

1999 DRAFTING REQUEST

Bill

Received: **03/23/99**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Judy Robson (608) 266-2253**

By/Representing: **Kathy**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Alt. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies: **MDK**

Pre Topic:

No specific pre topic given

Topic:

Nurse licensure compact

Instructions:

LRB-2286

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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1999 ~~ASSEMBLY~~ BILL

LRB-2589/1
PG & MDK : wlj

1 AN ACT *to amend* 441.01 (1), 441.06 (1), 441.06 (4), 441.07 (1) (b), 441.10 (3) (a),
2 441.10 (3) (c), 441.11 (1) to (3), 441.11 (4), 441.115 (1), 441.115 (2) (a), 441.115
3 (2) (b), 441.13 and 441.15 (3) (a); *to repeal and recreate* 441.11 (3) and 441.11
4 (4); and *to create* subchapter I (title) of chapter 441 [precedes 441.01] and
5 subchapter II of chapter 441 [precedes 441.50] of the statutes; **relating to:**
6 adopting the nurse licensure compact and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, no person may practice professional nursing in this state unless he or she is licensed as a registered nurse by the board of nursing. Although a license is not required for practical nursing, no person without such a license issued by the board of nursing may hold himself or herself out as a licensed practical nurse or indicate in any way that he or she is a licensed practical nurse. Exceptions to these prohibitions are provided for temporary practice. In addition, current law provides a mechanism for persons who are licensed in other states to be issued a license in this state without retaking the national licensing examination.

This bill adopts the interstate compact on nurse licensure, which was approved by the national council of state boards of nursing on December 15, 1997. Under the compact, a nurse who is licensed in a party state (a state that has adopted the compact) may practice nursing in any other party state without obtaining a license in the other state. The compact requires every nurse practicing in a party state to

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comply with the practice laws of that state and allows each party state to limit or revoke the multistate licensure privilege.

The compact also requires each party state to participate in the establishment of a coordinated data base of all licensed nurses. The system includes information on the licensure and disciplinary history of each nurse.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** Subchapter I (title) of chapter 441 [precedes 441.01] of the statutes
2 is created to read:

3 **CHAPTER 441**

4 **SUBCHAPTER I**

5 **REGULATION OF NURSING**

6 **SECTION 2.** 441.01 (1) of the statutes is amended to read:

7 **441.01 (1)** In this ~~chapter~~ subchapter, “board” means board of nursing.

8 **SECTION 3.** 441.06 (1) of the statutes is amended to read:

9 **441.06 (1)** An applicant for licensure as a registered nurse who complies with
10 the requirements of this ~~chapter~~ subchapter and satisfactorily passes an
11 examination shall receive a license. The holder of such a license of another state or
12 territory or province of Canada may be granted a license without examination if the
13 holder’s credentials of general and professional educational qualifications and other
14 qualifications are comparable to those required in this state during the same period
15 and if the board is satisfied from the holder’s employment and professional record
16 that the holder is currently competent to practice the profession. The board shall
17 evaluate the credentials and determine the equivalency and competency in each

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1 case. The application for licensure without examination shall be accompanied by the
2 fee prescribed in s. 440.05 (2).

3 **SECTION 4.** 441.06 (4) of the statutes is amended to read:

4 441.06 (4) No person may practice or attempt to practice professional nursing,
5 nor use the title, letters, or anything else to indicate that he or she is a registered or
6 professional nurse unless he or she is licensed under this section. No person not so
7 licensed may use in connection with his or her nursing employment or vocation any
8 title or anything else to indicate that he or she is a trained, certified or graduate
9 nurse. This subsection does not apply to any person who is licensed to practice
10 nursing by a jurisdiction, other than this state, that has adopted the nurse licensure
11 compact under s. 441.50.

12 **SECTION 5.** 441.07 (1) (b) of the statutes is amended to read:

13 441.07 (1) (b) One or more violations of this ~~chapter~~ subchapter or any rule
14 adopted by the board under the authority of this ~~chapter~~ subchapter.

