

**SENATE, No. 954**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED JANUARY 16, 2018

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senator Diegnan**

**SYNOPSIS**

Enters New Jersey in multistate Nurse Licensure Compact.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/11/2018)**

1 AN ACT concerning the multistate Nurse Licensure Compact and  
2 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

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

## ARTICLE II: Definitions

As used in this Compact:

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

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

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

d. “Current significant investigative information” means:

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

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

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

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

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

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

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

j. “Nurse” means RN or LPN/VN, as those terms are defined by each party state’s practice laws.

k. “Party state” means any state that has adopted this Compact.

l. “Remote state” means a party state, other than the home state.

m. “Single-state license” means a nurse license issued by a party state that authorizes practice only within the issuing state and does not

1 include a multistate licensure privilege to practice in any other party  
2 state.

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

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

11

### 12 ARTICLE III: General Provisions and Jurisdiction

13

14 a. A multistate license to practice registered or licensed  
15 practical/vocational nursing issued by a home state to a resident in that  
16 state will be recognized by each party state as authorizing a nurse to  
17 practice as a registered nurse (RN) or as a licensed practical/vocational  
18 nurse (LPN/VN), under a multistate licensure privilege, in each party  
19 state.

20 b. A state must implement procedures for considering the criminal  
21 history records of applicants for an initial multistate license or licensure  
22 by endorsement. Such procedures shall include the submission of  
23 fingerprints or other biometric-based information by applicants for the  
24 purpose of obtaining an applicant’s criminal history record information  
25 from the Federal Bureau of Investigation and the agency responsible for  
26 retaining that state’s criminal records.

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

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

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

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

39 3. Has, if a graduate of a foreign prelicensure education program  
40 not taught in English or if English is not the individual’s native  
41 language, successfully passed an English proficiency examination that  
42 includes the components of reading, speaking, writing and listening;

43 4. Has successfully passed an NCLEX-RN or NCLEX-PN  
44 Examination or recognized predecessor, as applicable;

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

46 6. Has submitted, in connection with an application for initial  
47 licensure or licensure by endorsement, fingerprints or other biometric  
48 data for the purpose of obtaining criminal history record information  
49 from the Federal Bureau of Investigation and the agency responsible for

1 retaining that state's criminal records;

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

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

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

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

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

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

21 e. A nurse practicing in a party state must comply with the state  
22 practice laws of the state in which the client is located at the time  
23 service is provided. The practice of nursing is not limited to patient  
24 care, but shall include all nursing practice as defined by the state  
25 practice laws of the party state in which the client is located. The  
26 practice of nursing in a party state under a multistate licensure privilege  
27 will subject a nurse to the jurisdiction of the licensing board, the courts  
28 and the laws of the party state in which the client is located at the time  
29 service is provided.

30 f. Individuals not residing in a party state shall continue to be able  
31 to apply for a party state's single-state license as provided under the  
32 laws of each party state. However, the single-state license granted to  
33 these individuals will not be recognized as granting the privilege to  
34 practice nursing in any other party state. Nothing in this Compact shall  
35 affect the requirements established by a party state for the issuance of a  
36 single-state license.

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

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

43 2. A nurse who fails to satisfy the multistate licensure  
44 requirements in Article III.c. due to a disqualifying event occurring  
45 after this Compact's effective date shall be ineligible to retain or renew  
46 a multistate license, and the nurse's multistate license shall be revoked  
47 or deactivated in accordance with applicable rules adopted by the  
48 Interstate Commission of Nurse Licensure Compact Administrators  
49 ("Commission").

## ARTICLE IV: Applications for Licensure in a Party State

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

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

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

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

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

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

## ARTICLE V: Additional Authorities Invested in Party State Licensing Boards

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

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

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

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

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

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

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

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

16 5. Obtain and submit, for each nurse licensure applicant,  
17 fingerprint or other biometric-based information to the Federal Bureau  
18 of Investigation for criminal background checks, receive the results of  
19 the Federal Bureau of Investigation record search on criminal  
20 background checks and use the results in making licensure decisions.

