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HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 21

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO AN ADVANCED PRACTICE  
REGISTERED NURSE COMPACT.

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

1           Section 1. Amend Title 24 of the Delaware Code by adding a new Chapter designated as Chapter 19B by making  
2 insertions as shown by underline as follows:

3           Chapter 19B. Advanced Practice Registered Nurse Compact.

4           § 1901B. Advanced Practice Registered Nurse Compact.

5           The State hereby enters into the Advanced Practice Registered Nurse Compact (Compact) as set forth in this chapter.

6           The text of the Compact is as set forth in this chapter.

7           § 1902B. Findings and declaration of purpose.

8           (a) The party states find the following:

9           (1) The health and safety of the public are affected by the degree of compliance with Advanced Practice Registered  
10 Nurse licensure requirements and the effectiveness of enforcement activities related to state APRN licensure laws.

11           (2) Violations of APRN licensure and other laws regulating the practice of nursing may result in injury or harm to  
12 the public.

13           (3) The expanded mobility of APRNs and the use of advanced communication and intervention technologies as part  
14 of our nation's health care delivery system require greater coordination and cooperation among states in the areas of APRN  
15 licensure and regulation.

16           (4) New practice modalities and technology make compliance with individual state APRN licensure laws difficult  
17 and complex.

18           (5) The current system of duplicative APRN licensure for APRNs practicing in multiple states is cumbersome and  
19 redundant for healthcare delivery systems, payors, state licensing boards, regulators and APRNs.

20           (6) Uniformity of APRN licensure requirements throughout the states promotes public safety and public health  
21 benefits as well as provides a mechanism to increase access to care.

22 (b) The general purposes of this Compact are to do the following:

23 (1) Facilitate the states' responsibility to protect the public's health and safety.

24 (2) Ensure and encourage the cooperation of party states in the areas of APRN licensure and regulation, including  
25 promotion of uniform licensure requirements.

26 (3) Facilitate the exchange of information between party states in the areas of APRN regulation, investigation and  
27 adverse actions.

28 (4) Promote compliance with the laws governing APRN practice in each jurisdiction.

29 (5) Invest all party states with the authority to hold an APRN accountable for meeting all state practice laws in the  
30 state in which the patient is located at the time care is rendered through the mutual recognition of party state privileges to  
31 practice.

32 (6) Decrease redundancies in the consideration and issuance of APRN licenses.

33 (7) Provide opportunities for interstate practice by APRNs who meet uniform licensure requirements.

34 § 1903B. Definitions.

35 As used in this Compact:

36 (a) "Advanced practice registered nurse" or "APRN" means a registered nurse who has gained additional  
37 specialized knowledge, skills and experience through a program of study recognized or defined by the Interstate  
38 Commission of APRN Compact Administrators ("Commission"), and who is licensed to perform advanced nursing practice.  
39 An advanced practice registered nurse is licensed in an APRN role that is congruent with an APRN educational program,  
40 certification, and Commission rules.

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

46 (c) "Alternative program" means a non-disciplinary monitoring program approved by a licensing board.

47 (d) "APRN licensure" means the regulatory mechanism used by a party state to grant legal authority to practice as  
48 an APRN.

49 (e) "APRN uniform licensure requirements" means the minimum uniform licensure, education and examination  
50 requirements set forth in § 1904B(b) of this chapter.

51 (f) “Coordinated licensure information system” means an integrated process for collecting, storing and sharing  
52 information on APRN licensure and enforcement activities related to APRN licensure laws that is administered by a  
53 nonprofit organization composed of and controlled by licensing boards.

54 (g) “Current significant investigatory information” means:

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

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

60 (h) “Encumbrance” means a revocation or suspension of, or any limitation on, the full and unrestricted practice of  
61 nursing imposed by a licensing board in connection with a disciplinary proceeding.

62 (i) “Home state” means the party state that is the APRN’s primary state of residence.

63 (j) “Licensing board” means a party state’s regulatory body responsible for regulating the practice of advanced  
64 practice registered nursing.

65 (k) “Multistate license” means an APRN license to practice as an APRN issued by a home state licensing board that  
66 authorizes the APRN to practice as an APRN in all party states under a multistate licensure privilege, in the same role and  
67 population focus as the APRN is licensed in the home state.

