

**As Reported by the Senate Health, Human Services and Medicaid  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Sub. S. B. No. 341**

**Senator Roegner**

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**A BILL**

To enact sections 4723.11, 4723.111, 4723.112, 1  
4723.113, 4723.114, and 4723.115 of the Revised 2  
Code to enter into the Nurse Licensure Compact. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4723.11, 4723.111, 4723.112, 4  
4723.113, 4723.114, and 4723.115 of the Revised Code be enacted 5  
to read as follows: 6

**Sec. 4723.11.** The "Nurse Licensure Compact" is hereby 7  
ratified, enacted into law, and entered into by the state of 8  
Ohio as a party to the compact with any other state that has 9  
legally joined in the compact as follows: 10

**Nurse Licensure Compact** 11

Approved by the May 4, 2015 Special Delegate Assembly 12

**ARTICLE I** 13

**Findings and Declaration of Purpose** 14

a. The party states find that: 15

1. The health and safety of the public are affected by the 16

<u>degree of compliance with and the effectiveness of enforcement</u>	17
<u>activities related to state nurse licensure laws;</u>	18
<u>2. Violations of nurse licensure and other laws regulating</u>	19
<u>the practice of nursing may result in injury or harm to the</u>	20
<u>public;</u>	21
<u>3. The expanded mobility of nurses and the use of advanced</u>	22
<u>communication technologies as part of our nation's health care</u>	23
<u>delivery system require greater coordination and cooperation</u>	24
<u>among states in the areas of nurse licensure and regulation;</u>	25
<u>4. New practice modalities and technology make compliance</u>	26
<u>with individual state nurse licensure laws difficult and</u>	27
<u>complex;</u>	28
<u>5. The current system of duplicative licensure for nurses</u>	29
<u>practicing in multiple states is cumbersome and redundant for</u>	30
<u>both nurses and states; and</u>	31
<u>6. Uniformity of nurse licensure requirements throughout</u>	32
<u>the states promotes public safety and public health benefits.</u>	33
<u>b. The general purposes of this Compact are to:</u>	34
<u>1. Facilitate the states' responsibility to protect the</u>	35
<u>public's health and safety;</u>	36
<u>2. Ensure and encourage the cooperation of party states in</u>	37
<u>the areas of nurse licensure and regulation;</u>	38
<u>3. Facilitate the exchange of information between party</u>	39
<u>states in the areas of nurse regulation, investigation and</u>	40
<u>adverse actions;</u>	41
<u>4. Promote compliance with the laws governing the practice</u>	42
<u>of nursing in each jurisdiction;</u>	43

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

6. Decrease redundancies in the consideration and issuance of nurse licenses; and

7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

**ARTICLE II**

**Definitions**

As used in this Compact:

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

b. "Alternative program" means a non-disciplinary monitoring program approved by a licensing board.

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

- d. "Current significant investigative information" means: 72
1. Investigative information that a licensing board, after 73  
a preliminary inquiry that includes notification and an 74  
opportunity for the nurse to respond, if required by state law, 75  
has reason to believe is not groundless and, if proved true, 76  
would indicate more than a minor infraction; or 77
2. Investigative information that indicates that the nurse 78  
represents an immediate threat to public health and safety 79  
regardless of whether the nurse has been notified and had an 80  
opportunity to respond. 81
- e. "Encumbrance" means a revocation or suspension of, or 82  
any limitation on, the full and unrestricted practice of nursing 83  
imposed by a licensing board. 84
- f. "Home state" means the party state which is the nurse's 85  
primary state of residence. 86
- g. "Licensing board" means a party state's regulatory body 87  
responsible for issuing nurse licenses. 88
- h. "Multistate license" means a license to practice as a 89  
registered or a licensed practical/vocational nurse (LPN/VN) 90  
issued by a home state licensing board that authorizes the 91  
licensed nurse to practice in all party states under a 92  
multistate licensure privilege. 93
- i. "Multistate licensure privilege" means a legal 94  
authorization associated with a multistate license permitting 95  
the practice of nursing as either a registered nurse (RN) or 96  
LPN/VN in a remote state. 97
- j. "Nurse" means RN or LPN/VN, as those terms are defined 98  
by each party state's practice laws. 99