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

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

27 b. If adverse action is taken by the home state against a nurse's  
28 multistate license, the nurse's multistate licensure privilege to practice  
29 in all other party states shall be deactivated until all encumbrances have  
30 been removed from the multistate license. All home state disciplinary  
31 orders that impose adverse action against a nurse's multistate license  
32 shall include a statement that the nurse's multistate licensure privilege  
33 is deactivated in all party states during the pendency of the order.

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

39

40 ARTICLE VI: Coordinated Licensure Information System and  
41 Exchange of Information

42

43 a. All party states shall participate in a coordinated licensure  
44 information system of all licensed registered nurses (RNs) and licensed  
45 practical/vocational nurses (LPNs/VNs). This system will include  
46 information on the licensure and disciplinary history of each nurse, as  
47 submitted by party states, to assist in the coordination of nurse licensure  
48 and enforcement efforts.

49 b. The Commission, in consultation with the administrator of the

1 coordinated licensure information system, shall formulate necessary  
2 and proper procedures for the identification, collection and exchange of  
3 information under this Compact.

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

10 d. Current significant investigative information and participation in  
11 nonpublic or confidential alternative programs shall be transmitted  
12 through the coordinated licensure information system only to party  
13 state licensing boards.

14 e. Notwithstanding any other provision of law, all party state  
15 licensing boards contributing information to the coordinated licensure  
16 information system may designate information that may not be shared  
17 with non-party states or disclosed to other entities or individuals  
18 without the express permission of the contributing state.

19 f. Any personally identifiable information obtained from the  
20 coordinated licensure information system by a party state licensing  
21 board shall not be shared with non-party states or disclosed to other  
22 entities or individuals except to the extent permitted by the laws of the  
23 party state contributing the information.

24 g. Any information contributed to the coordinated licensure  
25 information system that is subsequently required to be expunged by the  
26 laws of the party state contributing that information shall also be  
27 expunged from the coordinated licensure information system.

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

- 31 1. Identifying information;
- 32 2. Licensure data;
- 33 3. Information related to alternative program participation; and
- 34 4. Other information that may facilitate the administration of this  
35 Compact, as determined by Commission rules.

36 i. The Compact administrator of a party state shall provide all  
37 investigative documents and information requested by another party  
38 state.

39  
40 ARTICLE VII: Establishment of the Interstate Commission of Nurse  
41 Licensure Compact Administrators  
42

43 a. The party states hereby create and establish a joint public entity  
44 known as the Interstate Commission of Nurse Licensure Compact  
45 Administrators.

- 46 1. The Commission is an instrumentality of the party states.
- 47 2. Venue is proper, and judicial proceedings by or against the  
48 Commission shall be brought solely and exclusively, in a court of  
49 competent jurisdiction where the principal office of the Commission is



1 located. The Commission may waive venue and jurisdictional  
2 defenses to the extent it adopts or consents to participate in alternative  
3 dispute resolution proceedings.

4 3. Nothing in this Compact shall be construed to be a waiver of  
5 sovereign immunity.

6 b. Membership, Voting and Meetings

7 1. Each party state shall have and be limited to one administrator.  
8 The head of the state licensing board or designee shall be the  
9 administrator of this Compact for each party state. Any administrator  
10 may be removed or suspended from office as provided by the law of the  
11 state from which the Administrator is appointed. Any vacancy  
12 occurring in the Commission shall be filled in accordance with the laws  
13 of the party state in which the vacancy exists.

14 2. Each administrator shall be entitled to one (1) vote with regard  
15 to the promulgation of rules and creation of bylaws and shall otherwise  
16 have an opportunity to participate in the business and affairs of the  
17 Commission. An administrator shall vote in person or by such other  
18 means as provided in the bylaws. The bylaws may provide for an  
19 administrator's participation in meetings by telephone or other means of  
20 communication.

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

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

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

29 i. Noncompliance of a party state with its obligations under this  
30 Compact;

31 ii. The employment, compensation, discipline or other personnel  
32 matters, practices or procedures related to specific employees or other  
33 matters related to the Commission's internal personnel practices and  
34 procedures;

35 iii. Current, threatened or reasonably anticipated litigation;

36 iv. Negotiation of contracts for the purchase or sale of goods,  
37 services or real estate;

38 v. Accusing any person of a crime or formally censuring any  
39 person;

40 vi. Disclosure of trade secrets or commercial or financial  
41 information that is privileged or confidential;

42 vii. Disclosure of information of a personal nature where disclosure  
43 would constitute a clearly unwarranted invasion of personal privacy;

44 viii. Disclosure of investigatory records compiled for law  
45 enforcement purposes;

46 ix. Disclosure of information related to any reports prepared by or  
47 on behalf of the Commission for the purpose of investigation of  
48 compliance with this Compact; or

49 x. Matters specifically exempted from disclosure by federal or

1 state statute.

