

As Reported by the House Health Committee

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 3

Senator Roegner

**Cosponsors: Senators Huffman, S., Hackett, Hoagland, McColley, O'Brien,
Peterson, Reineke, Wilson Representatives Cutrona, Gross**

A BILL

To amend sections 9.79, 109.572, 4723.34, 5123.169, 1
5123.1611, and 5123.452 and to enact sections 2
4723.11, 4723.111, 4723.112, 4723.113, 4723.114, 3
4723.115, and 4723.116 of the Revised Code to 4
enter into the Nurse Licensure Compact and to 5
revise the law governing occupational license 6
restrictions for individuals convicted of 7
criminal offenses. 8

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

Section 1. That sections 9.79, 109.572, 4723.34, 5123.169, 9
5123.1611, and 5123.452 be amended and sections 4723.11, 10
4723.111, 4723.112, 4723.113, 4723.114, 4723.115, and 4723.116 11
of the Revised Code be enacted to read as follows: 12

Sec. 9.79. (A) As used in this section: 13

(1) "License" means an authorization evidenced by a 14
license, certificate, registration, permit, card, or other 15
authority that is issued or conferred by a licensing authority 16
to an individual by which the individual has or claims the 17

privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction.	18 19
(2) "Licensing authority" means a state agency that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession.	20 21 22
(3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.	23 24
(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	25 26
(5) "State agency" has the same meaning as in section 1.60 of the Revised Code.	27 28
(6) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	29 30
(7) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	31 32
(8) "Fiduciary duty" means a duty to act for someone else's benefit, while subordinating one's personal interest to that of the other person.	33 34 35
(B) (1) Notwithstanding any provision of the Revised Code to the contrary, for each type of license issued or conferred by a licensing authority, the licensing authority shall establish within one hundred eighty days after the effective date of this section a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license. The licensing authority shall make the list available to the public on the licensing authority's web site pursuant to division (C) of section 9.78 of the Revised Code. The licensing authority, in	36 37 38 39 40 41 42 43 44 45

adopting the list, shall do both of the following: 46

(a) Identify each disqualifying offense by name or by the 47
Revised Code section number that creates the offense; 48

(b) Include in the list only criminal offenses that are 49
directly related to the duties and responsibilities of the 50
licensed occupation. 51

(2) The licensing authority may include in the list an 52
existing or former municipal ordinance or law of this or any 53
other state or the United States that is substantially 54
equivalent to any section or offense included in the list 55
adopted under division (B)(1) of this section. 56

(C)(1) Except as provided in division (C)(2) or (D) of 57
this section, a licensing authority shall not refuse to issue an 58
initial license to an individual based on any of the following: 59

(a) Solely or in part on a conviction of, judicial finding 60
of guilt of, or plea of guilty to an offense; 61

(b) A criminal charge that does not result in a 62
conviction, judicial finding of guilt, or plea of guilty; 63

(c) A nonspecific qualification such as "moral turpitude" 64
or lack of "moral character"; 65

(d) A disqualifying offense included on the list adopted 66
under division (B) of this section, if consideration of that 67
offense occurs after the time periods permitted in division (D) 68
of this section. 69

(2) If the individual was convicted of, found guilty 70
pursuant to a judicial finding of, or pleaded guilty to a 71
disqualifying offense included in the list adopted under 72
division (B) of this section for the license for which the 73

individual applied, the licensing authority may take the 74
conviction, judicial finding of guilt, or plea of guilty into 75
consideration in accordance with division (D) of this section. 76

(D) (1) A licensing authority that may, under this section, 77
consider a conviction of, judicial finding of guilt of, or plea 78
of guilty to an offense in determining whether to refuse to 79
issue an initial license to an individual shall consider all of 80
the following factors and shall use a preponderance of the 81
evidence standard in evaluating those factors to determine 82
whether the conviction, judicial finding of guilt, or plea of 83
guilty disqualifies the individual from receiving the license: 84

(a) The nature and seriousness of the offense for which 85
the individual was convicted, found guilty pursuant to a 86
judicial finding, or pleaded guilty; 87

(b) The passage of time since the individual committed the 88
offense; 89

(c) The relationship of the offense to the ability, 90
capacity, and fitness required to perform the duties and 91
discharge the responsibilities of the occupation; 92

(d) Any evidence of mitigating rehabilitation or treatment 93
undertaken by the individual, including whether the individual 94
has been issued a certificate of qualification for employment 95
under section 2953.25 of the Revised Code or a certificate of 96
achievement and employability under section 2961.22 of the 97
Revised Code; 98

(e) Whether the denial of a license is reasonably 99
necessary to ensure public safety. 100

(2) A licensing authority may take a disqualifying offense 101
into account only during the following time periods: 102

(a) For a conviction of, judicial finding of guilt of, or 103
plea of guilty to a disqualifying offense that does not involve 104
a breach of fiduciary duty and that is not an offense of 105
violence or a sexually oriented offense, whichever of the 106
following is later, provided the individual was not convicted 107
of, found guilty pursuant to a judicial finding of, and did not 108
enter a plea of guilty to any other offense during the 109
applicable period: 110

(i) Five years from the date of conviction, judicial 111
finding of guilt, or plea of guilty; 112

(ii) Five years from the date of the release from 113
incarceration; 114

(iii) The time period specified in division (D)(3) of this 115
section. 116

(b) For a conviction of, judicial finding of guilt of, or 117
plea of guilty to a disqualifying offense that involves a breach 118
of fiduciary duty and that is not an offense of violence or a 119
sexually oriented offense, whichever of the following is later, 120
provided the individual was not convicted of, found guilty 121
pursuant to a judicial finding of, and did not enter a plea of 122
guilty to any other offense during the applicable period: 123

(i) Ten years from the date of conviction, judicial 124
finding of guilt, or plea of guilty; 125

(ii) Ten years from the date of the release from 126
incarceration; 127

(iii) The time period specified in division (D)(4) of this 128
section. 129

(c) For a conviction of, judicial finding of guilt of, or 130

plea of guilty to a disqualifying offense that is an offense of 131
violence or a sexually oriented offense, any time. 132

(3) If an individual is subject to a community control 133
sanction, parole, or post-release control sanction based on a 134
conviction of, judicial finding of guilt of, or plea of guilty 135
to a disqualifying offense that is not an offense of violence or 136
a sexually oriented offense, a licensing authority may take the 137
offense into account during the following time periods: 138

(a) If the community control sanction, parole, or post- 139
release control sanction was for a term of less than five years, 140
the period of the community control sanction, parole, or post- 141
release control sanction plus the number of years after the date 142
of final discharge of the community control sanction, parole, or 143
post-release control sanction necessary to equal five years; 144

(b) If the community control sanction, parole, or post- 145
release control sanction was for a term of five years or more, 146
the period of the community control sanction, parole, or post- 147
release control sanction. 148

(4) If an individual is subject to a community control 149
sanction, parole, or post-release control sanction based on a 150
conviction of, judicial finding of guilt of, or plea of guilty 151
to a disqualifying offense that involved a breach of fiduciary 152
duty and that is not an offense of violence or a sexually 153
oriented offense, a licensing authority may take the offense 154
into account during the following time periods: 155

(a) If the community control sanction, parole, or post- 156
release control sanction was for a term of less than ten years, 157
for the period of the community control sanction, parole, or 158
post-release control sanction plus the number of years after the 159

date of final discharge of the community control sanction, 160
parole, or post-release control sanction necessary to equal ten 161
years; 162

(b) If the community control sanction, parole, or post- 163
release control sanction was for a term of ten years or more, 164
the period of the community control sanction, parole, or post- 165
release control sanction. 166

(E) If a licensing authority refuses to issue an initial 167
license to an individual pursuant to division (D) of this 168
section, the licensing authority shall notify the individual in 169
writing of all of the following: 170

(1) The grounds and reasons for the refusal, including an 171
explanation of the licensing authority's application of the 172
factors under division (D) of this section to the evidence the 173
licensing authority used to reach the decision; 174

(2) The individual's right to a hearing regarding the 175
licensing authority's decision under section 119.06 of the 176
Revised Code; 177

(3) The earliest date the individual may reapply for a 178
license; 179

(4) Notice that evidence of rehabilitation may be 180
considered on reapplication. 181

(F) In an administrative hearing or civil action reviewing 182
a licensing authority's refusal to issue an initial license 183
under this section, the licensing authority has the burden of 184
proof on the question of whether the individual's conviction of, 185
judicial finding of guilt of, or plea of guilty to an offense 186
directly relates to the licensed occupation. 187

(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code.	188 189 190 191 192 193
(H) Each licensing authority shall adopt any rules that it determines are necessary to implement this section.	194 195
(I) This section does not apply to any of the following:	196
(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section;	197 198 199 200
(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;	201 202 203 204
(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code;	205 206 207
(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;	208 209 210
(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;	211 212
(6) Licenses to operate a home or residential care facility issued under section 3721.07 of the Revised Code;	213 214
(7) Certificates of authority to make contracts of	215

indemnity issued under section 3931.10 of the Revised Code;	216
<u>(8) Supported living certificates issued under section</u>	217
<u>5123.161 of the Revised Code;</u>	218
<u>(9) Certificates to administer medications and perform</u>	219
<u>health-related activities under section 5123.45 of the Revised</u>	220
<u>Code.</u>	221
(J) Nothing in this section prohibits a licensing	222
authority from considering either of the following when making a	223
determination whether to issue a license to an individual:	224
(1) Past disciplinary action taken by the licensing	225
authority against the individual;	226
(2) Past disciplinary action taken against the individual	227
by an authority in another state that issues a license that is	228
substantially similar to the license for which the individual	229
applies.	230
(K) Notwithstanding any provision of the Revised Code to	231
the contrary, if a licensing authority issues a license to an	232
individual after considering a conviction of, judicial finding	233
of guilt of, or plea of guilty to an offense under division (D)	234
of this section, the licensing authority shall not refuse to	235
renew the individual's license based on that conviction,	236
judicial finding of guilt, or plea of guilty.	237
Sec. 109.572. (A) (1) Upon receipt of a request pursuant to	238
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised	239
Code, a completed form prescribed pursuant to division (C) (1) of	240
this section, and a set of fingerprint impressions obtained in	241
the manner described in division (C) (2) of this section, the	242
superintendent of the bureau of criminal identification and	243
investigation shall conduct a criminal records check in the	244

manner described in division (B) of this section to determine 245
whether any information exists that indicates that the person 246
who is the subject of the request previously has been convicted 247
of or pleaded guilty to any of the following: 248

