

[Second Reprint]

**ASSEMBLY, No. 1597**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANGELA MCKNIGHT**

**District 31 (Hudson)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Assemblywomen Quijano, Lampitt, Pinkin, Murphy, N.Munoz, Jones, Chaparro, Assemblyman Verrelli, Assemblywoman Carter, Assemblyman Benson, Assemblywomen Reynolds-Jackson, Jasey, Jimenez, Mosquera, Assemblymen Wirths and Space**

**SYNOPSIS**

Enters New Jersey in enhanced multistate Nurse Licensure Compact.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on May 20, 2019, with amendments.

(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning the <sup>2</sup>enhanced<sup>2</sup> multistate Nurse Licensure  
2 Compact and supplementing Title 45 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the  
5 State of New Jersey:

6  
7 1. The State of New Jersey enacts and enters into the Nurse  
8 Licensure Compact with all other jurisdictions that legally join in  
9 the compact in the form substantially as follows:

10  
11 ARTICLE I: Findings and Declaration of Purpose

- 12  
13 a. The party states find that:
- 14 1. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;
  - 17 2. Violations of nurse licensure and other laws regulating the  
18 practice of nursing may result in injury or harm to the public;
  - 19 3. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;
  - 23 4. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex;
  - 25 5. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant for both nurses and  
27 states; and
  - 28 6. Uniformity of nurse licensure requirements throughout the  
29 states promotes public safety and public health benefits.
- 30 b. The general purposes of this Compact are to:
- 31 1. Facilitate the states' responsibility to protect the public's health  
32 and safety;
  - 33 2. Ensure and encourage the cooperation of party states in the  
34 areas of nurse licensure and regulation;
  - 35 3. Facilitate the exchange of information between party states in  
36 the areas of nurse regulation, investigation and adverse actions;
  - 37 4. Promote compliance with the laws governing the practice of  
38 nursing in each jurisdiction;
  - 39 5. Invest all party states with the authority to hold a nurse  
40 accountable for meeting all state practice laws in the state in which the  
41 patient is located at the time care is rendered through the mutual  
42 recognition of party state licenses;
  - 43 6. Decrease redundancies in the consideration and issuance of  
44 nurse licenses; and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly AHE committee amendments adopted January 17, 2019.

<sup>2</sup>Assembly AAP committee amendments adopted May 20, 2019.

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

3  
4 ARTICLE II: Definitions

5  
6 As used in this Compact:

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

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

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

22 d. "Current significant investigative information" means:

23 1. Investigative information that a licensing board, after a  
24 preliminary inquiry that includes notification and an opportunity for the  
25 nurse to respond, if required by state law, has reason to believe is not  
26 groundless and, if proved true, would indicate more than a minor  
27 infraction; <sup>1</sup>**[or]**<sup>1</sup>

28 2. Investigative information that indicates that the nurse represents  
29 an immediate threat to public health and safety regardless of whether  
30 the nurse has been notified and had an opportunity to respond <sup>1</sup>; or

31 3. Any information concerning a nurse reported to a licensing  
32 board by a health care entity, health care professional, or any other  
33 person, which indicates that the nurse demonstrated an impairment,  
34 gross incompetence, or unprofessional conduct that would present an  
35 imminent danger to a patient or the public health, safety, or welfare<sup>1</sup> .

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

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

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

43 h. "Multistate license" means a license to practice as a registered  
44 nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), which  
45 is issued by a home state licensing board, and which authorizes the  
46 licensed nurse to practice in all party states under a multistate licensure  
47 privilege.

- 1 i. “Multistate licensure privilege” means a legal authorization  
2 associated with a multistate license permitting the practice of nursing  
3 as either a registered nurse (RN) or a licensed practical/vocational nurse  
4 (LPN/VN) in a remote state.
- 5 j. “Nurse” means RN or LPN/VN, as those terms are defined by  
6 each party state’s practice laws.
- 7 k. “Party state” means any state that has adopted this Compact.
- 8 l. “Remote state” means a party state, other than the home state.
- 9 m. “Single-state license” means a nurse license issued by a party  
10 state that authorizes practice only within the issuing state and does not  
11 include a multistate licensure privilege to practice in any other party  
12 state.
- 13 n. “State” means a state, territory or possession of the United  
14 States and the District of Columbia.
- 15 o. “State practice laws” means a party state’s laws, rules and  
16 regulations that govern the practice of nursing, define the scope of  
17 nursing practice, and create the methods and grounds for imposing  
18 discipline. “State practice laws” do not include requirements necessary  
19 to obtain and retain a license, except for qualifications or requirements  
20 of the home state.

