

2017 Senate Bill 417 (LRB -4223)

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

2017

09-21.	S.	Introduced by Senators Marklein, Cowles, Olsen, Bewley, Carpenter, Darling, Erpenbach, Feyen, Hansen, Harsdorf, Johnson, LeMahieu, Moulton, Nass, Petrowski, Ringhand, Roth, Shilling, Testin, Tiffany, Vinehout, Wanggaard and Wirch ; cosponsored by Representatives VanderMeer, Tranel, Ripp, Allen, Anderson, Ballweg, Berceau, Bernier, Billings, Born, E. Brooks, R. Brooks, Crowley, Doyle, Duchow, Edming, Felzkowski, Gannon, Genrich, Hutton, Jacque, Jagler, Katsma, Kerkman, Kitchens, Kleefisch, Kooyenga, Kremer, Krug, Kuglitsch, Kulp, Loudenbeck, Macco, Mason, Meyers, Milroy, Murphy, Mursau, Nerison, Neylon, Novak, Nygren, Ott, Petersen, Petryk, Pronschinske, Quinn, Riemer, Rodriguez, Rohrkaste, Sargent, Skowronski, Snyder, Spiros, Spreitzer, Stafsholt, Steffen, Steineke, Stuck, Summerfield, Swearingen, Tauchen, Thiesfeldt, Tittl, Tusler, Vorpapel, Wichgers, Zimmerman and Wachs	459
09-21.	S.	Read first time and referred to Committee on Health and Human Services	459
09-28.	S.	Fiscal estimate received	
10-02.	S.	Representative Zepnick added as a cosponsor	468
10-02.	S.	Fiscal estimate received	
10-05.	S.	Fiscal estimate received	
10-17.	S.	Public hearing held	
10-26.	S.	Executive action taken	
10-26.	S.	Report passage recommended by Committee on Health and Human Services, Ayes 5, Noes 0	507
10-26.	S.	Available for scheduling	
10-27.	S.	Placed on calendar 10-31-2017 pursuant to Senate Rule 18(1)	511
10-31.	S.	Representative Shankland added as a cosponsor	513
10-31.	S.	Senator Miller added as a coauthor	513
10-31.	S.	Read a second time	521
10-31.	S.	Ordered to a third reading	521
10-31.	S.	Rules suspended	521
10-31.	S.	Read a third time and passed	521
10-31.	S.	Ordered immediately messaged	522
10-31.	A.	Received from Senate	493
10-31.	A.	Read first time and referred to calendar of 11-2-2017	494
11-02.	A.	Rules suspended to withdraw from calendar and take up	
11-02.	A.	Read a second time	
11-02.	A.	Ordered to a third reading	
11-02.	A.	Rules suspended	
11-02.	A.	Read a third time and concurred in	
11-02.	A.	Ordered immediately messaged	
11-02.	S.	Received from Assembly concurred in	



17en S B- 417

2017 ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

17 -4223 / 1

Amendments: None or Listed below.

Corrections: None or Listed by date below.

Topic: Same as relating clause or other, indicated below.

11/2/17

Casey

Date

Enrolling Drafter



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4223/1
MED:emw

2017 SENATE BILL 417

September 21, 2017 - Introduced by Senators MARKLEIN, COWLES, OLSEN, BEWLEY, CARPENTER, DARLING, ERPENBACH, FEYEN, HANSEN, HARSDORF, JOHNSON, LEMAHIEU, MOULTON, NASS, PETROWSKI, RINGHAND, ROTH, SHILLING, TESTIN, TIFFANY, VINEHOUT, WANGGAARD and WIRCH, cosponsored by Representatives VANDERMEER, TRANEL, RIPP, ALLEN, ANDERSON, BALLWEG, BERCEAU, BERNIER, BILLINGS, BORN, E. BROOKS, R. BROOKS, CROWLEY, DOYLE, DUCHOW, EDMING, FELZKOWSKI, GANNON, GENRICH, HUTTON, JACQUE, JAGLER, KATZMA, KERKMAN, KITCHENS, KLEEFISCH, KOYENGA, KREMER, KRUG, KUGLITSCH, KULP, LOUDENBECK, MACCO, MASON, MEYERS, MILROY, MURPHY, MURSAU, NERISON, NEYLON, NOVAK, NYGREN, OTT, PETERSEN, PETRYK, PRONSHINSKE, QUINN, RIEMER, RODRIGUEZ, ROHRKASTE, SARGENT, SKOWRONSKI, SNYDER, SPIROS, SPREITZER, STAFSHOLT, STEFFEN, STEINEKE, STUCK, SUMMERFIELD, SWEARINGEN, TAUCHEN, THIESFELDT, TITTL, TUSLER, VORPAGEL, WICHGERS, ZIMMERMAN and WACHS. Referred to Committee on Health and Human Services.