<u>k. "Party state" means any state that has adopted this Compact.</u>	100 101
<u>l. "Remote state" means a party state, other than the home state.</u>	102 103
<u>m. "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.</u>	104 105 106 107
<u>n. "State" means a state, territory or possession of the United States and the District of Columbia.</u>	108 109
<u>o. "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.</u>	110 111 112 113 114 115
<b><u>ARTICLE III</u></b>	116
<b><u>General Provisions and Jurisdiction</u></b>	117
<u>a. A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.</u>	118 119 120 121 122 123
<u>b. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based</u>	124 125 126 127

information by applicants for the purpose of obtaining an 128  
applicant's criminal history record information from the Federal 129  
Bureau of Investigation and the agency responsible for retaining 130  
that state's criminal records. 131

c. Each party state shall require the following for an 132  
applicant to obtain or retain a multistate license in the home 133  
state: 134

1. Meets the home state's qualifications for licensure or 135  
renewal of licensure, as well as, all other applicable state 136  
laws; 137

2. i. Has graduated or is eligible to graduate from a 138  
licensing board-approved RN or LPN/VN prelicensure education 139  
program; or 140

ii. Has graduated from a foreign RN or LPN/VN prelicensure 141  
education program that (a) has been approved by the authorized 142  
accrediting body in the applicable country and (b) has been 143  
verified by an independent credentials review agency to be 144  
comparable to a licensing board-approved prelicensure education 145  
program; 146

3. Has, if a graduate of a foreign prelicensure education 147  
program not taught in English or if English is not the 148  
individual's native language, successfully passed an English 149  
proficiency examination that includes the components of reading, 150  
speaking, writing and listening; 151

4. Has successfully passed an NCLEX-RN® or NCLEX-PN® 152  
Examination or recognized predecessor, as applicable; 153

5. Is eligible for or holds an active, unencumbered 154  
license; 155

6. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records; 156  
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7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law; 162  
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8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis; 165  
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9. Is not currently enrolled in an alternative program; 168

10. Is subject to self-disclosure requirements regarding current participation in an alternative program; and 169  
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11. Has a valid United States Social Security number. 171

d. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states. 172  
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e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is 183  
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located at the time service is provided. The practice of nursing 185  
is not limited to patient care, but shall include all nursing 186  
practice as defined by the state practice laws of the party 187  
state in which the client is located. The practice of nursing in 188  
a party state under a multistate licensure privilege will 189  
subject a nurse to the jurisdiction of the licensing board, the 190  
courts and the laws of the party state in which the client is 191  
located at the time service is provided. 192

f. Individuals not residing in a party state shall 193  
continue to be able to apply for a party state's single-state 194  
license as provided under the laws of each party state. However, 195  
the single-state license granted to these individuals will not 196  
be recognized as granting the privilege to practice nursing in 197  
any other party state. Nothing in this Compact shall affect the 198  
requirements established by a party state for the issuance of a 199  
single-state license. 200

g. Any nurse holding a home state multistate license, on 201  
the effective date of this Compact, may retain and renew the 202  
multistate license issued by the nurse's then-current home 203  
state, provided that: 204

1. A nurse, who changes primary state of residence after 205  
this Compact's effective date, must meet all applicable Article 206  
III.c. requirements to obtain a multistate license from a new 207  
home state. 208

2. A nurse who fails to satisfy the multistate licensure 209  
requirements in Article III.c. due to a disqualifying event 210  
occurring after this Compact's effective date shall be 211  
ineligible to retain or renew a multistate license, and the 212  
nurse's multistate license shall be revoked or deactivated in 213  
accordance with applicable rules adopted by the Interstate 214



Commission of Nurse Licensure Compact Administrators 215  
("Commission"). 216

**ARTICLE IV** 217

**Applications for Licensure in a Party State** 218

a. Upon application for a multistate license, the 219  
licensing board in the issuing party state shall ascertain, 220  
through the coordinated licensure information system, whether 221  
the applicant has ever held, or is the holder of, a license 222  
issued by any other state, whether there are any encumbrances on 223  
any license or multistate licensure privilege held by the 224  
applicant, whether any adverse action has been taken against any 225  
license or multistate licensure privilege held by the applicant 226  
and whether the applicant is currently participating in an 227  
alternative program. 228

b. A nurse may hold a multistate license, issued by the 229  
home state, in only one party state at a time. 230

c. If a nurse changes primary state of residence by moving 231  
between two party states, the nurse must apply for licensure in 232  
the new home state, and the multistate license issued by the 233  
prior home state will be deactivated in accordance with 234  
applicable rules adopted by the Commission. 235

