



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4223/1
CMH:emw

2017 SENATE BILL 417

1 **AN ACT** *to repeal* 441.50; *to amend* 49.498 (1) (L), 50.01 (1w), 50.01 (5r), 115.001
2 (11), 118.29 (4), 146.40 (1) (c), 146.40 (1) (f), 250.01 (7), 255.06 (1) (d), 440.03
3 (11m) (c) 1., 440.03 (13) (b) (intro.), 440.14 (5) (b), 440.15, 441.06 (4), 441.10 (7),
4 441.115 (2) (a), 441.15 (3) (a) (intro.), subchapter II (title) of chapter 441
5 [precedes 441.50], 655.001 (9), 905.04 (1) (f), 990.01 (19g), 990.01 (23q) and
6 990.01 (36m); *to repeal and recreate* 440.03 (13) (b) (intro.) and 440.15; and
7 *to create* 14.87, 111.335 (1) (e), 441.06 (1c), 441.10 (1c) and 441.51 of the
8 statutes; **relating to:** ratification of the Enhanced Nurse Licensure Compact,
9 extending the time limit for emergency rule procedures, and providing an
10 exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

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

SENATE BILL 417**SECTION 1**

1 **SECTION 1.** 14.87 of the statutes is created to read:

2 **14.87 Enhanced nurse licensure compact.** There is created an interstate
3 commission of nurse licensure compact administrators as specified in s. 441.51. The
4 administrator of the commission representing this state shall be the chairperson of
5 the board of nursing or his or her designee as provided in s. 441.51 (7) (b) 1. The
6 commission has the powers and duties granted and imposed under s. 441.51.

7 **SECTION 2.** 49.498 (1) (L) of the statutes is amended to read:

8 49.498 (1) (L) “Registered professional nurse” means a registered nurse who
9 is licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2)
10 (h), issued in a party state, as defined in s. ~~441.50~~ 441.51 (2) (j) (k).

11 **SECTION 3.** 50.01 (1w) of the statutes is amended to read:

12 50.01 (1w) “Licensed practical nurse” means a licensed practical nurse who is
13 licensed or has a temporary permit under s. 441.10 or who is licensed as a licensed
14 practical/vocational nurse holds a multistate license, as defined in s. 441.51 (2) (h),
15 issued in a party state, as defined in s. ~~441.50~~ 441.51 (2) (j) (k).

16 **SECTION 4.** 50.01 (5r) of the statutes is amended to read:

17 50.01 (5r) “Registered nurse” means a registered nurse who is licensed under
18 s. 441.06 or permitted under s. 441.08 or who is licensed as a registered nurse holds
19 a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined
20 in s. ~~441.50~~ 441.51 (2) (j) (k).

21 **SECTION 5.** 111.335 (1) (e) of the statutes is created to read:

22 111.335 (1) (e) Notwithstanding s. 111.322, it is not employment discrimination
23 because of conviction record for the board of nursing to refuse to license an individual
24 in accordance with s. 441.51 (3) (c) 7. and 8.

25 **SECTION 6.** 115.001 (11) of the statutes is amended to read:

SENATE BILL 417

1 115.001 (11) SCHOOL NURSE. “School nurse” means a registered nurse who is
2 licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2)
3 (h), issued in a party state, as defined in s. ~~441.50~~ 441.51 (2) (j) (k), who submits
4 evidence satisfactory to the department that he or she has successfully completed a
5 course, determined to be satisfactory to the department, in public health or
6 community health.

7 **SECTION 7.** 118.29 (4) of the statutes is amended to read:

8 118.29 (4) WRITTEN POLICIES. Any school board, county children with
9 disabilities education board, cooperative educational service agency or governing
10 body of a private school whose employees or volunteers may be authorized to
11 administer nonprescription drug products or prescription drugs to pupils under this
12 section shall adopt a written policy governing the administration of nonprescription
13 drug products and prescription drugs to pupils. In developing the policy, the school
14 board, board, agency or governing body shall seek the assistance of one or more
15 school nurses who are employees of the school board, board, agency or governing body
16 or are providing services or consultation under s. 121.02 (1) (g). The policy shall
17 include procedures for obtaining and filing in the school or other appropriate facility
18 the written instructions and consent required under sub. (2) (a), for the periodic
19 review of such written instructions by a registered nurse who is licensed under s.
20 441.06 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a
21 party state, as defined in s. ~~441.50~~ 441.51 (2) (j) (k), for the storing of nonprescription
22 drug products and prescription drugs, and for record keeping, including
23 documenting the administration of each dose, including errors.

24 **SECTION 8.** 146.40 (1) (c) of the statutes is amended to read:

SENATE BILL 417**SECTION 8**

1 146.40 (1) (c) “Licensed practical nurse” means a licensed practical nurse who
2 is licensed or has a temporary permit under s. 441.10 or ~~is licensed as a licensed~~
3 ~~practical/vocational nurse who holds a multistate license, as defined in s. 441.51 (2)~~
4 ~~(h), issued in a party state, as defined in s. 441.50~~ 441.51 (2) (j) (k).