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

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

17 1. Establishing the fiscal year of the Commission;

18 2. Providing reasonable standards and procedures:

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

20 ii. Governing any general or specific delegation of any authority or  
21 function of the Commission;

22 3. Providing reasonable procedures for calling and conducting  
23 meetings of the Commission, ensuring reasonable advance notice of all  
24 meetings and providing an opportunity for attendance of such meetings  
25 by interested parties, with enumerated exceptions designed to protect  
26 the public's interest, the privacy of individuals, and proprietary  
27 information, including trade secrets. The Commission may meet in  
28 closed session only after a majority of the administrators vote to close a  
29 meeting in whole or in part. As soon as practicable, the Commission  
30 must make public a copy of the vote to close the meeting revealing the  
31 vote of each administrator, with no proxy votes allowed;

32 4. Establishing the titles, duties and authority and reasonable  
33 procedures for the election of the officers of the Commission;

34 5. Providing reasonable standards and procedures for the  
35 establishment of the personnel policies and programs of the  
36 Commission. Notwithstanding any civil service or other similar laws  
37 of any party state, the bylaws shall exclusively govern the personnel  
38 policies and programs of the Commission; and

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

43 d. The Commission shall publish its bylaws and rules, and any  
44 amendments thereto, in a convenient form on the website of the  
45 Commission.

46 e. The Commission shall maintain its financial records in  
47 accordance with the bylaws.

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

- 1       g. The Commission shall have the following powers:
- 2       1. To promulgate uniform rules to facilitate and coordinate
- 3       implementation and administration of this Compact. The rules shall
- 4       have the force and effect of law and shall be binding in all party states;
- 5       2. To bring and prosecute legal proceedings or actions in the name
- 6       of the Commission, provided that the standing of any licensing board to
- 7       sue or be sued under applicable law shall not be affected;
- 8       3. To purchase and maintain insurance and bonds;
- 9       4. To borrow, accept or contract for services of personnel,
- 10      including, but not limited to, employees of a party state or nonprofit
- 11      organizations;
- 12      5. To cooperate with other organizations that administer state
- 13      compacts related to the regulation of nursing, including but not limited
- 14      to sharing administrative or staff expenses, office space or other
- 15      resources;
- 16      6. To hire employees, elect or appoint officers, fix compensation,
- 17      define duties, grant such individuals appropriate authority to carry out
- 18      the purposes of this Compact, and to establish the Commission's
- 19      personnel policies and programs relating to conflicts of interest,
- 20      qualifications of personnel and other related personnel matters;
- 21      7. To accept any and all appropriate donations, grants and gifts of
- 22      money, equipment, supplies, materials and services, and to receive,
- 23      utilize and dispose of the same; provided that at all times the
- 24      Commission shall avoid any appearance of impropriety or conflict of
- 25      interest;
- 26      8. To lease, purchase, accept appropriate gifts or donations of, or
- 27      otherwise to own, hold, improve or use, any property, whether real,
- 28      personal or mixed; provided that at all times the Commission shall
- 29      avoid any appearance of impropriety;
- 30      9. To sell, convey, mortgage, pledge, lease, exchange, abandon or
- 31      otherwise dispose of any property, whether real, personal or mixed;
- 32      10. To establish a budget and make expenditures;
- 33      11. To borrow money;
- 34      12. To appoint committees, including advisory committees
- 35      comprised of administrators, state nursing regulators, state legislators or
- 36      their representatives, and consumer representatives, and other such
- 37      interested persons;
- 38      13. To provide and receive information from, and to cooperate
- 39      with, law enforcement agencies;
- 40      14. To adopt and use an official seal; and
- 41      15. To perform such other functions as may be necessary or
- 42      appropriate to achieve the purposes of this Compact consistent with the
- 43      state regulation of nurse licensure and practice.
- 44      h. Financing of the Commission
- 45      1. The Commission shall pay, or provide for the payment of, the
- 46      reasonable expenses of its establishment, organization and ongoing
- 47      activities.
- 48      2. The Commission may also levy on and collect an annual
- 49      assessment from each party state to cover the cost of its operations,

1 activities and staff in its annual budget as approved each year. The  
2 aggregate annual assessment amount, if any, shall be allocated based  
3 upon a formula to be determined by the Commission, which shall  
4 promulgate a rule that is binding upon all party states.

