICLE V. Additional Authorities Invested in Party State Licensing Boards

30 (a) In addition to the other powers conferred by state law, a licensing

1 board shall have the authority to:

2 (1) Take adverse action against a nurse's multistate licensure privilege
3 to practice within that party state.

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

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

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

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

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

29 (5) Obtain and submit, for each nurse licensure applicant, fingerprint,
30 or other biometric-based information to the Federal Bureau of Investigation for

1 criminal background checks, receive the results of the Federal Bureau of
2 Investigation record search on criminal background checks and use the results
3 in making licensure decisions.

4 (6) If otherwise permitted by state law, recover from the affected nurse
5 the costs of investigations and disposition of cases resulting from any adverse
6 action taken against that nurse.

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

10 (b) If adverse action is taken by the home state against a nurse's
11 multistate license, the nurse's multistate licensure privilege to practice in all
12 other party states shall be deactivated until all encumbrances have been
13 removed from the multistate license. All home state disciplinary orders that
14 impose adverse action against a nurse's multistate license shall include a
15 statement that the nurse's multistate licensure privilege is deactivated in all
16 party states during the pendency of the order.

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

22 ARTICLE VI. Coordinated Licensure Information System and

23 Exchange of Information

24 (a) All party states shall participate in a coordinated licensure
25 information system of all licensed registered nurses (RNs) and licensed
26 practical/vocational nurses (LPNs/VNs). This system will include information
27 on the licensure and disciplinary history of each nurse, as submitted by party
28 states, to assist in the coordination of nurse licensure and enforcement efforts.

29 (b) The commission, in consultation with the administrator of the
30 coordinated licensure information system, shall formulate necessary and proper

1 procedures for the identification, collection, and exchange of information under
2 this compact.

3 (c) All licensing boards shall promptly report to the coordinated
4 licensure information system any adverse action, any current significant
5 investigative information, denials of applications (with the reasons for such
6 denials), and nurse participation in alternative programs known to the licensing
7 board regardless of whether such participation is deemed nonpublic or
8 confidential under state law.

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

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

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

22 (g) Any information contributed to the coordinated licensure
23 information system that is subsequently required to be expunged by the laws of
24 the party state contributing that information shall also be expunged from the
25 coordinated licensure information system.

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

29 (1) Identifying information;

30 (2) Licensure data;

1 **(3) Information related to alternative program participation; and**

2 **(4) Other information that may facilitate the administration of this**
 3 **compact, as determined by commission rules.**

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

6 **ARTICLE VII. Establishment of the Interstate Commission**
 7 **of Nurse Licensure Compact Administrators**

8 **(a) The party states hereby create and establish a joint public entity**
 9 **known as the Interstate Commission of Nurse Licensure Compact**
 10 **Administrators.**

11 **(1) The commission is an instrumentality of the party states.**

12 **(2) Venue is proper, and judicial proceedings by or against the**
 13 **commission shall be brought solely and exclusively, in a court of competent**
 14 **jurisdiction where the principal office of the commission is located. The**
 15 **commission may waive venue and jurisdictional defenses to the extent it adopts**
 16 **or consents to participate in alternative dispute resolution proceedings.**

17 **(3) Nothing in this compact shall be construed to be a waiver of sovereign**
 18 **immunity.**

19 **(b) Membership, Voting, and Meetings**

20 **(1) Each party state shall have and be limited to one administrator. The**
 21 **head of the state licensing board or designee shall be the administrator of this**
 22 **compact for each party state. Any administrator may be removed or suspended**
 23 **from office as provided by the law of the state from which the administrator is**
 24 **appointed. Any vacancy occurring in the commission shall be filled in**
 25 **accordance with the laws of the party state in which the vacancy exists.**

26 **(2) Each administrator shall be entitled to one vote with regard to the**
 27 **promulgation of rules and creation of bylaws and shall otherwise have an**
 28 **opportunity to participate in the business and affairs of the commission. An**
 29 **administrator shall vote in person or by such other means as provided in the**
 30 **bylaws. The bylaws may provide for an administrator's participation in**

1 meetings by telephone or other means of communication.