1. The nurse may apply for licensure in advance of a 236  
change in primary state of residence. 237

2. A multistate license shall not be issued by the new 238  
home state until the nurse provides satisfactory evidence of a 239  
change in primary state of residence to the new home state and 240  
satisfies all applicable requirements to obtain a multistate 241  
license from the new home state. 242

d. If a nurse changes primary state of residence by moving 243  
from a party state to a non-party state, the multistate license 244  
issued by the prior home state will convert to a single-state 245  
license, valid only in the former home state. 246

**ARTICLE V** 247

**Additional Authorities Invested in Party State Licensing Boards** 248

a. In addition to the other powers conferred by state law, 249  
a licensing board shall have the authority to: 250

1. Take adverse action against a nurse's multistate 251  
licensure privilege to practice within that party state. 252

i. Only the home state shall have the power to take 253  
adverse action against a nurse's license issued by the home 254  
state. 255

ii. For purposes of taking adverse action, the home state 256  
licensing board shall give the same priority and effect to 257  
reported conduct received from a remote state as it would if 258  
such conduct had occurred within the home state. In so doing, 259  
the home state shall apply its own state laws to determine 260  
appropriate action. 261

2. Issue cease and desist orders or impose an encumbrance 262  
on a nurse's authority to practice within that party state. 263

3. Complete any pending investigations of a nurse who 264  
changes primary state of residence during the course of such 265  
investigations. The licensing board shall also have the 266  
authority to take appropriate action(s) and shall promptly 267  
report the conclusions of such investigations to the 268  
administrator of the coordinated licensure information system. 269  
The administrator of the coordinated licensure information 270

system shall promptly notify the new home state of any such 271  
actions. 272

4. Issue subpoenas for both hearings and investigations 273  
that require the attendance and testimony of witnesses, as well 274  
as, the production of evidence. Subpoenas issued by a licensing 275  
board in a party state for the attendance and testimony of 276  
witnesses or the production of evidence from another party state 277  
shall be enforced in the latter state by any court of competent 278  
jurisdiction, according to the practice and procedure of that 279  
court applicable to subpoenas issued in proceedings pending 280  
before it. The issuing authority shall pay any witness fees, 281  
travel expenses, mileage and other fees required by the service 282  
statutes of the state in which the witnesses or evidence are 283  
located. 284

5. Obtain and submit, for each nurse licensure applicant, 285  
fingerprint or other biometric-based information to the Federal 286  
Bureau of Investigation for criminal background checks, receive 287  
the results of the Federal Bureau of Investigation record search 288  
on criminal background checks and use the results in making 289  
licensure decisions. 290

6. If otherwise permitted by state law, recover from the 291  
affected nurse the costs of investigations and disposition of 292  
cases resulting from any adverse action taken against that 293  
nurse. 294

7. Take adverse action based on the factual findings of 295  
the remote state, provided that the licensing board follows its 296  
own procedures for taking such adverse action. 297

b. If adverse action is taken by the home state against a 298  
nurse's multistate license, the nurse's multistate licensure 299

privilege to practice in all other party states shall be 300  
deactivated until all encumbrances have been removed from the 301  
multistate license. All home state disciplinary orders that 302  
impose adverse action against a nurse's multistate license shall 303  
include a statement that the nurse's multistate licensure 304  
privilege is deactivated in all party states during the pendency 305  
of the order. 306

c. Nothing in this Compact shall override a party state's 307  
decision that participation in an alternative program may be 308  
used in lieu of adverse action. The home state licensing board 309  
shall deactivate the multistate licensure privilege under the 310  
multistate license of any nurse for the duration of the nurse's 311  
participation in an alternative program. 312

**ARTICLE VI** 313

**Coordinated Licensure Information System and Exchange of** 314  
**Information** 315

a. All party states shall participate in a coordinated 316  
licensure information system of all licensed registered nurses 317  
(RNs) and licensed practical/vocational nurses (LPNs/VNs). This 318  
system will include information on the licensure and 319  
disciplinary history of each nurse, as submitted by party 320  
states, to assist in the coordination of nurse licensure and 321  
enforcement efforts. 322

b. The Commission, in consultation with the administrator 323  
of the coordinated licensure information system, shall formulate 324  
necessary and proper procedures for the identification, 325  
collection and exchange of information under this Compact. 326

c. All licensing boards shall promptly report to the 327  
coordinated licensure information system any adverse action, any 328

current significant investigative information, denials of 329  
applications (with the reasons for such denials) and nurse 330  
participation in alternative programs known to the licensing 331  
board regardless of whether such participation is deemed 332  
nonpublic or confidential under state law. 333