(a) A violation of section 2903.01, 2903.02, 2903.03, 249
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 250
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 251
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 252
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 253
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 254
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 255
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 256
sexual penetration in violation of former section 2907.12 of the 257
Revised Code, a violation of section 2905.04 of the Revised Code 258
as it existed prior to July 1, 1996, a violation of section 259
2919.23 of the Revised Code that would have been a violation of 260
section 2905.04 of the Revised Code as it existed prior to July 261
1, 1996, had the violation been committed prior to that date, or 262
a violation of section 2925.11 of the Revised Code that is not a 263
minor drug possession offense; 264

(b) A violation of an existing or former law of this 265
state, any other state, or the United States that is 266
substantially equivalent to any of the offenses listed in 267
division (A)(1)(a) of this section; 268

(c) If the request is made pursuant to section 3319.39 of 269
the Revised Code for an applicant who is a teacher, any offense 270
specified under section 9.79 of the Revised Code or in section 271
3319.31 of the Revised Code. 272

(2) On receipt of a request pursuant to section 3712.09 or 273
3721.121 of the Revised Code, a completed form prescribed 274

pursuant to division (C)(1) of this section, and a set of 275
fingerprint impressions obtained in the manner described in 276
division (C)(2) of this section, the superintendent of the 277
bureau of criminal identification and investigation shall 278
conduct a criminal records check with respect to any person who 279
has applied for employment in a position for which a criminal 280
records check is required by those sections. The superintendent 281
shall conduct the criminal records check in the manner described 282
in division (B) of this section to determine whether any 283
information exists that indicates that the person who is the 284
subject of the request previously has been convicted of or 285
pleaded guilty to any of the following: 286

(a) A violation of section 2903.01, 2903.02, 2903.03, 287
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 288
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 289
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 290
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 291
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 292
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 293
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 294
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 295

(b) An existing or former law of this state, any other 296
state, or the United States that is substantially equivalent to 297
any of the offenses listed in division (A)(2)(a) of this 298
section. 299

(3) On receipt of a request pursuant to section 173.27, 300
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 301
~~or 5123.081, or 5123.169~~ of the Revised Code, a completed form 302
prescribed pursuant to division (C)(1) of this section, and a 303
set of fingerprint impressions obtained in the manner described 304

in division (C) (2) of this section, the superintendent of the 305
bureau of criminal identification and investigation shall 306
conduct a criminal records check of the person for whom the 307
request is made. The superintendent shall conduct the criminal 308
records check in the manner described in division (B) of this 309
section to determine whether any information exists that 310
indicates that the person who is the subject of the request 311
previously has been convicted of, has pleaded guilty to, or 312
(except in the case of a request pursuant to section 5164.34, 313
5164.341, or 5164.342 of the Revised Code) has been found 314
eligible for intervention in lieu of conviction for any of the 315
following, regardless of the date of the conviction, the date of 316
entry of the guilty plea, or (except in the case of a request 317
pursuant to section 5164.34, 5164.341, or 5164.342 of the 318
Revised Code) the date the person was found eligible for 319
intervention in lieu of conviction: 320

(a) A violation of section 959.13, 959.131, 2903.01, 321
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 322
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 323
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 324
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 325
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 326
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 327
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 328
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 329
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 330
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 331
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 332
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 333
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 334
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 335

2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	336
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	337
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	338
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	339
of the Revised Code;	340
(b) Felonious sexual penetration in violation of former	341
section 2907.12 of the Revised Code;	342
(c) A violation of section 2905.04 of the Revised Code as	343
it existed prior to July 1, 1996;	344
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	345
the Revised Code when the underlying offense that is the object	346
of the conspiracy, attempt, or complicity is one of the offenses	347
listed in divisions (A) (3) (a) to (c) of this section;	348
(e) A violation of an existing or former municipal	349
ordinance or law of this state, any other state, or the United	350
States that is substantially equivalent to any of the offenses	351
listed in divisions (A) (3) (a) to (d) of this section.	352
(4) On receipt of a request pursuant to section 2151.86 or	353
2151.904 of the Revised Code, a completed form prescribed	354
pursuant to division (C) (1) of this section, and a set of	355
fingerprint impressions obtained in the manner described in	356
division (C) (2) of this section, the superintendent of the	357
bureau of criminal identification and investigation shall	358
conduct a criminal records check in the manner described in	359
division (B) of this section to determine whether any	360
information exists that indicates that the person who is the	361
subject of the request previously has been convicted of or	362
pleaded guilty to any of the following:	363
(a) A violation of section 959.13, 2903.01, 2903.02,	364

2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 365
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 366
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 367
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 368
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 369
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 370
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 371
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 372
2927.12, or 3716.11 of the Revised Code, a violation of section 373
2905.04 of the Revised Code as it existed prior to July 1, 1996, 374
a violation of section 2919.23 of the Revised Code that would 375
have been a violation of section 2905.04 of the Revised Code as 376
it existed prior to July 1, 1996, had the violation been 377
committed prior to that date, a violation of section 2925.11 of 378
the Revised Code that is not a minor drug possession offense, 379
two or more OVI or OVUAC violations committed within the three 380
years immediately preceding the submission of the application or 381
petition that is the basis of the request, or felonious sexual 382
penetration in violation of former section 2907.12 of the 383
Revised Code; 384

(b) A violation of an existing or former law of this 385
state, any other state, or the United States that is 386
substantially equivalent to any of the offenses listed in 387
division (A) (4) (a) of this section. 388

(5) Upon receipt of a request pursuant to section 5104.013 389
of the Revised Code, a completed form prescribed pursuant to 390
division (C) (1) of this section, and a set of fingerprint 391
impressions obtained in the manner described in division (C) (2) 392
of this section, the superintendent of the bureau of criminal 393
identification and investigation shall conduct a criminal 394
records check in the manner described in division (B) of this 395

section to determine whether any information exists that 396
indicates that the person who is the subject of the request has 397
been convicted of or pleaded guilty to any of the following: 398

(a) A violation of section 2151.421, 2903.01, 2903.02, 399
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 400
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 401
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 402
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 403
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 404
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 405
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 406
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 407
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 408
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 409
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 410
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 411
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 412
3716.11 of the Revised Code, felonious sexual penetration in 413
violation of former section 2907.12 of the Revised Code, a 414
violation of section 2905.04 of the Revised Code as it existed 415
prior to July 1, 1996, a violation of section 2919.23 of the 416
Revised Code that would have been a violation of section 2905.04 417
of the Revised Code as it existed prior to July 1, 1996, had the 418
violation been committed prior to that date, a violation of 419
section 2925.11 of the Revised Code that is not a minor drug 420
possession offense, a violation of section 2923.02 or 2923.03 of 421
the Revised Code that relates to a crime specified in this 422
division, or a second violation of section 4511.19 of the 423
Revised Code within five years of the date of application for 424
licensure or certification. 425

(b) A violation of an existing or former law of this 426

state, any other state, or the United States that is 427
substantially equivalent to any of the offenses or violations 428
described in division (A) (5) (a) of this section. 429

(6) Upon receipt of a request pursuant to section 5153.111 430
of the Revised Code, a completed form prescribed pursuant to 431
division (C) (1) of this section, and a set of fingerprint 432
impressions obtained in the manner described in division (C) (2) 433
of this section, the superintendent of the bureau of criminal 434
identification and investigation shall conduct a criminal 435
records check in the manner described in division (B) of this 436
section to determine whether any information exists that 437
indicates that the person who is the subject of the request 438
previously has been convicted of or pleaded guilty to any of the 439
following: 440

(a) A violation of section 2903.01, 2903.02, 2903.03, 441
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 442
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 443
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 444
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 445
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 446
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 447
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 448
Code, felonious sexual penetration in violation of former 449
section 2907.12 of the Revised Code, a violation of section 450
2905.04 of the Revised Code as it existed prior to July 1, 1996, 451
a violation of section 2919.23 of the Revised Code that would 452
have been a violation of section 2905.04 of the Revised Code as 453
it existed prior to July 1, 1996, had the violation been 454
committed prior to that date, or a violation of section 2925.11 455
of the Revised Code that is not a minor drug possession offense; 456

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (6) (a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C) (1) of this section and a set of fingerprint impressions obtained in a manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B) (2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the

department of commerce or a division in the department. The 488
superintendent shall conduct the criminal records check in the 489
manner described in division (B) of this section to determine 490
whether any information exists that indicates that the person 491
who is the subject of the request previously has been convicted 492
of or pleaded guilty to any criminal offense in this state, any 493
other state, or the United States. 494

(9) On receipt of a request for a criminal records check 495
from the treasurer of state under section 113.041 of the Revised 496
Code or from an individual under section 928.03, 4701.08, 497
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 498
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 499
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 500
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 501
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 502
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 503
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 504
Code, accompanied by a completed form prescribed under division 505
(C)(1) of this section and a set of fingerprint impressions 506
obtained in the manner described in division (C)(2) of this 507
section, the superintendent of the bureau of criminal 508
identification and investigation shall conduct a criminal 509
records check in the manner described in division (B) of this 510
section to determine whether any information exists that 511
indicates that the person who is the subject of the request has 512
been convicted of or pleaded guilty to any criminal offense in 513
this state or any other state. Subject to division (F) of this 514
section, the superintendent shall send the results of a check 515
requested under section 113.041 of the Revised Code to the 516
treasurer of state and shall send the results of a check 517
requested under any of the other listed sections to the 518

licensing board specified by the individual in the request. 519

(10) On receipt of a request pursuant to section 124.74, 520
718.131, 1121.23, 1315.141, 1733.47, or 1761.26, ~~or 5123.169~~ of 521
the Revised Code, a completed form prescribed pursuant to 522
division (C)(1) of this section, and a set of fingerprint 523
impressions obtained in the manner described in division (C)(2) 524
of this section, the superintendent of the bureau of criminal 525
identification and investigation shall conduct a criminal 526
records check in the manner described in division (B) of this 527
section to determine whether any information exists that 528
indicates that the person who is the subject of the request 529
previously has been convicted of or pleaded guilty to any 530
criminal offense under any existing or former law of this state, 531
any other state, or the United States. 532