68 (l) “Multistate licensure privilege” means a legal authorization associated with an APRN multistate license that  
69 permits an APRN to practice as an APRN in a remote state, in the same role and population focus as the APRN is licensed in  
70 the home state.

71 (m) “Non-controlled prescription drug” means a device or drug that is not a controlled substance and is prohibited  
72 under state or federal law from being dispensed without a prescription. The term includes a device or drug that bears or is  
73 required to bear the legend “Caution: federal law prohibits dispensing without prescription” or “prescription only” or other  
74 legend that complies with federal law.

75 (n) “Party state” means any state that has adopted this Compact.

76 (o) “Population focus” means one of the six population foci of family/individual across the lifespan, adult-  
77 gerontology, pediatrics, neonatal, women’s health/gender-related, and psych/mental health.

78 (p) “Prescriptive authority” means the legal authority to prescribe medications and devices as defined by party state  
79 laws.

80 (q) “Remote state” means a party state that is not the home state.

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(r) "Role" means one of the four recognized roles of certified registered nurse anesthetists (CRNA), certified nurse-midwives (CNM), clinical nurse specialists (CNS), and certified nurse practitioners (CNP).

(s) "Single-state license" means an APRN license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(t) "State" means a state, territory or possession of the United States and the District of Columbia.

(u) "State practice laws" means a party state's laws, rules, and regulations that govern APRN practice, define the scope of advanced nursing practice and create the methods and grounds for imposing discipline except that prescriptive authority shall be treated in accordance with § 1904B(f) and § 1904B(g) of this chapter. "State practice laws" does not include:

(1) A party state's laws, rules, and regulations requiring supervision or collaboration with a healthcare professional, except for laws, rules, and regulations regarding prescribing controlled substances.

(2) The requirements necessary to obtain and retain an APRN license, except for qualifications or requirements of the home state.

§ 1904B. General provisions and jurisdiction.

(a) A state must implement procedures for considering the criminal history records of applicants for initial APRN licensure or APRN licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by APRN applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(b) Each party state shall require all of the following for an applicant to satisfy the APRN uniform licensure requirements to obtain or retain a multistate license in the home state:

(1) Meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws.

(2) Has (a) completed an accredited graduate-level education program that prepares the applicant for one of the four recognized roles and population foci; or (b) has completed a foreign APRN education program for one of the four recognized roles and population foci that has been (a) approved by the authorized accrediting body in the applicable country and (b) verified by an independent credentials review agency to be comparable to a licensing board approved APRN education program.

109           (3) Has, if a graduate of a foreign APRN education program not taught in English or if English is not the  
110 individual's native language, successfully passed an English proficiency examination that includes the components of  
111 reading, speaking, writing and listening.

112           (4) Has successfully passed a national certification examination that measures APRN, role and population-  
113 focused competencies and maintains continued competence as evidenced by recertification in the role and population  
114 focus through the national certification program.

115           (5) Holds an active, unencumbered license as a registered nurse and an active, unencumbered authorization to  
116 practice as an APRN.

117           (6) Has successfully passed an NCLEX-RN® examination or recognized predecessor, as applicable.

118           (7) Has practiced for at least 2,080 hours as an APRN in a role and population focus congruent with the  
119 applicant's education and training. For purposes of this section, practice shall not include hours obtained as part of  
120 enrollment in an APRN education program.

121           (8) Has submitted, in connection with an application for initial licensure or licensure by endorsement,  
122 fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal  
123 Bureau of Investigation and the agency responsible for retaining that state or, if applicable, foreign country's criminal  
124 records.

125           (9) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under  
126 applicable state, federal or foreign criminal law.

127           (10) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor  
128 offense related to the practice of nursing as determined by factors set forth in rules adopted by the Commission.

129           (11) Is not currently enrolled in an alternative program.

130           (12) Is subject to self-disclosure requirements regarding current participation in an alternative program.

131           (13) Has a valid United States Social Security number.

132           (c) An APRN issued a multistate license shall be licensed in an approved role and at least one approved population  
133 focus.

134           (d) An APRN multistate license issued by a home state to a resident in that state will be recognized by each party  
135 state as authorizing the APRN to practice as an APRN in each party state, under a multistate licensure privilege, in the same  
136 role and population focus as the APRN is licensed in the home state.

137           (e) Nothing in this Compact shall affect the requirements established by a party state for the issuance of a single-  
138 state license, except that an individual may apply for a single-state license, instead of a multistate license, even if otherwise

139 qualified for the multistate license. However, the failure of such an individual to affirmatively opt for a single state license  
140 may result in the issuance of a multistate license.

