

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 954 and 1699**

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

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ADOPTED MAY 21, 2018

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

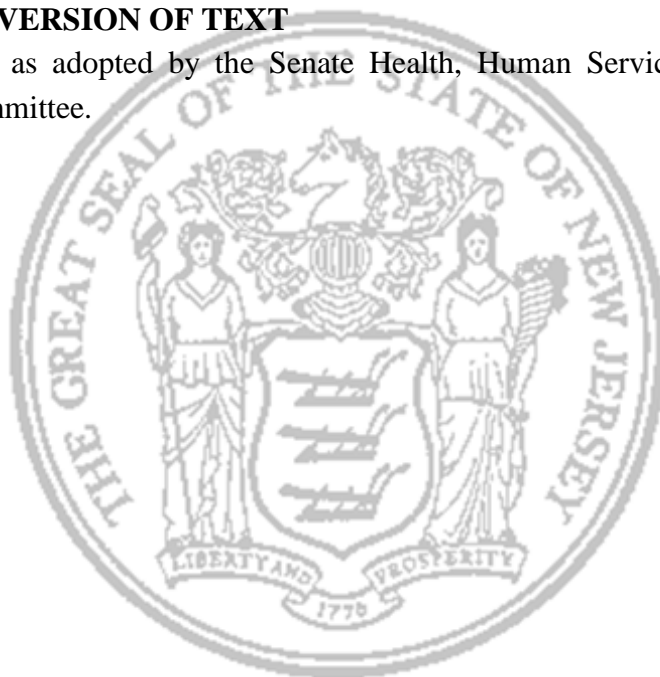
**Senator O'Scanlon**

**SYNOPSIS**

Enters New Jersey in enhanced multistate Nurse Licensure Compact.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Health, Human Services and Senior Citizens Committee.



**(Sponsorship Updated As Of: 9/25/2018)**

1   **AN ACT** concerning the enhanced 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 State*  
5       *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.

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

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

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

13  
14 ARTICLE III: General Provisions and Jurisdiction

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

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

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

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

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

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

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

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

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

1       6. Has submitted, in connection with an application for initial  
2 licensure or licensure by endorsement, fingerprints or other biometric  
3 data for the purpose of obtaining criminal history record information  
4 from the Federal Bureau of Investigation and the agency responsible for  
5 retaining that state's criminal records;

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

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

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

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

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

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

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

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

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

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

47       2. A nurse who fails to satisfy the multistate licensure  
48 requirements in Article III.c. due to a disqualifying event occurring

1 after this Compact's effective date shall be ineligible to retain or renew  
2 a multistate license, and the nurse's multistate license shall be revoked  
3 or deactivated in accordance with applicable rules adopted by the  
4 Interstate Commission of Nurse Licensure Compact Administrators  
5 ("Commission").

6  
7 ARTICLE IV: Applications for Licensure in a Party State

8  
9 a. Upon application for a multistate license, the licensing board in  
10 the issuing party state shall ascertain, through the coordinated licensure  
11 information system, whether the applicant has ever held, or is the  
12 holder of, a license issued by any other state, whether there are any  
13 encumbrances on any license or multistate licensure privilege held by  
14 the applicant, whether any adverse action has been taken against any  
15 license or multistate licensure privilege held by the applicant and  
16 whether the applicant is currently participating in an alternative  
17 program.

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

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

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

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

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

35  
36 ARTICLE V: Additional Authorities Invested in Party State Licensing  
37 Boards

38  
39 a. In addition to the other powers conferred by state law, a  
40 licensing board shall have the authority to:

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

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

45 ii. For purposes of taking adverse action, the home state licensing  
46 board shall give the same priority and effect to reported conduct  
47 received from a remote state as it would if such conduct had occurred