5 **SECTION 9.** 146.40 (1) (f) of the statutes is amended to read:

6 146.40 (1) (f) “Registered nurse” means a registered nurse who has a ~~certificate~~
7 ~~of registration~~ license under s. 441.06 or a temporary permit under s. 441.08 or who
8 ~~is licensed as a registered nurse holds a multistate license, as defined in s. 441.51 (2)~~
9 ~~(h), issued in a party state, as defined in s. 441.50~~ 441.51 (2) (j) (k).

10 **SECTION 10.** 250.01 (7) of the statutes is amended to read:

11 250.01 (7) “Registered nurse” means a registered nurse who is licensed under
12 s. 441.06 or ~~in a party state, as defined in s. 441.50 (2) (j),~~ or permitted under s. 441.08
13 ~~or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party~~
14 ~~state, as defined in s. 441.51 (2) (k).~~

15 **SECTION 11.** 255.06 (1) (d) of the statutes is amended to read:

16 255.06 (1) (d) “Nurse practitioner” means a registered nurse who is licensed
17 under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued
18 in a party state, as defined in s. 441.50 441.51 (2) (j), (k), and whose practice of
19 professional nursing under s. 441.001 (4) includes performance of delegated medical
20 services under the supervision of a physician, dentist, or podiatrist.

21 **SECTION 12.** 440.03 (11m) (c) 1. of the statutes is amended to read:

22 440.03 (11m) (c) 1. The coordinated licensure information system under s.
23 ~~441.50 (7)~~ 441.51 (6).

24 **SECTION 13.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

SENATE BILL 417

1 440.03 (13) (b) (intro.) The department may investigate whether an applicant
2 for or holder of any of the following credentials has been charged with or convicted
3 of a crime only pursuant to rules promulgated by the department under this
4 paragraph, including rules that establish the criteria that the department will use
5 to determine whether an investigation under this paragraph is necessary, except as
6 provided in par. (c) and s. 441.51 (5) (a) 5. and 448.980 (5) (b) 3.:

7 **SECTION 14.** 440.03 (13) (b) (intro.) of the statutes, as affected by 2015
8 Wisconsin Act 116, section 5m, and 2017 Wisconsin Act (this act), is repealed and
9 recreated to read:

10 440.03 (13) (b) (intro.) The department may investigate whether an applicant
11 for or holder of any of the following credentials has been charged with or convicted
12 of a crime only pursuant to rules promulgated by the department under this
13 paragraph, including rules that establish the criteria that the department will use
14 to determine whether an investigation under this paragraph is necessary, except as
15 provided in par. (c) and s. 441.51 (5) (a) 5.:

16 **SECTION 15.** 440.14 (5) (b) of the statutes is amended to read:

17 440.14 (5) (b) Paragraph (a) does not apply to a list that the department or a
18 credentialing board furnishes to another state agency, a law enforcement agency or
19 a federal governmental agency. In addition, par. (a) does not apply to a list that the
20 department or the board of nursing furnishes to the coordinated licensure
21 information system under s. 441.50 (7) 441.51 (6). A state agency that receives a list
22 from the department or a credentialing board containing a personal identifier of any
23 individual who has made a declaration under sub. (2), (3) or (4) may not disclose the
24 personal identifier to any person other than a state agency, a law enforcement agency
25 or a federal governmental agency.

SENATE BILL 417**SECTION 16**

1 **SECTION 16.** 440.15 of the statutes is amended to read:

2 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
3 441.51 (5) (a) 5., and 448.980 (5) (b) 3., the department or a credentialing board may
4 not require that an applicant for a credential or a credential holder be fingerprinted
5 or submit fingerprints in connection with the department's or the credentialing
6 board's credentialing.

7 **SECTION 17.** 440.15 of the statutes, as affected by 2015 Wisconsin Act 116,
8 section 12m, and 2017 Wisconsin Act (this act), is repealed and recreated to read:

9 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c) and
10 441.51 (5) (a) 5., the department or a credentialing board may not require that an
11 applicant for a credential or a credential holder be fingerprinted or submit
12 fingerprints in connection with the department's or the credentialing board's
13 credentialing.

14 **SECTION 18.** 441.06 (1c) of the statutes is created to read:

15 **441.06 (1c)** The board shall grant a multistate license, as defined in s. 441.51
16 (2) (h), to an applicant for a multistate registered nurse license under s. 441.51.
17 Subject to s. 441.07 (1g), the requirements under sub. (1) shall apply to such an
18 applicant, except that the requirements under s. 441.51 (3) (c) for granting a
19 multistate license shall supersede the requirements under sub. (1) to the extent of
20 any conflict.

21 **SECTION 19.** 441.06 (4) of the statutes is amended to read:

22 **441.06 (4)** Except as provided in s. 257.03, no person may practice or attempt
23 to practice professional nursing, nor use the title, letters, or anything else to indicate
24 that he or she is a registered or professional nurse unless he or she is licensed under
25 this section. Except as provided in s. 257.03, no person not so licensed may use in

SENATE BILL 417

1 connection with his or her nursing employment or vocation any title or anything else
2 to indicate that he or she is a trained, certified or graduate nurse. This subsection
3 does not apply to any person registered nurse who is ~~licensed to practice nursing~~
4 holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction,
5 other than this state, that has adopted the enhanced nurse licensure compact under
6 s. 441.50 441.51.