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

This bill ratifies and enters Wisconsin into the Enhanced Nurse Licensure Compact (enhanced compact). The enhanced compact replaces the original Nurse Licensure Compact (original compact), which was ratified in Wisconsin in 1999. Under both versions of the compact, a nurse, whether a registered nurse or a licensed practical nurse, who is licensed in a state that has adopted the compact (party state)

SENATE BILL 417

may practice in any other party state without needing to separately obtain a license in that other party state. Significant provisions of the enhanced compact, as compared to the original compact, include all of the following:

1. Under the enhanced compact, party states grant multistate nursing licenses, with the compact setting out minimum qualifications that an applicant must satisfy in order to be granted a multistate license, including that an applicant submit to a background investigation. Under the enhanced compact, a multistate license is recognized by each party state as authorizing a nurse to practice, under a multistate licensure privilege, in that party state. The enhanced compact also provides that party states may grant single-state licenses, which authorize practice only within the issuing state. The enhanced compact does not affect the requirements established by a party state for the issuance of a single-state license.

Under the original compact, a license issued by a home state to a resident in that state is simply recognized by each other party state as authorizing a multistate licensure privilege to practice in that party state, with the qualifications for obtaining a license to be determined under each party state's laws.

2. The enhanced compact establishes an Interstate Commission of Nurse Licensure Compact Administrators (commission), which consists of the heads of each party state's board that licenses nurses, or their designees. The commission has various powers and duties granted in the compact, including overseeing the administration of the compact, enforcing the compact, adopting bylaws, promulgating binding rules for the compact, and employing an executive director and employees. Under the original compact, the compact is administered by compact administrators, with the administrator for this state designated as the secretary of safety and professional services or his or her designee.

3. The enhanced compact includes various provisions regarding resolutions of disputes between the commission and party states and between party and nonparty states. The enhanced compact requires the commission to attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states, after which such disputes would be handed through arbitration. Under the original compact, disputes are simply to be handled through arbitration.

4. The enhanced compact includes a process for termination of a party state from the compact that has defaulted in the performance of its obligations under the compact. No such provisions are included in the original compact.

Pursuant to the terms of the enhanced compact, the enhanced compact became effective in party states that have already enacted it on July 20, 2017, which was the date the enhanced compact was signed into law by a 26th state. The enhanced compact may be further amended upon enactment of an amendment by all member states.

The enhanced compact provides that all party states to the enhanced compact that also were parties to the original compact are deemed to have withdrawn from the original compact within six months after the effective date of the enhanced compact.

SENATE BILL 417

For further information see the *state* 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.** 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:

SENATE BILL 417**SECTION 5**

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

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

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

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

12 118.29 (4) WRITTEN POLICIES. Any school board, county children with
13 disabilities education board, cooperative educational service agency or governing
14 body of a private school whose employees or volunteers may be authorized to
15 administer nonprescription drug products or prescription drugs to pupils under this
16 section shall adopt a written policy governing the administration of nonprescription
17 drug products and prescription drugs to pupils. In developing the policy, the school
18 board, board, agency or governing body shall seek the assistance of one or more
19 school nurses who are employees of the school board, board, agency or governing body
20 or are providing services or consultation under s. 121.02 (1) (g). The policy shall
21 include procedures for obtaining and filing in the school or other appropriate facility
22 the written instructions and consent required under sub. (2) (a), for the periodic
23 review of such written instructions by a registered nurse who is licensed under s.
24 441.06 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a
25 party state, as defined in s. 441.50 441.51 (2) (j) (k), for the storing of nonprescription

SENATE BILL 417

1 drug products and prescription drugs, and for record keeping, including
2 documenting the administration of each dose, including errors.

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

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

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

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

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

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

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

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

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

SENATE BILL 417**SECTION 12**

1 440.03 (11m) (c) 1. The coordinated licensure information system under s.
2 ~~441.50 (7)~~ 441.51 (6).