- 1 within the home state. In so doing, the home state shall apply its own  
2 state laws to determine appropriate action.
- 3 2. Issue cease and desist orders or impose an encumbrance on a  
4 nurse's authority to practice within that party state.
- 5 3. Complete any pending investigations of a nurse who changes  
6 primary state of residence during the course of such investigations. The  
7 licensing board shall also have the authority to take appropriate  
8 action(s) and shall promptly report the conclusions of such  
9 investigations to the administrator of the coordinated licensure  
10 information system. The administrator of the coordinated licensure  
11 information system shall promptly notify the new home state of any  
12 such actions.
- 13 4. Issue subpoenas for both hearings and investigations that  
14 require the attendance and testimony of witnesses, as well as the  
15 production of evidence. Subpoenas issued by a licensing board in a  
16 party state for the attendance and testimony of witnesses or the  
17 production of evidence from another party state shall be enforced in the  
18 latter state by any court of competent jurisdiction, according to the  
19 practice and procedure of that court applicable to subpoenas issued in  
20 proceedings pending before it. The issuing authority shall pay any  
21 witness fees, travel expenses, mileage and other fees required by the  
22 service statutes of the state in which the witnesses or evidence are  
23 located.
- 24 5. Obtain and submit, for each nurse licensure applicant,  
25 fingerprint or other biometric-based information to the Federal Bureau  
26 of Investigation for criminal background checks, receive the results of  
27 the Federal Bureau of Investigation record search on criminal  
28 background checks and use the results in making licensure decisions.
- 29 6. If otherwise permitted by state law, recover from the affected  
30 nurse the costs of investigations and disposition of cases resulting from  
31 any adverse action taken against that nurse.
- 32 7. Take adverse action based on the factual findings of the remote  
33 state, provided that the licensing board follows its own procedures for  
34 taking such adverse action.
- 35 b. If adverse action is taken by the home state against a nurse's  
36 multistate license, the nurse's multistate licensure privilege to practice  
37 in all other party states shall be deactivated until all encumbrances have  
38 been removed from the multistate license. All home state disciplinary  
39 orders that impose adverse action against a nurse's multistate license  
40 shall include a statement that the nurse's multistate licensure privilege  
41 is deactivated in all party states during the pendency of the order.
- 42 c. Nothing in this Compact shall override a party state's decision  
43 that participation in an alternative program may be used in lieu of  
44 adverse action. The home state licensing board shall deactivate the  
45 multistate licensure privilege under the multistate license of any nurse  
46 for the duration of the nurse's participation in an alternative program.

ARTICLE VI: Coordinated Licensure Information System and  
Exchange of Information

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

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

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

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

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

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

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

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

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

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



1     ARTICLE VII: Establishment of the Interstate Commission of Nurse  
2                                   Licensure Compact Administrators  
3

4         a. The party states hereby create and establish a joint public entity  
5 known as the Interstate Commission of Nurse Licensure Compact  
6 Administrators.

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

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

14            3. Nothing in this Compact shall be construed to be a waiver of  
15 sovereign immunity.

16         b. Membership, Voting and Meetings

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

24             2. Each administrator shall be entitled to one (1) vote with regard  
25 to the promulgation of rules and creation of bylaws and shall otherwise  
26 have an opportunity to participate in the business and affairs of the  
27 Commission. An administrator shall vote in person or by such other  
28 means as provided in the bylaws. The bylaws may provide for an  
29 administrator's participation in meetings by telephone or other means of  
30 communication.

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

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

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

39                 i. Noncompliance of a party state with its obligations under this  
40 Compact;

41                 ii. The employment, compensation, discipline or other personnel  
42 matters, practices or procedures related to specific employees or other  
43 matters related to the Commission's internal personnel practices and  
44 procedures;

45                 iii. Current, threatened or reasonably anticipated litigation;