141 (f) Issuance of an APRN multistate license shall include prescriptive authority for non-controlled prescription  
142 drugs.

143 (g) For each state in which an APRN seeks authority to prescribe controlled substances, the APRN shall satisfy all  
144 requirements imposed by such state in granting and/or renewing such authority.

145 (h) An APRN issued a multistate license is authorized to assume responsibility and accountability for patient care  
146 independent of any supervisory or collaborative relationship. This authority may be exercised in the home state and in any  
147 remote state in which the APRN exercises a multistate licensure privilege.

148 (i) All party states shall be authorized, in accordance with state due process laws, to take adverse action against an  
149 APRN's multistate licensure privilege such as revocation, suspension, probation or any other action that affects an APRN's  
150 authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such  
151 action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the  
152 coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

153 (j) Except as otherwise expressly provided in this Compact, an APRN practicing in a party state must comply with  
154 the state practice laws of the state in which the client is located at the time service is provided. APRN practice is not limited  
155 to patient care but shall include all advanced nursing practice as defined by the state practice laws of the party state in which  
156 the client is located. APRN practice in a party state under a multistate licensure privilege will subject the APRN to the  
157 jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service  
158 is provided.

159 (k) Except as otherwise expressly provided in this Compact, this Compact does not affect additional requirements  
160 imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered  
161 nursing granted by a party state shall be recognized by other party states as satisfying any state law requirement for  
162 registered nurse licensure as a precondition for authorization to practice as an APRN in that state.

163 (l) Individuals not residing in a party state shall continue to be able to apply for a party state's single-state APRN  
164 license as provided under the laws of each party state. However, the single-state license granted to these individuals will not  
165 be recognized as granting the privilege to practice as an APRN in any other party state.

166 § 1905B. Applications for APRN licensure in a party state.

167 (a) Upon application for an APRN multistate license, the licensing board in the issuing party state shall ascertain,  
168 through the coordinated licensure information system, whether the applicant has ever held or is the holder of a licensed

169 practical/vocational nursing license, a registered nursing license or an advanced practice registered nurse license issued by  
170 any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant,  
171 whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and  
172 whether the applicant is currently participating in an alternative program.

173 (b) An APRN may hold a multistate APRN license, issued by the home state, in only one party state at a time.

174 (c) If an APRN changes primary state of residence by moving between two party states, the APRN must apply for  
175 APRN licensure in the new home state, and the multistate license issued by the prior home state shall be deactivated in  
176 accordance with applicable Commission rules.

177 (1) The APRN may apply for licensure in advance of a change in primary state of residence.

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

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

183 § 1906B. Additional authorities invested in party state licensing boards.

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

185 (1) Take adverse action against an APRN's multistate licensure privilege to practice within that party state.

186 a. Only the home state shall have power to take adverse action against an APRN's license issued by the  
187 home state.

188 b. For purposes of taking adverse action, the home state licensing board shall give the same priority and  
189 effect to reported conduct that occurred outside of the home state as it would if such conduct had occurred within  
190 the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

191 (2) Issue cease and desist orders or impose an encumbrance on an APRN's authority to practice within that  
192 party state.

193 (3) Complete any pending investigations of an APRN who changes primary state of residence during the course  
194 of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly  
195 report the conclusions of such investigations to the administrator of the coordinated licensure information system. The  
196 administrator of the coordinated licensure information system shall promptly notify the new home state of any such  
197 actions.

198           (4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of  
199 witnesses, as well as the production of evidence. Subpoenas issued by a party state licensing board for the attendance  
200 and testimony of witnesses and/or the production of evidence from another party state shall be enforced in the latter  
201 state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas  
202 issued in its own proceedings. The issuing licensing board shall pay any witness fees, travel expenses, mileage, and  
203 other fees required by the service statutes of the state in which the witnesses and/or evidence are located.

204           (5) Obtain and submit, for an APRN licensure applicant, fingerprints or other biometric-based information to  
205 the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of  
206 Investigation record search on criminal background checks and use the results in making licensure decisions.

207           (6) If otherwise permitted by state law, recover from the affected APRN the costs of investigations and  
208 disposition of cases resulting from any adverse action taken against that APRN.