d. Current significant investigative information and 334  
participation in nonpublic or confidential alternative programs 335  
shall be transmitted through the coordinated licensure 336  
information system only to party state licensing boards. 337

e. Notwithstanding any other provision of law, all party 338  
state licensing boards contributing information to the 339  
coordinated licensure information system may designate 340  
information that may not be shared with non-party states or 341  
disclosed to other entities or individuals without the express 342  
permission of the contributing state. 343

f. Any personally identifiable information obtained from 344  
the coordinated licensure information system by a party state 345  
licensing board shall not be shared with non-party states or 346  
disclosed to other entities or individuals except to the extent 347  
permitted by the laws of the party state contributing the 348  
information. 349

g. Any information contributed to the coordinated 350  
licensure information system that is subsequently required to be 351  
expunged by the laws of the party state contributing that 352  
information shall also be expunged from the coordinated 353  
licensure information system. 354

h. The Compact administrator of each party state shall 355  
furnish a uniform data set to the Compact administrator of each 356  
other party state, which shall include, at a minimum: 357

<u>1. Identifying information;</u>	358
<u>2. Licensure data;</u>	359
<u>3. Information related to alternative program participation; and</u>	360 361
<u>4. Other information that may facilitate the administration of this Compact, as determined by Commission rules.</u>	362 363 364
<u>i. The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.</u>	365 366 367
<b><u>ARTICLE VII</u></b>	368
<b><u>Establishment of the Interstate Commission of Nurse Licensure Compact Administrators</u></b>	369 370
<u>a. The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.</u>	371 372 373
<u>1. The Commission is an instrumentality of the party states.</u>	374 375
<u>2. Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.</u>	376 377 378 379 380 381
<u>3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.</u>	382 383
<u>b. Membership, Voting and Meetings</u>	384

1. Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this Compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the Administrator is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists. 385  
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2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication. 393  
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3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission. 400  
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4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII. 403  
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5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss: 406  
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- i. Noncompliance of a party state with its obligations under this Compact; 408  
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- ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures; 410  
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<u>iii. Current, threatened or reasonably anticipated</u>	414
<u>litigation;</u>	415
<u>iv. Negotiation of contracts for the purchase or sale of</u>	416
<u>goods, services or real estate;</u>	417
<u>v. Accusing any person of a crime or formally censuring</u>	418
<u>any person;</u>	419
<u>vi. Disclosure of trade secrets or commercial or financial</u>	420
<u>information that is privileged or confidential;</u>	421
<u>vii. Disclosure of information of a personal nature where</u>	422
<u>disclosure would constitute a clearly unwarranted invasion of</u>	423
<u>personal privacy;</u>	424
<u>viii. Disclosure of investigatory records compiled for law</u>	425
<u>enforcement purposes;</u>	426
<u>ix. Disclosure of information related to any reports</u>	427
<u>prepared by or on behalf of the Commission for the purpose of</u>	428
<u>investigation of compliance with this Compact; or</u>	429
<u>x. Matters specifically exempted from disclosure by</u>	430
<u>federal or state statute.</u>	431
<u>6. If a meeting, or portion of a meeting, is closed</u>	432
<u>pursuant to this provision, the Commission's legal counsel or</u>	433
<u>designee shall certify that the meeting may be closed and shall</u>	434
<u>reference each relevant exempting provision. The Commission</u>	435
<u>shall keep minutes that fully and clearly describe all matters</u>	436
<u>discussed in a meeting and shall provide a full and accurate</u>	437
<u>summary of actions taken, and the reasons therefor, including a</u>	438
<u>description of the views expressed. All documents considered in</u>	439
<u>connection with an action shall be identified in such minutes.</u>	440
<u>All minutes and documents of a closed meeting shall remain under</u>	441



seal, subject to release by a majority vote of the Commission or 442  
order of a court of competent jurisdiction. 443

c. The Commission shall, by a majority vote of the 444  
administrators, prescribe bylaws or rules to govern its conduct 445  
as may be necessary or appropriate to carry out the purposes and 446  
exercise the powers of this Compact, including but not limited 447  
to: 448

1. Establishing the fiscal year of the Commission; 449

2. Providing reasonable standards and procedures: 450

i. For the establishment and meetings of other committees; 451  
and 452

ii. Governing any general or specific delegation of any 453  
authority or function of the Commission; 454