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

- 1 v. Accusing any person of a crime or formally censuring any  
2 person;
  - 3 vi. Disclosure of trade secrets or commercial or financial  
4 information that is privileged or confidential;
  - 5 vii. Disclosure of information of a personal nature where disclosure  
6 would constitute a clearly unwarranted invasion of personal privacy;
  - 7 viii. Disclosure of investigatory records compiled for law  
8 enforcement purposes;
  - 9 ix. Disclosure of information related to any reports prepared by or  
10 on behalf of the Commission for the purpose of investigation of  
11 compliance with this Compact; or
  - 12 x. Matters specifically exempted from disclosure by federal or  
13 state statute.
- 14 6. If a meeting, or portion of a meeting, is closed pursuant to this  
15 provision, the Commission's legal counsel or designee shall certify that  
16 the meeting may be closed and shall reference each relevant exempting  
17 provision. The Commission shall keep minutes that fully and clearly  
18 describe all matters discussed in a meeting and shall provide a full and  
19 accurate summary of actions taken, and the reasons therefor, including  
20 a description of the views expressed. All documents considered in  
21 connection with an action shall be identified in such minutes. All  
22 minutes and documents of a closed meeting shall remain under seal,  
23 subject to release by a majority vote of the Commission or order of a  
24 court of competent jurisdiction.
- 25 c. The Commission shall, by a majority vote of the administrators,  
26 prescribe bylaws or rules to govern its conduct as may be necessary or  
27 appropriate to carry out the purposes and exercise the powers of this  
28 Compact, including but not limited to:
- 29 1. Establishing the fiscal year of the Commission;
  - 30 2. Providing reasonable standards and procedures:
    - 31 i. For the establishment and meetings of other committees; and
    - 32 ii. Governing any general or specific delegation of any authority or  
33 function of the Commission;
  - 34 3. Providing reasonable procedures for calling and conducting  
35 meetings of the Commission, ensuring reasonable advance notice of all  
36 meetings and providing an opportunity for attendance of such meetings  
37 by interested parties, with enumerated exceptions designed to protect  
38 the public's interest, the privacy of individuals, and proprietary  
39 information, including trade secrets. The Commission may meet in  
40 closed session only after a majority of the administrators vote to close a  
41 meeting in whole or in part. As soon as practicable, the Commission  
42 must make public a copy of the vote to close the meeting revealing the  
43 vote of each administrator, with no proxy votes allowed;
  - 44 4. Establishing the titles, duties and authority and reasonable  
45 procedures for the election of the officers of the Commission;
  - 46 5. Providing reasonable standards and procedures for the  
47 establishment of the personnel policies and programs of the  
48 Commission. Notwithstanding any civil service or other similar laws

- 1 of any party state, the bylaws shall exclusively govern the personnel  
2 policies and programs of the Commission; and
- 3 6. Providing a mechanism for winding up the operations of the  
4 Commission and the equitable disposition of any surplus funds that  
5 may exist after the termination of this Compact after the payment or  
6 reserving of all of its debts and obligations;
- 7 d. The Commission shall publish its bylaws and rules, and any  
8 amendments thereto, in a convenient form on the website of the  
9 Commission.
- 10 e. The Commission shall maintain its financial records in  
11 accordance with the bylaws.
- 12 f. The Commission shall meet and take such actions as are  
13 consistent with the provisions of this Compact and the bylaws.
- 14 g. The Commission shall have the following powers:
- 15 1. To promulgate uniform rules to facilitate and coordinate  
16 implementation and administration of this Compact. The rules shall  
17 have the force and effect of law and shall be binding in all party states;
- 18 2. To bring and prosecute legal proceedings or actions in the name  
19 of the Commission, provided that the standing of any licensing board to  
20 sue or be sued under applicable law shall not be affected;
- 21 3. To purchase and maintain insurance and bonds;
- 22 4. To borrow, accept or contract for services of personnel,  
23 including, but not limited to, employees of a party state or nonprofit  
24 organizations;
- 25 5. To cooperate with other organizations that administer state  
26 compacts related to the regulation of nursing, including but not limited  
27 to sharing administrative or staff expenses, office space or other  
28 resources;
- 29 6. To hire employees, elect or appoint officers, fix compensation,  
30 define duties, grant such individuals appropriate authority to carry out  
31 the purposes of this Compact, and to establish the Commission's  
32 personnel policies and programs relating to conflicts of interest,  
33 qualifications of personnel and other related personnel matters;
- 34 7. To accept any and all appropriate donations, grants and gifts of  
35 money, equipment, supplies, materials and services, and to receive,  
36 utilize and dispose of the same; provided that at all times the  
37 Commission shall avoid any appearance of impropriety or conflict of  
38 interest;
- 39 8. To lease, purchase, accept appropriate gifts or donations of, or  
40 otherwise to own, hold, improve or use, any property, whether real,  
41 personal or mixed; provided that at all times the Commission shall  
42 avoid any appearance of impropriety;
- 43 9. To sell, convey, mortgage, pledge, lease, exchange, abandon or  
44 otherwise dispose of any property, whether real, personal or mixed;
- 45 10. To establish a budget and make expenditures;
- 46 11. To borrow money;
- 47 12. To appoint committees, including advisory committees  
48 comprised of administrators, state nursing regulators, state legislators or