15 **SECTION 6.** 441.10 (3) (a) of the statutes is amended to read:

16 441.10 (3) (a) On complying with this ~~chapter~~ subchapter relating to applicants
17 for licensure as licensed practical nurses, and passing an examination, the applicant
18 shall receive a license as a licensed practical nurse. The holder of the license is a
19 “licensed practical nurse” and may append the letters “L.P.N.” to his or her name.
20 The board may reprimand or may limit, suspend or revoke the license of a licensed
21 practical nurse under s. 441.07.

22 **SECTION 7.** 441.10 (3) (c) of the statutes is amended to read:

23 441.10 (3) (c) No license is required for practical nursing, but no person without
24 a license may hold himself or herself out as a licensed practical nurse or licensed
25 attendant, use the title or letters “Trained Practical Nurse” or “T.P.N.”, “Licensed

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1 Practical Nurse” or “L.P.N.”, “Licensed Attendant” or “L.A.”, “Trained Attendant” or
2 “T.A.”, or otherwise seek to indicate that he or she is a licensed practical nurse or
3 licensed attendant. No licensed practical nurse or licensed attendant may use the
4 title, or otherwise seek to act as a registered, licensed, graduate or professional
5 nurse. Anyone violating this subsection shall be subject to the penalties prescribed
6 by s. 441.13. The board shall grant without examination a license as a licensed
7 practical nurse to any person who was on July 1, 1949, a licensed attendant. This
8 paragraph does not apply to any person who is licensed to practice practical nursing
9 by a jurisdiction, other than this state, that has adopted the nurse licensure compact
10 under s. 441.50.

11 **SECTION 8.** 441.11 (1) to (3) of the statutes are amended to read:

12 441.11 (1) FOR COMPENSATION. Wherever the term “compensation” is used in
13 this ~~chapter~~ subchapter it shall include indirect compensation as well as direct
14 compensation and also the expectation thereof whether actually received or not.

15 (2) NURSE AND NURSING. Except as provided under s. 441.08, wherever the term
16 “nurse” is used in this ~~chapter~~ subchapter without modification or amplification it
17 shall mean only a registered nurse. Wherever the term “nursing” is used in this
18 ~~chapter~~ subchapter without modification or amplification it shall mean the practice
19 of professional nursing as specified in sub. (4).

20 (3) PRACTICE OF PRACTICAL NURSING. The practice of practical nursing under this
21 ~~chapter~~ subchapter means the performance for compensation of any simple acts in
22 the care of convalescent, subacutely or chronically ill, injured or infirm persons, or
23 of any act or procedure in the care of the more acutely ill, injured or infirm under the
24 specific direction of a nurse, physician, podiatrist licensed under ch. 448, dentist
25 licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a

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1 person who is licensed to practice medicine, podiatry or dentistry in another state if
2 that person prepared the order after examining the patient in that other state and
3 directs that the order be carried out in this state. A simple act is one ~~which~~ that does
4 not require any substantial nursing skill, knowledge or training, or the application
5 of nursing principles based on biological, physical or social sciences, or the
6 understanding of cause and effect in such acts and is one ~~which~~ that is of a nature
7 of those approved by the board for the curriculum of schools for licensed practical
8 nurses.

9 **SECTION 9.** 441.11 (3) of the statutes, as affected by 1997 Wisconsin Act 62, is
10 repealed and recreated to read:

11 **441.11 (3) PRACTICE OF PRACTICAL NURSING.** The practice of practical nursing
12 under this subchapter means the performance for compensation of any simple acts
13 in the care of convalescent, subacutely or chronically ill, injured or infirm persons,
14 or of any act or procedure in the care of the more acutely ill, injured or infirm under
15 the specific direction of a nurse, physician, podiatrist licensed under ch. 448, dentist
16 licensed under ch. 447 or optometrist licensed under ch. 449, or under an order of a
17 person who is licensed to practice medicine, podiatry, dentistry or optometry in
18 another state if that person prepared the order after examining the patient in that
19 other state and directs that the order be carried out in this state. A simple act is one
20 that does not require any substantial nursing skill, knowledge or training, or the
21 application of nursing principles based on biological, physical or social sciences, or
22 the understanding of cause and effect in such acts and is one that is of a nature of
23 those approved by the board for the curriculum of schools for licensed practical
24 nurses.