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

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

8 (5) The commission may convene in a closed, nonpublic meeting if the
9 commission must discuss:

10 (i) Noncompliance of a party state with its obligations under this
11 compact.

12 (ii) The employment, compensation, discipline, or other personnel
13 matters, practices or procedures related to specific employees or other matters
14 related to the commission's internal personnel practices and procedures.

15 (iii) Current, threatened, or reasonably anticipated litigation.

16 (iv) Negotiation of contracts for the purchase or sale of goods, services,
17 or real estate.

18 (v) Accusing any person of a crime or formally censuring any person.

19 (vi) Disclosure of trade secrets or commercial or financial information
20 that is privileged or confidential.

21 (vii) Disclosure of information of a personal nature where disclosure
22 would constitute a clearly unwarranted invasion of personal privacy.

23 (viii) Disclosure of investigatory records compiled for law enforcement
24 purposes.

25 (ix) Disclosure of information related to any reports prepared by or on
26 behalf of the commission for the purpose of investigation of compliance with
27 this compact.

28 (x) Matters specifically exempted from disclosure by federal or state
29 statute.

30 (6) If a meeting, or portion of a meeting, is closed pursuant to this

1 provision, the commission's legal counsel or designee shall certify that the
2 meeting may be closed and shall reference each relevant exempting provision.
3 The commission shall keep minutes that fully and clearly describe all matters
4 discussed in a meeting and shall provide a full and accurate summary of actions
5 taken, and the reasons therefor, including a description of the views expressed.
6 All documents considered in connection with an action shall be identified in
7 such minutes. All minutes and documents of a closed meeting shall remain
8 under seal, subject to release by a majority vote of the commission or order of
9 a court of competent jurisdiction.

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

14 (1) Establishing the fiscal year of the commission.

15 (2) Providing reasonable standards and procedures.

16 (i) For the establishment and meetings of other committees.

17 (ii) Governing any general or specific delegation of any authority or
18 function of the commission.

19 (3) Providing reasonable procedures for calling and conducting meetings
20 of the commission, ensuring reasonable advance notice of all meetings, and
21 providing an opportunity for attendance of such meetings by interested parties,
22 with enumerated exceptions designed to protect the public's interest, the
23 privacy of individuals, and proprietary information, including trade secrets.

24 The commission may meet in closed session only after a majority of the
25 administrators vote to close a meeting in whole or in part. As soon as
26 practicable, the commission must make public a copy of the vote to close the
27 meeting, revealing the vote of each administrator, with no proxy votes allowed.

28 (4) Establishing the titles, duties and authority, and reasonable
29 procedures for the election of the officers of the commission.

30 (5) Providing reasonable standards and procedures for the establishment

1 of the personnel policies and programs of the commission. Notwithstanding any
2 civil service or other similar laws of any party state, the bylaws shall exclusively
3 govern the personnel policies and programs of the commission.

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

8 (d) The commission shall publish its bylaws and rules, and any
9 amendments thereto, in a convenient form on the website of the commission.

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

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

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

15 (1) To promulgate uniform rules to facilitate and coordinate
16 implementation and administration of this compact. The rules shall have the
17 force and effect of law and shall be binding in all party states.

18 (2) To bring and prosecute legal proceedings or actions in the name of
19 the commission, provided that the standing of any licensing board to sue or be
20 sued under applicable law shall not be affected.

21 (3) To purchase and maintain insurance and bonds.

22 (4) To borrow, accept, or contract for services of personnel, including
23 but not limited to employees of a party state or nonprofit organizations.

24 (5) To cooperate with other organizations that administer state compacts
25 related to the regulation of nursing, including but not limited to sharing
26 administrative or staff expenses, office space, or other resources.

27 (6) To hire employees, elect or appoint officers, fix compensation, define
28 duties, grant such individuals appropriate authority to carry out the purposes
29 of this compact, and to establish the commission's personnel policies and
30 programs relating to conflicts of interest, qualifications of personnel, and other

1 related personnel matters.