7 **SECTION 20.** 441.10 (1c) of the statutes is created to read:

8 441.10 (1c) The board shall grant a multistate license, as defined in s. 441.51
9 (2) (h), to an applicant for a multistate licensed practical nurse license under s.
10 441.51. Subject to s. 441.07 (1g), the requirements under sub. (1) shall apply to such
11 an applicant, except that the requirements under s. 441.51 (3) (c) for granting a
12 multistate license shall supersede the requirements under sub. (1) to the extent of
13 any conflict.

14 **SECTION 21.** 441.10 (7) of the statutes is amended to read:

15 441.10 (7) No license is required for practical nursing, but, except as provided
16 in s. 257.03, no person without a license may hold himself or herself out as a licensed
17 practical nurse or licensed attendant, use the title or letters “Trained Practical
18 Nurse” or “T.P.N.”, “Licensed Practical Nurse” or “L.P.N.”, “Licensed Attendant” or
19 “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to indicate that he or she is
20 a licensed practical nurse or licensed attendant. No licensed practical nurse or
21 licensed attendant may use the title, or otherwise seek to act as a registered, licensed,
22 graduate or professional nurse. Anyone violating this subsection shall be subject to
23 the penalties prescribed by s. 441.13. The board shall grant without examination a
24 license as a licensed practical nurse to any person who was on July 1, 1949, a licensed
25 attendant. This subsection does not apply to any person licensed practical nurse who

SENATE BILL 417**SECTION 21**

1 ~~is licensed to practice practical nursing~~ holds a multistate license, as defined in s.
2 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the
3 enhanced nurse licensure compact under s. ~~441.50~~ 441.51.

4 **SECTION 22.** 441.115 (2) (a) of the statutes is amended to read:

5 441.115 (2) (a) In this subsection, “nursing credential” means a license, permit
6 or certificate of registration or certification that is granted to a person by another
7 state or territory or by a foreign country or province and that authorizes or qualifies
8 the person holding the credential to perform acts that are substantially the same as
9 those performed by a person licensed as a registered nurse or licensed practical nurse
10 under this subchapter. ~~In this paragraph, “state or territory” excludes any state or~~
11 ~~territory that has adopted the nurse licensure compact under, except that “nursing~~
12 ~~credential” does not include a multistate license, as defined in s. 441.51 (2) (h), issued~~
13 ~~by a party state, as defined in s. 441.50~~ 441.51 (2) (k).

14 **SECTION 23.** 441.15 (3) (a) (intro.) of the statutes is amended to read:

15 441.15 (3) (a) (intro.) Subject to s. 441.07 (1g), the board shall grant a license
16 to engage in the practice of nurse-midwifery to any ~~person~~ registered nurse who is
17 ~~licensed as a registered nurse under this subchapter or~~ who holds a multistate
18 license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. ~~441.50~~
19 441.51 (2) (j) (k), who does all of the following:

20 **SECTION 24.** Subchapter II (title) of chapter 441 [precedes 441.50] of the
21 statutes is amended to read:

CHAPTER 441**SUBCHAPTER II****ENHANCED NURSE LICENSURE COMPACT**

24 **SECTION 25.** 441.50 of the statutes is repealed.

SENATE BILL 417

1 **SECTION 26.** 441.51 of the statutes is created to read:

2 **441.51 Enhanced nurse licensure compact. (1)** ARTICLE I — FINDINGS AND
3 DECLARATION OF PURPOSE. (a) The party states find all of the following:

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

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

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

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

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

17 6. That uniformity of nurse licensure requirements throughout the states
18 promotes public safety and public health benefits.

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

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

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

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

SENATE BILL 417**SECTION 26**

1 4. To promote compliance with the laws governing the practice of nursing in
2 each jurisdiction.

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

6 6. To decrease redundancies in the consideration and issuance of nurse
7 licenses.

8 7. To provide opportunities for interstate practice by nurses who meet uniform
9 licensure requirements.

10 **(2) ARTICLE II — DEFINITIONS.** As used in this compact:

11 (a) “Adverse action” means any administrative, civil, equitable, or criminal
12 action permitted by a state’s laws which is imposed by a licensing board or other
13 authority against a nurse, including actions against an individual’s license or
14 multistate licensure privilege such as revocation, suspension, probation, monitoring
15 of the licensee, limitation on the licensee’s practice, or any other encumbrance on
16 licensure affecting a nurse’s authorization to practice, including issuance of a cease
17 and desist action.

18 (b) “Alternative program” means a nondisciplinary monitoring program
19 approved by a licensing board.

20 (c) “Coordinated licensure information system” means an integrated process
21 for collecting, storing, and sharing information on nurse licensure and enforcement
22 activities related to nurse licensure laws that is administered by a nonprofit
23 organization composed of and controlled by licensing boards.

24 (d) “Current significant investigative information” means any of the following:

SENATE BILL 417

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

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

8 (e) “Encumbrance” means a revocation or suspension of, or any limitation on,
9 the full and unrestricted practice of nursing imposed by a licensing board.

10 (f) “Home state” means the party state which is the nurse’s primary state of
11 residence.

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

14 (h) “Multistate license” means a license to practice as a registered or a licensed
15 practical/vocational nurse issued by a home state licensing board that authorizes the
16 licensed nurse to practice in all party states under a multistate licensure privilege.