3. Providing reasonable procedures for calling and 455  
conducting meetings of the Commission, ensuring reasonable 456  
advance notice of all meetings and providing an opportunity for 457  
attendance of such meetings by interested parties, with 458  
enumerated exceptions designed to protect the public's interest, 459  
the privacy of individuals, and proprietary information, 460  
including trade secrets. The Commission may meet in closed 461  
session only after a majority of the administrators vote to 462  
close a meeting in whole or in part. As soon as practicable, the 463  
Commission must make public a copy of the vote to close the 464  
meeting revealing the vote of each administrator, with no proxy 465  
votes allowed; 466

4. Establishing the titles, duties and authority and 467  
reasonable procedures for the election of the officers of the 468  
Commission; 469

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the Commission; and 470  
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6. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of this Compact after the payment or reserving of all of its debts and obligations; 475  
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d. The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the Commission. 479  
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e. The Commission shall maintain its financial records in accordance with the bylaws. 482  
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f. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws. 484  
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g. The Commission shall have the following powers: 486

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states; 487  
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2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected; 491  
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3. To purchase and maintain insurance and bonds; 495

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a party 496  
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<u>state or nonprofit organizations;</u>	498
<u>5. To cooperate with other organizations that administer</u>	499
<u>state compacts related to the regulation of nursing, including</u>	500
<u>but not limited to sharing administrative or staff expenses,</u>	501
<u>office space or other resources;</u>	502
<u>6. To hire employees, elect or appoint officers, fix</u>	503
<u>compensation, define duties, grant such individuals appropriate</u>	504
<u>authority to carry out the purposes of this Compact, and to</u>	505
<u>establish the Commission's personnel policies and programs</u>	506
<u>relating to conflicts of interest, qualifications of personnel</u>	507
<u>and other related personnel matters;</u>	508
<u>7. To accept any and all appropriate donations, grants and</u>	509
<u>gifts of money, equipment, supplies, materials and services, and</u>	510
<u>to receive, utilize and dispose of the same; provided that at</u>	511
<u>all times the Commission shall avoid any appearance of</u>	512
<u>impropriety or conflict of interest;</u>	513
<u>8. To lease, purchase, accept appropriate gifts or</u>	514
<u>donations of, or otherwise to own, hold, improve or use, any</u>	515
<u>property, whether real, personal or mixed; provided that at all</u>	516
<u>times the Commission shall avoid any appearance of impropriety;</u>	517
<u>9. To sell, convey, mortgage, pledge, lease, exchange,</u>	518
<u>abandon or otherwise dispose of any property, whether real,</u>	519
<u>personal or mixed;</u>	520
<u>10. To establish a budget and make expenditures;</u>	521
<u>11. To borrow money;</u>	522
<u>12. To appoint committees, including advisory committees</u>	523
<u>comprised of administrators, state nursing regulators, state</u>	524
<u>legislators or their representatives, and consumer</u>	525

<u>representatives, and other such interested persons;</u>	526
<u>13. To provide and receive information from, and to</u>	527
<u>cooperate with, law enforcement agencies;</u>	528
<u>14. To adopt and use an official seal; and</u>	529
<u>15. To perform such other functions as may be necessary or</u>	530
<u>appropriate to achieve the purposes of this Compact consistent</u>	531
<u>with the state regulation of nurse licensure and practice.</u>	532
<u>h. Financing of the Commission</u>	533
<u>1. The Commission shall pay, or provide for the payment</u>	534
<u>of, the reasonable expenses of its establishment, organization</u>	535
<u>and ongoing activities.</u>	536
<u>2. The Commission may also levy on and collect an annual</u>	537
<u>assessment from each party state to cover the cost of its</u>	538
<u>operations, activities and staff in its annual budget as</u>	539
<u>approved each year. The aggregate annual assessment amount, if</u>	540
<u>any, shall be allocated based upon a formula to be determined by</u>	541
<u>the Commission, which shall promulgate a rule that is binding</u>	542
<u>upon all party states.</u>	543
<u>3. The Commission shall not incur obligations of any kind</u>	544
<u>prior to securing the funds adequate to meet the same; nor shall</u>	545
<u>the Commission pledge the credit of any of the party states,</u>	546
<u>except by, and with the authority of, such party state.</u>	547
<u>4. The Commission shall keep accurate accounts of all</u>	548
<u>receipts and disbursements. The receipts and disbursements of</u>	549
<u>the Commission shall be subject to the audit and accounting</u>	550
<u>procedures established under its bylaws. However, all receipts</u>	551
<u>and disbursements of funds handled by the Commission shall be</u>	552
<u>audited yearly by a certified or licensed public accountant, and</u>	553