5 3. The Commission shall not incur obligations of any kind prior to  
6 securing the funds adequate to meet the same; nor shall the  
7 Commission pledge the credit of any of the party states, except by, and  
8 with the authority of, such party state.

9 4. The Commission shall keep accurate accounts of all receipts and  
10 disbursements. The receipts and disbursements of the Commission  
11 shall be subject to the audit and accounting procedures established  
12 under its bylaws. However, all receipts and disbursements of funds  
13 handled by the Commission shall be audited yearly by a certified or  
14 licensed public accountant, and the report of the audit shall be included  
15 in and become part of the annual report of the Commission.

16 i. Qualified Immunity, Defense and Indemnification

17 1. The administrators, officers, executive director, employees and  
18 representatives of the Commission shall be immune from suit and  
19 liability, either personally or in their official capacity, for any claim for  
20 damage to or loss of property or personal injury or other civil liability  
21 caused by or arising out of any actual or alleged act, error or omission  
22 that occurred, or that the person against whom the claim is made had a  
23 reasonable basis for believing occurred, within the scope of  
24 Commission employment, duties or responsibilities; provided that  
25 nothing in this paragraph shall be construed to protect any such person  
26 from suit or liability for any damage, loss, injury or liability caused by  
27 the intentional, willful or wanton misconduct of that person.

28 2. The Commission shall defend any administrator, officer,  
29 executive director, employee or representative of the Commission in  
30 any civil action seeking to impose liability arising out of any actual or  
31 alleged act, error or omission that occurred within the scope of  
32 Commission employment, duties or responsibilities, or that the person  
33 against whom the claim is made had a reasonable basis for believing  
34 occurred within the scope of Commission employment, duties or  
35 responsibilities; provided that nothing herein shall be construed to  
36 prohibit that person from retaining his or her own counsel; and  
37 provided further that the actual or alleged act, error or omission did not  
38 result from that person's intentional, willful or wanton misconduct.

39 3. The Commission shall indemnify and hold harmless any  
40 administrator, officer, executive director, employee or representative of  
41 the Commission for the amount of any settlement or judgment  
42 obtained against that person arising out of any actual or alleged act,  
43 error or omission that occurred within the scope of Commission  
44 employment, duties or responsibilities, or that such person had a  
45 reasonable basis for believing occurred within the scope of Commission  
46 employment, duties or responsibilities, provided that the actual or  
47 alleged act, error or omission did not result from the intentional, willful  
48 or wanton misconduct of that person.

## ARTICLE VIII: Rulemaking

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

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

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

1. On the website of the Commission; and

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

d. The notice of proposed rulemaking shall include:

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

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

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

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

e. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

f. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

g. The Commission shall publish the place, time and date of the scheduled public hearing.

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

2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

h. If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

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.

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

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

13 1. The Commission may direct revisions to a previously adopted  
14 rule or amendment for purposes of correcting typographical errors,  
15 errors in format, errors in consistency or grammatical errors. Public  
16 notice of any revisions shall be posted on the website of the  
17 Commission. The revision shall be subject to challenge by any person  
18 for a period of thirty (30) days after posting. The revision may be  
19 challenged only on grounds that the revision results in a material  
20 change to a rule. A challenge shall be made in writing, and delivered  
21 to the Commission, prior to the end of the notice period. If no  
22 challenge is made, the revision will take effect without further action.  
23 If the revision is challenged, the revision may not take effect without  
24 the approval of the Commission.  
25

#### 26 ARTICLE IX: Oversight, Dispute Resolution and Enforcement

27

##### 28 a. Oversight

29 1. Each party state shall enforce this Compact and take all actions  
30 necessary and appropriate to effectuate this Compact's purposes and  
31 intent.