(11) On receipt of a request for a criminal records check 533
from an appointing or licensing authority under section 3772.07 534
of the Revised Code, a completed form prescribed under division 535
(C)(1) of this section, and a set of fingerprint impressions 536
obtained in the manner prescribed in division (C)(2) of this 537
section, the superintendent of the bureau of criminal 538
identification and investigation shall conduct a criminal 539
records check in the manner described in division (B) of this 540
section to determine whether any information exists that 541
indicates that the person who is the subject of the request 542
previously has been convicted of or pleaded guilty or no contest 543
to any offense under any existing or former law of this state, 544
any other state, or the United States that is a disqualifying 545
offense as defined in section 3772.07 of the Revised Code or 546
substantially equivalent to such an offense. 547

(12) On receipt of a request pursuant to section 2151.33 548

or 2151.412 of the Revised Code, a completed form prescribed 549
pursuant to division (C) (1) of this section, and a set of 550
fingerprint impressions obtained in the manner described in 551
division (C) (2) of this section, the superintendent of the 552
bureau of criminal identification and investigation shall 553
conduct a criminal records check with respect to any person for 554
whom a criminal records check is required under that section. 555
The superintendent shall conduct the criminal records check in 556
the manner described in division (B) of this section to 557
determine whether any information exists that indicates that the 558
person who is the subject of the request previously has been 559
convicted of or pleaded guilty to any of the following: 560

(a) A violation of section 2903.01, 2903.02, 2903.03, 561
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 562
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 563
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 564
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 565
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 566
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 567
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 568
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 569

(b) An existing or former law of this state, any other 570
state, or the United States that is substantially equivalent to 571
any of the offenses listed in division (A) (12) (a) of this 572
section. 573

(13) On receipt of a request pursuant to section 3796.12 574
of the Revised Code, a completed form prescribed pursuant to 575
division (C) (1) of this section, and a set of fingerprint 576
impressions obtained in a manner described in division (C) (2) of 577
this section, the superintendent of the bureau of criminal 578

identification and investigation shall conduct a criminal 579
records check in the manner described in division (B) of this 580
section to determine whether any information exists that 581
indicates that the person who is the subject of the request 582
previously has been convicted of or pleaded guilty to the 583
following: 584

(a) A disqualifying offense as specified in rules adopted 585
under section 9.79 and division (B) (2) (b) of section 3796.03 of 586
the Revised Code if the person who is the subject of the request 587
is an administrator or other person responsible for the daily 588
operation of, or an owner or prospective owner, officer or 589
prospective officer, or board member or prospective board member 590
of, an entity seeking a license from the department of commerce 591
under Chapter 3796. of the Revised Code; 592

(b) A disqualifying offense as specified in rules adopted 593
under section 9.79 and division (B) (2) (b) of section 3796.04 of 594
the Revised Code if the person who is the subject of the request 595
is an administrator or other person responsible for the daily 596
operation of, or an owner or prospective owner, officer or 597
prospective officer, or board member or prospective board member 598
of, an entity seeking a license from the state board of pharmacy 599
under Chapter 3796. of the Revised Code. 600

(14) On receipt of a request required by section 3796.13 601
of the Revised Code, a completed form prescribed pursuant to 602
division (C) (1) of this section, and a set of fingerprint 603
impressions obtained in a manner described in division (C) (2) of 604
this section, the superintendent of the bureau of criminal 605
identification and investigation shall conduct a criminal 606
records check in the manner described in division (B) of this 607
section to determine whether any information exists that 608

indicates that the person who is the subject of the request 609
previously has been convicted of or pleaded guilty to the 610
following: 611

(a) A disqualifying offense as specified in rules adopted 612
under division (B) (8) (a) of section 3796.03 of the Revised Code 613
if the person who is the subject of the request is seeking 614
employment with an entity licensed by the department of commerce 615
under Chapter 3796. of the Revised Code; 616

(b) A disqualifying offense as specified in rules adopted 617
under division (B) (14) (a) of section 3796.04 of the Revised Code 618
if the person who is the subject of the request is seeking 619
employment with an entity licensed by the state board of 620
pharmacy under Chapter 3796. of the Revised Code. 621

(15) On receipt of a request pursuant to section 4768.06 622
of the Revised Code, a completed form prescribed under division 623
(C) (1) of this section, and a set of fingerprint impressions 624
obtained in the manner described in division (C) (2) of this 625
section, the superintendent of the bureau of criminal 626
identification and investigation shall conduct a criminal 627
records check in the manner described in division (B) of this 628
section to determine whether any information exists indicating 629
that the person who is the subject of the request has been 630
convicted of or pleaded guilty to any criminal offense in this 631
state or in any other state. 632

(16) On receipt of a request pursuant to division (B) of 633
section 4764.07 or division (A) of section 4735.143 of the 634
Revised Code, a completed form prescribed under division (C) (1) 635
of this section, and a set of fingerprint impressions obtained 636
in the manner described in division (C) (2) of this section, the 637
superintendent of the bureau of criminal identification and 638

investigation shall conduct a criminal records check in the 639
manner described in division (B) of this section to determine 640
whether any information exists indicating that the person who is 641
the subject of the request has been convicted of or pleaded 642
guilty to any criminal offense in any state or the United 643
States. 644

(17) On receipt of a request for a criminal records check 645
under section 147.022 of the Revised Code, a completed form 646
prescribed under division (C)(1) of this section, and a set of 647
fingerprint impressions obtained in the manner prescribed in 648
division (C)(2) of this section, the superintendent of the 649
bureau of criminal identification and investigation shall 650
conduct a criminal records check in the manner described in 651
division (B) of this section to determine whether any 652
information exists that indicates that the person who is the 653
subject of the request previously has been convicted of or 654
pleaded guilty or no contest to any criminal offense under any 655
existing or former law of this state, any other state, or the 656
United States. 657

(B) Subject to division (F) of this section, the 658
superintendent shall conduct any criminal records check to be 659
conducted under this section as follows: 660

(1) The superintendent shall review or cause to be 661
reviewed any relevant information gathered and compiled by the 662
bureau under division (A) of section 109.57 of the Revised Code 663
that relates to the person who is the subject of the criminal 664
records check, including, if the criminal records check was 665
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 666
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 667
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 668

3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 669
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 670
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 671
5153.111 of the Revised Code, any relevant information contained 672
in records that have been sealed under section 2953.32 of the 673
Revised Code; 674

(2) If the request received by the superintendent asks for 675
information from the federal bureau of investigation, the 676
superintendent shall request from the federal bureau of 677
investigation any information it has with respect to the person 678
who is the subject of the criminal records check, including 679
fingerprint-based checks of national crime information databases 680
as described in 42 U.S.C. 671 if the request is made pursuant to 681
section 2151.86 or 5104.013 of the Revised Code or if any other 682
Revised Code section requires fingerprint-based checks of that 683
nature, and shall review or cause to be reviewed any information 684
the superintendent receives from that bureau. If a request under 685
section 3319.39 of the Revised Code asks only for information 686
from the federal bureau of investigation, the superintendent 687
shall not conduct the review prescribed by division (B)(1) of 688
this section. 689

(3) The superintendent or the superintendent's designee 690
may request criminal history records from other states or the 691
federal government pursuant to the national crime prevention and 692
privacy compact set forth in section 109.571 of the Revised 693
Code. 694

(4) The superintendent shall include in the results of the 695
criminal records check a list or description of the offenses 696
listed or described in division (A)(1), (2), (3), (4), (5), (6), 697
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 698

of this section, whichever division requires the superintendent 699
to conduct the criminal records check. The superintendent shall 700
exclude from the results any information the dissemination of 701
which is prohibited by federal law. 702

(5) The superintendent shall send the results of the 703
criminal records check to the person to whom it is to be sent 704
not later than the following number of days after the date the 705
superintendent receives the request for the criminal records 706
check, the completed form prescribed under division (C) (1) of 707
this section, and the set of fingerprint impressions obtained in 708
the manner described in division (C) (2) of this section: 709

(a) If the superintendent is required by division (A) of 710
this section (other than division (A) (3) of this section) to 711
conduct the criminal records check, thirty; 712

(b) If the superintendent is required by division (A) (3) 713
of this section to conduct the criminal records check, sixty. 714

(C) (1) The superintendent shall prescribe a form to obtain 715
the information necessary to conduct a criminal records check 716
from any person for whom a criminal records check is to be 717
conducted under this section. The form that the superintendent 718
prescribes pursuant to this division may be in a tangible 719
format, in an electronic format, or in both tangible and 720
electronic formats. 721

(2) The superintendent shall prescribe standard impression 722
sheets to obtain the fingerprint impressions of any person for 723
whom a criminal records check is to be conducted under this 724
section. Any person for whom a records check is to be conducted 725
under this section shall obtain the fingerprint impressions at a 726
county sheriff's office, municipal police department, or any 727

other entity with the ability to make fingerprint impressions on 728
the standard impression sheets prescribed by the superintendent. 729
The office, department, or entity may charge the person a 730
reasonable fee for making the impressions. The standard 731
impression sheets the superintendent prescribes pursuant to this 732
division may be in a tangible format, in an electronic format, 733
or in both tangible and electronic formats. 734

(3) Subject to division (D) of this section, the 735
superintendent shall prescribe and charge a reasonable fee for 736
providing a criminal records check under this section. The 737
person requesting the criminal records check shall pay the fee 738
prescribed pursuant to this division. In the case of a request 739
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 740
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 741
fee shall be paid in the manner specified in that section. 742

(4) The superintendent of the bureau of criminal 743
identification and investigation may prescribe methods of 744
forwarding fingerprint impressions and information necessary to 745
conduct a criminal records check, which methods shall include, 746
but not be limited to, an electronic method. 747