25 **SECTION 10.** 441.11 (4) of the statutes is amended to read:

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1 441.11 (4) PRACTICE OF PROFESSIONAL NURSING. The practice of professional
2 nursing within the terms of this chapter ~~chapter~~ subchapter means the performance for
3 compensation of any act in the observation or care of the ill, injured or infirm, or for
4 the maintenance of health or prevention of illness of others, which act requires
5 substantial nursing skill, knowledge or training, or application of nursing principles
6 based on biological, physical and social sciences, such as the observation and
7 recording of symptoms and reactions, the execution of procedures and techniques in
8 the treatment of the sick under the general or special supervision or direction of a
9 physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447 or
10 optometrist licensed under ch. 449, or under an order of a person who is licensed to
11 practice medicine, podiatry or dentistry in another state if that person prepared the
12 order after examining the patient in that other state and directs that the order be
13 carried out in this state, and the execution of general nursing procedures and
14 techniques. Except as provided in s. 50.04 (2) (b), the practice of professional nursing
15 includes the supervision of a patient and the supervision and direction of licensed
16 practical nurses and less skilled assistants.

17 **SECTION 11.** 441.11 (4) of the statutes, as affected by 1997 Wisconsin Act 62,
18 is repealed and recreated to read:

19 441.11 (4) PRACTICE OF PROFESSIONAL NURSING. The practice of professional
20 nursing within the terms of this subchapter means the performance for
21 compensation of any act in the observation or care of the ill, injured or infirm, or for
22 the maintenance of health or prevention of illness of others, which act requires
23 substantial nursing skill, knowledge or training, or application of nursing principles
24 based on biological, physical and social sciences, such as the observation and
25 recording of symptoms and reactions, the execution of procedures and techniques in

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1 the treatment of the sick under the general or special supervision or direction of a
2 physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447 or
3 optometrist licensed under ch. 449, or under an order of a person who is licensed to
4 practice medicine, podiatry, dentistry or optometry in another state if that person
5 prepared the order after examining the patient in that other state and directs that
6 the order be carried out in this state, and the execution of general nursing procedures
7 and techniques. Except as provided in s. 50.04 (2) (b), the practice of professional
8 nursing includes the supervision of a patient and the supervision and direction of
9 licensed practical nurses and less skilled assistants.

10 **SECTION 12.** 441.115 (1) of the statutes is amended to read:

11 441.115 (1) This chapter shall not be construed to affect nursing by friends,
12 members of the family or undergraduates in an accredited school, nor be construed
13 to interfere with members of religious communities or orders having charge of
14 hospitals or taking care of the sick in their homes, except that none of such excepted
15 persons while engaged in such activities shall represent himself or herself as a
16 registered, trained, certified or graduate nurse unless registered under this chapter
17 subchapter.

18 **SECTION 13.** 441.115 (2) (a) of the statutes is amended to read:

19 441.115 (2) (a) In this subsection, “nursing credential” means a license, permit
20 or certificate of registration or certification that is granted to a person by another
21 state or territory or by a foreign country or province and that authorizes or qualifies
22 the person holding the credential to perform acts that are substantially the same as
23 those performed by a person licensed as a registered nurse or licensed practical nurse
24 under this chapter subchapter. In this paragraph, “state or territory” excludes any
25 state or territory that has adopted the nurse licensure compact under s. 441.50.

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1 **SECTION 14.** 441.115 (2) (b) of the statutes is amended to read:

2 441.115 (2) (b) A person who holds a current, valid nursing credential may
3 practice professional or practical nursing in this state, as provided under par. (c), for
4 not more than 72 consecutive hours each year without holding a license granted by
5 the board under this ~~chapter~~ subchapter if the board determines that the
6 requirements for the nursing credential that the person holds are substantially
7 equivalent to the requirements for licensure under this ~~chapter~~ subchapter. Except
8 in an emergency, the person shall provide to the board, at least 7 days before
9 practicing professional or practical nursing for the person who is specified under par.
10 (c) 2., written notice that includes the name of the person providing notice, the type
11 of nursing credential that the person holds and the name of the state, territory,
12 foreign country or province that granted the nursing credential. In the event of an
13 emergency, the person shall provide to the board written notice that includes the
14 information otherwise required under this paragraph, as soon as practicable.