32 2. The Commission shall be entitled to receive service of process  
33 in any proceeding that may affect the powers, responsibilities or actions  
34 of the Commission, and shall have standing to intervene in such a  
35 proceeding for all purposes. Failure to provide service of process in  
36 such proceeding to the Commission shall render a judgment or order  
37 void as to the Commission, this Compact or promulgated rules.

##### 38 b. Default, Technical Assistance and Termination

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

- 42 i. Provide written notice to the defaulting state and other party  
43 states of the nature of the default, the proposed means of curing the  
44 default or any other action to be taken by the Commission; and
- 45 ii. Provide remedial training and specific technical assistance  
46 regarding the default.

47 2. If a state in default fails to cure the default, the defaulting state's  
48 membership in this Compact may be terminated upon an affirmative  
49 vote of a majority of the administrators, and all rights, privileges and

1 benefits conferred by this Compact may be terminated on the effective  
2 date of termination. A cure of the default does not relieve the  
3 offending state of obligations or liabilities incurred during the period of  
4 default.

5 3. Termination of membership in this Compact shall be imposed  
6 only after all other means of securing compliance have been exhausted.  
7 Notice of intent to suspend or terminate shall be given by the  
8 Commission to the governor of the defaulting state and to the executive  
9 officer of the defaulting state's licensing board and each of the party  
10 states.

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

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

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

24 c. Dispute Resolution

25 1. Upon request by a party state, the Commission shall attempt to  
26 resolve disputes related to the Compact that arise among party states  
27 and between party and non-party states.

28 2. The Commission shall promulgate a rule providing for both  
29 mediation and binding dispute resolution for disputes, as appropriate.

30 3. In the event the Commission cannot resolve disputes among  
31 party states arising under this Compact:

32 i. The party states may submit the issues in dispute to an  
33 arbitration panel, which will be comprised of individuals appointed by  
34 the Compact administrator in each of the affected party states, and an  
35 individual mutually agreed upon by the Compact administrators of all  
36 the party states involved in the dispute.

37 ii. The decision of a majority of the arbitrators shall be final and  
38 binding.

39 d. Enforcement

40 1. The Commission, in the reasonable exercise of its discretion,  
41 shall enforce the provisions and rules of this Compact.

42 2. By majority vote, the Commission may initiate legal action in  
43 the U.S. District Court for the District of Columbia or the federal  
44 district in which the Commission has its principal offices against a  
45 party state that is in default to enforce compliance with the provisions  
46 of this Compact and its promulgated rules and bylaws. The relief  
47 sought may include both injunctive relief and damages. In the event  
48 judicial enforcement is necessary, the prevailing party shall be awarded  
49 all costs of such litigation, including reasonable attorneys' fees.

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

4  
5           ARTICLE X: Effective Date, Withdrawal and Amendment

6  
7       a. This Compact shall become effective and binding on the  
8 earlier of the date of legislative enactment of this Compact into law by  
9 no less than twenty-six (26) states or December 31, 2018. All party  
10 states to this Compact, that also were parties to the prior Nurse  
11 Licensure Compact, superseded by this Compact, ("Prior Compact"),  
12 shall be deemed to have withdrawn from said Prior Compact within  
13 six (6) months after the effective date of this Compact.

14       b. Each party state to this Compact shall continue to recognize a  
15 nurse's multistate licensure privilege to practice in that party state  
16 issued under the Prior Compact until such party state has withdrawn  
17 from the Prior Compact.

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

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

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

29       f. This Compact may be amended by the party states. No  
30 amendment to this Compact shall become effective and binding upon  
31 the party states unless and until it is enacted into the laws of all party  
32 states.

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

36  
37           ARTICLE XI: Construction and Severability

38  
39       This Compact shall be liberally construed so as to effectuate the  
40 purposes thereof. The provisions of this Compact shall be severable,  
41 and if any phrase, clause, sentence or provision of this Compact is  
42 declared to be contrary to the constitution of any party state or of the  
43 United States, or if the applicability thereof to any government, agency,  
44 person or circumstance is held to be invalid, the validity of the  
45 remainder of this Compact and the applicability thereof to any  
46 government, agency, person or circumstance shall not be affected  
47 thereby. If this Compact shall be held to be contrary to the constitution  
48 of any party state, this Compact shall remain in full force and effect as  
49 to the remaining party states and in full force and effect as to the party



1 state affected as to all severable matters.