(D) The results of a criminal records check conducted 748
under this section, other than a criminal records check 749
specified in division (A)(7) of this section, are valid for the 750
person who is the subject of the criminal records check for a 751
period of one year from the date upon which the superintendent 752
completes the criminal records check. If during that period the 753
superintendent receives another request for a criminal records 754
check to be conducted under this section for that person, the 755
superintendent shall provide the results from the previous 756
criminal records check of the person at a lower fee than the fee 757

prescribed for the initial criminal records check. 758

(E) When the superintendent receives a request for 759
information from a registered private provider, the 760
superintendent shall proceed as if the request was received from 761
a school district board of education under section 3319.39 of 762
the Revised Code. The superintendent shall apply division (A) (1) 763
(c) of this section to any such request for an applicant who is 764
a teacher. 765

(F) (1) Subject to division (F) (2) of this section, all 766
information regarding the results of a criminal records check 767
conducted under this section that the superintendent reports or 768
sends under division (A) (7) or (9) of this section to the 769
director of public safety, the treasurer of state, or the 770
person, board, or entity that made the request for the criminal 771
records check shall relate to the conviction of the subject 772
person, or the subject person's plea of guilty to, a criminal 773
offense. 774

(2) Division (F) (1) of this section does not limit, 775
restrict, or preclude the superintendent's release of 776
information that relates to the arrest of a person who is 777
eighteen years of age or older, to an adjudication of a child as 778
a delinquent child, or to a criminal conviction of a person 779
under eighteen years of age in circumstances in which a release 780
of that nature is authorized under division (E) (2), (3), or (4) 781
of section 109.57 of the Revised Code pursuant to a rule adopted 782
under division (E) (1) of that section. 783

(G) As used in this section: 784

(1) "Criminal records check" means any criminal records 785
check conducted by the superintendent of the bureau of criminal 786

identification and investigation in accordance with division (B) 787
of this section. 788

(2) "Minor drug possession offense" has the same meaning 789
as in section 2925.01 of the Revised Code. 790

(3) "OVI or OVUAC violation" means a violation of section 791
4511.19 of the Revised Code or a violation of an existing or 792
former law of this state, any other state, or the United States 793
that is substantially equivalent to section 4511.19 of the 794
Revised Code. 795

(4) "Registered private provider" means a nonpublic school 796
or entity registered with the superintendent of public 797
instruction under section 3310.41 of the Revised Code to 798
participate in the autism scholarship program or section 3310.58 799
of the Revised Code to participate in the Jon Peterson special 800
needs scholarship program. 801

Sec. 4723.11. The "Nurse Licensure Compact" is hereby 802
ratified, enacted into law, and entered into by the state of 803
Ohio as a party to the compact with any other state that has 804
legally joined in the compact as follows: 805

Nurse Licensure Compact 806

Approved by the May 4, 2015 Special Delegate Assembly 807

ARTICLE I 808

Findings and Declaration of Purpose 809

a. The party states find that: 810

1. The health and safety of the public are affected by the 811
degree of compliance with and the effectiveness of enforcement 812
activities related to state nurse licensure laws; 813

<u>2. Violations of nurse licensure and other laws regulating</u>	814
<u>the practice of nursing may result in injury or harm to the</u>	815
<u>public;</u>	816
<u>3. The expanded mobility of nurses and the use of advanced</u>	817
<u>communication technologies as part of our nation's health care</u>	818
<u>delivery system require greater coordination and cooperation</u>	819
<u>among states in the areas of nurse licensure and regulation;</u>	820
<u>4. New practice modalities and technology make compliance</u>	821
<u>with individual state nurse licensure laws difficult and</u>	822
<u>complex;</u>	823
<u>5. The current system of duplicative licensure for nurses</u>	824
<u>practicing in multiple states is cumbersome and redundant for</u>	825
<u>both nurses and states; and</u>	826
<u>6. Uniformity of nurse licensure requirements throughout</u>	827
<u>the states promotes public safety and public health benefits.</u>	828
<u>b. The general purposes of this Compact are to:</u>	829
<u>1. Facilitate the states' responsibility to protect the</u>	830
<u>public's health and safety;</u>	831
<u>2. Ensure and encourage the cooperation of party states in</u>	832
<u>the areas of nurse licensure and regulation;</u>	833
<u>3. Facilitate the exchange of information between party</u>	834
<u>states in the areas of nurse regulation, investigation and</u>	835
<u>adverse actions;</u>	836
<u>4. Promote compliance with the laws governing the practice</u>	837
<u>of nursing in each jurisdiction;</u>	838
<u>5. Invest all party states with the authority to hold a</u>	839
<u>nurse accountable for meeting all state practice laws in the</u>	840

state in which the patient is located at the time care is 841
rendered through the mutual recognition of party state licenses; 842

6. Decrease redundancies in the consideration and issuance 843
of nurse licenses; and 844

7. Provide opportunities for interstate practice by nurses 845
who meet uniform licensure requirements. 846

ARTICLE II 847

Definitions 848

As used in this Compact: 849

a. "Adverse action" means any administrative, civil, 850
equitable or criminal action permitted by a state's laws which 851
is imposed by a licensing board or other authority against a 852
nurse, including actions against an individual's license or 853
multistate licensure privilege such as revocation, suspension, 854
probation, monitoring of the licensee, limitation on the 855
licensee's practice, or any other encumbrance on licensure 856
affecting a nurse's authorization to practice, including 857
issuance of a cease and desist action. 858

b. "Alternative program" means a non-disciplinary 859
monitoring program approved by a licensing board. 860

c. "Coordinated licensure information system" means an 861
integrated process for collecting, storing and sharing 862
information on nurse licensure and enforcement activities 863
related to nurse licensure laws that is administered by a 864
nonprofit organization composed of and controlled by licensing 865
boards. 866

d. "Current significant investigative information" means: 867

1. Investigative information that a licensing board, after 868
a preliminary inquiry that includes notification and an 869
opportunity for the nurse to respond, if required by state law, 870
has reason to believe is not groundless and, if proved true, 871
would indicate more than a minor infraction; or 872

2. Investigative information that indicates that the nurse 873
represents an immediate threat to public health and safety 874
regardless of whether the nurse has been notified and had an 875
opportunity to respond. 876

e. "Encumbrance" means a revocation or suspension of, or 877
any limitation on, the full and unrestricted practice of nursing 878
imposed by a licensing board. 879

f. "Home state" means the party state which is the nurse's 880
primary state of residence. 881

g. "Licensing board" means a party state's regulatory body 882
responsible for issuing nurse licenses. 883

h. "Multistate license" means a license to practice as a 884
registered or a licensed practical/vocational nurse (LPN/VN) 885
issued by a home state licensing board that authorizes the 886
licensed nurse to practice in all party states under a 887
multistate licensure privilege. 888

i. "Multistate licensure privilege" means a legal 889
authorization associated with a multistate license permitting 890
the practice of nursing as either a registered nurse (RN) or 891
LPN/VN in a remote state. 892

j. "Nurse" means RN or LPN/VN, as those terms are defined 893
by each party state's practice laws. 894

k. "Party state" means any state that has adopted this 895

<u>Compact.</u>	896	
<u>l. "Remote state" means a party state, other than the home state.</u>	897 898	
<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>	899 900 901 902	
<u>n. "State" means a state, territory or possession of the United States and the District of Columbia.</u>	903 904	
<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>	905 906 907 908 909 910	
<u>ARTICLE III</u>		911
<u>General Provisions and Jurisdiction</u>		912
<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>	913 914 915 916 917 918	
<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 information by applicants for the purpose of obtaining an</u>	919 920 921 922 923	

<u>applicant's criminal history record information from the Federal</u>	924
<u>Bureau of Investigation and the agency responsible for retaining</u>	925
<u>that state's criminal records.</u>	926
<u>c. Each party state shall require the following for an</u>	927
<u>applicant to obtain or retain a multistate license in the home</u>	928
<u>state:</u>	929
<u>1. Meets the home state's qualifications for licensure or</u>	930
<u>renewal of licensure, as well as, all other applicable state</u>	931
<u>laws;</u>	932
<u>2. i. Has graduated or is eligible to graduate from a</u>	933
<u>licensing board-approved RN or LPN/VN prelicensure education</u>	934
<u>program; or</u>	935
<u>ii. Has graduated from a foreign RN or LPN/VN prelicensure</u>	936
<u>education program that (a) has been approved by the authorized</u>	937
<u>accrediting body in the applicable country and (b) has been</u>	938
<u>verified by an independent credentials review agency to be</u>	939
<u>comparable to a licensing board-approved prelicensure education</u>	940
<u>program;</u>	941
<u>3. Has, if a graduate of a foreign prelicensure education</u>	942
<u>program not taught in English or if English is not the</u>	943
<u>individual's native language, successfully passed an English</u>	944
<u>proficiency examination that includes the components of reading,</u>	945
<u>speaking, writing and listening;</u>	946
<u>4. Has successfully passed an NCLEX-RN® or NCLEX-PN®</u>	947
<u>Examination or recognized predecessor, as applicable;</u>	948
<u>5. Is eligible for or holds an active, unencumbered</u>	949
<u>license;</u>	950
<u>6. Has submitted, in connection with an application for</u>	951

initial licensure or licensure by endorsement, fingerprints or 952
other biometric data for the purpose of obtaining criminal 953
history record information from the Federal Bureau of 954
Investigation and the agency responsible for retaining that 955
state's criminal records; 956

7. Has not been convicted or found guilty, or has entered 957
into an agreed disposition, of a felony offense under applicable 958
state or federal criminal law; 959

8. Has not been convicted or found guilty, or has entered 960
into an agreed disposition, of a misdemeanor offense related to 961
the practice of nursing as determined on a case-by-case basis; 962

9. Is not currently enrolled in an alternative program; 963

10. Is subject to self-disclosure requirements regarding 964
current participation in an alternative program; and 965

11. Has a valid United States Social Security number. 966

d. All party states shall be authorized, in accordance 967
with existing state due process law, to take adverse action 968
against a nurse's multistate licensure privilege such as 969
revocation, suspension, probation or any other action that 970
affects a nurse's authorization to practice under a multistate 971
licensure privilege, including cease and desist actions. If a 972
party state takes such action, it shall promptly notify the 973
administrator of the coordinated licensure information system. 974
The administrator of the coordinated licensure information 975
system shall promptly notify the home state of any such actions 976
by remote states. 977

e. A nurse practicing in a party state must comply with 978
the state practice laws of the state in which the client is 979
located at the time service is provided. The practice of nursing 980

is not limited to patient care, but shall include all nursing 981
practice as defined by the state practice laws of the party 982
state in which the client is located. The practice of nursing in 983
a party state under a multistate licensure privilege will 984
subject a nurse to the jurisdiction of the licensing board, the 985
courts and the laws of the party state in which the client is 986
located at the time service is provided. 987

f. Individuals not residing in a party state shall 988
continue to be able to apply for a party state's single-state 989
license as provided under the laws of each party state. However, 990
the single-state license granted to these individuals will not 991
be recognized as granting the privilege to practice nursing in 992
any other party state. Nothing in this Compact shall affect the 993
requirements established by a party state for the issuance of a 994
single-state license. 995

g. Any nurse holding a home state multistate license, on 996
the effective date of this Compact, may retain and renew the 997
multistate license issued by the nurse's then-current home 998
state, provided that: 999