the report of the audit shall be included in and become part of 554  
the annual report of the Commission. 555

i. Qualified Immunity, Defense and Indemnification 556

1. The administrators, officers, executive director, 557  
employees and representatives of the Commission shall be immune 558  
from suit and liability, either personally or in their official 559  
capacity, for any claim for damage to or loss of property or 560  
personal injury or other civil liability caused by or arising 561  
out of any actual or alleged act, error or omission that 562  
occurred, or that the person against whom the claim is made had 563  
a reasonable basis for believing occurred, within the scope of 564  
Commission employment, duties or responsibilities; provided that 565  
nothing in this paragraph shall be construed to protect any such 566  
person from suit or liability for any damage, loss, injury or 567  
liability caused by the intentional, willful or wanton 568  
misconduct of that person. 569

2. The Commission shall defend any administrator, officer, 570  
executive director, employee or representative of the Commission 571  
in any civil action seeking to impose liability arising out of 572  
any actual or alleged act, error or omission that occurred 573  
within the scope of Commission employment, duties or 574  
responsibilities, or that the person against whom the claim is 575  
made had a reasonable basis for believing occurred within the 576  
scope of Commission employment, duties or responsibilities; 577  
provided that nothing herein shall be construed to prohibit that 578  
person from retaining his or her own counsel; and provided 579  
further that the actual or alleged act, error or omission did 580  
not result from that person's intentional, willful or wanton 581  
misconduct. 582

3. The Commission shall indemnify and hold harmless any 583

administrator, officer, executive director, employee or 584  
representative of the Commission for the amount of any 585  
settlement or judgment obtained against that person arising out 586  
of any actual or alleged act, error or omission that occurred 587  
within the scope of Commission employment, duties or 588  
responsibilities, or that such person had a reasonable basis for 589  
believing occurred within the scope of Commission employment, 590  
duties or responsibilities, provided that the actual or alleged 591  
act, error or omission did not result from the intentional, 592  
willful or wanton misconduct of that person. 593

**ARTICLE VIII** 594

**Rulemaking** 595

a. The Commission shall exercise its rulemaking powers 596  
pursuant to the criteria set forth in this Article and the rules 597  
adopted thereunder. Rules and amendments shall become binding as 598  
of the date specified in each rule or amendment and shall have 599  
the same force and effect as provisions of this Compact. 600

b. Rules or amendments to the rules shall be adopted at a 601  
regular or special meeting of the Commission. 602

c. Prior to promulgation and adoption of a final rule or 603  
rules by the Commission, and at least sixty (60) days in advance 604  
of the meeting at which the rule will be considered and voted 605  
upon, the Commission shall file a notice of proposed rulemaking: 606

1. On the website of the Commission; and 607

2. On the website of each licensing board or the 608  
publication in which each state would otherwise publish proposed 609  
rules. 610

d. The notice of proposed rulemaking shall include: 611

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon; 612  
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2. The text of the proposed rule or amendment, and the reason for the proposed rule; 614  
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3. A request for comments on the proposed rule from any interested person; and 616  
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4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments. 618  
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- e. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public. 621  
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- f. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment. 624  
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- g. The Commission shall publish the place, time and date of the scheduled public hearing. 626  
627
1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request. 628  
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2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section. 632  
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- h. If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule. 636  
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- i. Following the scheduled hearing date, or by the close 638

of business on the scheduled hearing date if the hearing was not 639  
held, the Commission shall consider all written and oral 640  
comments received. 641

j. The Commission shall, by majority vote of all 642  
administrators, take final action on the proposed rule and shall 643  
determine the effective date of the rule, if any, based on the 644  
rulemaking record and the full text of the rule. 645

k. Upon determination that an emergency exists, the 646  
Commission may consider and adopt an emergency rule without 647  
prior notice, opportunity for comment or hearing, provided that 648  
the usual rulemaking procedures provided in this Compact and in 649  
this section shall be retroactively applied to the rule as soon 650  
as reasonably possible, in no event later than ninety (90) days 651  
after the effective date of the rule. For the purposes of this 652  
provision, an emergency rule is one that must be adopted 653  
immediately in order to: 654