2 (7) To accept any and all appropriate donations, grants, and gifts of
3 money, equipment, supplies, materials and services, and to receive, utilize, and
4 dispose of the same; provided that at all times the commission shall avoid any
5 appearance of impropriety or conflict of interest.

6 (8) To lease, purchase, accept appropriate gifts or donations of, or
7 otherwise to own, hold, improve, or use, any property, whether real, personal,
8 or mixed; provided that at all times the commission shall avoid any appearance
9 of impropriety.

10 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or
11 otherwise dispose of any property, whether real, personal, or mixed.

12 (10) To establish a budget and make expenditures.

13 (11) To borrow money.

14 (12) To appoint committees, including advisory committees comprised
15 of administrators, state nursing regulators, state legislators or their
16 representatives, and consumer representatives, and other such interested
17 persons.

18 (13) To provide and receive information from, and to cooperate with, law
19 enforcement agencies.

20 (14) To adopt and use an official seal.

21 (15) To perform such other functions as may be necessary or appropriate
22 to achieve the purposes of this compact consistent with the state regulation of
23 nurse licensure and practice.

24 (h) Financing of the commission

25 (1) The commission shall pay, or provide for the payment of, the
26 reasonable expenses of its establishment, organization, and ongoing activities.

27 (2) The commission may also levy on and collect an annual assessment
28 from each party state to cover the cost of its operations, activities, and staff in
29 its annual budget as approved each year. The aggregate annual assessment
30 amount, if any, shall be allocated based upon a formula to be determined by the

1 commission, which shall promulgate a rule that is binding upon all party states.

2 (3) The commission shall not incur obligations of any kind prior to
3 securing the funds adequate to meet the same; nor shall the commission pledge
4 the credit of any of the party states, except by, and with the authority of, such
5 party state.

6 (4) The commission shall keep accurate accounts of all receipts and
7 disbursements. The receipts and disbursements of the commission shall be
8 subject to the audit and accounting procedures established under its bylaws.
9 However, all receipts and disbursements of funds handled by the commission
10 shall be audited yearly by a certified or licensed public accountant, and the
11 report of the audit shall be included in and become part of the annual report of
12 the commission.

13 (i) Qualified immunity, defense, and indemnification

14 (1) The administrators, officers, executive director, employees and
15 representatives of the commission shall be immune from suit and liability, either
16 personally or in their official capacity, for any claim for damage to or loss of
17 property or personal injury or other civil liability caused by or arising out of
18 any actual or alleged act, error, or omission that occurred, or that the person
19 against whom the claim is made had a reasonable basis for believing occurred,
20 within the scope of commission employment, duties or responsibilities; provided
21 that nothing in this paragraph shall be construed to protect any such person
22 from suit or liability for any damage, loss, injury, or liability caused by the
23 intentional, willful, or wanton misconduct of that person.

24 (2) The commission shall defend any administrator, officer, executive
25 director, employee, or representative of the commission in any civil action
26 seeking to impose liability arising out of any actual or alleged act, error, or
27 omission that occurred within the scope of commission employment, duties, or
28 responsibilities, or that the person against whom the claim is made had a
29 reasonable basis for believing occurred within the scope of commission
30 employment, duties or responsibilities; provided that nothing herein shall be

1 construed to prohibit that person from retaining his or her own counsel; and
2 provided further that the actual or alleged act, error, or omission did not result
3 from that person's intentional, willful, or wanton misconduct.

4 (3) The commission shall indemnify and hold harmless any
5 administrator, officer, executive director, employee, or representative of the
6 commission for the amount of any settlement or judgment obtained against that
7 person arising out of any actual or alleged act, error, or omission that occurred
8 within the scope of commission employment, duties, or responsibilities, or that
9 such person had a reasonable basis for believing occurred within the scope of
10 commission employment, duties, or responsibilities, provided that the actual or
11 alleged act, error, or omission did not result from the intentional, willful, or
12 wanton misconduct of that person.