1. A nurse, who changes primary state of residence after 1000
this Compact's effective date, must meet all applicable Article 1001
III.c. requirements to obtain a multistate license from a new 1002
home state. 1003

2. A nurse who fails to satisfy the multistate licensure 1004
requirements in Article III.c. due to a disqualifying event 1005
occurring after this Compact's effective date shall be 1006
ineligible to retain or renew a multistate license, and the 1007
nurse's multistate license shall be revoked or deactivated in 1008
accordance with applicable rules adopted by the Interstate 1009
Commission of Nurse Licensure Compact Administrators 1010

("Commission"). 1011

ARTICLE IV 1012

Applications for Licensure in a Party State 1013

a. Upon application for a multistate license, the 1014
licensing board in the issuing party state shall ascertain, 1015
through the coordinated licensure information system, whether 1016
the applicant has ever held, or is the holder of, a license 1017
issued by any other state, whether there are any encumbrances on 1018
any license or multistate licensure privilege held by the 1019
applicant, whether any adverse action has been taken against any 1020
license or multistate licensure privilege held by the applicant 1021
and whether the applicant is currently participating in an 1022
alternative program. 1023

b. A nurse may hold a multistate license, issued by the 1024
home state, in only one party state at a time. 1025

c. If a nurse changes primary state of residence by moving 1026
between two party states, the nurse must apply for licensure in 1027
the new home state, and the multistate license issued by the 1028
prior home state will be deactivated in accordance with 1029
applicable rules adopted by the Commission. 1030

1. The nurse may apply for licensure in advance of a 1031
change in primary state of residence. 1032

2. A multistate license shall not be issued by the new 1033
home state until the nurse provides satisfactory evidence of a 1034
change in primary state of residence to the new home state and 1035
satisfies all applicable requirements to obtain a multistate 1036
license from the new home state. 1037

d. If a nurse changes primary state of residence by moving 1038

from a party state to a non-party state, the multistate license 1039
issued by the prior home state will convert to a single-state 1040
license, valid only in the former home state. 1041

ARTICLE V 1042

Additional Authorities Invested in Party State Licensing Boards 1043

a. In addition to the other powers conferred by state law, 1044
a licensing board shall have the authority to: 1045

1. Take adverse action against a nurse's multistate 1046
licensure privilege to practice within that party state. 1047

i. Only the home state shall have the power to take 1048
adverse action against a nurse's license issued by the home 1049
state. 1050

ii. For purposes of taking adverse action, the home state 1051
licensing board shall give the same priority and effect to 1052
reported conduct received from a remote state as it would if 1053
such conduct had occurred within the home state. In so doing, 1054
the home state shall apply its own state laws to determine 1055
appropriate action. 1056

2. Issue cease and desist orders or impose an encumbrance 1057
on a nurse's authority to practice within that party state. 1058

3. Complete any pending investigations of a nurse who 1059
changes primary state of residence during the course of such 1060
investigations. The licensing board shall also have the 1061
authority to take appropriate action(s) and shall promptly 1062
report the conclusions of such investigations to the 1063
administrator of the coordinated licensure information system. 1064
The administrator of the coordinated licensure information 1065
system shall promptly notify the new home state of any such 1066

actions. 1067

4. Issue subpoenas for both hearings and investigations 1068
that require the attendance and testimony of witnesses, as well 1069
as, the production of evidence. Subpoenas issued by a licensing 1070
board in a party state for the attendance and testimony of 1071
witnesses or the production of evidence from another party state 1072
shall be enforced in the latter state by any court of competent 1073
jurisdiction, according to the practice and procedure of that 1074
court applicable to subpoenas issued in proceedings pending 1075
before it. The issuing authority shall pay any witness fees, 1076
travel expenses, mileage and other fees required by the service 1077
statutes of the state in which the witnesses or evidence are 1078
located. 1079

5. Obtain and submit, for each nurse licensure applicant, 1080
fingerprint or other biometric-based information to the Federal 1081
Bureau of Investigation for criminal background checks, receive 1082
the results of the Federal Bureau of Investigation record search 1083
on criminal background checks and use the results in making 1084
licensure decisions. 1085

6. If otherwise permitted by state law, recover from the 1086
affected nurse the costs of investigations and disposition of 1087
cases resulting from any adverse action taken against that 1088
nurse. 1089

7. Take adverse action based on the factual findings of 1090
the remote state, provided that the licensing board follows its 1091
own procedures for taking such adverse action. 1092

b. If adverse action is taken by the home state against a 1093
nurse's multistate license, the nurse's multistate licensure 1094
privilege to practice in all other party states shall be 1095

deactivated until all encumbrances have been removed from the 1096
multistate license. All home state disciplinary orders that 1097
impose adverse action against a nurse's multistate license shall 1098
include a statement that the nurse's multistate licensure 1099
privilege is deactivated in all party states during the pendency 1100
of the order. 1101

c. Nothing in this Compact shall override a party state's 1102
decision that participation in an alternative program may be 1103
used in lieu of adverse action. The home state licensing board 1104
shall deactivate the multistate licensure privilege under the 1105
multistate license of any nurse for the duration of the nurse's 1106
participation in an alternative program. 1107

ARTICLE VI 1108

Coordinated Licensure Information System and Exchange of 1109
Information 1110

a. All party states shall participate in a coordinated 1111
licensure information system of all licensed registered nurses 1112
(RNs) and licensed practical/vocational nurses (LPNs/VNs). This 1113
system will include information on the licensure and 1114
disciplinary history of each nurse, as submitted by party 1115
states, to assist in the coordination of nurse licensure and 1116
enforcement efforts. 1117

b. The Commission, in consultation with the administrator 1118
of the coordinated licensure information system, shall formulate 1119
necessary and proper procedures for the identification, 1120
collection and exchange of information under this Compact. 1121

c. All licensing boards shall promptly report to the 1122
coordinated licensure information system any adverse action, any 1123
current significant investigative information, denials of 1124

applications (with the reasons for such denials) and nurse 1125
participation in alternative programs known to the licensing 1126
board regardless of whether such participation is deemed 1127
nonpublic or confidential under state law. 1128

d. Current significant investigative information and 1129
participation in nonpublic or confidential alternative programs 1130
shall be transmitted through the coordinated licensure 1131
information system only to party state licensing boards. 1132

e. Notwithstanding any other provision of law, all party 1133
state licensing boards contributing information to the 1134
coordinated licensure information system may designate 1135
information that may not be shared with non-party states or 1136
disclosed to other entities or individuals without the express 1137
permission of the contributing state. 1138

f. Any personally identifiable information obtained from 1139
the coordinated licensure information system by a party state 1140
licensing board shall not be shared with non-party states or 1141
disclosed to other entities or individuals except to the extent 1142
permitted by the laws of the party state contributing the 1143
information. 1144

g. Any information contributed to the coordinated 1145
licensure information system that is subsequently required to be 1146
expunged by the laws of the party state contributing that 1147
information shall also be expunged from the coordinated 1148
licensure information system. 1149

h. The Compact administrator of each party state shall 1150
furnish a uniform data set to the Compact administrator of each 1151
other party state, which shall include, at a minimum: 1152

1. Identifying information; 1153

<u>2. Licensure data;</u>	1154
<u>3. Information related to alternative program participation; and</u>	1155 1156
<u>4. Other information that may facilitate the administration of this Compact, as determined by Commission rules.</u>	1157 1158 1159
<u>i. The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.</u>	1160 1161 1162
<u>ARTICLE VII</u>	1163
<u>Establishment of the Interstate Commission of Nurse Licensure Compact Administrators</u>	1164 1165
<u>a. The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.</u>	1166 1167 1168
<u>1. The Commission is an instrumentality of the party states.</u>	1169 1170
<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>	1171 1172 1173 1174 1175 1176
<u>3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.</u>	1177 1178
<u>b. Membership, Voting and Meetings</u>	1179
<u>1. Each party state shall have and be limited to one</u>	1180

administrator. The head of the state licensing board or designee 1181
shall be the administrator of this Compact for each party state. 1182
Any administrator may be removed or suspended from office as 1183
provided by the law of the state from which the Administrator is 1184
appointed. Any vacancy occurring in the Commission shall be 1185
filled in accordance with the laws of the party state in which 1186
the vacancy exists. 1187

2. Each administrator shall be entitled to one (1) vote 1188
with regard to the promulgation of rules and creation of bylaws 1189
and shall otherwise have an opportunity to participate in the 1190
business and affairs of the Commission. An administrator shall 1191
vote in person or by such other means as provided in the bylaws. 1192
The bylaws may provide for an administrator's participation in 1193
meetings by telephone or other means of communication. 1194

3. The Commission shall meet at least once during each 1195
calendar year. Additional meetings shall be held as set forth in 1196
the bylaws or rules of the commission. 1197

4. All meetings shall be open to the public, and public 1198
notice of meetings shall be given in the same manner as required 1199
under the rulemaking provisions in Article VIII. 1200