1. Meet an imminent threat to public health, safety or 655  
welfare; 656

2. Prevent a loss of Commission or party state funds; or 657

3. Meet a deadline for the promulgation of an 658  
administrative rule that is required by federal law or rule. 659

1. The Commission may direct revisions to a previously 660  
adopted rule or amendment for purposes of correcting 661  
typographical errors, errors in format, errors in consistency or 662  
grammatical errors. Public notice of any revisions shall be 663  
posted on the website of the Commission. The revision shall be 664  
subject to challenge by any person for a period of thirty (30) 665  
days after posting. The revision may be challenged only on 666  
grounds that the revision results in a material change to a 667



rule. A challenge shall be made in writing, and delivered to the 668  
Commission, prior to the end of the notice period. If no 669  
challenge is made, the revision will take effect without further 670  
action. If the revision is challenged, the revision may not take 671  
effect without the approval of the Commission. 672

**ARTICLE IX** 673

**Oversight, Dispute Resolution and Enforcement** 674

**a. Oversight** 675

1. Each party state shall enforce this Compact and take 676  
all actions necessary and appropriate to effectuate this 677  
Compact's purposes and intent. 678

2. The Commission shall be entitled to receive service of 679  
process in any proceeding that may affect the powers, 680  
responsibilities or actions of the Commission, and shall have 681  
standing to intervene in such a proceeding for all purposes. 682  
Failure to provide service of process in such proceeding to the 683  
Commission shall render a judgment or order void as to the 684  
Commission, this Compact or promulgated rules. 685

**b. Default, Technical Assistance and Termination** 686

1. If the Commission determines that a party state has 687  
defaulted in the performance of its obligations or 688  
responsibilities under this Compact or the promulgated rules, 689  
the Commission shall: 690

i. Provide written notice to the defaulting state and 691  
other party states of the nature of the default, the proposed 692  
means of curing the default or any other action to be taken by 693  
the Commission; and 694

ii. Provide remedial training and specific technical 695

assistance regarding the default. 696

2. If a state in default fails to cure the default, the 697  
defaulting state's membership in this Compact may be terminated 698  
upon an affirmative vote of a majority of the administrators, 699  
and all rights, privileges and benefits conferred by this 700  
Compact may be terminated on the effective date of termination. 701  
A cure of the default does not relieve the offending state of 702  
obligations or liabilities incurred during the period of 703  
default. 704

3. Termination of membership in this Compact shall be 705  
imposed only after all other means of securing compliance have 706  
been exhausted. Notice of intent to suspend or terminate shall 707  
be given by the Commission to the governor of the defaulting 708  
state and to the executive officer of the defaulting state's 709  
licensing board and each of the party states. 710

4. A state whose membership in this Compact has been 711  
terminated is responsible for all assessments, obligations and 712  
liabilities incurred through the effective date of termination, 713  
including obligations that extend beyond the effective date of 714  
termination. 715

5. The Commission shall not bear any costs related to a 716  
state that is found to be in default or whose membership in this 717  
Compact has been terminated unless agreed upon in writing 718  
between the Commission and the defaulting state. 719

6. The defaulting state may appeal the action of the 720  
Commission by petitioning the U.S. District Court for the 721  
District of Columbia or the federal district in which the 722  
Commission has its principal offices. The prevailing party shall 723  
be awarded all costs of such litigation, including reasonable 724

<u>attorneys' fees.</u>	725
<u>c. Dispute Resolution</u>	726
<u>1. Upon request by a party state, the Commission shall attempt to resolve disputes related to the Compact that arise among party states and between party and non-party states.</u>	727 728 729
<u>2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.</u>	730 731 732
<u>3. In the event the Commission cannot resolve disputes among party states arising under this Compact:</u>	733 734
<u>i. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.</u>	735 736 737 738 739 740
<u>ii. The decision of a majority of the arbitrators shall be final and binding.</u>	741 742
<u>d. Enforcement</u>	743
<u>1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.</u>	744 745 746
<u>2. By majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include both</u>	747 748 749 750 751 752

injunctive relief and damages. In the event judicial enforcement 753  
is necessary, the prevailing party shall be awarded all costs of 754  
such litigation, including reasonable attorneys' fees. 755

3. The remedies herein shall not be the exclusive remedies 756  
of the Commission. The Commission may pursue any other remedies 757  
available under federal or state law. 758