209           (7) Take adverse action based on the factual findings of another party state, provided that the licensing board  
210 follows its own procedures for taking such adverse action.

211           (b) If adverse action is taken by a home state against an APRN's multistate licensure, the privilege to practice in all  
212 other party states under a multistate licensure privilege shall be deactivated until all encumbrances have been removed from  
213 the APRN's multistate license. All home state disciplinary orders that impose adverse action against an APRN's multistate  
214 license shall include a statement that the APRN's multistate licensure privilege is deactivated in all party states during the  
215 pendency of the order.

216           (c) Nothing in this Compact shall override a party state's decision that participation in an alternative program may  
217 be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the  
218 multistate license of any APRN for the duration of the APRN's participation in an alternative program.

219           § 1907B. Coordinated licensure information system and exchange of information.

220           (a) All party states shall participate in a coordinated licensure information system of all APRNs, licensed registered  
221 nurses, and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary  
222 history of each APRN, as submitted by party states, to assist in the coordinated administration of APRN licensure and  
223 enforcement efforts.

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



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

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

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

237 (f) Any information contributed to the coordinated licensure information system that is subsequently required to be  
238 expunged by the laws of the party state contributing the information shall be removed from the coordinated licensure  
239 information system.

240 (g) The Compact administrator of each party state shall furnish a uniform data set to the Compact administrator of  
241 each other party state, which shall include, at a minimum all of the following:

242 (1) Identifying information.

243 (2) Licensure data.

244 (3) Information related to alternative program participation information.

245 (4) Other information that may facilitate the administration of this Compact, as determined by Commission  
246 rules.

247 (h) The Compact administrator of a party state shall provide all investigative documents and information requested  
248 by another party state.

249 § 1908B. Establishment of the Interstate Commission of APRN Compact Administrators.

250 (a) The party states hereby create and establish a joint public agency known as the Interstate Commission of APRN  
251 Compact Administrators.

252 (1) The Commission is an instrumentality of the party states.

253 (2) Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and  
254 exclusively, in a court of competent jurisdiction where the principal office of the Commission is located. The  
255 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative  
256 dispute resolution proceedings.

257 (3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

258 (b) Membership, voting and meetings.

259 (1) Each party state shall have and be limited to one administrator. The head of the state licensing board or  
260 designee shall be the administrator of this Compact for each party state. Any administrator may be removed or  
261 suspended from office as provided by the law of the state from which the Administrator is appointed. Any vacancy  
262 occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

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

267 (3) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as  
268 set forth in the bylaws or rules of the Commission.

269 (4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner  
270 as required under the rulemaking provisions in § 1909B of this title.

271 (5) The Commission may convene in a closed, nonpublic meeting if the Commission must discuss any of the  
272 following:

273 a. Noncompliance of a party state with its obligations under this Compact.

274 b. The employment, compensation, discipline or other personnel matters, practices or procedures  
275 related to specific employees or other matters related to the Commission's internal personnel practices  
276 and procedures.

277 c. Current, threatened, or reasonably anticipated litigation.

278 d. Negotiation of contracts for the purchase or sale of goods, services or real estate.

279 e. Accusing any person of a crime or formally censuring any person.

280 f. Disclosure of trade secrets or commercial or financial information that is privileged or  
281 confidential.

282 g. Disclosure of information of a personal nature where disclosure would constitute a clearly  
283 unwarranted invasion of personal privacy.

284 h. Disclosure of investigatory records compiled for law enforcement purposes;

285 i. Disclosure of information related to any reports prepared by or on behalf of the Commission for  
286 the purpose of investigation of compliance with this Compact.

287 j. Matters specifically exempted from disclosure by federal or state statute.

288 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel  
289 or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The  
290 Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full  
291 and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All  
292 documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a  
293 closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of  
294 competent jurisdiction.

295 (c) The Commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct  
296 as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact, including all of the  
297 following:

298 (1) Establishing the fiscal year of the Commission.

299 (2) Providing reasonable standards and procedures for the following:

300 a. The establishment and meetings of other committees.

301 b. Governing any general or specific delegation of any authority or function of the Commission.

302 (3) Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring  
303 reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested  
304 parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary  
305 information, including trade secrets. The Commission may meet in closed session only after a majority of the  
306 administrators vote to close a meeting in whole or in part. As soon as practicable, the Commission must make public a  
307 copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed.