5. The Commission may convene in a closed, nonpublic 1201
meeting if the Commission must discuss: 1202

i. Noncompliance of a party state with its obligations 1203
under this Compact; 1204

ii. The employment, compensation, discipline or other 1205
personnel matters, practices or procedures related to specific 1206
employees or other matters related to the Commission's internal 1207
personnel practices and procedures; 1208

iii. Current, threatened or reasonably anticipated 1209

<u>litigation;</u>	1210
<u>iv. Negotiation of contracts for the purchase or sale of</u>	1211
<u>goods, services or real estate;</u>	1212
<u>v. Accusing any person of a crime or formally censuring</u>	1213
<u>any person;</u>	1214
<u>vi. Disclosure of trade secrets or commercial or financial</u>	1215
<u>information that is privileged or confidential;</u>	1216
<u>vii. Disclosure of information of a personal nature where</u>	1217
<u>disclosure would constitute a clearly unwarranted invasion of</u>	1218
<u>personal privacy;</u>	1219
<u>viii. Disclosure of investigatory records compiled for law</u>	1220
<u>enforcement purposes;</u>	1221
<u>ix. Disclosure of information related to any reports</u>	1222
<u>prepared by or on behalf of the Commission for the purpose of</u>	1223
<u>investigation of compliance with this Compact; or</u>	1224
<u>x. Matters specifically exempted from disclosure by</u>	1225
<u>federal or state statute.</u>	1226
<u>6. If a meeting, or portion of a meeting, is closed</u>	1227
<u>pursuant to this provision, the Commission's legal counsel or</u>	1228
<u>designee shall certify that the meeting may be closed and shall</u>	1229
<u>reference each relevant exempting provision. The Commission</u>	1230
<u>shall keep minutes that fully and clearly describe all matters</u>	1231
<u>discussed in a meeting and shall provide a full and accurate</u>	1232
<u>summary of actions taken, and the reasons therefor, including a</u>	1233
<u>description of the views expressed. All documents considered in</u>	1234
<u>connection with an action shall be identified in such minutes.</u>	1235
<u>All minutes and documents of a closed meeting shall remain under</u>	1236
<u>seal, subject to release by a majority vote of the Commission or</u>	1237

<u>order of a court of competent jurisdiction.</u>	1238
<u>c. The Commission shall, by a majority vote of the</u>	1239
<u>administrators, prescribe bylaws or rules to govern its conduct</u>	1240
<u>as may be necessary or appropriate to carry out the purposes and</u>	1241
<u>exercise the powers of this Compact, including but not limited</u>	1242
<u>to:</u>	1243
<u>1. Establishing the fiscal year of the Commission;</u>	1244
<u>2. Providing reasonable standards and procedures:</u>	1245
<u>i. For the establishment and meetings of other committees;</u>	1246
<u>and</u>	1247
<u>ii. Governing any general or specific delegation of any</u>	1248
<u>authority or function of the Commission;</u>	1249
<u>3. Providing reasonable procedures for calling and</u>	1250
<u>conducting meetings of the Commission, ensuring reasonable</u>	1251
<u>advance notice of all meetings and providing an opportunity for</u>	1252
<u>attendance of such meetings by interested parties, with</u>	1253
<u>enumerated exceptions designed to protect the public's interest,</u>	1254
<u>the privacy of individuals, and proprietary information,</u>	1255
<u>including trade secrets. The Commission may meet in closed</u>	1256
<u>session only after a majority of the administrators vote to</u>	1257
<u>close a meeting in whole or in part. As soon as practicable, the</u>	1258
<u>Commission must make public a copy of the vote to close the</u>	1259
<u>meeting revealing the vote of each administrator, with no proxy</u>	1260
<u>votes allowed;</u>	1261
<u>4. Establishing the titles, duties and authority and</u>	1262
<u>reasonable procedures for the election of the officers of the</u>	1263
<u>Commission;</u>	1264
<u>5. Providing reasonable standards and procedures for the</u>	1265

establishment of the personnel policies and programs of the 1266
Commission. Notwithstanding any civil service or other similar 1267
laws of any party state, the bylaws shall exclusively govern the 1268
personnel policies and programs of the Commission; and 1269

6. Providing a mechanism for winding up the operations of 1270
the Commission and the equitable disposition of any surplus 1271
funds that may exist after the termination of this Compact after 1272
the payment or reserving of all of its debts and obligations; 1273

d. The Commission shall publish its bylaws and rules, and 1274
any amendments thereto, in a convenient form on the website of 1275
the Commission. 1276

e. The Commission shall maintain its financial records in 1277
accordance with the bylaws. 1278

f. The Commission shall meet and take such actions as are 1279
consistent with the provisions of this Compact and the bylaws. 1280

g. The Commission shall have the following powers: 1281

1. To promulgate uniform rules to facilitate and 1282
coordinate implementation and administration of this Compact. 1283
The rules shall have the force and effect of law and shall be 1284
binding in all party states; 1285

2. To bring and prosecute legal proceedings or actions in 1286
the name of the Commission, provided that the standing of any 1287
licensing board to sue or be sued under applicable law shall not 1288
be affected; 1289

3. To purchase and maintain insurance and bonds; 1290

4. To borrow, accept or contract for services of 1291
personnel, including, but not limited to, employees of a party 1292
state or nonprofit organizations; 1293

5. To cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space or other resources; 1294
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6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters; 1298
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7. To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest; 1304
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8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety; 1309
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9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed; 1313
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10. To establish a budget and make expenditures; 1316
11. To borrow money; 1317
12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons; 1318
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13. To provide and receive information from, and to cooperate with, law enforcement agencies; 1322
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14. To adopt and use an official seal; and 1324
15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of nurse licensure and practice. 1325
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- h. Financing of the Commission 1328
1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities. 1329
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2. The Commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule that is binding upon all party states. 1332
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3. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the party states, except by, and with the authority of, such party state. 1339
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4. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission. 1343
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<u>i. Qualified Immunity, Defense and Indemnification</u>	1351
<u>1. The administrators, officers, executive director,</u>	1352
<u>employees and representatives of the Commission shall be immune</u>	1353
<u>from suit and liability, either personally or in their official</u>	1354
<u>capacity, for any claim for damage to or loss of property or</u>	1355
<u>personal injury or other civil liability caused by or arising</u>	1356
<u>out of any actual or alleged act, error or omission that</u>	1357
<u>occurred, or that the person against whom the claim is made had</u>	1358
<u>a reasonable basis for believing occurred, within the scope of</u>	1359
<u>Commission employment, duties or responsibilities; provided that</u>	1360
<u>nothing in this paragraph shall be construed to protect any such</u>	1361
<u>person from suit or liability for any damage, loss, injury or</u>	1362
<u>liability caused by the intentional, willful or wanton</u>	1363
<u>misconduct of that person.</u>	1364
<u>2. The Commission shall defend any administrator, officer,</u>	1365
<u>executive director, employee or representative of the Commission</u>	1366
<u>in any civil action seeking to impose liability arising out of</u>	1367
<u>any actual or alleged act, error or omission that occurred</u>	1368
<u>within the scope of Commission employment, duties or</u>	1369
<u>responsibilities, or that the person against whom the claim is</u>	1370
<u>made had a reasonable basis for believing occurred within the</u>	1371
<u>scope of Commission employment, duties or responsibilities;</u>	1372
<u>provided that nothing herein shall be construed to prohibit that</u>	1373
<u>person from retaining his or her own counsel; and provided</u>	1374
<u>further that the actual or alleged act, error or omission did</u>	1375
<u>not result from that person's intentional, willful or wanton</u>	1376
<u>misconduct.</u>	1377
<u>3. The Commission shall indemnify and hold harmless any</u>	1378
<u>administrator, officer, executive director, employee or</u>	1379
<u>representative of the Commission for the amount of any</u>	1380

settlement or judgment obtained against that person arising out 1381
of any actual or alleged act, error or omission that occurred 1382
within the scope of Commission employment, duties or 1383
responsibilities, or that such person had a reasonable basis for 1384
believing occurred within the scope of Commission employment, 1385
duties or responsibilities, provided that the actual or alleged 1386
act, error or omission did not result from the intentional, 1387
willful or wanton misconduct of that person. 1388

ARTICLE VIII 1389

Rulemaking 1390

a. The Commission shall exercise its rulemaking powers 1391
pursuant to the criteria set forth in this Article and the rules 1392
adopted thereunder. Rules and amendments shall become binding as 1393
of the date specified in each rule or amendment and shall have 1394
the same force and effect as provisions of this Compact. 1395

b. Rules or amendments to the rules shall be adopted at a 1396
regular or special meeting of the Commission. 1397

c. Prior to promulgation and adoption of a final rule or 1398
rules by the Commission, and at least sixty (60) days in advance 1399
of the meeting at which the rule will be considered and voted 1400
upon, the Commission shall file a notice of proposed rulemaking: 1401

1. On the website of the Commission; and 1402

2. On the website of each licensing board or the 1403
publication in which each state would otherwise publish proposed 1404
rules. 1405

d. The notice of proposed rulemaking shall include: 1406

1. The proposed time, date and location of the meeting in 1407
which the rule will be considered and voted upon; 1408

<u>2. The text of the proposed rule or amendment, and the</u>	1409
<u>reason for the proposed rule;</u>	1410
<u>3. A request for comments on the proposed rule from any</u>	1411
<u>interested person; and</u>	1412
<u>4. The manner in which interested persons may submit</u>	1413
<u>notice to the Commission of their intention to attend the public</u>	1414
<u>hearing and any written comments.</u>	1415
<u>e. Prior to adoption of a proposed rule, the Commission</u>	1416
<u>shall allow persons to submit written data, facts, opinions and</u>	1417
<u>arguments, which shall be made available to the public.</u>	1418
<u>f. The Commission shall grant an opportunity for a public</u>	1419
<u>hearing before it adopts a rule or amendment.</u>	1420
<u>g. The Commission shall publish the place, time and date</u>	1421
<u>of the scheduled public hearing.</u>	1422
<u>1. Hearings shall be conducted in a manner providing each</u>	1423
<u>person who wishes to comment a fair and reasonable opportunity</u>	1424
<u>to comment orally or in writing. All hearings will be recorded,</u>	1425
<u>and a copy will be made available upon request.</u>	1426
<u>2. Nothing in this section shall be construed as requiring</u>	1427
<u>a separate hearing on each rule. Rules may be grouped for the</u>	1428
<u>convenience of the Commission at hearings required by this</u>	1429
<u>section.</u>	1430
<u>h. If no one appears at the public hearing, the Commission</u>	1431
<u>may proceed with promulgation of the proposed rule.</u>	1432
<u>i. Following the scheduled hearing date, or by the close</u>	1433
<u>of business on the scheduled hearing date if the hearing was not</u>	1434
<u>held, the Commission shall consider all written and oral</u>	1435
<u>comments received.</u>	1436

j. The Commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. 1437
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k. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to: 1441
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1. Meet an imminent threat to public health, safety or welfare; 1450
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2. Prevent a loss of Commission or party state funds; or 1452

3. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule. 1453
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1. The Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further 1455
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action. If the revision is challenged, the revision may not take 1466
effect without the approval of the Commission. 1467

ARTICLE IX 1468

Oversight, Dispute Resolution and Enforcement 1469

a. Oversight 1470

1. Each party state shall enforce this Compact and take 1471
all actions necessary and appropriate to effectuate this 1472
Compact's purposes and intent. 1473

2. The Commission shall be entitled to receive service of 1474
process in any proceeding that may affect the powers, 1475
responsibilities or actions of the Commission, and shall have 1476
standing to intervene in such a proceeding for all purposes. 1477
Failure to provide service of process in such proceeding to the 1478
Commission shall render a judgment or order void as to the 1479
Commission, this Compact or promulgated rules. 1480

b. Default, Technical Assistance and Termination 1481

1. If the Commission determines that a party state has 1482
defaulted in the performance of its obligations or 1483
responsibilities under this Compact or the promulgated rules, 1484
the Commission shall: 1485

i. Provide written notice to the defaulting state and 1486
other party states of the nature of the default, the proposed 1487
means of curing the default or any other action to be taken by 1488
the Commission; and 1489

ii. Provide remedial training and specific technical 1490
assistance regarding the default. 1491

2. If a state in default fails to cure the default, the 1492

defaulting state's membership in this Compact may be terminated 1493
upon an affirmative vote of a majority of the administrators, 1494
and all rights, privileges and benefits conferred by this 1495
Compact may be terminated on the effective date of termination. 1496
A cure of the default does not relieve the offending state of 1497
obligations or liabilities incurred during the period of 1498
default. 1499

3. Termination of membership in this Compact shall be 1500
imposed only after all other means of securing compliance have 1501
been exhausted. Notice of intent to suspend or terminate shall 1502
be given by the Commission to the governor of the defaulting 1503
state and to the executive officer of the defaulting state's 1504
licensing board and each of the party states. 1505

4. A state whose membership in this Compact has been 1506
terminated is responsible for all assessments, obligations and 1507
liabilities incurred through the effective date of termination, 1508
including obligations that extend beyond the effective date of 1509
termination. 1510

5. The Commission shall not bear any costs related to a 1511
state that is found to be in default or whose membership in this 1512
Compact has been terminated unless agreed upon in writing 1513
between the Commission and the defaulting state. 1514

6. The defaulting state may appeal the action of the 1515
Commission by petitioning the U.S. District Court for the 1516
District of Columbia or the federal district in which the 1517
Commission has its principal offices. The prevailing party shall 1518
be awarded all costs of such litigation, including reasonable 1519
attorneys' fees. 1520

c. Dispute Resolution 1521

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. 1522
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2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate. 1525
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3. In the event the Commission cannot resolve disputes among party states arising under this Compact: 1528
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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. 1530
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ii. The decision of a majority of the arbitrators shall be final and binding. 1536
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d. Enforcement 1538

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact. 1539
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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 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees. 1542
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3. The remedies herein shall not be the exclusive remedies 1551
of the Commission. The Commission may pursue any other remedies 1552
available under federal or state law. 1553

ARTICLE X 1554

Effective Date, Withdrawal and Amendment 1555

a. This Compact shall become effective and binding on the 1556
earlier of the date of legislative enactment of this Compact 1557
into law by no less than twenty-six (26) states or December 31, 1558
2018. All party states to this Compact, that also were parties 1559
to the prior Nurse Licensure Compact, superseded by this 1560
Compact, ("Prior Compact"), shall be deemed to have withdrawn 1561
from said Prior Compact within six (6) months after the 1562
effective date of this Compact. 1563

b. Each party state to this Compact shall continue to 1564
recognize a nurse's multistate licensure privilege to practice 1565
in that party state issued under the Prior Compact until such 1566
party state has withdrawn from the Prior Compact. 1567

c. Any party state may withdraw from this Compact by 1568
enacting a statute repealing the same. A party state's 1569
withdrawal shall not take effect until six (6) months after 1570
enactment of the repealing statute. 1571

d. A party state's withdrawal or termination shall not 1572
affect the continuing requirement of the withdrawing or 1573
terminated state's licensing board to report adverse actions and 1574
significant investigations occurring prior to the effective date 1575
of such withdrawal or termination. 1576

e. Nothing contained in this Compact shall be construed to 1577
invalidate or prevent any nurse licensure agreement or other 1578
cooperative arrangement between a party state and a non-party 1579

state that is made in accordance with the other provisions of 1580
this Compact. 1581

f. This Compact may be amended by the party states. No 1582
amendment to this Compact shall become effective and binding 1583
upon the party states unless and until it is enacted into the 1584
laws of all party states. 1585

g. Representatives of non-party states to this Compact 1586
shall be invited to participate in the activities of the 1587
Commission, on a nonvoting basis, prior to the adoption of this 1588
Compact by all states. 1589

ARTICLE XI 1590

Construction and Severability 1591

This Compact shall be liberally construed so as to 1592
effectuate the purposes thereof. The provisions of this Compact 1593
shall be severable, and if any phrase, clause, sentence or 1594
provision of this Compact is declared to be contrary to the 1595
constitution of any party state or of the United States, or if 1596
the applicability thereof to any government, agency, person or 1597
circumstance is held invalid, the validity of the remainder of 1598
this Compact and the applicability thereof to any government, 1599
agency, person or circumstance shall not be affected thereby. If 1600
this Compact shall be held to be contrary to the constitution of 1601
any party state, this Compact shall remain in full force and 1602
effect as to the remaining party states and in full force and 1603
effect as to the party state affected as to all severable 1604
matters. 1605

Sec. 4723.111. Not later than thirty days after the "Nurse 1606
Licensure Compact" is entered into under section 4723.11 of the 1607
Revised Code, the board of nursing, in accordance with article 1608

VII of the compact, shall select an individual to serve as an 1609
administrator to the interstate commission of nurse licensure 1610
compact administrators created under the compact. The board 1611
shall fill a vacancy in this position not later than thirty days 1612
after the vacancy occurs. 1613

Sec. 4723.112. A multistate license to practice registered 1614
or licensed practical nursing issued pursuant to section 4723.11 1615
of the Revised Code is an option for licensure in addition to a 1616
traditional license to practice as a registered nurse or as a 1617
licensed practical nurse issued pursuant to section 4723.09 of 1618
the Revised Code. The board of nursing may charge a fee in 1619
excess of the traditional license fee for issuance of a 1620
multistate license. The board shall not pass along to a 1621
traditional license applicant or holder any costs associated 1622
with entering into or administering the "Nurse Licensure 1623
Compact" under section 4723.11 of the Revised Code. 1624

Sec. 4723.113. The Interstate Commission of Nurse 1625
Licensure Compact Administrators, in providing an opportunity to 1626
comment on a proposed rule as set forth in article VIII.g. of 1627
the "Nurse Licensure Compact" entered into under section 4723.11 1628
of the Revised Code, shall provide the opportunity to comment 1629
orally via teleconference. 1630

Sec. 4723.114. (A) A person or governmental entity that 1631
employs, or contracts directly or through another person or 1632
governmental entity for the provision of services by, a nurse 1633
holding a multistate license to practice registered or licensed 1634
practical nursing issued pursuant to section 4723.11 of the 1635
Revised Code shall do both of the following if the nurse's home 1636
state, as defined in that section, is not Ohio: 1637

(1) Report to the board of nursing the name of each nurse 1638

holding a multistate license, as well as any other information 1639
pertaining to the nurse as required by rules of the board; 1640

(2) Provide each nurse holding a multistate license a copy 1641
of board-developed information concerning laws and rules 1642
specific to the practice of nursing in Ohio. 1643

(B) The board shall develop information concerning laws 1644
and rules specific to the practice of nursing in Ohio and make 1645
that information available on its internet web site. 1646

(C) The board may adopt rules in accordance with Chapter 1647
119. of the Revised Code to implement this section. 1648

Sec. 4723.115. Nothing in sections 4723.11 to 4723.114 of 1649
the Revised Code shall be construed to limit, alter, or modify 1650
the following: 1651

(A) Any of the terms, conditions, or provisions of a 1652
collective bargaining agreement entered into by a hospital; 1653

(B) The authority of the board of nursing to determine any 1654
of the following: 1655

(1) Whether an applicant seeking a traditional license to 1656
practice as a registered nurse or as a licensed practical nurse 1657
issued pursuant to section 4723.09 of the Revised Code meets the 1658
educational requirements of that section; 1659

(2) Whether a registered nurse or licensed practical nurse 1660
holding a license to practice issued pursuant to section 4723.09 1661
of the Revised Code has completed the continuing education 1662
required for renewal as described in section 4723.24 of the 1663
Revised Code; 1664

(3) Whether a registered nurse or licensed practical nurse 1665
holding a license to practice issued pursuant to section 4723.09 1666

of the Revised Code has engaged in activities that exceed the 1667
practice of nursing as a registered nurse or as a licensed 1668
practical nurse. 1669

Sec. 4723.116. The board of nursing may accept grant money 1670
from the national council of state boards of nursing to assist 1671
in the implementation of sections 4723.11 and 4723.111 of the 1672
Revised Code. 1673

Sec. 4723.34. (A) A person or governmental entity that 1674
employs, or contracts directly or through another person or 1675
governmental entity for the provision of services by, registered 1676
nurses, licensed practical nurses, nurses holding multistate 1677
licenses to practice registered or licensed practical nursing 1678
issued pursuant to section 4723.11 of the Revised Code, dialysis 1679
technicians, medication aides, or certified community health 1680
workers and that knows or has reason to believe that a current 1681
or former employee or person providing services under a contract 1682
who holds a license or certificate issued under this chapter 1683
engaged in conduct that would be grounds for disciplinary action 1684
by the board of nursing under this chapter or rules adopted 1685
under it shall report to the board of nursing the name of such 1686
current or former employee or person providing services under a 1687
contract. The report shall be made on the person's or 1688
governmental entity's behalf by an individual licensed by the 1689
board who the person or governmental entity has designated to 1690
make such reports. 1691