21

22

ARTICLE III: General Provisions and Jurisdiction

23

24 a. A multistate license to practice registered or licensed  
25 practical/vocational nursing issued by a home state to a resident in that  
26 state will be recognized by each party state as authorizing a nurse to  
27 practice as a registered nurse (RN) or as a licensed practical/vocational  
28 nurse (LPN/VN), under a multistate licensure privilege, in each party  
29 state.

30 b. A state must implement procedures for considering the criminal  
31 history records of applicants for an initial multistate license or licensure  
32 by endorsement. Such procedures shall include the submission of  
33 fingerprints or other biometric-based information by applicants for the  
34 purpose of obtaining an applicant’s criminal history record information  
35 from the Federal Bureau of Investigation and the agency responsible for  
36 retaining that state’s criminal records.

37 c. Each party state shall require its licensing board to authorize an  
38 applicant to obtain or retain a multistate license in the home state only  
39 if the applicant:

40 1. Meets the home state’s qualifications for licensure or renewal of  
41 licensure, and complies with all other applicable state laws;

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

44 ii. Has graduated from a foreign RN or LPN/VN prelicensure  
45 education program that has been: (a) approved by the authorized  
46 accrediting body in the applicable country, and (b) verified by an  
47 independent credentials review agency to be comparable to a licensing  
48 board-approved prelicensure education program;

- 1       3. Has, if a graduate of a foreign prelicensure education program  
2 not taught in English or if English is not the individual's native  
3 language, successfully passed an English proficiency examination that  
4 includes the components of reading, speaking, writing and listening;
- 5       4. Has successfully passed an NCLEX-RN or NCLEX-PN  
6 Examination or recognized predecessor, as applicable;
- 7       5. Is eligible for or holds an active, unencumbered license;
- 8       6. Has submitted, in connection with an application for initial  
9 licensure or licensure by endorsement, fingerprints or other biometric  
10 data for the purpose of obtaining criminal history record information  
11 from the Federal Bureau of Investigation and the agency responsible for  
12 retaining that state's criminal records;
- 13       7. Has not been convicted or found guilty, or has entered into an  
14 agreed disposition, of a felony offense under applicable state or federal  
15 criminal law;
- 16       8. Has not been convicted or found guilty, or has entered into an  
17 agreed disposition, of a misdemeanor offense related to the practice of  
18 nursing as determined on a case-by-case basis;
- 19       9. Is not currently enrolled in an alternative program;
- 20       10. Is subject to self-disclosure requirements regarding current  
21 participation in an alternative program; and
- 22       11. Has a valid United States Social Security number.
- 23       d. All party states shall be authorized, in accordance with existing  
24 state due process law, to take adverse action against a nurse's  
25 multistate licensure privilege such as revocation, suspension,  
26 probation or any other action that affects a nurse's authorization to  
27 practice under a multistate licensure privilege, including cease and  
28 desist actions. If a party state takes such action, it shall promptly notify  
29 the administrator of the coordinated licensure information system. The  
30 administrator of the coordinated licensure information system shall  
31 promptly notify the home state of any such actions by remote states.
- 32       e. A nurse practicing in a party state must comply with the state  
33 practice laws of the state in which the client is located at the time  
34 service is provided. The practice of nursing is not limited to patient  
35 care, but shall include all nursing practice as defined by the state  
36 practice laws of the party state in which the client is located. The  
37 practice of nursing in a party state under a multistate licensure privilege  
38 will subject a nurse to the jurisdiction of the licensing board, the courts  
39 and the laws of the party state in which the client is located at the time  
40 service is provided.
- 41       f. Individuals not residing in a party state shall continue to be able  
42 to apply for a party state's single-state license as provided under the  
43 laws of each party state. However, the single-state license granted to  
44 these individuals will not be recognized as granting the privilege to  
45 practice nursing in any other party state. Nothing in this Compact shall  
46 affect the requirements established by a party state for the issuance of a  
47 single-state license.

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

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

7 2. A nurse who fails to satisfy the multistate licensure  
8 requirements in Article III.c. due to a disqualifying event occurring  
9 after this Compact's effective date shall be ineligible to retain or renew  
10 a multistate license, and the nurse's multistate license shall be revoked  
11 or deactivated in accordance with applicable rules adopted by the  
12 Interstate Commission of Nurse Licensure Compact Administrators  
13 ("Commission").

14  
15 ARTICLE IV: Applications for Licensure in a Party State

16  
17 a. Upon application for a multistate license, the licensing board in  
18 the issuing party state shall ascertain, through the coordinated licensure  
19 information system, whether the applicant has ever held, or is the  
20 holder of, a license issued by any other state, whether there are any  
21 encumbrances on any license or multistate licensure privilege held by  
22 the applicant, whether any adverse action has been taken against any  
23 license or multistate licensure privilege held by the applicant and  
24 whether the applicant is currently participating in an alternative  
25 program.