17 (i) “Multistate licensure privilege” means a legal authorization associated with
18 a multistate license permitting the practice of nursing as either a registered nurse
19 or licensed practical/vocational nurse in a remote state.

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

22 (k) “Party state” means any state that has adopted this compact.

23 (L) “Remote state” means a party state, other than the home state.

SENATE BILL 417**SECTION 26**

1 (m) “Single-state license” means a nurse license issued by a party state that
2 authorizes practice only within the issuing state and does not include a multistate
3 licensure privilege to practice in any other party state.

4 (n) “State” means a state, territory, or possession of the United States and the
5 District of Columbia.

6 (o) “State practice laws” means a party state’s laws, rules, and regulations that
7 govern the practice of nursing, define the scope of nursing practice, and create the
8 methods and grounds for imposing discipline. “State practice laws” does not include
9 requirements necessary to obtain and retain a license, except for qualifications or
10 requirements of the home state.

11 **(3) ARTICLE III — GENERAL PROVISIONS AND JURISDICTION.** (a) A multistate license
12 to practice registered or licensed practical/vocational nursing issued by a home state
13 to a resident in that state will be recognized by each party state as authorizing a
14 nurse to practice as a registered nurse or as a licensed practical/vocational nurse,
15 under a multistate licensure privilege, in each party state.

16 (b) A state must implement procedures for considering the criminal history
17 records of applicants for initial multistate license or licensure by endorsement. Such
18 procedures shall include the submission of fingerprints or other biometric-based
19 information by applicants for the purpose of obtaining an applicant’s criminal
20 history record information from the federal bureau of investigation and the agency
21 responsible for retaining that state’s criminal records.

22 (c) Each party state shall require all of the following for an applicant to obtain
23 or retain a multistate license in the home state:

24 1. Meets the home state’s qualifications for licensure or renewal of licensure,
25 as well as, all other applicable state laws.

SENATE BILL 417

- 1 2. Satisfies one of the following:
- 2 a. Has graduated or is eligible to graduate from a licensing board-approved
- 3 registered nurse or licensed practical/vocational nurse prelicensure education
- 4 program.
- 5 b. Has graduated from a foreign registered nurse or licensed
- 6 practical/vocational nurse prelicensure education program that has been approved
- 7 by the authorized accrediting body in the applicable country and has been verified
- 8 by an independent credentials review agency to be comparable to a licensing
- 9 board-approved prelicensure education program.
- 10 3. Has, if a graduate of a foreign prelicensure education program not taught
- 11 in English or if English is not the individual's native language, successfully passed
- 12 an English proficiency examination that includes the components of reading,
- 13 speaking, writing, and listening.
- 14 4. Has successfully passed an NCLEX-RN or NCLEX-PN Examination or
- 15 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 or
- 18 licensure by endorsement, fingerprints or other biometric data for the purpose of
- 19 obtaining criminal history record information from the federal bureau of
- 20 investigation and the agency responsible for retaining that state's criminal records.
- 21 7. Has not been convicted or found guilty, or has entered into an agreed
- 22 disposition, of a felony offense under applicable state or federal criminal law.
- 23 8. Has not been convicted or found guilty, or has entered into an agreed
- 24 disposition, of a misdemeanor offense related to the practice of nursing as
- 25 determined on a case-by-case basis.

SENATE BILL 417**SECTION 26**

1 9. Is not currently enrolled in an alternative program.

2 10. Is subject to self-disclosure requirements regarding current participation
3 in an alternative program.

4 11. Has a valid United States social security number.

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

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

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

SENATE BILL 417

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

4 1. A nurse, who changes primary state of residence after this compact's effective
5 date, must meet all applicable requirements under par. (c) to obtain a multistate
6 license from a new home state.

7 2. A nurse who fails to satisfy the multistate licensure requirements in par. (c)
8 due to a disqualifying event occurring after this compact's effective date shall be
9 ineligible to retain or renew a multistate license, and the nurse's multistate license
10 shall be revoked or deactivated in accordance with applicable rules adopted by the
11 interstate commission of nurse licensure compact administrators ("commission").

12 **(4) ARTICLE IV — APPLICATIONS FOR LICENSURE IN A PARTY STATE.** (a) Upon
13 application for a multistate license, the licensing board in the issuing party state
14 shall ascertain, through the coordinated licensure information system, whether the
15 applicant has ever held, or is the holder of, a license issued by any other state,
16 whether there are any encumbrances on any license or multistate licensure privilege
17 held by the applicant, whether any adverse action has been taken against any license
18 or multistate licensure privilege held by the applicant, and whether the applicant is
19 currently participating in an alternative program.

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

22 (c) 1. If a nurse changes primary state of residence by moving between 2 party
23 states, the nurse must apply for licensure in the new home state, and the multistate
24 license issued by the prior home state will be deactivated in accordance with
25 applicable rules adopted by the commission.

SENATE BILL 417**SECTION 26**

1 2. The nurse may apply for licensure in advance of a change in primary state
2 of residence.

3 3. A multistate license shall not be issued by the new home state until the nurse
4 provides satisfactory evidence of a change in primary state of residence to the new
5 home state and satisfies all applicable requirements to obtain a multistate license
6 from the new home state.