15 **SECTION 15.** 441.13 of the statutes is amended to read:

16 **441.13 Penalty.** (1) Any person violating this ~~chapter~~ subchapter or
17 knowingly employing another in violation of this ~~chapter~~ subchapter may be fined
18 not more than \$250 or imprisoned not more than one year in the county jail.

19 (2) No action may be brought or other proceeding had to recover compensation
20 for professional nursing services unless at the time such services were rendered the
21 person rendering the same was a registered nurse or had a temporary permit issued
22 under this ~~chapter~~ subchapter.

23 (3) The remedy of injunction may be used in enforcing this ~~chapter~~ subchapter.

24 **SECTION 16.** 441.15 (3) (a) of the statutes is amended to read:

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1 441.15 (3) (a) The board shall grant a license to engage in the practice of
2 nurse–midwifery to any person licensed as a registered nurse under this chapter
3 subchapter or in a party state, as defined in s. 441.50 (2) (j), who meets the
4 educational and training prerequisites established by the board for the practice of
5 nurse–midwifery and who pays the fee specified under s. 440.05 (1).

6 **SECTION 17.** Subchapter II of chapter 441 [precedes 441.50] of the statutes is
7 created to read:

SUBCHAPTER II**NURSE LICENSURE COMPACT****441.50 Nurse Licensure Compact.****(1) ARTICLE I – FINDINGS AND DECLARATION OF PURPOSE.**

(a) The party states find all of the following:

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

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

3. That the expanded mobility of nurses and the use of advanced
communication technologies as part of our nation's health care delivery system
require greater coordination and cooperation among states in the areas of nurse
licensure and regulation.

4. That new practice modalities and technology make compliance with
individual state nurse licensure laws difficult and complex.

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

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1 (b) The general purposes of this compact are as follows:

2 1. To facilitate the states' responsibility to protect the public's health and safety.

3 2. To ensure and encourage the cooperation of party states in the areas of nurse
4 licensure and regulation.

5 3. To facilitate the exchange of information between party states in the areas
6 of nurse regulation, investigation and adverse actions.

7 4. To promote compliance with the laws governing the practice of nursing in
8 each jurisdiction.

9 5. To invest all party states with the authority to hold a nurse accountable for
10 meeting all state practice laws in the state in which the patient is located at the time
11 care is rendered through the mutual recognition of party state licenses.

12 (2) ARTICLE II - DEFINITIONS. As used in this compact:

13 (a) "Adverse action" means a home or remote state action.

14 (b) "Alternative program" means a voluntary, nondisciplinary monitoring
15 program approved by a nurse licensing board.

16 (c) "Coordinated licensure information system" means an integrated process
17 for collecting, storing and sharing information on nurse licensure and enforcement
18 activities related to nurse licensure laws, which is administered by a nonprofit
19 organization composed of and controlled by state nurse licensing boards.

20 (d) "Current significant investigative information" means any of the following:

21 1. Investigative information that a licensing board, after a preliminary inquiry
22 that includes notification and an opportunity for the nurse to respond if required by
23 state law, has reason to believe is not groundless and, if proved true, would indicate
24 more than a minor infraction.

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1 2. Investigative information that indicates that the nurse represents an
2 immediate threat to public health and safety regardless of whether the nurse has
3 been notified and had an opportunity to respond.

4 (e) “Home state” means the party state that is the nurse’s primary state of
5 residence.

6 (f) “Home state action” means any administrative, civil, equitable or criminal
7 action permitted by the home state’s laws that are imposed on a nurse by the home
8 state’s licensing board or other authority including actions against an individual’s
9 license, such as revocation, suspension, probation or any other action that affects a
10 nurse’s authorization to practice.

11 (g) “Licensing board” means a party state’s regulatory body responsible for
12 issuing nurse licenses.

13 (h) “Multistate licensure privilege” means current, official authority from a
14 remote state permitting the practice of nursing as either a registered nurse or a
15 licensed practical/vocational nurse in such party state. All party states have the
16 authority, in accordance with existing state due process law, to take actions against
17 the nurse’s privilege, such as revocation, suspension, probation or any other action
18 that affects a nurse’s authorization to practice.

19 (i) “Nurse” means a registered nurse or licensed practical/vocational nurse, as
20 those terms are defined by each party’s state practice laws.