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

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

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

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

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

20 440.14 (5) (b) Paragraph (a) does not apply to a list that the department or a
21 credentialing board furnishes to another state agency, a law enforcement agency or
22 a federal governmental agency. In addition, par. (a) does not apply to a list that the
23 department or the board of nursing furnishes to the coordinated licensure
24 information system under s. ~~441.50 (7)~~ 441.51 (6). A state agency that receives a list
25 from the department or a credentialing board containing a personal identifier of any

SENATE BILL 417

1 individual who has made a declaration under sub. (2), (3) or (4) may not disclose the
2 personal identifier to any person other than a state agency, a law enforcement agency
3 or a federal governmental agency.

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

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

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

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

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

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

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

SENATE BILL 417**SECTION 19**

1 441.06 (4) Except as provided in s. 257.03, no person may practice or attempt
2 to practice professional nursing, nor use the title, letters, or anything else to indicate
3 that he or she is a registered or professional nurse unless he or she is licensed under
4 this section. Except as provided in s. 257.03, no person not so licensed may use in
5 connection with his or her nursing employment or vocation any title or anything else
6 to indicate that he or she is a trained, certified or graduate nurse. This subsection
7 does not apply to any person registered nurse who is licensed to practice nursing
8 holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction,
9 other than this state, that has adopted the enhanced nurse licensure compact under
10 s. ~~441.50~~ 441.51.

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

12 441.10 (1c) The board shall grant a multistate license, as defined in s. 441.51
13 (2) (h), to an applicant for a multistate licensed practical nurse license under s.
14 441.51. Subject to s. 441.07 (1g), the requirements under sub. (1) shall apply to such
15 an applicant, except that the requirements under s. 441.51 (3) (c) for granting a
16 multistate license shall supersede the requirements under sub. (1) to the extent of
17 any conflict.

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

19 441.10 (7) No license is required for practical nursing, but, except as provided
20 in s. 257.03, no person without a license may hold himself or herself out as a licensed
21 practical nurse or licensed attendant, use the title or letters "Trained Practical
22 Nurse" or "T.P.N.", "Licensed Practical Nurse" or "L.P.N.", "Licensed Attendant" or
23 "L.A.", "Trained Attendant" or "T.A.", or otherwise seek to indicate that he or she is
24 a licensed practical nurse or licensed attendant. No licensed practical nurse or
25 licensed attendant may use the title, or otherwise seek to act as a registered, licensed,

SENATE BILL 417

1 graduate or professional nurse. Anyone violating this subsection shall be subject to
2 the penalties prescribed by s. 441.13. The board shall grant without examination a
3 license as a licensed practical nurse to any person who was on July 1, 1949, a licensed
4 attendant. This subsection does not apply to any ~~person licensed practical nurse who~~
5 ~~is licensed to practice practical nursing holds a multistate license, as defined in s.~~
6 ~~441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the~~
7 ~~enhanced nurse licensure compact under s. 441.50 441.51.~~

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

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

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

19 441.15 (3) (a) (intro.) Subject to s. 441.07 (1g), the board shall grant a license
20 to engage in the practice of nurse-midwifery to any ~~person registered nurse who is~~
21 ~~licensed as a registered nurse under this subchapter or who holds a multistate~~
22 ~~license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.50~~
23 ~~441.51 (2) (j) (k), who does all of the following:~~

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

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

SECTION 25. 441.50 of the statutes is repealed.

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

441.51 Enhanced 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 for both nurses and states.

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

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

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

SENATE BILL 417

- 1 2. To ensure and encourage the cooperation of party states in the areas of nurse
2 licensure and regulation.
- 3 3. To facilitate the exchange of information between party states in the areas
4 of nurse regulation, investigation, and adverse actions.
- 5 4. To promote compliance with the laws governing the practice of nursing in
6 each jurisdiction.
- 7 5. To invest all party states with the authority to hold a nurse accountable for
8 meeting all state practice laws in the state in which the patient is located at the time
9 care is rendered through the mutual recognition of party state licenses.
- 10 6. To decrease redundancies in the consideration and issuance of nurse
11 licenses.
- 12 7. To provide opportunities for interstate practice by nurses who meet uniform
13 licensure requirements.
- 14 **(2) ARTICLE II — DEFINITIONS.** As used in this compact:
- 15 (a) “Adverse action” means any administrative, civil, equitable, or criminal
16 action permitted by a state’s laws which is imposed by a licensing board or other
17 authority against a nurse, including actions against an individual’s license or
18 multistate licensure privilege such as revocation, suspension, probation, monitoring
19 of the licensee, limitation on the licensee’s practice, or any other encumbrance on
20 licensure affecting a nurse’s authorization to practice, including issuance of a cease
21 and desist action.
- 22 (b) “Alternative program” means a nondisciplinary monitoring program
23 approved by a licensing board.
- 24 (c) “Coordinated licensure information system” means an integrated process
25 for collecting, storing, and sharing information on nurse licensure and enforcement

SENATE BILL 417**SECTION 26**

1 activities related to nurse licensure laws that is administered by a nonprofit
2 organization composed of and controlled by licensing boards.