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

10 **(5) ARTICLE V — ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING**
11 **BOARDS.** (a) In addition to the other powers conferred by state law, a licensing board
12 shall have the authority to do any of the following:

13 1. Take adverse action against a nurse's multistate licensure privilege to
14 practice within that party state, subject to all of the following:

15 a. Only the home state shall have the power to take adverse action against a
16 nurse's license issued by the home state.

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

21 2. Issue cease and desist orders or impose an encumbrance on a nurse's
22 authority to practice within that party state.

23 3. Complete any pending investigations of a nurse who changes primary state
24 of residence during the course of such investigations. The licensing board shall also
25 have the authority to take appropriate action and shall promptly report the

SENATE BILL 417

1 conclusions of such investigations to the administrator of the coordinated licensure
2 information system. The administrator of the coordinated licensure information
3 system shall promptly notify the new home state of any such actions.

4 4. Issue subpoenas for both hearings and investigations that require the
5 attendance and testimony of witnesses, as well as, the production of evidence.
6 Subpoenas issued by a licensing board in a party state for the attendance and
7 testimony of witnesses or the production of evidence from another party state shall
8 be enforced in the latter state by any court of competent jurisdiction, according to the
9 practice and procedure of that court applicable to subpoenas issued in proceedings
10 pending before it. The issuing authority shall pay any witness fees, travel expenses,
11 mileage, and other fees required by the service statutes of the state in which the
12 witnesses or evidence are located.

13 5. Obtain and submit, for each nurse licensure applicant, fingerprint or other
14 biometric-based information to the federal bureau of investigation for criminal
15 background checks, receive the results of the federal bureau of investigation record
16 search on criminal background checks, and use the results in making licensure
17 decisions.

18 6. If otherwise permitted by state law, recover from the affected nurse the costs
19 of investigations and disposition of cases resulting from any adverse action taken
20 against that nurse.

21 7. Take adverse action based on the factual findings of the remote state,
22 provided that the licensing board follows its own procedures for taking such adverse
23 action.

24 (b) If adverse action is taken by the home state against a nurse's multistate
25 license, the nurse's multistate licensure privilege to practice in all other party states

SENATE BILL 417**SECTION 26**

1 shall be deactivated until all encumbrances have been removed from the multistate
2 license. All home state disciplinary orders that impose adverse action against a
3 nurse's multistate license shall include a statement that the nurse's multistate
4 licensure privilege is deactivated in all party states during the pendency of the order.

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

10 **(6) ARTICLE VI— COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF**
11 **INFORMATION.** (a) All party states shall participate in a coordinated licensure
12 information system of all licensed registered nurses and licensed
13 practical/vocational nurses. This system will include information on the licensure
14 and disciplinary history of each nurse, as submitted by party states, to assist in the
15 coordination of nurse licensure and enforcement efforts.

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

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

SENATE BILL 417

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

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

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

13 (g) Any information contributed to the coordinated licensure information
14 system that is subsequently required to be expunged by the laws of the party state
15 contributing that information shall also be expunged from the coordinated licensure
16 information system.

17 (h) The compact administrator of each party state shall furnish a uniform data
18 set to the compact administrator of each other party state, which shall include, at a
19 minimum, all of the following:

- 20 1. Identifying information.
- 21 2. Licensure data.
- 22 3. Information related to alternative program participation.
- 23 4. Other information that may facilitate the administration of this compact, as
24 determined by commission rules.

SENATE BILL 417**SECTION 26**

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

3 **(7) ARTICLE VII — ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE**
4 **LICENSURE COMPACT ADMINISTRATORS.** (a) 1. The party states hereby create and
5 establish a joint public entity known as the interstate commission of nurse licensure
6 compact administrators.

7 2. The commission is an instrumentality of the party states.

8 3. Venue is proper, and judicial proceedings by or against the commission shall
9 be brought solely and exclusively, in a court of competent jurisdiction where the
10 principal office of the commission is located. The commission may waive venue and
11 jurisdictional defenses to the extent it adopts or consents to participate in alternative
12 dispute resolution proceedings.

13 4. Nothing in this compact shall be construed to be a waiver of sovereign
14 immunity.

15 (b) Membership, voting, and meetings:

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

22 2. Each administrator shall be entitled to one vote with regard to the
23 promulgation of rules and creation of bylaws and shall otherwise have an
24 opportunity to participate in the business and affairs of the commission. An
25 administrator shall vote in person or by such other means as provided in the bylaws.

SENATE BILL 417

1 The bylaws may provide for an administrator's participation in meetings by
2 telephone or other means of communication.

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

6 4. All meetings shall be open to the public, and public notice of meetings shall
7 be given in the same manner as required under the rule-making provisions in sub.
8 (8).

9 5. The commission may convene in a closed, nonpublic meeting if the
10 commission must discuss any of the following:

11 a. Noncompliance of a party state with its obligations under this compact.

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

15 c. Current, threatened, or reasonably anticipated litigation.

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

18 e. Accusing any person of a crime or formally censuring any person.

19 f. Disclosure of trade secrets or commercial or financial information that is
20 privileged or confidential.

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

23 h. Disclosure of investigatory records compiled for law enforcement purposes.

24 i. Disclosure of information related to any reports prepared by or on behalf of
25 the commission for the purpose of investigation of compliance with this compact.

SENATE BILL 417**SECTION 26**

1 j. Matters specifically exempted from disclosure by federal or state statute.