308 (4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the  
309 Commission.

310 (5) Providing reasonable standards and procedures for the establishment of the personnel policies and  
311 programs of the Commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws  
312 shall exclusively govern the personnel policies and programs of the Commission.

313 (6) Providing a mechanism for winding up the operations of the Commission and the equitable disposition of  
314 any surplus funds that may exist after the termination of this Compact after the payment and/or reserving of all of its  
315 debts and obligations.

316 (d) The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the  
317 website of the Commission.

318 (e) The Commission shall maintain its financial records in accordance with the bylaws.

319 (f) The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the  
320 bylaws.

321 (g) The Commission shall have the following powers:

322 (1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this  
323 Compact. The rules shall have the force and effect of law and shall be binding in all party states.

324 (2) To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the  
325 standing of any licensing board to sue or be sued under applicable law shall not be affected.

326 (3) To purchase and maintain insurance and bonds.

327 (4) To borrow, accept or contract for services of personnel, including but not limited to employees of a party  
328 state or nonprofit organizations.

329 (5) To cooperate with other organizations that administer state compacts related to the regulation of nursing,  
330 including but not limited to sharing administrative or staff expenses, office space or other resources.

331 (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals  
332 appropriate authority to carry out the purposes of this Compact, and to establish the Commission's personnel policies  
333 and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters.

334 (7) To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and  
335 services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid  
336 any appearance of impropriety and/or conflict of interest.

337 (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any  
338 property, whether real, personal or mixed; provided that at all times the Commission shall strive to avoid any  
339 appearance of impropriety.

340 (9) To sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether  
341 real, personal or mixed.

342 (10) To establish a budget and make expenditures.

343 (11) To borrow money.

344 (12) To appoint committees, including advisory committees comprised of administrators, state nursing  
345 regulators, state legislators or their representatives, and consumer representatives, and other such interested persons.

346 (13) To issue advisory opinions.  
347 (14) To provide and receive information from, and to cooperate with, law enforcement agencies.  
348 (15) To adopt and use an official seal.  
349 (16) To perform such other functions as may be necessary or appropriate to achieve the purposes of this  
350 Compact consistent with the state regulation of APRN licensure and practice.

351 (h) Financing of the Commission.

352 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment,  
353 organization and ongoing activities.

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

358 (3) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the  
359 same; nor shall the Commission pledge the credit of any of the party states, except by, and with the authority of, such  
360 party state.

361 (4) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and  
362 disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws.  
363 However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or  
364 licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the  
365 Commission.

366 (i) Qualified immunity, defense, and indemnification.

367 (1) The administrators, officers, executive director, employees and representatives of the Commission shall be  
368 immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of  
369 property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission  
370 that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within  
371 the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be  
372 construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the  
373 intentional, willful or wanton misconduct of that person.

374 (2) The Commission shall defend any administrator, officer, executive director, employee or representative of  
375 the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission

376 that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom  
377 the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or  
378 responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own  
379 counsel; and provided further that the actual or alleged act, error or omission did not result from that person's  
380 intentional, willful or wanton misconduct.

381 (3) The Commission shall indemnify and hold harmless any administrator, officer, executive director,  
382 employee or representative of the Commission for the amount of any settlement or judgment obtained against that  
383 person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission  
384 employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the  
385 scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission  
386 did not result from the intentional, willful or wanton misconduct of that person.

387 § 1909B. Rulemaking.

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

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

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

395 (1) On the website of the Commission.

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

398 (d) The notice of proposed rulemaking shall include the following:

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

400 (2) The text of the proposed rule or amendment, and the reason for the proposed rule.

401 (3) A request for comments on the proposed rule from any interested person.

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

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

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

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

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

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

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

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

416 (j) The Commission shall, by majority vote of all administrators, take final action on the proposed rule and shall  
417 determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

418 (k) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule  
419 without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this  
420 Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
421 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted  
422 immediately in order to do any of the following:

423 (1) Meet an imminent threat to public health, safety or welfare.

424 (2) Prevent a loss of Commission or party state funds.

425 (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

426 (l) The Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting  
427 typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be  
428 posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days  
429 after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A  
430 challenge shall be made in writing, and delivered to the Commission, prior to the end of the notice period. If no challenge is  
431 made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect  
432 without the approval of the Commission.