A prosecutor in a case described in divisions (B) (3) to 1692
(5) of section 4723.28 of the Revised Code, or in a case where 1693
the trial court issued an order of dismissal upon technical or 1694
procedural grounds of a charge of a misdemeanor committed in the 1695
course of practice, a felony charge, or a charge of gross 1696

immorality or moral turpitude, who knows or has reason to 1697
believe that the person charged is licensed under this chapter 1698
to practice nursing as a registered nurse or as a licensed 1699
practical nurse or holds a certificate issued under this chapter 1700
to practice as a dialysis technician shall notify the board of 1701
nursing of the charge. With regard to certified community health 1702
workers and medication aides, the prosecutor in a case involving 1703
a charge of a misdemeanor committed in the course of employment, 1704
a felony charge, or a charge of gross immorality or moral 1705
turpitude, including a case dismissed on technical or procedural 1706
grounds, who knows or has reason to believe that the person 1707
charged holds a community health worker or medication aide 1708
certificate issued under this chapter shall notify the board of 1709
the charge. 1710

Each notification from a prosecutor shall be made on forms 1711
prescribed and provided by the board. The report shall include 1712
the name and address of the license or certificate holder, the 1713
charge, and the certified court documents recording the action. 1714

(B) If any person or governmental entity fails to provide 1715
a report required by this section, the board may seek an order 1716
from a court of competent jurisdiction compelling submission of 1717
the report. 1718

Sec. 5123.169. (A) ~~(1) The director of developmental~~ 1719
~~disabilities shall not refuse to issue a supported living~~ 1720
~~certificate to an applicant unless either of the following~~ 1721
~~applies:~~ 1722

~~(a) The applicant fails to comply with division (C) (2) of~~ 1723
~~this section;~~ 1724

~~(b) The applicant is found by a criminal records check~~ 1725

~~required by this section to have been convicted of, pleaded- 1726
guilty to, or been found eligible for intervention in lieu of- 1727
conviction for a disqualifying offense and the director complies- 1728
with section 9.79 of the Revised Code. 1729~~

~~(2) The director of developmental disabilities shall not 1730
issue a supported living certificate to an applicant or renew an 1731
applicant's supported living certificate if either of the 1732
following applies: 1733~~

~~(a) (1) The applicant ~~for renewal~~ fails to comply with 1734
division (C) (2) of this section; 1735~~

~~(b) (2) Except as provided in rules adopted under section 1736
5123.1611 of the Revised Code, the applicant ~~for renewal~~ is 1737
found by a criminal records check required by this section to 1738
have been convicted of, pleaded guilty to, or been found 1739
eligible for intervention in lieu of conviction for a 1740
disqualifying offense. 1741~~

(B) Before issuing a supported living certificate to an 1742
applicant or renewing an applicant's supported living 1743
certificate, the director shall require the applicant to submit 1744
a statement with the applicant's signature attesting ~~as to 1745~~
~~whether that~~ the applicant has not been convicted of, pleaded 1746
guilty to, or been found eligible for intervention in lieu of 1747
conviction for a disqualifying offense. The director also shall 1748
require the applicant to sign an agreement under which the 1749
applicant agrees to notify the director within fourteen calendar 1750
days if, while holding a supported living certificate, the 1751
applicant is formally charged with, is convicted of, pleads 1752
guilty to, or is found eligible for intervention in lieu of 1753
conviction for a disqualifying offense. The agreement shall 1754
provide that the applicant's failure to provide the notification 1755

may result in action being taken by the director against the 1756
applicant under section 5123.166 of the Revised Code. 1757

(C) (1) As a condition of receiving a supported living 1758
certificate or having a supported living certificate renewed, an 1759
applicant shall request the superintendent of the bureau of 1760
criminal identification and investigation to conduct a criminal 1761
records check of the applicant. If an applicant does not present 1762
proof to the director that the applicant has been a resident of 1763
this state for the five-year period immediately prior to the 1764
date that the applicant applies for issuance or renewal of the 1765
supported living certificate, the director shall require the 1766
applicant to request that the superintendent obtain information 1767
from the federal bureau of investigation as a part of the 1768
criminal records check. If the applicant presents proof to the 1769
director that the applicant has been a resident of this state 1770
for that five-year period, the director may require the 1771
applicant to request that the superintendent include information 1772
from the federal bureau of investigation in the criminal records 1773
check. For purposes of this division, an applicant may provide 1774
proof of residency in this state by presenting, with a notarized 1775
statement asserting that the applicant has been a resident of 1776
this state for that five-year period, a valid driver's license, 1777
notification of registration as an elector, a copy of an 1778
officially filed federal or state tax form identifying the 1779
applicant's permanent residence, or any other document the 1780
director considers acceptable. 1781

(2) Each applicant shall do all of the following: 1782

(a) Obtain a copy of the form prescribed pursuant to 1783
division (C) (1) of section 109.572 of the Revised Code and a 1784
standard impression sheet prescribed pursuant to division (C) (2) 1785

of section 109.572 of the Revised Code; 1786

(b) Complete the form and provide the applicant's 1787
fingerprint impressions on the standard impression sheet; 1788

(c) Forward the completed form and standard impression 1789
sheet to the superintendent at the time the criminal records 1790
check is requested; 1791

(d) Instruct the superintendent to submit the completed 1792
report of the criminal records check directly to the director; 1793

(e) Pay to the bureau of criminal identification and 1794
investigation the fee prescribed pursuant to division (C) (3) of 1795
section 109.572 of the Revised Code for each criminal records 1796
check of the applicant requested and conducted pursuant to this 1797
section. 1798

(D) The director may request any other state or federal 1799
agency to supply the director with a written report regarding 1800
the criminal record of an applicant. The director may consider 1801
the reports when determining whether to issue a supported living 1802
certificate to the applicant or to renew an applicant's 1803
supported living certificate. 1804

(E) An applicant who seeks to be an independent provider 1805
or is an independent provider seeking renewal of the applicant's 1806
supported living certificate shall obtain the applicant's 1807
driving record from the bureau of motor vehicles and provide a 1808
copy of the record to the director if the supported living that 1809
the applicant will provide involves transporting individuals 1810
with developmental disabilities. The director may consider the 1811
applicant's driving record when determining whether to issue the 1812
applicant a supported living certificate or to renew the 1813
applicant's supported living certificate. 1814

(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant who is the subject of the report or the applicant's representative;

(b) The director or the director's representative;

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of a supported living certificate or refusal to renew a supported living certificate;

(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program.

(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified.

(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.

(4) The director shall provide each applicant with a copy	1843
of any report obtained about the applicant under this section.	1844
Sec. 5123.1611. The director of developmental disabilities	1845
shall adopt rules under Chapter 119. of the Revised Code	1846
establishing all of the following:	1847
(A) The extent to which a county board of developmental	1848
disabilities may provide supported living;	1849
(B) The application process for obtaining a supported	1850
living certificate under section 5123.161 of the Revised Code;	1851
(C) The certification standards a person or government	1852
entity must meet to obtain a supported living certificate to	1853
provide supported living;	1854
(D) The certification fee for a supported living	1855
certificate, which shall be deposited into the program fee fund	1856
created under section 5123.033 of the Revised Code;	1857
(E) The period of time a supported living certificate is	1858
valid;	1859
(F) The process for renewing a supported living	1860
certificate under section 5123.164 of the Revised Code;	1861
(G) The renewal fee for a supported living certificate,	1862
which shall be deposited into the program fee fund created under	1863
section 5123.033 of the Revised Code;	1864
(H) Procedures for conducting surveys under section	1865
5123.162 of the Revised Code;	1866
(I) Procedures for determining whether there is good cause	1867
to take action under section 5123.166 of the Revised Code	1868
against a person or government entity seeking or holding a	1869

supported living certificate; 1870

(J) Circumstances under which the director may issue a 1871
supported living certificate to an applicant or renew an 1872
applicant's supported living certificate if the applicant is 1873
found by a criminal records check required by section 5123.169 1874
of the Revised Code to have been convicted of, pleaded guilty 1875
to, or been found eligible for intervention in lieu of 1876
conviction for a disqualifying offense but meets standards in 1877
regard to rehabilitation set by the director. 1878

Sec. 5123.452. (A) If good cause exists as specified in 1879
division (B) of this section and determined in accordance with 1880
procedures established in rules adopted under section 5123.46 of 1881
the Revised Code, the director of developmental disabilities may 1882
issue an adjudication order requiring that one of the following 1883
actions be taken against a person seeking or holding a 1884
certificate issued under section 5123.45 of the Revised Code: 1885

(1) Refusal to issue or renew a certificate; 1886

(2) Revocation of a certificate; 1887

(3) Suspension of a certificate. 1888

(B) The following constitute good cause for taking action 1889
under division (A) of this section against a certificate holder: 1890

(1) The certificate holder violates sections 5123.41 to 1891
5123.45 of the Revised Code or rules adopted under those 1892
sections; 1893

(2) Confirmed abuse or neglect; 1894

(3) The certificate holder has been convicted of or 1895
pleaded guilty to a disqualifying offense, as defined in section 1896
5123.081 of the Revised Code; 1897

(4) Misfeasance;	1898
(5) Malfeasance;	1899
(6) Nonfeasance;	1900
(7) In the case of a certificate holder who is a registered nurse, the board of nursing has taken disciplinary action against the certificate holder under Chapter 4723. of the Revised Code;	1901 1902 1903 1904
(8) Other conduct the director determines is or would be injurious to individuals.	1905 1906
(C) The director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.	1907 1908 1909
(D) Notwithstanding any provision of divisions (A) and (B) of this section to the contrary, the director shall not refuse to issue a certificate to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.	1910 1911 1912 1913 1914
Section 2. That existing sections 9.79, 109.572, 4723.34, 5123.169, 5123.1611, and 5123.452 of the Revised Code are hereby repealed.	1915 1916 1917
Section 3. Sections 4723.11 to 4723.116 of the Revised Code take effect on January 1, 2023.	1918 1919
Section 4. Section 109.572 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 263 and S.B. 260 of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation,	1920 1921 1922 1923 1924 1925

finds that the composite is the resulting version of the section	1926
in effect prior to the effective date of the section as	1927
presented in this act.	1928