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

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

15 1. Establishing the fiscal year of the commission.

16 2. Providing reasonable standards and procedures:

17 a. For the establishment and meetings of other committees; and

18 b. Governing any general or specific delegation of any authority or function of
19 the commission.

20 3. Providing reasonable procedures for calling and conducting meetings of the
21 commission, ensuring reasonable advance notice of all meetings, and providing an
22 opportunity for attendance of such meetings by interested parties, with enumerated
23 exceptions designed to protect the public's interest, the privacy of individuals, and
24 proprietary information, including trade secrets. The commission may meet in
25 closed session only after a majority of the administrators vote to close a meeting in

SENATE BILL 417

1 whole or in part. As soon as practicable, the commission must make public a copy
2 of the vote to close the meeting revealing the vote of each administrator, with no
3 proxy votes allowed.

4 4. Establishing the titles, duties, and authority and reasonable procedures for
5 the election of the officers of the commission.

6 5. Providing reasonable standards and procedures for the establishment of the
7 personnel policies and programs of the commission. Notwithstanding any civil
8 service or other similar laws of any party state, the bylaws shall exclusively govern
9 the personnel policies and programs of the commission.

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

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

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

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

19 (g) The commission shall have all of the following powers:

20 1. To promulgate uniform rules to facilitate and coordinate implementation
21 and administration of this compact. The rules shall have the force and effect of law
22 and shall be binding in all party states.

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

SENATE BILL 417**SECTION 26**

1 3. To purchase and maintain insurance and bonds.

2 4. To borrow, accept, or contract for services of personnel, including, but not
3 limited to, employees of a party state or nonprofit organizations.

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

7 6. To hire employees, elect or appoint officers, fix compensation, define duties,
8 grant such individuals appropriate authority to carry out the purposes of this
9 compact, and to establish the commission's personnel policies and programs relating
10 to conflicts of interest, qualifications of personnel, and other related personnel
11 matters.

12 7. To accept any and all appropriate donations, grants and gifts of money,
13 equipment, supplies, materials, and services, and to receive, utilize, and dispose of
14 the same; provided that at all times the commission shall avoid any appearance of
15 impropriety or conflict of interest.

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

19 9. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
20 dispose of any property, whether real, personal, or mixed.

21 10. To establish a budget and make expenditures.

22 11. To borrow money.

23 12. To appoint committees, including advisory committees comprised of
24 administrators, state nursing regulators, state legislators or their representatives,
25 and consumer representatives, and other such interested persons.

SENATE BILL 417

1 13. To provide and receive information from, and to cooperate with, law
2 enforcement agencies.

3 14. To adopt and use an official seal.

4 15. To perform such other functions as may be necessary or appropriate to
5 achieve the purposes of this compact consistent with the state regulation of nurse
6 licensure and practice.

7 (h) Financing of the commission:

8 1. The commission shall pay, or provide for the payment of, the reasonable
9 expenses of its establishment, organization, and ongoing activities.

10 2. The commission may also levy on and collect an annual assessment from
11 each party state to cover the cost of its operations, activities, and staff in its annual
12 budget as approved each year. The aggregate annual assessment amount, if any,
13 shall be allocated based upon a formula to be determined by the commission, which
14 shall promulgate a rule that is binding upon all party states.

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

18 4. The commission shall keep accurate accounts of all receipts and
19 disbursements. The receipts and disbursements of the commission shall be subject
20 to the audit and accounting procedures established under its bylaws. However, all
21 receipts and disbursements of funds handled by the commission shall be audited
22 yearly by a certified or licensed public accountant, and the report of the audit shall
23 be included in and become part of the annual report of the commission.

24 (i) Qualified immunity, defense and indemnification:

SENATE BILL 417**SECTION 26**

1 1. The administrators, officers, executive director, employees, and
2 representatives of the commission shall be immune from suit and liability, either
3 personally or in their official capacity, for any claim for damage to or loss of property
4 or personal injury or other civil liability caused by or arising out of any actual or
5 alleged act, error, or omission that occurred, or that the person against whom the
6 claim is made had a reasonable basis for believing occurred, within the scope of
7 commission employment, duties, or responsibilities; provided that nothing in this
8 subdivision shall be construed to protect any such person from suit or liability for any
9 damage, loss, injury, or liability caused by the intentional, willful, or wanton
10 misconduct of that person.

11 2. The commission shall defend any administrator, officer, executive director,
12 employee, or representative of the commission in any civil action seeking to impose
13 liability arising out of any actual or alleged act, error, or omission that occurred
14 within the scope of commission employment, duties, or responsibilities, or that the
15 person against whom the claim is made had a reasonable basis for believing occurred
16 within the scope of commission employment, duties, or responsibilities; provided
17 that nothing herein shall be construed to prohibit that person from retaining his or
18 her own counsel; and provided further that the actual or alleged act, error, or
19 omission did not result from that person's intentional, willful, or wanton misconduct.

20 3. The commission shall indemnify and hold harmless any administrator,
21 officer, executive director, employee, or representative of the commission for the
22 amount of any settlement or judgment obtained against that person arising out of
23 any actual or alleged act, error, or omission that occurred within the scope of
24 commission employment, duties, or responsibilities, or that such person had a
25 reasonable basis for believing occurred within the scope of commission employment,

SENATE BILL 417

1 duties, or responsibilities, provided that the actual or alleged act, error, or omission
2 did not result from the intentional, willful, or wanton misconduct of that person.