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

28 c. If a nurse changes primary state of residence by moving  
29 between two party states, the nurse must apply for licensure in the new  
30 home state, and the multistate license issued by the prior home state  
31 will be deactivated in accordance with applicable rules adopted by the  
32 Commission.

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

35 2. A multistate license shall not be issued by the new home state  
36 until the nurse provides satisfactory evidence of a change in primary  
37 state of residence to the new home state and satisfies all applicable  
38 requirements to obtain a multistate license from the new home state.

39 d. If a nurse changes primary state of residence by moving from a  
40 party state to a non-party state, the multistate license issued by the  
41 prior home state will convert to a single-state license, valid only in the  
42 former home state.

43  
44 ARTICLE V: Additional Authorities Invested in Party State Licensing  
45 Boards

46  
47 a. In addition to the other powers conferred by state law, a  
48 licensing board shall have the authority to:

- 1       1. Take adverse action against a nurse's multistate licensure  
2 privilege to practice within that party state.
- 3       i. Only the home state shall have the power to take adverse action  
4 against a nurse's license issued by the home state.
- 5       ii. For purposes of taking adverse action, the home state licensing  
6 board shall give the same priority and effect to reported conduct  
7 received from a remote state as it would if such conduct had occurred  
8 within the home state. In so doing, the home state shall apply its own  
9 state laws to determine appropriate action.
- 10      2. Issue cease and desist orders or impose an encumbrance on a  
11 nurse's authority to practice within that party state.
- 12      3. Complete any pending investigations of a nurse who changes  
13 primary state of residence during the course of such investigations. The  
14 licensing board shall also have the authority to take appropriate  
15 action(s) and shall promptly report the conclusions of such  
16 investigations to the administrator of the coordinated licensure  
17 information system. The administrator of the coordinated licensure  
18 information system shall promptly notify the new home state of any  
19 such actions.
- 20      4. Issue subpoenas for both hearings and investigations that  
21 require the attendance and testimony of witnesses, as well as the  
22 production of evidence. Subpoenas issued by a licensing board in a  
23 party state for the attendance and testimony of witnesses or the  
24 production of evidence from another party state shall be enforced in the  
25 latter state by any court of competent jurisdiction, according to the  
26 practice and procedure of that court applicable to subpoenas issued in  
27 proceedings pending before it. The issuing authority shall pay any  
28 witness fees, travel expenses, mileage and other fees required by the  
29 service statutes of the state in which the witnesses or evidence are  
30 located.
- 31      5. Obtain and submit, for each nurse licensure applicant,  
32 fingerprint or other biometric-based information to the Federal Bureau  
33 of Investigation for criminal background checks, receive the results of  
34 the Federal Bureau of Investigation record search on criminal  
35 background checks and use the results in making licensure decisions.
- 36      6. If otherwise permitted by state law, recover from the affected  
37 nurse the costs of investigations and disposition of cases resulting from  
38 any adverse action taken against that nurse.
- 39      7. Take adverse action based on the factual findings of the remote  
40 state, provided that the licensing board follows its own procedures for  
41 taking such adverse action.
- 42      b. If adverse action is taken by the home state against a nurse's  
43 multistate license, the nurse's multistate licensure privilege to practice  
44 in all other party states shall be deactivated until all encumbrances have  
45 been removed from the multistate license. All home state disciplinary  
46 orders that impose adverse action against a nurse's multistate license  
47 shall include a statement that the nurse's multistate licensure privilege  
48 is deactivated in all party states during the pendency of the order.

1 c. Nothing in this Compact shall override a party state's decision  
2 that participation in an alternative program may be used in lieu of  
3 adverse action. The home state licensing board shall deactivate the  
4 multistate licensure privilege under the multistate license of any nurse  
5 for the duration of the nurse's participation in an alternative program.

6  
7 ARTICLE VI: Coordinated Licensure Information System and  
8 Exchange of Information  
9

10 a. All party states shall participate in a coordinated licensure  
11 information system of all licensed registered nurses (RNs) and licensed  
12 practical/vocational nurses (LPNs/VNs). This system will include  
13 information on the licensure and disciplinary history of each nurse, as  
14 submitted by party states, to assist in the coordination of nurse licensure  
15 and enforcement efforts.

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

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

26 d. Current significant investigative information and participation in  
27 nonpublic or confidential alternative programs shall be transmitted  
28 through the coordinated licensure information system only to party  
29 state licensing boards.

30 e. Notwithstanding any other provision of law, all party state  
31 licensing boards contributing information to the coordinated licensure  
32 information system may designate information that may not be shared  
33 with non-party states or disclosed to other entities or individuals  
34 without the express permission of the contributing state.