2

3 2. a. A State licensed nurse whose license is under suspension  
4 or under probation by the New Jersey Board of Nursing, or who is  
5 participating in an established treatment program which is an  
6 alternative to disciplinary action, shall not practice in any other  
7 party state during the term of the suspension, probation, or  
8 participation without prior authorization from the other party state.  
9 The board may revoke the State license of a nurse under suspension,  
10 probation, or participation who practices nursing in another party  
11 state without prior authorization from that state.

12 b. The multistate licensure privilege granted by this State  
13 pursuant to the compact is subject to revocation or other  
14 disciplinary action as the result of any disciplinary action imposed  
15 by a nurse's home state.

16

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

21

22 4. a. This compact shall not abrogate or supersede any  
23 provision in Title 45 of the Revised Statutes, or in any other title or  
24 chapter of law applicable to the practice of nursing in this State.

25 b. If there is an irreconcilable conflict between this compact  
26 and chapter 11 of Title 45 of the Revised Statutes, the compact shall  
27 control.

28 c. Omissions in this compact shall not be supplied by  
29 construction. In any instance of an omission from the compact, the  
30 remaining provisions of Title 45 of the Revised Statutes or other  
31 applicable statutory law, and any regulations adopted pursuant  
32 thereto, shall control.

33

34 5. This compact shall not abrogate or supersede any provision  
35 in Title 34 of the Revised Statutes, or in any other title or chapter of  
36 law applicable to labor practices, workforce strikes, or the  
37 resolution of labor disputes in this State.

38

39 6. Any investigative or disciplinary powers conferred on the  
40 Attorney General, the Director of the Division of Consumer Affairs  
41 in the Department of Law and Public Safety, and the New Jersey  
42 Board of Nursing under the provisions of P.L.1978, c.73 (C.45:1-14  
43 et seq.) or other law, or under regulations adopted pursuant thereto,  
44 shall not be interpreted as being limited in any way by the terms of  
45 the compact, and shall be available in any investigation of the  
46 conduct of, or disciplinary action undertaken against, a remote state  
47 licensee practicing in New Jersey or a New Jersey home state  
48 licensee.



1 the compact, a nurse may only be licensed in one state that is a  
2 party to the compact. The NLC would authorize a state that is a  
3 party to the compact to limit, suspend, or revoke the multistate  
4 licensure privilege of any nurse to practice in that state, and to take  
5 any other actions under the applicable state laws that may be  
6 necessary to protect the health and safety of the citizens of the party  
7 state.

8 The NLC would also establish a coordinated licensure  
9 information system that will include a database on the licensure and  
10 disciplinary history of all nurses licensed in the party states. The  
11 party states will be required to report to the coordinated system all  
12 adverse actions against nurses, including actions against multistate  
13 licensure privileges, any current significant investigative  
14 information yet to result in an adverse action, and denials of  
15 applications and the reasons therefor. This information will be  
16 shared with party states unless the state submitting the information  
17 designates information that may not be shared or disclosed without  
18 the permission of the contributing state. The coordinated licensure  
19 information system is to be administered by a nonprofit  
20 organization composed of and controlled by state nurse licensing  
21 boards.

22 The NLC would also establish the Interstate Commission of  
23 Nurse Licensure Compact Administrators as a joint public  
24 instrumentality of the party states. However, nothing in the  
25 compact is to be construed as a waiver of sovereign immunity.  
26 Each party state will be required to have its compact administrator –  
27 the head of the state licensing board, or their designee – participate  
28 as a member of the commission. The commission will be required  
29 to meet at least once a year.