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

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

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

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

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

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

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

20 (i) "Multistate licensure privilege" means a legal authorization associated with
21 a multistate license permitting the practice of nursing as either a registered nurse
22 or licensed practical/vocational nurse in a remote state.

23 (j) "Nurse" means registered nurse or licensed practical/vocational nurse, as
24 those terms are defined by each party state's practice laws.

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

SENATE BILL 417

1 (L) "Remote state" means a party state, other than the home state.

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

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

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

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

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

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

SENATE BILL 417**SECTION 26**

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

3 2. Satisfies one of the following:

4 a. Has graduated or is eligible to graduate from a licensing board-approved
5 registered nurse or licensed practical/vocational nurse prelicensure education
6 program.

7 b. Has graduated from a foreign registered nurse or licensed
8 practical/vocational nurse prelicensure education program that has been approved
9 by the authorized accrediting body in the applicable country and has been verified
10 by an independent credentials review agency to be comparable to a licensing
11 board-approved prelicensure education program.

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

16 4. Has successfully passed an NCLEX-RN or NCLEX-PN Examination or
17 recognized predecessor, as applicable.

18 5. Is eligible for or holds an active, unencumbered license.

19 6. Has submitted, in connection with an application for initial licensure or
20 licensure by endorsement, fingerprints or other biometric data for the purpose of
21 obtaining criminal history record information from the federal bureau of
22 investigation and the agency responsible for retaining that state's criminal records.

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

SENATE BILL 417

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

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

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

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

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

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

23 (f) Individuals not residing in a party state shall continue to be able to apply
24 for a party state's single-state license as provided under the laws of each party state.
25 However, the single-state license granted to these individuals will not be recognized

SENATE BILL 417**SECTION 26**

1 as granting the privilege to practice nursing in any other party state. Nothing in this
2 compact shall affect the requirements established by a party state for the issuance
3 of a single-state license.

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

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

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

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

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

SENATE BILL 417

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

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

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

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

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

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

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

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

SENATE BILL 417**SECTION 26**

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

3 3. Complete any pending investigations of a nurse who changes primary state
4 of residence during the course of such investigations. The licensing board shall also
5 have the authority to take appropriate action and shall promptly report the
6 conclusions of such investigations to the administrator of the coordinated licensure
7 information system. The administrator of the coordinated licensure information
8 system shall promptly notify the new home state of any such actions.

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

18 5. Obtain and submit, for each nurse licensure applicant, fingerprint or other
19 biometric-based information to the federal bureau of investigation for criminal
20 background checks, receive the results of the federal bureau of investigation record
21 search on criminal background checks, and use the results in making licensure
22 decisions.

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

SENATE BILL 417

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

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

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

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

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

24 (c) All licensing boards shall promptly report to the coordinated licensure
25 information system any adverse action, any current significant investigative

SENATE BILL 417**SECTION 26**

1 information, denials of applications (with the reasons for such denials), and nurse
2 participation in alternative programs known to the licensing board regardless of
3 whether such participation is deemed nonpublic or confidential under state law.

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

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

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

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

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

- 23 1. Identifying information.
- 24 2. Licensure data.
- 25 3. Information related to alternative program participation.

SENATE BILL 417

1 4. Other information that may facilitate the administration of this compact, as
2 determined by commission rules.

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

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

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

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

15 4. Nothing in this compact shall be construed to be a waiver of sovereign
16 immunity.

17 (b) Membership, voting, and meetings:

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

24 2. Each administrator shall be entitled to one vote with regard to the
25 promulgation of rules and creation of bylaws and shall otherwise have an

SENATE BILL 417**SECTION 26**

1 opportunity to participate in the business and affairs of the commission. An
2 administrator shall vote in person or by such other means as provided in the bylaws.
3 The bylaws may provide for an administrator's participation in meetings by
4 telephone or other means of communication.

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

8 4. All meetings shall be open to the public, and public notice of meetings shall
9 be given in the same manner as required under the rule-making provisions in sub.
10 (8).

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

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

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

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

18 d. Negotiation of contracts for the purchase or sale of goods, services, or real
19 estate.