3 **(8) ARTICLE VIII — RULE MAKING.** (a) The commission shall exercise its
4 rulemaking powers pursuant to the criteria set forth in this subsection and the rules
5 adopted thereunder. Rules and amendments shall become binding as of the date
6 specified in each rule or amendment and shall have the same force and effect as
7 provisions of this compact.

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

10 (c) Prior to promulgation and adoption of a final rule or rules by the
11 commission, and at least sixty days in advance of the meeting at which the rule will
12 be considered and voted upon, the commission shall file a notice of proposed
13 rulemaking on all of the following:

14 1. The website of the commission.

15 2. The website of each licensing board or the publication in which each state
16 would otherwise publish proposed rules.

17 (d) The notice of proposed rule making shall include all of the following:

18 1. The proposed time, date, and location of the meeting in which the rule will
19 be considered and voted upon.

20 2. The text of the proposed rule or amendment, and the reason for the proposed
21 rule.

22 3. A request for comments on the proposed rule from any interested person.

23 4. The manner in which interested persons may submit notice to the
24 commission of their intention to attend the public hearing and any written
25 comments.

SENATE BILL 417**SECTION 26**

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

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

6 (g) The commission shall publish the place, time, and date of the scheduled
7 public hearing.

8 1. Hearings shall be conducted in a manner providing each person who wishes
9 to comment a fair and reasonable opportunity to comment orally or in writing. All
10 hearings will be recorded, and a copy will be made available upon request.

11 2. Nothing in this subsection shall be construed as requiring a separate hearing
12 on each rule. Rules may be grouped for the convenience of the commission at
13 hearings required by this subsection.

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

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

19 (j) The commission shall, by majority vote of all administrators, take final
20 action on the proposed rule and shall determine the effective date of the rule, if any,
21 based on the rule-making record and the full text of the rule.

22 (k) Upon determination that an emergency exists, the commission may
23 consider and adopt an emergency rule without prior notice, opportunity for
24 comment, or hearing, provided that the usual rule-making procedures provided in
25 this compact and in this subsection shall be retroactively applied to the rule as soon

SENATE BILL 417

1 as reasonably possible, in no event later than 90 days after the effective date of the
2 rule. For the purposes of this provision, an emergency rule is one that must be
3 adopted immediately in order to do any of the following:

4 1. Meet an imminent threat to public health, safety, or welfare.

5 2. Prevent a loss of commission or party state funds.

6 3. Meet a deadline for the promulgation of an administrative rule that is
7 required by federal law or rule.

8 (L) The commission may direct revisions to a previously adopted rule or
9 amendment for purposes of correcting typographical errors, errors in format, errors
10 in consistency, or grammatical errors. Public notice of any revisions shall be posted
11 on the website of the commission. The revision shall be subject to challenge by any
12 person for a period of 30 days after posting. The revision may be challenged only on
13 grounds that the revision results in a material change to a rule. A challenge shall
14 be made in writing, and delivered to the commission, prior to the end of the notice
15 period. If no challenge is made, the revision will take effect without further action.
16 If the revision is challenged, the revision may not take effect without the approval
17 of the commission.

18 **(9) ARTICLE IX — OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a)

19 *Oversight.* 1. Each party state shall enforce this compact and take all actions
20 necessary and appropriate to effectuate this compact's purposes and intent.

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

SENATE BILL 417**SECTION 26**

1 (b) *Default, technical assistance, and termination.* 1. If the commission
2 determines that a party state has defaulted in the performance of its obligations or
3 responsibilities under this compact or the promulgated rules, the commission shall
4 do all of the following:

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

8 b. Provide remedial training and specific technical assistance regarding the
9 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 by
13 this compact may be terminated on the effective date of termination. A cure of the
14 default does not relieve the offending state of obligations or liabilities incurred
15 during the period of default.

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

SENATE BILL 417

1 5. The commission shall not bear any costs related to a state that is found to
2 be in default or whose membership in this compact has been terminated unless
3 agreed upon in writing between the commission and the defaulting state.

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

8 (c) *Dispute resolution.* 1. Upon request by a party state, the commission shall
9 attempt to resolve disputes related to the compact that arise among party states and
10 between party and nonparty states.

11 2. The commission shall promulgate a rule providing for both mediation and
12 binding dispute resolution for disputes, as appropriate.

13 3. In the event the commission cannot resolve disputes among party states
14 arising under this compact, all of the following apply:

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

19 b. The decision of a majority of the arbitrators shall be final and binding.

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

22 2. By majority vote, the commission may initiate legal action in the U.S.
23 District Court for the District of Columbia or the federal district in which the
24 commission has its principal offices against a party state that is in default to enforce
25 compliance with the provisions of this compact and its promulgated rules and

SENATE BILL 417**SECTION 26**

1 bylaws. The relief sought may include both injunctive relief and damages. In the
2 event judicial enforcement is necessary, the prevailing party shall be awarded all
3 costs of such litigation, including reasonable attorneys' fees.

4 3. The remedies herein shall not be the exclusive remedies of the commission.
5 The commission may pursue any other remedies available under federal or state law.