30 The compact grants the commission broad powers to: (1)  
31 promulgate uniform rules – having the effect of law – in order to  
32 facilitate and coordinate implementation and administration of the  
33 compact in the party states; (2) bring and prosecute legal  
34 proceedings in the name of the commission; (3) appoint advisory  
35 and other committees comprised of administrators, state nursing  
36 regulators, state legislators, consumer representatives, and other  
37 interested parties; and (4) cooperate with other organizations that  
38 administer state compacts related to the practice of nursing. The  
39 commission would further be authorized to identify defaults in the  
40 performance of a party state in meeting its obligations or  
41 responsibilities under the compact; to provide training and technical  
42 assistance to a party state, in order to assist the party state in curing  
43 any defaults; and to terminate a defaulting party state's membership  
44 in the compact if all means of securing compliance have been  
45 exhausted. The compact also authorizes the commission to levy,  
46 and collect from each party state, an annual assessment that would  
47 cover the cost of commission operations, activities, and staff. All  
48 of the administrators, officers, employees, representatives, and the  
49 executive director of the commission would be immune from

1 liability, either personally or in their official capacity, for any civil  
2 claims arising out of any actual or alleged act, error, or omission  
3 that occurred (or that the accused had a reasonable basis for  
4 believing had occurred) within the scope of commission  
5 employment, duties, or responsibilities, except in the case of  
6 intentional, willful, or wanton misconduct.

7 Nothing in the NLC would abrogate or supersede the provisions  
8 in Title 45 of the Revised Statutes, or in any other title or chapter of  
9 law applicable to the practice of nursing in this State. In any  
10 instance of an omission from the compact, the provisions of Title 45  
11 of the Revised Statutes or other applicable statutory law, and any  
12 regulations adopted pursuant thereto, would be controlling.  
13 However, if there is an irreconcilable conflict between the NLC and  
14 chapter 11 of Title 45 of the Revised Statutes (which pertains to the  
15 practice of nursing), the provisions of the compact would control.  
16 Nothing in the NLC would abrogate or supersede the provisions in  
17 Title 34 of the Revised Statutes, or in any other title or chapter of  
18 law applicable to labor practices, workforce strikes, or the  
19 resolution of labor disputes in this State. Nothing in the compact  
20 will be deemed to waive or abrogate in any way any defense or  
21 immunity of a public entity or public employee under the common  
22 law or statutory law.

23 The NLC is intended to address the expanded mobility of nurses  
24 and the use of advanced communication technologies (telemedicine)  
25 by nurses, which each necessitate greater coordination and  
26 cooperation among states in the areas of nurse licensure and  
27 regulation. The NLC is also intended to facilitate the exchange of  
28 information between states in the area of nurse regulation,  
29 investigation, and adverse actions. In July 2017, North Carolina  
30 became the 26th state to enact legislation agreeing to participate in  
31 the NLC, making the compact effective and binding on the party  
32 states, which include Maryland and Delaware.

33 Although New Jersey entered into a prior version of the  
34 multistate NLC through the enactment of P.L.2001, c.340  
35 (C.45:11A-1 et seq.), this law was only temporary in nature, and it  
36 expired on January 1, 2007. The National Council of State Boards  
37 of Nursing has adopted a revised version of the compact.  
38 Accordingly, the bill incorporates the updated provisions of the  
39 NLC, as adopted by the National Council of State Boards of  
40 Nursing on May 4, 2015.

41 The bill would require that the Attorney General, one year after  
42 New Jersey becomes a party to the compact, submit a report to the  
43 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
44 19.1), to the Legislature, indicating whether the State's continued  
45 participation in the compact is in the best interest of the health,  
46 safety, and welfare of its citizens. At a minimum, the report will be  
47 required to: (1) describe the beneficial and detrimental effects,  
48 evidenced during the preceding year, which have resulted from the  
49 State's participation in the compact; (2) describe any potential long-

1 term effects that have not yet been experienced, but which are likely  
2 to result from the State's continued participation in the compact; (3)  
3 indicate whether any other party state has changed its licensure  
4 requirements in the preceding year to make them less stringent than  
5 the requirements in this State; and (4) provide a recommendation as  
6 to whether the State should remain a party to the compact.

7 The bill authorizes the Legislature to withdraw New Jersey from  
8 the compact if the report submitted by the Attorney General,  
9 pursuant to the bill's provisions, indicates that a party state has  
10 changed its licensure requirements to make them substantially lower  
11 than the requirements of this State, or that withdrawal from the  
12 compact is in the best interests of the health, safety, and welfare of  
13 the citizens of New Jersey.