**ARTICLE X** 759

**Effective Date, Withdrawal and Amendment** 760

a. This Compact shall become effective and binding on the 761  
earlier of the date of legislative enactment of this Compact 762  
into law by no less than twenty-six (26) states or December 31, 763  
2018. All party states to this Compact, that also were parties 764  
to the prior Nurse Licensure Compact, superseded by this 765  
Compact, ("Prior Compact"), shall be deemed to have withdrawn 766  
from said Prior Compact within six (6) months after the 767  
effective date of this Compact. 768

b. Each party state to this Compact shall continue to 769  
recognize a nurse's multistate licensure privilege to practice 770  
in that party state issued under the Prior Compact until such 771  
party state has withdrawn from the Prior Compact. 772

c. Any party state may withdraw from this Compact by 773  
enacting a statute repealing the same. A party state's 774  
withdrawal shall not take effect until six (6) months after 775  
enactment of the repealing statute. 776

d. A party state's withdrawal or termination shall not 777  
affect the continuing requirement of the withdrawing or 778  
terminated state's licensing board to report adverse actions and 779  
significant investigations occurring prior to the effective date 780  
of such withdrawal or termination. 781

e. Nothing contained in this Compact shall be construed to 782  
invalidate or prevent any nurse licensure agreement or other 783  
cooperative arrangement between a party state and a non-party 784  
state that is made in accordance with the other provisions of 785  
this Compact. 786

f. This Compact may be amended by the party states. No 787  
amendment to this Compact shall become effective and binding 788  
upon the party states unless and until it is enacted into the 789  
laws of all party states. 790

g. Representatives of non-party states to this Compact 791  
shall be invited to participate in the activities of the 792  
Commission, on a nonvoting basis, prior to the adoption of this 793  
Compact by all states. 794

**ARTICLE XI** 795

**Construction and Severability** 796

This Compact shall be liberally construed so as to 797  
effectuate the purposes thereof. The provisions of this Compact 798  
shall be severable, and if any phrase, clause, sentence or 799  
provision of this Compact is declared to be contrary to the 800  
constitution of any party state or of the United States, or if 801  
the applicability thereof to any government, agency, person or 802  
circumstance is held invalid, the validity of the remainder of 803  
this Compact and the applicability thereof to any government, 804  
agency, person or circumstance shall not be affected thereby. If 805  
this Compact shall be held to be contrary to the constitution of 806  
any party state, this Compact shall remain in full force and 807  
effect as to the remaining party states and in full force and 808  
effect as to the party state affected as to all severable 809  
matters. 810

Sec. 4723.111. Not later than thirty days after the "Nurse Licensure Compact" is entered into under section 4723.11 of the Revised Code, the board of nursing, in accordance with article VII of the compact, shall select an individual to serve as an administrator to the interstate commission of nurse licensure compact administrators created under the compact. The board shall fill a vacancy in this position not later than thirty days after the vacancy occurs. 811  
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Sec. 4723.112. A multistate license to practice registered or licensed practical nursing issued pursuant to section 4723.11 of the Revised Code is an option for licensure in addition to a traditional license to practice as a registered nurse or as a licensed practical nurse issued pursuant to section 4723.09 of the Revised Code. The board of nursing may charge a fee in excess of the traditional license fee for issuance of a multistate license. 819  
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Sec. 4723.113. The Interstate Commission of Nurse Licensure Compact Administrators, in providing an opportunity to comment on a proposed rule as set forth in Article VIII.g. of the Nurse Licensure Compact in section 4723.11 of the Revised Code, shall provide the opportunity to comment orally via teleconference. 827  
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Sec. 4723.114. (A) A person or governmental entity that employs, or contracts directly or through another person or governmental entity for the provision of services by, a nurse holding a multistate license to practice registered or licensed practical nursing issued pursuant to section 4723.11 of the Revised Code shall do both of the following if the nurse's home state, as defined in that section, is not Ohio: 833  
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(1) Report to the board of nursing the name of each nurse 840

holding a multistate license, as well as any other information 841  
pertaining to the nurse as required by rules of the board; 842

(2) Provide each nurse holding a multistate license a copy 843  
of board-developed information concerning laws and rules 844  
specific to the practice of nursing in Ohio. 845

(B) The board shall develop information concerning laws 846  
and rules specific to the practice of nursing in Ohio and make 847  
that information available on its internet web site. 848

(C) The board may adopt rules in accordance with Chapter 849  
119. of the Revised Code to implement this section. 850

**Sec. 4723.115.** Nothing in sections 4723.11 to 4723.114 of 851  
the Revised Code shall be construed to limit, alter, or modify 852  
any of the terms, conditions, or provisions of a collective 853  
bargaining agreement entered into by a hospital. 854

**Section 2.** Section 1 of this act takes effect one year 855  
after the effective date of this section. 856