13 ARTICLE VIII. Rulemaking

14 (a) The commission shall exercise its rulemaking powers pursuant to the
15 criteria set forth in this Article and the rules adopted thereunder. Rules and
16 amendments shall become binding as of the date specified in each rule or
17 amendment and shall have the same force and effect as provisions of this
18 compact.

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

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

25 (1) On the website of the commission.

26 (2) On the website of each licensing board or the publication in which
27 each state would otherwise publish proposed rules.

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

29 (1) The proposed time, date, and location of the meeting in which the rule
30 will be considered and voted upon.

1 **(2) The text of the proposed rule or amendment, and the reason for the**
2 **proposed rule.**

3 **(3) A request for comments on the proposed rule from any interested**
4 **person.**

5 **(4) The manner in which interested persons may submit notice to the**
6 **commission of their intention to attend the public hearing and any written**
7 **comments.**

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

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

13 **(g) The commission shall publish the place, time, and date of the**
14 **scheduled public hearing.**

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

19 **(2) Nothing in this Section shall be construed as requiring a separate**
20 **hearing on each rule. Rules may be grouped for the convenience of the**
21 **commission at hearings required by this Section.**

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

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

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

30 **(k) Upon determination that an emergency exists, the commission may**

1 consider and adopt an emergency rule without prior notice, opportunity for
2 comment or hearing, provided that the usual rulemaking procedures provided
3 in this compact and in this Section shall be retroactively applied to the rule as
4 soon as reasonably possible, in no event later than ninety days after the effective
5 date of the rule. For the purposes of this provision, an emergency rule is one
6 that must be adopted immediately in order to:

7 (1) Meet an imminent threat to public health, safety or welfare.

8 (2) Prevent a loss of commission or party state funds.

9 (3) Meet a deadline for the promulgation of an administrative rule that
10 is required by federal law or rule.

11 (l) The commission may direct revisions to a previously adopted rule or
12 amendment for purposes of correcting typographical errors, errors in format,
13 errors in consistency, or grammatical errors. Public notice of any revisions shall
14 be posted on the website of the commission. The revision shall be subject to
15 challenge by any person for a period of thirty days after posting. The revision
16 may be challenged only on grounds that the revision results in a material change
17 to a rule. A challenge shall be made in writing, and delivered to the commission,
18 prior to the end of the notice period. If no challenge is made, the revision will
19 take effect without further action. If the revision is challenged, the revision may
20 not take effect without the approval of the commission.

21 ARTICLE IX. Oversight, Dispute Resolution, and Enforcement

22 (a) Oversight

23 (1) Each party state shall enforce this compact and take all actions
24 necessary and appropriate to effectuate this compact's purposes and intent.

25 (2) The commission shall be entitled to receive service of process in any
26 proceeding that may affect the powers, responsibilities, or actions of the
27 commission, and shall have standing to intervene in such a proceeding for all
28 purposes. Failure to provide service of process in such proceeding to the
29 commission shall render a judgment or order void as to the commission, this
30 compact, or promulgated rules.

1 **(b) Default, technical assistance, and termination**

2 **(1) If the commission determines that a party state has defaulted in the**
3 **performance of its obligations or responsibilities under this compact or the**
4 **promulgated rules, the commission shall:**

5 **(i) Provide written notice to the defaulting state and other party states**
6 **of the nature of the default, the proposed means of curing the default, or any**
7 **other action to be taken by the commission.**

8 **(ii) Provide remedial training and specific technical assistance regarding**
9 **the default.**

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

16 **(3) Termination of membership in this compact shall be imposed only**
17 **after all other means of securing compliance have been exhausted. Notice of**
18 **intent to suspend or terminate shall be given by the commission to the governor**
19 **of the defaulting state and to the executive officer of the defaulting state's**
20 **licensing board and each of the party states.**

21 **(4) A state whose membership in this compact has been terminated is**
22 **responsible for all assessments, obligations, and liabilities incurred through the**
23 **effective date of termination, including obligations that extend beyond the**
24 **effective date of termination.**

25 **(5) The commission shall not bear any costs related to a state that is**
26 **found to be in default or whose membership in this compact has been**
27 **terminated unless agreed upon in writing between the commission and the**
28 **defaulting state.**

29 **(6) The defaulting state may appeal the action of the commission by**
30 **petitioning the United States District Court for the District of Columbia or the**

1 federal district in which the commission has its principal offices. The prevailing
2 party shall be awarded all costs of such litigation, including reasonable
3 attorneys' fees.