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

21 f. Disclosure of trade secrets or commercial or financial information that is
22 privileged or confidential.

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

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

SENATE BILL 417

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

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

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

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

17 1. Establishing the fiscal year of the commission.

18 2. Providing reasonable standards and procedures:

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

20 b. Governing any general or specific delegation of any authority or function of
21 the commission.

22 3. Providing reasonable procedures for calling and conducting meetings of the
23 commission, ensuring reasonable advance notice of all meetings, and providing an
24 opportunity for attendance of such meetings by interested parties, with enumerated
25 exceptions designed to protect the public's interest, the privacy of individuals, and

SENATE BILL 417**SECTION 26**

1 proprietary information, including trade secrets. The commission may meet in
2 closed session only after a majority of the administrators vote to close a meeting in
3 whole or in part. As soon as practicable, the commission must make public a copy
4 of the vote to close the meeting revealing the vote of each administrator, with no
5 proxy votes allowed.

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

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

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

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

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

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

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

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

SENATE BILL 417

- 1 2. To bring and prosecute legal proceedings or actions in the name of the
2 commission, provided that the standing of any licensing board to sue or be sued under
3 applicable law shall not be affected.
- 4 3. To purchase and maintain insurance and bonds.
- 5 4. To borrow, accept, or contract for services of personnel, including, but not
6 limited to, employees of a party state or nonprofit organizations.
- 7 5. To cooperate with other organizations that administer state compacts
8 related to the regulation of nursing, including but not limited to sharing
9 administrative or staff expenses, office space, or other resources.
- 10 6. To hire employees, elect or appoint officers, fix compensation, define duties,
11 grant such individuals appropriate authority to carry out the purposes of this
12 compact, and to establish the commission's personnel policies and programs relating
13 to conflicts of interest, qualifications of personnel, and other related personnel
14 matters.
- 15 7. To accept any and all appropriate donations, grants and gifts of money,
16 equipment, supplies, materials, and services, and to receive, utilize, and dispose of
17 the same; provided that at all times the commission shall avoid any appearance of
18 impropriety or conflict of interest.
- 19 8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to
20 own, hold, improve, or use, any property, whether real, personal, or mixed; provided
21 that at all times the commission shall avoid any appearance of impropriety.
- 22 9. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
23 dispose of any property, whether real, personal, or mixed.
- 24 10. To establish a budget and make expenditures.
- 25 11. To borrow money.

SENATE BILL 417**SECTION 26**

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

4 13. To provide and receive information from, and to cooperate with, law
5 enforcement agencies.

6 14. To adopt and use an official seal.

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

10 (h) Financing of the commission:

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

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

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

21 4. The commission shall keep accurate accounts of all receipts and
22 disbursements. The receipts and disbursements of the commission shall be subject
23 to the audit and accounting procedures established under its bylaws. However, all
24 receipts and disbursements of funds handled by the commission shall be audited

SENATE BILL 417

1 yearly by a certified or licensed public accountant, and the report of the audit shall
2 be included in and become part of the annual report of the commission.

3 (i) Qualified immunity, defense and indemnification:

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

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

23 3. The commission shall indemnify and hold harmless any administrator,
24 officer, executive director, employee, or representative of the commission for the
25 amount of any settlement or judgment obtained against that person arising out of

SENATE BILL 417**SECTION 26**

1 any actual or alleged act, error, or omission that occurred within the scope of
2 commission employment, duties, or responsibilities, or that such person had a
3 reasonable basis for believing occurred within the scope of commission employment,
4 duties, or responsibilities, provided that the actual or alleged act, error, or omission
5 did not result from the intentional, willful, or wanton misconduct of that person.

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

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

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

17 1. The website of the commission.

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

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

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

23 2. The text of the proposed rule or amendment, and the reason for the proposed
24 rule.

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

SENATE BILL 417

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

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

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

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

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

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

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

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

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

SENATE BILL 417**SECTION 26**

1 (k) Upon determination that an emergency exists, the commission may
2 consider and adopt an emergency rule without prior notice, opportunity for
3 comment, or hearing, provided that the usual rule-making procedures provided in
4 this compact and in this subsection shall be retroactively applied to the rule as soon
5 as reasonably possible, in no event later than 90 days after the effective date of the
6 rule. For the purposes of this provision, an emergency rule is one that must be
7 adopted immediately in order to do any of the following:

- 8 1. Meet an imminent threat to public health, safety, or welfare.
- 9 2. Prevent a loss of commission or party state funds.
- 10 3. Meet a deadline for the promulgation of an administrative rule that is
11 required by federal law or rule.