35 f. Any personally identifiable information obtained from the  
36 coordinated licensure information system by a party state licensing  
37 board shall not be shared with non-party states or disclosed to other  
38 entities or individuals except to the extent permitted by the laws of the  
39 party state contributing the information.

40 g. Any information contributed to the coordinated licensure  
41 information system that is subsequently required to be expunged by the  
42 laws of the party state contributing that information shall also be  
43 expunged from the coordinated licensure information system.

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

- 47 1. Identifying information;
- 48 2. Licensure data;



1           3. Information related to alternative program participation; and  
2           4. Other information that may facilitate the administration of this  
3 Compact, as determined by Commission rules.

4           i. The Compact administrator of a party state shall provide all  
5 investigative documents and information requested by another party  
6 state.

7

8           ARTICLE VII: Establishment of the Interstate Commission of Nurse  
9                                    Licensure Compact Administrators

10

11           a. The party states hereby create and establish a joint public entity  
12 known as the Interstate Commission of Nurse Licensure Compact  
13 Administrators.

14           1. The Commission is an instrumentality of the party states.

15           2. Venue is proper, and judicial proceedings by or against the  
16 Commission shall be brought solely and exclusively, in a court of  
17 competent jurisdiction where the principal office of the Commission is  
18 located. The Commission may waive venue and jurisdictional  
19 defenses to the extent it adopts or consents to participate in alternative  
20 dispute resolution proceedings.

21           3. Nothing in this Compact shall be construed to be a waiver of  
22 sovereign immunity.

23           b. Membership, Voting and Meetings

24           1. Each party state shall have and be limited to one administrator.  
25 The head of the state licensing board or designee shall be the  
26 administrator of this Compact for each party state. Any administrator  
27 may be removed or suspended from office as provided by the law of the  
28 state from which the Administrator is appointed. Any vacancy  
29 occurring in the Commission shall be filled in accordance with the laws  
30 of the party state in which the vacancy exists.

31           2. Each administrator shall be entitled to one (1) vote with regard  
32 to the promulgation of rules and creation of bylaws and shall otherwise  
33 have an opportunity to participate in the business and affairs of the  
34 Commission. An administrator shall vote in person or by such other  
35 means as provided in the bylaws. The bylaws may provide for an  
36 administrator's participation in meetings by telephone or other means of  
37 communication.

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

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

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

46           i. Noncompliance of a party state with its obligations under this  
47 Compact;

- 1       ii. The employment, compensation, discipline or other personnel
- 2 matters, practices or procedures related to specific employees or other
- 3 matters related to the Commission's internal personnel practices and
- 4 procedures;
- 5       iii. Current, threatened or reasonably anticipated litigation;
- 6       iv. Negotiation of contracts for the purchase or sale of goods,
- 7 services or real estate;
- 8       v. Accusing any person of a crime or formally censuring any
- 9 person;
- 10       vi. Disclosure of trade secrets or commercial or financial
- 11 information that is privileged or confidential;
- 12       vii. Disclosure of information of a personal nature where disclosure
- 13 would constitute a clearly unwarranted invasion of personal privacy;
- 14       viii. Disclosure of investigatory records compiled for law
- 15 enforcement purposes;
- 16       ix. Disclosure of information related to any reports prepared by or
- 17 on behalf of the Commission for the purpose of investigation of
- 18 compliance with this Compact; or
- 19       x. Matters specifically exempted from disclosure by federal or
- 20 state statute.
- 21       6. If a meeting, or portion of a meeting, is closed pursuant to this
- 22 provision, the Commission's legal counsel or designee shall certify that
- 23 the meeting may be closed and shall reference each relevant exempting
- 24 provision. The Commission shall keep minutes that fully and clearly
- 25 describe all matters discussed in a meeting and shall provide a full and
- 26 accurate summary of actions taken, and the reasons therefor, including
- 27 a description of the views expressed. All documents considered in
- 28 connection with an action shall be identified in such minutes. All
- 29 minutes and documents of a closed meeting shall remain under seal,
- 30 subject to release by a majority vote of the Commission or order of a
- 31 court of competent jurisdiction.
- 32       c. The Commission shall, by a majority vote of the administrators,
- 33 prescribe bylaws or rules to govern its conduct as may be necessary or
- 34 appropriate to carry out the purposes and exercise the powers of this
- 35 Compact, including but not limited to:
- 36       1. Establishing the fiscal year of the Commission;
- 37       2. Providing reasonable standards and procedures:
- 38       i. For the establishment and meetings of other committees; and
- 39       ii. Governing any general or specific delegation of any authority or
- 40 function of the Commission;
- 41       3. Providing reasonable procedures for calling and conducting
- 42 meetings of the Commission, ensuring reasonable advance notice of all
- 43 meetings and providing an opportunity for attendance of such meetings
- 44 by interested parties, with enumerated exceptions designed to protect
- 45 the public's interest, the privacy of individuals, and proprietary
- 46 information, including trade secrets. The Commission may meet in
- 47 closed session only after a majority of the administrators vote to close a
- 48 meeting in whole or in part. As soon as practicable, the Commission
- 49 must make public a copy of the vote to close the meeting revealing the