4 (c) Dispute resolution

5 (1) Upon request by a party state, the commission shall attempt to
6 resolve disputes related to the compact that arise among party states and
7 between party and nonparty states.

8 (2) The commission shall promulgate a rule providing for both mediation
9 and binding dispute resolution for disputes, as appropriate.

10 (3) In the event the commission cannot resolve disputes among party
11 states arising under this compact:

12 (i) The party states may submit the issues in dispute to an arbitration
13 panel, which will be comprised of individuals appointed by the compact
14 administrator in each of the affected party states and an individual mutually
15 agreed upon by the compact administrators of all the party states involved in
16 the dispute.

17 (ii) The decision of a majority of the arbitrators shall be final and
18 binding.

19 (d) Enforcement

20 (1) The commission, in the reasonable exercise of its discretion, shall
21 enforce the provisions and rules of this compact.

22 (2) By majority vote, the commission may initiate legal action in the
23 United States District Court for the District of Columbia or the federal district
24 in which the commission has its principal offices against a party state that is in
25 default to enforce compliance with the provisions of this compact and its
26 promulgated rules and bylaws. The relief sought may include both injunctive
27 relief and damages. In the event judicial enforcement is necessary, the
28 prevailing party shall be awarded all costs of such litigation, including
29 reasonable attorney fees.

30 (3) The remedies herein shall not be the exclusive remedies of the

1 commission. The commission may pursue any other remedies available under
2 federal or state law.

3 ARTICLE X. Effective Date, Withdrawal, and Amendment

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

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

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

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

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

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

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

30 ARTICLE XI. Construction and Severability

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

12 §1019. Nurse Licensure Compact Administrator

13 A. The nurse licensure compact administrator for this state shall be
14 appointed by the governor to serve as the single state designee on the Interstate
15 Commission of Nurse Licensure Compact Administrators.

16 B. The administrator shall be a current board member or the executive
17 director of the Louisiana State Board of Nursing for two years beginning in the
18 year of enactment of this Part and shall rotate every two years thereafter with
19 an appointment of a current board member or the executive director of the
20 Louisiana State Board of Practical Nurse Examiners.

21 §1020. Implementation; rulemaking

22 The Louisiana State Board of Nursing and the Louisiana State Board of
23 Practical Nurse Examiners shall:

24 (1) Ensure application and enforcement of the nurse licensure compact
25 as it applies to their respective licensees and licensees from compact states
26 performing nursing services under each board's respective practice act.

27 (2) Develop a reporting system to collect aggregate data from employers
28 on the number and geographic representation of nurses and licensed practical
29 nurses employed in Louisiana who are practicing nursing or licensed practical
30 nursing pursuant to a multi-state license as determined by the respective

1 licensing board in properly promulgated rules. The report shall be completed
 2 prior to a nurse or licensed practical nurse furnishing any nursing services in
 3 this state. Failure of an employer to submit this data to the board shall not be
 4 a basis for disciplinary action against or restriction of the multi-state license of
 5 any nurse or licensed practical nurse.

6 (3) Develop a voluntary reporting system in which nurses holding a
 7 multi-state license under the nurse licensure compact and who engages in the
 8 practice of nursing or licensed practical nursing in Louisiana voluntarily
 9 provide their addresses and other workforce-related data as determined by the
 10 respective licensing board in properly promulgated rules. Failure to voluntarily
 11 provide this information shall not be a basis for disciplinary action against or
 12 restriction of the multi-state license of any nurse or licensed practical nurse.

13 (4) Promulgate rules and regulations necessary to implement the
 14 provisions of this Part in accordance with the Administrative Procedure Act.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____