21 (j) “Party state” means any state that has adopted this compact.

22 (k) “Remote state” means a party state, other than the home state, where the
23 patient is located at the time nursing care is provided, or, in the case of the practice
24 of nursing not involving a patient, in such party state where the recipient of nursing
25 practice is located.

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1 (L) “Remote state action” means any of the following:

2 1. Any administrative, civil, equitable or criminal action permitted by a remote
3 state’s laws that are imposed on a nurse by the remote state’s licensing board or other
4 authority including actions against an individual’s multistate licensure privilege to
5 practice in the remote state.

6 2. Cease and desist and other injunctive or equitable orders issued by remote
7 states or the licensing boards thereof.

8 (m) “State” means a state, territory, or possession of the United States, the
9 District of Columbia or the Commonwealth of Puerto Rico.

10 (n) “State practice laws” means those individual party’s state laws and
11 regulations that govern the practice of nursing, define the scope of nursing practice,
12 and create the methods and grounds for imposing discipline. “State practice laws”
13 does not include the initial qualifications for licensure or requirements necessary to
14 obtain and retain a license, except for qualifications or requirements of the home
15 state.

16 **(3) ARTICLE III – GENERAL PROVISIONS AND JURISDICTION.**

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

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1 (b) Party states may, in accordance with state due process laws, limit or revoke
2 the multistate licensure privilege of any nurse to practice in their state and may take
3 any other actions under their applicable state laws necessary to protect the health
4 and safety of their citizens. If a party state takes such action, it shall promptly notify
5 the administrator of the coordinated licensure information system. The
6 administrator of the coordinated licensure information system shall promptly notify
7 the home state of any such actions by remote states.

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

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

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

25 **(4) ARTICLE IV – APPLICATIONS FOR LICENSURE IN A PARTY STATE.**

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1 (a) Upon application for a license, the licensing board in a party state shall
2 ascertain, through the coordinated licensure information system, whether the
3 applicant has ever held, or is the holder of, a license issued by any other state,
4 whether there are any restrictions on the multistate licensure privilege, and whether
5 any other adverse action by any state has been taken against the license.

6 (b) A nurse in a party state shall hold licensure in only one party state at a time,
7 issued by the home state.

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

13 (d) 1. When a nurse changes his or her primary state of residence by moving
14 between two party states, and obtains a license from the new home state, the license
15 from the former home state is no longer valid.

16 2. When a nurse changes his or her primary state of residence by moving from
17 a nonparty state to a party state, and obtains a license from the new home state, the
18 individual state license issued by the nonparty state is not affected and will remain
19 in full force if so provided by the laws of the nonparty state.

20 3. When a nurse changes his or her primary state of residence by moving from
21 a party state to a nonparty state, the license issued by the prior home state converts
22 to an individual state license, valid only in the former home state, without the
23 multistate licensure privilege to practice in other party states.

24 (5) **ARTICLE V - ADVERSE ACTIONS.** In addition to the general provisions
25 described in sub. (3), the following provisions apply:

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

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

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

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

22 (e) The home state may take adverse action based on the factual findings of the
23 remote state, so long as each state follows its own procedures for imposing such
24 adverse action.

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

7 **(6) ARTICLE VI - ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE**
8 **LICENSING BOARDS.** Notwithstanding any other powers, party state nurse licensing
9 boards shall have the authority to do any of the following:

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

13 (b) Issue subpoenas for both hearings and investigations that require the
14 attendance and testimony of witnesses, and the production of evidence. Subpoenas
15 issued by a nurse licensing board in a party state for the attendance and testimony
16 of witnesses, or the production of evidence from another party state, or both, shall
17 be enforced in the latter state by any court of competent jurisdiction, according to the
18 practice and procedure of that court applicable to subpoenas issued in proceedings
19 pending before it. The issuing authority shall pay any witness fees, travel expenses,
20 mileage and other fees required by the service statutes of the state where the
21 witnesses or evidence, or both, are located.

22 (c) Issue cease and desist orders to limit or revoke a nurse's authority to practice
23 in their state.

24 (d) Promulgate uniform rules and regulations as provided for in sub. (8) (c).