- 1 vote of each administrator, with no proxy votes allowed;
- 2 4. Establishing the titles, duties and authority and reasonable  
3 procedures for the election of the officers of the Commission;
- 4 5. Providing reasonable standards and procedures for the  
5 establishment of the personnel policies and programs of the  
6 Commission. Notwithstanding any civil service or other similar laws  
7 of any party state, the bylaws shall exclusively govern the personnel  
8 policies and programs of the Commission; and
- 9 6. Providing a mechanism for winding up the operations of the  
10 Commission and the equitable disposition of any surplus funds that  
11 may exist after the termination of this Compact after the payment or  
12 reserving of all of its debts and obligations;
- 13 d. The Commission shall publish its bylaws and rules, and any  
14 amendments thereto, in a convenient form on the website of the  
15 Commission.
- 16 e. The Commission shall maintain its financial records in  
17 accordance with the bylaws.
- 18 f. The Commission shall meet and take such actions as are  
19 consistent with the provisions of this Compact and the bylaws.
- 20 g. The Commission shall have the following powers:
  - 21 1. To promulgate uniform rules to facilitate and coordinate  
22 implementation and administration of this Compact. The rules shall  
23 have the force and effect of law and shall be binding in all party states;
  - 24 2. To bring and prosecute legal proceedings or actions in the name  
25 of the Commission, provided that the standing of any licensing board to  
26 sue or be sued under applicable law shall not be affected;
  - 27 3. To purchase and maintain insurance and bonds;
  - 28 4. To borrow, accept or contract for services of personnel,  
29 including, but not limited to, employees of a party state or nonprofit  
30 organizations;
  - 31 5. To cooperate with other organizations that administer state  
32 compacts related to the regulation of nursing, including but not limited  
33 to sharing administrative or staff expenses, office space or other  
34 resources;
  - 35 6. To hire employees, elect or appoint officers, fix compensation,  
36 define duties, grant such individuals appropriate authority to carry out  
37 the purposes of this Compact, and to establish the Commission's  
38 personnel policies and programs relating to conflicts of interest,  
39 qualifications of personnel and other related personnel matters;
  - 40 7. To accept any and all appropriate donations, grants and gifts of  
41 money, equipment, supplies, materials and services, and to receive,  
42 utilize and dispose of the same; provided that at all times the  
43 Commission shall avoid any appearance of impropriety or conflict of  
44 interest;
  - 45 8. To lease, purchase, accept appropriate gifts or donations of, or  
46 otherwise to own, hold, improve or use, any property, whether real,  
47 personal or mixed; provided that at all times the Commission shall  
48 avoid any appearance of impropriety;

- 1       9. To sell, convey, mortgage, pledge, lease, exchange, abandon or  
2 otherwise dispose of any property, whether real, personal or mixed;
- 3       10. To establish a budget and make expenditures;
- 4       11. To borrow money;
- 5       12. To appoint committees, including advisory committees  
6 comprised of administrators, state nursing regulators, state legislators or  
7 their representatives, and consumer representatives, and other such  
8 interested persons;
- 9       13. To provide and receive information from, and to cooperate with,  
10 law enforcement agencies;
- 11       14. To adopt and use an official seal; and
- 12       15. To perform such other functions as may be necessary or  
13 appropriate to achieve the purposes of this Compact consistent with the  
14 state regulation of nurse licensure and practice.
- 15       h. Financing of the Commission
- 16       1. The Commission shall pay, or provide for the payment of, the  
17 reasonable expenses of its establishment, organization and ongoing  
18 activities.
- 19       2. The Commission may also levy on and collect an annual  
20 assessment from each party state to cover the cost of its operations,  
21 activities and staff in its annual budget as approved each year. The  
22 aggregate annual assessment amount, if any, shall be allocated based  
23 upon a formula to be determined by the Commission, which shall  
24 promulgate a rule that is binding upon all party states.
- 25       3. The Commission shall not incur obligations of any kind prior to  
26 securing the funds adequate to meet the same; nor shall the  
27 Commission pledge the credit of any of the party states, except by, and  
28 with the authority of, such party state.
- 29       4. The Commission shall keep accurate accounts of all receipts and  
30 disbursements. The receipts and disbursements of the Commission  
31 shall be subject to the audit and accounting procedures established  
32 under its bylaws. However, all receipts and disbursements of funds  
33 handled by the Commission shall be audited yearly by a certified or  
34 licensed public accountant, and the report of the audit shall be included  
35 in and become part of the annual report of the Commission.
- 36       i. Qualified Immunity, Defense and Indemnification
- 37       1. The administrators, officers, executive director, employees and  
38 representatives of the Commission shall be immune from suit and  
39 liability, either personally or in their official capacity, for any claim for  
40 damage to or loss of property or personal injury or other civil liability  
41 caused by or arising out of any actual or alleged act, error or omission  
42 that occurred, or that the person against whom the claim is made had a  
43 reasonable basis for believing occurred, within the scope of  
44 Commission employment, duties or responsibilities; provided that  
45 nothing in this paragraph shall be construed to protect any such person  
46 from suit or liability for any damage, loss, injury or liability caused by  
47 the intentional, willful or wanton misconduct of that person.