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

22 **(9) ARTICLE IX — OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a)
23 *Oversight.* 1. Each party state shall enforce this compact and take all actions
24 necessary and appropriate to effectuate this compact's purposes and intent.

SENATE BILL 417

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

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

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

13 b. Provide remedial training and specific technical assistance regarding the
14 default.

15 2. If a state in default fails to cure the default, the defaulting state's
16 membership in this compact may be terminated upon an affirmative vote of a
17 majority of the administrators, and all rights, privileges, and benefits conferred by
18 this compact may be terminated on the effective date of termination. A cure of the
19 default does not relieve the offending state of obligations or liabilities incurred
20 during the period of default.

21 3. Termination of membership in this compact shall be imposed only after all
22 other means of securing compliance have been exhausted. Notice of intent to
23 suspend or terminate shall be given by the commission to the governor of the
24 defaulting state and to the executive officer of the defaulting state's licensing board
25 and each of the party states.

SENATE BILL 417**SECTION 26**

1 4. A state whose membership in this compact has been terminated is
2 responsible for all assessments, obligations, and liabilities incurred through the
3 effective date of termination, including obligations that extend beyond the effective
4 date of termination.

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

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

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

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

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

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

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

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

SENATE BILL 417

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

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

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

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

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

23 (d) A party state's withdrawal or termination shall not affect the continuing
24 requirement of the withdrawing or terminated state's licensing board to report

SENATE BILL 417**SECTION 26**

1 adverse actions and significant investigations occurring prior to the effective date of
2 such withdrawal or termination.

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

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

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

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

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

SENATE BILL 417

1 655.001 (9) "Nurse anesthetist" means a nurse who is licensed under ch. 441
2 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party
3 state, as defined in s. 441.50 441.51 (2) (j), (k), and who is certified as a nurse
4 anesthetist by the American association of nurse anesthetists.

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

6 905.04 (1) (f) "Registered nurse" means a registered nurse who is licensed
7 under s. 441.06 or licensed as a registered nurse who 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), or a person reasonably believed by the patient to be a registered nurse.

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

11 990.01 (19g) LICENSED PRACTICAL NURSE. "Licensed practical nurse" includes a
12 licensed practical/vocational nurse who is licensed holds a multistate license, as
13 defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.50 441.51 (2)
14 (j) (k).

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

16 990.01 (23q) NURSE. "~~Nurse~~", "Nurse," "nurse licensed under ch. 441" 441," and
17 any reference to an individual who is registered or licensed under ch. 441 include a
18 registered nurse or licensed practical/vocational nurse who is licensed holds a
19 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 31.** 990.01 (36m) of the statutes is amended to read:

22 990.01 (36m) REGISTERED NURSE. "Registered nurse" includes a registered
23 nurse who is licensed holds a multistate license, as defined in s. 441.51 (2) (h), issued
24 in a party state, as defined in s. 441.50 441.51 (2) (j) (k).

25 **SECTION 32. Nonstatutory provisions.**

SENATE BILL 417**SECTION 32**

1 (1) The board of nursing may promulgate emergency rules under section 227.24
2 of the statutes necessary to implement this act. Notwithstanding section 227.24 (1)
3 (c) and (2) of the statutes, emergency rules promulgated under this subsection
4 remain in effect until May 1, 2019, or the date on which permanent rules take effect,
5 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
6 the board is not required to provide evidence that promulgating a rule under this
7 subsection as an emergency rule is necessary for the preservation of the public peace,
8 health, safety, or welfare and is not required to provide a finding of emergency for a
9 rule promulgated under this subsection.

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

12 (1) The treatment of sections 49.498 (1) (L), 50.01 (1w) and (5r), 115.001 (11),
13 118.29 (4), 146.40 (1) (c) and (f), 250.01 (7), 255.06 (1) (d), 440.03 (11m) (c) 1., 440.14
14 (5) (b), 441.06 (1c) and (4), 441.10 (1c) and (7), 441.115 (2) (a), 441.15 (3) (a) (intro.),
15 subchapter II (title) of chapter 441, 655.001 (9), 905.04 (1) (f), and 990.01 (19g), (23q),
16 and (36m) of the statutes and the amendment of sections 440.03 (13) (b) (intro.) and
17 440.15 of the statutes take effect on January 19, 2018.

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

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

22

(END)