6 **(10) ARTICLE X — EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) This
7 compact shall become effective and binding on the earlier of the date of legislative
8 enactment of this compact into law by no less than 26 states or December 31, 2018.
9 All party states to this compact, that also were parties to the prior nurse licensure
10 compact, superseded by this compact, ("prior compact"), s. 441.50, 2015 stats., shall
11 be deemed to have withdrawn from said prior compact within 6 months after the
12 effective date of this compact.

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

16 (c) Any party state may withdraw from this compact by enacting a statute
17 repealing the same. A party state's withdrawal shall not take effect until 6 months
18 after enactment of the repealing statute.

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

23 (e) Nothing contained in this compact shall be construed to invalidate or
24 prevent any nurse licensure agreement or other cooperative arrangement between

SENATE BILL 417

1 a party state and a nonparty state that is made in accordance with the other
2 provisions of this compact.

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

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

9 **(11) ARTICLE XI - CONSTRUCTION AND SEVERABILITY.** This compact shall be
10 liberally construed so as to effectuate the purposes thereof. The provisions of this
11 compact shall be severable, and if any phrase, clause, sentence, or provision of this
12 compact is declared to be contrary to the constitution of any party state or of the
13 United States, or if the applicability thereof to any government, agency, person, or
14 circumstance is held invalid, the validity of the remainder of this compact and the
15 applicability thereof to any government, agency, person, or circumstance shall not
16 be affected thereby. If this compact shall be held to be contrary to the constitution
17 of any party state, this compact shall remain in full force and effect as to the
18 remaining party states and in full force and effect as to the party state affected as
19 to all severable matters.

20 **SECTION 27.** 655.001 (9) of the statutes is amended to read:

21 655.001 (9) "Nurse anesthetist" means a nurse who is licensed under ch. 441
22 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party
23 state, as defined in s. 441.50 441.51 (2) (j), (k), and who is certified as a nurse
24 anesthetist by the American association of nurse anesthetists.

25 **SECTION 28.** 905.04 (1) (f) of the statutes is amended to read:

SENATE BILL 417**SECTION 28**

1 905.04 (1) (f) “Registered nurse” means a registered nurse who is licensed
2 under s. 441.06 or ~~licensed as a registered nurse who holds a multistate license, as~~
3 ~~defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.50~~ 441.51 (2)
4 ~~(j) (k)~~, or a person reasonably believed by the patient to be a registered nurse.

5 **SECTION 29.** 990.01 (19g) of the statutes is amended to read:

6 990.01 (19g) LICENSED PRACTICAL NURSE. “Licensed practical nurse” includes a
7 licensed practical/vocational nurse who ~~is licensed~~ holds a multistate license, as
8 defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.50 441.51 (2)
9 ~~(j) (k)~~.

10 **SECTION 30.** 990.01 (23q) of the statutes is amended to read:

11 990.01 (23q) NURSE. “~~Nurse~~”, “Nurse,” “nurse licensed under ch. 441” 441,” and
12 any reference to an individual who is ~~registered or licensed under ch. 441~~ include a
13 registered nurse or licensed practical/vocational nurse who ~~is licensed~~ holds a
14 multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined
15 in s. 441.50 441.51 (2) (j) (k).

16 **SECTION 31.** 990.01 (36m) of the statutes is amended to read:

17 990.01 (36m) REGISTERED NURSE. “Registered nurse” includes a registered
18 nurse who ~~is licensed~~ holds a multistate license, as defined in s. 441.51 (2) (h), issued
19 in a party state, as defined in s. 441.50 441.51 (2) (j) (k).

20 **SECTION 32. Nonstatutory provisions.**

21 (1) The board of nursing may promulgate emergency rules under section 227.24
22 of the statutes necessary to implement this act. Notwithstanding section 227.24 (1)
23 (c) and (2) of the statutes, emergency rules promulgated under this subsection
24 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
25 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,

SENATE BILL 417

1 the board is not required to provide evidence that promulgating a rule under this
2 subsection as an emergency rule is necessary for the preservation of the public peace,
3 health, safety, or welfare and is not required to provide a finding of emergency for a
4 rule promulgated under this subsection.

5 **SECTION 33. Effective dates.** This act takes effect on the day after publication,
6 except as follows:

7 (1) The treatment of sections 49.498 (1) (L), 50.01 (1w) and (5r), 115.001 (11),
8 118.29 (4), 146.40 (1) (c) and (f), 250.01 (7), 255.06 (1) (d), 440.03 (11m) (c) 1., 440.14
9 (5) (b), 441.06 (1c) and (4), 441.10 (1c) and (7), 441.115 (2) (a), 441.15 (3) (a) (intro.),
10 subchapter II (title) of chapter 441, 655.001 (9), 905.04 (1) (f), and 990.01 (19g), (23q),
11 and (36m) of the statutes and the amendment of sections 440.03 (13) (b) (intro.) and
12 440.15 of the statutes take effect on January 19, 2018.

13 (2) The treatment of section 441.50 of the statutes takes effect on the date that
14 is 6 months after the date of publication.

15 (3) The treatment of sections 440.03 (13) (b) (intro.) (by SECTION 14) and 440.15
16 (by SECTION 17) of the statutes takes effect on December 16, 2019.

17 (END)