1           2. The Commission shall defend any administrator, officer,  
2 executive director, employee or representative of the Commission in  
3 any civil action seeking to impose liability arising out of any actual or  
4 alleged act, error or omission that occurred within the scope of  
5 Commission employment, duties or responsibilities, or that the person  
6 against whom the claim is made had a reasonable basis for believing  
7 occurred within the scope of Commission employment, duties or  
8 responsibilities; provided that nothing herein shall be construed to  
9 prohibit that person from retaining his or her own counsel; and  
10 provided further that the actual or alleged act, error or omission did not  
11 result from that person's intentional, willful or wanton misconduct.

12           3. The Commission shall indemnify and hold harmless any  
13 administrator, officer, executive director, employee or representative of  
14 the Commission for the amount of any settlement or judgment  
15 obtained against that person arising out of any actual or alleged act,  
16 error or omission that occurred within the scope of Commission  
17 employment, duties or responsibilities, or that such person had a  
18 reasonable basis for believing occurred within the scope of Commission  
19 employment, duties or responsibilities, provided that the actual or  
20 alleged act, error or omission did not result from the intentional, willful  
21 or wanton misconduct of that person.

22

23   ARTICLE VIII: Rulemaking

24

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

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

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

- 36           1. On the website of the Commission; and  
37           2. On the website of each licensing board or the publication in  
38 which each state would otherwise publish proposed rules.

39           d. The notice of proposed rulemaking shall include:

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

42           2. The text of the proposed rule or amendment, and the reason for  
43 the proposed rule;

44           3. A request for comments on the proposed rule from any  
45 interested person; and

46           4. The manner in which interested persons may submit notice to  
47 the Commission of their intention to attend the public hearing and any  
48 written comments.

- 1 e. Prior to adoption of a proposed rule, the Commission shall  
2 allow persons to submit written data, facts, opinions and arguments,  
3 which shall be made available to the public.
- 4 f. The Commission shall grant an opportunity for a public hearing  
5 before it adopts a rule or amendment.
- 6 g. The Commission shall publish the place, time and date of the  
7 scheduled public hearing.
- 8 1. Hearings shall be conducted in a manner providing each person  
9 who wishes to comment a fair and reasonable opportunity to comment  
10 orally or in writing. All hearings will be recorded, and a copy will be  
11 made available upon request.
- 12 2. Nothing in this section shall be construed as requiring a separate  
13 hearing on each rule. Rules may be grouped for the convenience of the  
14 Commission at hearings required by this section.
- 15 h. If no one appears at the public hearing, the Commission may  
16 proceed with promulgation of the proposed rule.
- 17 i. Following the scheduled hearing date, or by the close of  
18 business on the scheduled hearing date if the hearing was not held, the  
19 Commission shall consider all written and oral comments received.
- 20 j. The Commission shall, by majority vote of all administrators,  
21 take final action on the proposed rule and shall determine the effective  
22 date of the rule, if any, based on the rulemaking record and the full text  
23 of the rule.
- 24 k. Upon determination that an emergency exists, the Commission  
25 may consider and adopt an emergency rule without prior notice,  
26 opportunity for comment or hearing, provided that the usual  
27 rulemaking procedures provided in this Compact and in this section  
28 shall be retroactively applied to the rule as soon as reasonably possible,  
29 in no event later than ninety (90) days after the effective date of the  
30 rule. For the purposes of this provision, an emergency rule is one that  
31 must be adopted immediately in order to:
- 32 1. Meet an imminent threat to public health, safety or welfare;  
33 2. Prevent a loss of Commission or party state funds; or  
34 3. Meet a deadline for the promulgation of an administrative rule  
35 that is required by federal law or rule.
- 36 1. The Commission may direct revisions to a previously adopted  
37 rule or amendment for purposes of correcting typographical errors,  
38 errors in format, errors in consistency or grammatical errors. Public  
39 notice of any revisions shall be posted on the website of the  
40 Commission. The revision shall be subject to challenge by any person  
41 for a period of thirty (30) days after posting. The revision may be  
42 challenged only on grounds that the revision results in a material  
43 change to a rule. A challenge shall be made in writing, and delivered  
44 to the Commission, prior to the end of the notice period. If no  
45 challenge is made, the revision will take effect without further action.  
46 If the revision is challenged, the revision may not take effect without  
47 the approval of the Commission.