1 their representatives, and consumer representatives, and other such  
2 interested persons;

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

5 14. To adopt and use an official seal; and

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

9 h. Financing of the Commission

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

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

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

23 4. The Commission shall keep accurate accounts of all receipts and  
24 disbursements. The receipts and disbursements of the Commission  
25 shall be subject to the audit and accounting procedures established  
26 under its bylaws. However, all receipts and disbursements of funds  
27 handled by the Commission shall be audited yearly by a certified or  
28 licensed public accountant, and the report of the audit shall be included  
29 in and become part of the annual report of the Commission.

30 i. Qualified Immunity, Defense and Indemnification

31 1. The administrators, officers, executive director, employees and  
32 representatives of the Commission shall be immune from suit and  
33 liability, either personally or in their official capacity, for any claim for  
34 damage to or loss of property or personal injury or other civil liability  
35 caused by or arising out of any actual or alleged act, error or omission  
36 that occurred, or that the person against whom the claim is made had a  
37 reasonable basis for believing occurred, within the scope of  
38 Commission employment, duties or responsibilities; provided that  
39 nothing in this paragraph shall be construed to protect any such person  
40 from suit or liability for any damage, loss, injury or liability caused by  
41 the intentional, willful or wanton misconduct of that person.

42 2. The Commission shall defend any administrator, officer,  
43 executive director, employee or representative of the Commission in  
44 any civil action seeking to impose liability arising out of any actual or  
45 alleged act, error or omission that occurred within the scope of  
46 Commission employment, duties or responsibilities, or that the person  
47 against whom the claim is made had a reasonable basis for believing  
48 occurred within the scope of Commission employment, duties or

1 responsibilities; provided that nothing herein shall be construed to  
2 prohibit that person from retaining his or her own counsel; and  
3 provided further that the actual or alleged act, error or omission did not  
4 result from that person's intentional, willful or wanton misconduct.

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

15  
16 ARTICLE VIII: Rulemaking  
17

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

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

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

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

32 d. The notice of proposed rulemaking shall include:

- 33 1. The proposed time, date and location of the meeting in which  
34 the rule will be considered and voted upon;  
35 2. The text of the proposed rule or amendment, and the reason for  
36 the proposed rule;  
37 3. A request for comments on the proposed rule from any  
38 interested person; and  
39 4. The manner in which interested persons may submit notice to  
40 the Commission of their intention to attend the public hearing and any  
41 written comments.

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

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

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

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

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

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

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

13      j. The Commission shall, by majority vote of all administrators,  
14 take final action on the proposed rule and shall determine the effective  
15 date of the rule, if any, based on the rulemaking record and the full text  
16 of the rule.

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

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

29      1. The Commission may direct revisions to a previously adopted  
30 rule or amendment for purposes of correcting typographical errors,  
31 errors in format, errors in consistency or grammatical errors. Public  
32 notice of any revisions shall be posted on the website of the  
33 Commission. The revision shall be subject to challenge by any person  
34 for a period of thirty (30) days after posting. The revision may be  
35 challenged only on grounds that the revision results in a material  
36 change to a rule. A challenge shall be made in writing, and delivered  
37 to the Commission, prior to the end of the notice period. If no  
38 challenge is made, the revision will take effect without further action.  
39 If the revision is challenged, the revision may not take effect without  
40 the approval of the Commission.