433 § 1910B. Oversight, dispute resolution and enforcement.

434 (a) Oversight.

435 (1) Each party state shall enforce this Compact and take all actions necessary and appropriate to effectuate this  
436 Compact's purposes and intent.

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

441 (b) Default, technical assistance and termination.

442 (1) If the Commission determines that a party state has defaulted in the performance of its obligations or  
443 responsibilities under this Compact or the promulgated rules, the Commission shall do all of the following:

444 a. Provide written notice to the defaulting state and other party states of the nature of the default, the  
445 proposed means of curing the default, or any other action to be taken by the Commission.

446 b. Provide remedial training and specific technical assistance regarding the default.

447 (2) If a state in default fails to cure the default, the defaulting state's membership in this Compact may be  
448 terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred  
449 by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the  
450 offending state of obligations or liabilities incurred during the period of default.

451 (3) Termination of membership in this Compact shall be imposed only after all other means of securing  
452 compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the  
453 governor of the defaulting state and to the executive officer of the defaulting state's licensing board, the defaulting  
454 state's licensing board, and each of the party states.

455 (4) A state whose membership in this Compact has been terminated is responsible for all assessments,  
456 obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond  
457 the effective date of termination.

458 (5) The Commission shall not bear any costs related to a state that is found to be in default or whose  
459 membership in this Compact has been terminated, unless agreed upon in writing between the Commission and the  
460 defaulting state.

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

464 (c) Dispute resolution.



465 (1) Upon request by a party state, the Commission shall attempt to resolve disputes related to the Compact that  
466 arise among party states and between party and non-party states.

467 (2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for  
468 disputes, as appropriate.

469 (3) In the event the Commission cannot resolve disputes among party states arising under this Compact:

470 a. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of  
471 individuals appointed by the Compact administrator in each of the affected party states and an individual mutually  
472 agreed upon by the Compact administrators of all the party states involved in the dispute.

473 b. The decision of a majority of the arbitrators shall be final and binding.

474 (d) Enforcement.

475 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this  
476 Compact.

477 (2) By majority vote, the Commission may initiate legal action in the United States District Court for the  
478 District of Columbia or the federal district in which the Commission has its principal offices against a party state that is  
479 in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief  
480 sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
481 party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

482 (3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue  
483 any other remedies available under federal or state law.

484 § 1911B. Effective date, withdrawal and amendment.

485 (a) This Compact shall come into limited effect at such time as this Compact has been enacted into law in 7 party  
486 states for the sole purpose of establishing and convening the Commission to adopt rules relating to its operation.

487 (b) Any state that joins this Compact subsequent to the Commission's initial adoption of the APRN uniform  
488 licensure requirements shall be subject to all rules that have been previously adopted by the Commission.

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

491 (d) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or  
492 terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date  
493 of such withdrawal or termination.

494 (e) Nothing contained in this Compact shall be construed to invalidate or prevent any APRN licensure agreement or  
495 other cooperative arrangement between a party state and a non-party state that does not conflict with the provisions of this  
496 Compact.

497 (f) This Compact may be amended by the party states. No amendment to this Compact shall become effective and  
498 binding upon any party state until it is enacted into the laws of all party states.

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

501 § 1912B. Construction and severability.

502 (a) This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this  
503 Compact shall be severable, and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the  
504 constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or  
505 circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government,  
506 agency, person or circumstance shall not be affected thereby. If this Compact shall be held to be contrary to the constitution  
507 of any party state, this Compact shall remain in full force and effect as to the remaining party states and in full force and  
508 effect as to the party state affected as to all severable matters.

509 Section 2. This Act takes effect on the date on which the Commission adopts the APRN uniform licensure  
510 requirements as defined in §1903B of this chapter, notice of which the Director of the Division of Professional Regulation  
511 must provide to the Registrar of Regulations.

#### SYNOPSIS

This Act adopts the Advanced Practice Registered Nurse Compact. The Compact benefits the public by improving continuity of care, increasing license portability for advanced practice registered nurses, and increasing access to APRN care. Under the Compact, APRNs licensed in a Compact member state may practice in another Compact member state. In adopting the Compact, the state-based licensure system is preserved but communication between states is enhanced.

This Act takes limited effect for the purpose of establishing and convening the Interstate Commission of APRN Compact Administrators (Commission) to adopt rules relating to its operation when 7 states have enacted it into law.