1 ARTICLE IX: Oversight, Dispute Resolution and Enforcement

2

3 a. Oversight

4 1. Each party state shall enforce this Compact and take all actions  
5 necessary and appropriate to effectuate this Compact's purposes and  
6 intent.

7 2. The Commission shall be entitled to receive service of process  
8 in any proceeding that may affect the powers, responsibilities or actions  
9 of the Commission, and shall have standing to intervene in such a  
10 proceeding for all purposes. Failure to provide service of process in  
11 such proceeding to the Commission shall render a judgment or order  
12 void as to the Commission, this Compact or promulgated rules.

13 b. Default, Technical Assistance and Termination

14 1. If the Commission determines that a party state has defaulted in  
15 the performance of its obligations or responsibilities under this  
16 Compact or the promulgated rules, the Commission shall:

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

20 ii. Provide remedial training and specific technical assistance  
21 regarding the default.

22 2. If a state in default fails to cure the default, the defaulting state's  
23 membership in this Compact may be terminated upon an affirmative  
24 vote of a majority of the administrators, and all rights, privileges and  
25 benefits conferred by this Compact may be terminated on the effective  
26 date of termination. A cure of the default does not relieve the  
27 offending state of obligations or liabilities incurred during the period of  
28 default.

29 3. Termination of membership in this Compact shall be imposed  
30 only after all other means of securing compliance have been exhausted.  
31 Notice of intent to suspend or terminate shall be given by the  
32 Commission to the governor of the defaulting state and to the executive  
33 officer of the defaulting state's licensing board and each of the party  
34 states.

35 4. A state whose membership in this Compact has been terminated  
36 is responsible for all assessments, obligations and liabilities incurred  
37 through the effective date of termination, including obligations that  
38 extend beyond the effective date of termination.

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

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

- 1       c. Dispute Resolution
- 2       1. Upon request by a party state, the Commission shall attempt to
- 3 resolve disputes related to the Compact that arise among party states
- 4 and between party and non-party states.
- 5       2. The Commission shall promulgate a rule providing for both
- 6 mediation and binding dispute resolution for disputes, as appropriate.
- 7       3. In the event the Commission cannot resolve disputes among
- 8 party states arising under this Compact:
- 9       i. The party states may submit the issues in dispute to an
- 10 arbitration panel, which will be comprised of individuals appointed by
- 11 the Compact administrator in each of the affected party states, and an
- 12 individual mutually agreed upon by the Compact administrators of all
- 13 the party states involved in the dispute.
- 14       ii. The decision of a majority of the arbitrators shall be final and
- 15 binding.
- 16       d. Enforcement
- 17       1. The Commission, in the reasonable exercise of its discretion,
- 18 shall enforce the provisions and rules of this Compact.
- 19       2. By majority vote, the Commission may initiate legal action in
- 20 the U.S. District Court for the District of Columbia or the federal
- 21 district in which the Commission has its principal offices against a
- 22 party state that is in default to enforce compliance with the provisions
- 23 of this Compact and its promulgated rules and bylaws. The relief
- 24 sought may include both injunctive relief and damages. In the event
- 25 judicial enforcement is necessary, the prevailing party shall be awarded
- 26 all costs of such litigation, including reasonable attorneys' fees.
- 27       3. The remedies herein shall not be the exclusive remedies of the
- 28 Commission. The Commission may pursue any other remedies
- 29 available under federal or state law.

30  
31               ARTICLE X: Effective Date, Withdrawal and Amendment

- 32
- 33       a. This Compact shall become effective and binding on the
- 34 earlier of the date of legislative enactment of this Compact into law by
- 35 no less than twenty-six (26) states or December 31, 2018. All party
- 36 states to this Compact, that also were parties to the prior Nurse
- 37 Licensure Compact, superseded by this Compact, ("Prior Compact"),
- 38 shall be deemed to have withdrawn from said Prior Compact within
- 39 six (6) months after the effective date of this Compact.
- 40       b. Each party state to this Compact shall continue to recognize a
- 41 nurse's multistate licensure privilege to practice in that party state
- 42 issued under the Prior Compact until such party state has withdrawn
- 43 from the Prior Compact.
- 44       c. Any party state may withdraw from this Compact by enacting a
- 45 statute repealing the same. A party state's withdrawal shall not take
- 46 effect until six (6) months after enactment of the repealing statute.
- 47       d. A party state's withdrawal or termination shall not affect the
- 48 continuing requirement of the withdrawing or terminated state's
- 49 licensing board to report adverse actions and significant investigations



1 occurring prior to the effective date of such withdrawal or termination.