41  
42       ARTICLE IX: Oversight, Dispute Resolution and Enforcement  
43

44       a. Oversight

45      1. Each party state shall enforce this Compact and take all actions  
46 necessary and appropriate to effectuate this Compact's purposes and  
47 intent.

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

7       b. Default, Technical Assistance and Termination

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

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

14       ii. Provide remedial training and specific technical assistance  
15 regarding the default.

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

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

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

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

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

42       c. Dispute Resolution

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

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

48       3. In the event the Commission cannot resolve disputes among

1 party states arising under this Compact:

2 i. The party states may submit the issues in dispute to an  
3 arbitration panel, which will be comprised of individuals appointed by  
4 the Compact administrator in each of the affected party states, and an  
5 individual mutually agreed upon by the Compact administrators of all  
6 the party states involved in the dispute.

7 ii. The decision of a majority of the arbitrators shall be final and  
8 binding.

9 d. Enforcement

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

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

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

23

#### 24 ARTICLE X: Effective Date, Withdrawal and Amendment

25

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

33 b. Each party state to this Compact shall continue to recognize a  
34 nurse's multistate licensure privilege to practice in that party state  
35 issued under the Prior Compact until such party state has withdrawn  
36 from the Prior Compact.

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

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

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

48 f. This Compact may be amended by the party states. No



1 amendment to this Compact shall become effective and binding upon  
2 the party states unless and until it is enacted into the laws of all party  
3 states.

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

7  
8 ARTICLE XI: Construction and Severability

9  
10 This Compact shall be liberally construed so as to effectuate the  
11 purposes thereof. The provisions of this Compact shall be severable,  
12 and if any phrase, clause, sentence or provision of this Compact is  
13 declared to be contrary to the constitution of any party state or of the  
14 United States, or if the applicability thereof to any government, agency,  
15 person or circumstance is held to be invalid, the validity of the  
16 remainder of this Compact and the applicability thereof to any  
17 government, agency, person or circumstance shall not be affected  
18 thereby. If this Compact shall be held to be contrary to the constitution  
19 of any party state, this Compact shall remain in full force and effect as  
20 to the remaining party states and in full force and effect as to the party  
21 state affected as to all severable matters.

22  
23 2. a. A State licensed nurse whose license is under suspension  
24 or under probation by the New Jersey Board of Nursing, or who is  
25 participating in an established treatment program which is an  
26 alternative to disciplinary action, shall not practice in any other  
27 party state during the term of the suspension, probation, or  
28 participation without prior authorization from the other party state.  
29 The board may revoke the State license of a nurse under suspension,  
30 probation, or participation who practices nursing in another party  
31 state without prior authorization from that state.

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

36  
37 3. This compact is intended to facilitate regulation of the  
38 practice of nursing, and it does not relieve an employer from  
39 complying with contractually or statutorily imposed obligations, or  
40 with collectively bargained agreements.

41  
42 4. a. This compact shall not abrogate or supersede any  
43 provision in Title 45 of the Revised Statutes, or in any other title or  
44 chapter of law applicable to the practice of nursing in this State.

45 b. Omissions in this compact shall not be supplied by  
46 construction. In any instance of an omission from the compact, the  
47 remaining provisions of Title 45 of the Revised Statutes or other  
48 applicable statutory law, and any regulations adopted pursuant

1 thereto, shall control.

2

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

7

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

18

19 7. Nothing in Article VII of the compact shall be deemed to  
20 waive or abrogate in any way any defense or immunity of a public  
21 entity or public employee under the common law or statutory law  
22 including, but not limited to, the "New Jersey Tort Claims Act,"  
23 N.J.S.59:1-1 et seq.

24

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

40 b. The Legislature may withdraw this State from the compact if  
41 the report submitted by the Attorney General, pursuant to  
42 subsection a. of this section, indicates that another party state has  
43 changed its licensure requirements to make them substantially lower  
44 than the requirements of this State, or that withdrawal from the  
45 compact is in the best interests of the health, safety, and welfare of  
46 the citizens of this State.

47

48 9. This act shall take effect immediately.