25 **(7) ARTICLE VII - COORDINATED LICENSURE INFORMATION SYSTEM.**

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

6 (b) Notwithstanding any other provision of law, all party states' licensing
7 boards shall promptly report adverse actions, actions against multistate licensure
8 privileges, any current significant investigative information yet to result in adverse
9 action, denials of applications, and the reasons for such denials, to the coordinated
10 licensure information system.

11 (c) Current significant investigative information shall be transmitted through
12 the coordinated licensure information system only to party state licensing boards.

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

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

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

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1 (e) The compact administrators, acting jointly with each other and in
2 consultation with the administrator of the coordinated licensure information
3 system, shall formulate necessary and proper procedures for the identification,
4 collection and exchange of information under this compact.

5 **(8) ARTICLE VIII – COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION.**

6 (a) The secretary of the department, or his or her designee, shall be the
7 administrator of this compact for this state.

8 (b) The compact administrator of each party state shall furnish to the compact
9 administrator of each other party state any information and documents including,
10 but not limited to, a uniform data set of investigations, identifying information,
11 licensure data and disclosable alternative program participation information to
12 facilitate the administration of this compact.

13 (c) Compact administrators shall have the authority to develop uniform rules
14 to facilitate and coordinate implementation of this compact. These uniform rules
15 shall be adopted by party states, under the authority invested under sub. (6) (d).

16 **(9) ARTICLE IX – IMMUNITY.** No party state or the officers or employees or agents
17 of a party state's nurse licensing board who acts in accordance with the provisions
18 of this compact shall be liable on account of any act or omission in good faith while
19 engaged in the performance of their duties under this compact. Good faith in this
20 article shall not include wilful misconduct, gross negligence or recklessness.

21 **(10) ARTICLE X – ENTRY INTO FORCE, WITHDRAWAL AND AMENDMENT.**

22 (a) This compact shall enter into force and become effective as to any state when
23 it has been enacted into the laws of that state. Any party state may withdraw from
24 this compact by enacting a statute repealing the same, but no such withdrawal shall

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1 take effect until 6 months after the withdrawing state has given notice of the
2 withdrawal to the executive heads of all other party states.

3 (b) No withdrawal shall affect the validity or applicability by the licensing
4 boards of states remaining party to the compact of any report of adverse action
5 occurring prior to the withdrawal.

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

10 (d) This compact may be amended by the party states. No amendment to this
11 compact shall become effective and binding upon the party states unless and until
12 it is enacted into the laws of all party states.

13 **(11) ARTICLE XI - CONSTRUCTION AND SEVERABILITY.**

14 (a) This compact shall be liberally construed so as to effectuate the purposes
15 thereof. The provisions of this compact shall be severable and if any phrase, clause,
16 sentence or provision of this compact is declared to be contrary to the constitution of
17 any party state or of the United States or the applicability thereof to any government,
18 agency, person or circumstance is held invalid, the validity of the remainder of this
19 compact and the applicability thereof to any government, agency, person or
20 circumstance shall not be affected thereby. If this compact shall be held contrary to
21 the constitution of any state party thereto, the compact shall remain in full force and
22 effect as to the remaining party states and in full force and effect as to the party state
23 affected as to all severable matters.

24 (b) In the event party states find a need for settling disputes arising under this
25 compact, the party states may submit the issues in dispute to an arbitration panel

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1 that will be comprised of an individual appointed by the compact administrator in
2 the home state, an individual appointed by the compact administrator in the remote
3 state or states involved and an individual mutually agreed upon by the compact
4 administrators of all the party states involved in the dispute. The decision of a
5 majority of the arbitrators shall be final and binding.

6 **SECTION 18. Effective dates.** This act takes effect on the day after publication,
7 except as follows:

8 (1) The repeal and recreation of section 441.11 (3) and (4) of the statutes takes
9 effect on April 1, 2000, or the day after publication, whichever is later.

10

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 3/25/99

To: Senator Robson

Relating to LRB drafting number: LRB-2589

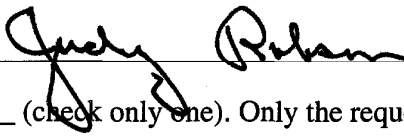
Topic

Nurse licensure compact

Subject(s)

Occupational Reg. - prof lic

1. **JACKET** the draft for introduction _____



in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362