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

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

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

13

14 ARTICLE XI: Construction and Severability

15

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

28

29 2. <sup>2</sup>[a. A State licensed nurse whose license is under  
30 suspension or under probation by the New Jersey Board of Nursing,  
31 or who is participating in an established treatment program which is  
32 an alternative to disciplinary action, shall not practice in any other  
33 party state during the term of the suspension, probation, or  
34 participation without prior authorization from the other party state.  
35 The board may revoke the State license of a nurse under suspension,  
36 probation, or participation who practices nursing in another party  
37 state without prior authorization from that state.

38 b.]<sup>2</sup> The multistate licensure privilege granted by this State  
39 pursuant to the compact is subject to revocation or other  
40 disciplinary action as the result of any disciplinary action imposed  
41 by a nurse's home state.

42

43 3. This compact is intended to facilitate regulation of the  
44 practice of nursing, and it does not relieve an employer from  
45 complying with contractually or statutorily imposed obligations, or  
46 with collectively bargained agreements.

1       <sup>2</sup>[4. a. This compact shall not abrogate or supersede any  
2 provision in Title 45 of the Revised Statutes, or in any other title or  
3 chapter of law applicable to the practice of nursing in this State.

4       b. Omissions in this compact shall not be supplied by  
5 construction. In any instance of an omission from the compact, the  
6 remaining provisions of Title 45 of the Revised Statutes or other  
7 applicable statutory law, and any regulations adopted pursuant  
8 thereto, shall control.]<sup>2</sup>

9  
10       <sup>2</sup>[5. This compact shall not abrogate or supersede any provision  
11 in Title 34 of the Revised Statutes, or in any other title or chapter of  
12 law applicable to labor practices, workforce strikes, or the  
13 resolution of labor disputes in this State.]<sup>2</sup>

14  
15       <sup>2</sup>[6.] 4.<sup>2</sup> Any investigative or disciplinary powers conferred on  
16 the Attorney General, the Director of the Division of Consumer  
17 Affairs in the Department of Law and Public Safety, and the New  
18 Jersey Board of Nursing under the provisions of P.L.1978, c.73  
19 (C.45:1-14 et seq.) or other law, or under regulations adopted  
20 pursuant thereto, shall not be interpreted as being limited in any  
21 way by the terms of the compact, and shall be available in any  
22 investigation of the conduct of, or disciplinary action undertaken  
23 against, a remote state licensee practicing in New Jersey or a New  
24 Jersey home state licensee.

25  
26       <sup>2</sup>[7.] 5.<sup>2</sup> Nothing in Article VII of the compact shall be  
27 deemed to waive or abrogate in any way any defense or immunity  
28 of a public entity or public employee under the common law or  
29 statutory law including, but not limited to, the "New Jersey Tort  
30 Claims Act," N.J.S.59:1-1 et seq.

31  
32       <sup>2</sup>[8.] 6.<sup>2</sup> One year after New Jersey becomes a party to the  
33 compact, as provided by this act, the Attorney General shall submit  
34 a report to the Governor and, pursuant to section 2 of P.L.1991,  
35 c.164 (C.52:14-19.1), to the Legislature, evaluating whether the  
36 State's continued participation in the compact is in the best interest  
37 of the health, safety, and welfare of its citizens. At a minimum, the  
38 report shall: (1) describe the beneficial and detrimental effects,  
39 evidenced during the preceding year, which have resulted from the  
40 State's participation in the compact; (2) describe any potential long-  
41 term effects that have not yet been experienced, but which are likely  
42 to result from the State's continued participation in the compact; (3)  
43 indicate whether any other party state has changed its licensure  
44 requirements in the preceding year to make them less stringent than  
45 the requirements in this State; and (4) provide a recommendation as  
46 to whether the State should remain a party to the compact.

1       b. The Legislature may withdraw this State from the compact if  
2 the report submitted by the Attorney General, pursuant to  
3 subsection a. of this section, indicates that another party state has  
4 changed its licensure requirements to make them substantially lower  
5 than the requirements of this State, or that withdrawal from the  
6 compact is in the best interests of the health, safety, and welfare of  
7 the citizens of this State.

8

9       <sup>2</sup>[9.] 7.<sup>2</sup> This act shall take effect immediately.