

**ASSEMBLY BILL****No. 3232****Introduced by Assembly Member Megan Dahle**

February 16, 2024

An act to add Chapter 6.3 (commencing with Section 2839) to Division 2 of the Business and Professions Code, relating to healing arts.

## LEGISLATIVE COUNSEL'S DIGEST

AB 3232, as introduced, Megan Dahle. Licensed registered nurses and licensed vocational nurses: Nurse Licensure Compact.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of the practice of nursing by the Board of Registered Nursing. The Vocational Nursing Practice Act provides for the licensure and regulation of vocational nurses by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. The Nursing Practice Act establishes the Board of Registered Nursing Fund and the Vocational Nursing Practice Act establishes the Vocational Nursing and Psychiatric Technicians Fund.

This bill would enact the Nurse Licensure Compact, under which the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians would be authorized to issue a multistate license that would authorize the holder to practice as a registered nurse or a licensed vocational nurse, as applicable, in all party states under a multistate licensure privilege, as specified. The bill would designate the Board of Registered Nursing as the licensing board for registered nurses for purposes of the compact and would designate the Board of Vocational Nursing and Psychiatric Technicians as the licensing board for vocational nurses for purposes of the compact. The bill would require

the boards to participate in a coordinated licensure information system that would include all of the licensure and disciplinary history of all licensed registered nurses and licensed vocational nurses. The bill would provide that the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians shall alternate as the administrator of the compact for the state and as members of an entity known as the Interstate Commission of Nurse Licensure Compact Administrators. The bill would authorize the commission to adopt rules that have the force and effect of law. The bill would prohibit fees collected by the Board of Registered Nursing or the Board of Vocational Nursing and Psychiatric Technicians for purposes of granting a multistate license pursuant to the bill from exceeding the cost of administering that multistate license under the compact and would require those fees to be deposited in the Board of Registered Nursing Fund or the Board of Vocational Nursing and Psychiatric Technicians Fund, as applicable.

By authorizing out-of-state licensees to practice in this state under the multistate compact privilege created by the bill, the bill would expand the scope of the criminal provisions of the Nursing Practice Act and the Vocational Nursing Practice Act, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6.3 (commencing with Section 2839) is  
2 added to Division 2 of the Business and Professions Code, to read:

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CHAPTER 6.3 NURSE LICENSURE COMPACT

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6 2839. The Nurse Licensure Compact is hereby enacted into  
7 law with all other participating states.

8 2839.1. (a) The Board of Registered Nursing is hereby  
9 designated as the licensing entity for registered nurses for purposes

1 of the compact. The Board of Vocational Nursing and Psychiatric  
2 Technicians of the State of California is hereby designated as the  
3 licensing entity for vocational nurses for purposes of the compact.

4 (b) The Board of Registered Nursing and the Board of Licensed  
5 Vocational Nursing and Psychiatric Technicians shall alternate as  
6 administrators of the compact for the state.

7 2839.2. If any provision in the compact is contrary to the United  
8 States Constitution, federal statutes or regulations, or the California  
9 Constitution, the provision is void and unenforceable.

10 2839.3. The provisions of the Nurse Licensure Compact are  
11 as follows:

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13 **ARTICLE I**  
14 **Findings and Declaration of Purpose**  
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16 a. The party states find that:

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

20 2. Violations of nurse licensure and other laws regulating the  
21 practice of nursing may result in injury or harm to the public;

22 3. The expanded mobility of nurses and the use of advanced  
23 communication technologies as part of our nation's health care  
24 delivery system require greater coordination and cooperation  
25 among states in the areas of nurse licensure and regulation;

26 4. New practice modalities and technology make compliance  
27 with individual state nurse licensure laws difficult and complex;

28 5. The current system of duplicative licensure for nurses  
29 practicing in multiple states is cumbersome and redundant for both  
30 nurses and states; and

31 6. Uniformity of nurse licensure requirements throughout the  
32 states promotes public safety and public health benefits.

33 b. The general purposes of this Compact are to:

34 1. Facilitate the states' responsibility to protect the public's health  
35 and safety;

36 2. Ensure and encourage the cooperation of party states in the  
37 areas of nurse licensure and regulation;

38 3. Facilitate the exchange of information between party states  
39 in the areas of nurse regulation, investigation and adverse actions;

1 4. Promote compliance with the laws governing the practice of  
2 nursing in each jurisdiction;

3 5. Invest all party states with the authority to hold a nurse  
4 accountable for meeting all state practice laws in the state in which  
5 the patient is located at the time care is rendered through the mutual  
6 recognition of party state licenses;

7 6. Decrease redundancies in the consideration and issuance of  
8 nurse licenses; and

9 7. Provide opportunities for interstate practice by nurses who  
10 meet uniform licensure requirements.

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**ARTICLE II**

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**Definitions**

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15 As used in this Compact:

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

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

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

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35 d. “Current significant investigative information” means:

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

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

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

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

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

8 h. “Multistate license” means a license to practice as a registered  
9 or a licensed practical/vocational nurse (LPN/VN) issued by a  
10 home state licensing board that authorizes the licensed nurse to  
11 practice in all party states under a multistate licensure privilege.

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

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

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

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

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

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

26 o. “State practice laws” means a party state’s laws, rules and  
27 regulations that govern the practice of nursing, define the scope  
28 of nursing practice, and create the methods and grounds for  
29 imposing discipline. “State practice laws” do not include  
30 requirements necessary to obtain and retain a license, except for  
31 qualifications or requirements of the home state.

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34 **ARTICLE III**  
35 **General Provisions and Jurisdiction**

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37 a. A multistate license to practice registered or licensed  
38 practical/vocational nursing issued by a home state to a resident  
39 in that state will be recognized by each party state as authorizing  
a nurse to practice as a registered nurse (RN) or as a licensed

1 practical/vocational nurse (LPN/VN), under a multistate licensure  
2 privilege, in each party state.

3 b. A state must implement procedures for considering the  
4 criminal history records of applicants for initial multistate license  
5 or licensure by endorsement. Such procedures shall include the  
6 submission of fingerprints or other biometric-based information  
7 by applicants for the purpose of obtaining an applicant's criminal  
8 history record information from the Federal Bureau of Investigation  
9 and the agency responsible for retaining that state's criminal  
10 records.

11 c. Each party state shall require the following for an applicant  
12 to obtain or retain a multistate license in the home state:

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

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

18 ii. Has graduated from a foreign RN or LPN/VN prelicensure  
19 education program that (a) has been approved by the authorized  
20 accrediting body in the applicable country and (b) has been verified  
21 by an independent credentials review agency to be comparable to  
22 a licensing board-approved prelicensure education program;

23 3. Has, if a graduate of a foreign prelicensure education program  
24 not taught in English or if English is not the individual's native  
25 language, successfully passed an English proficiency examination  
26 that includes the components of reading, speaking, writing and  
27 listening;

28 4. Has successfully passed an NCLEX-RN® or NCLEX-PN®  
29 Examination or recognized predecessor, as applicable;

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

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

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

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

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

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

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

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

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

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

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

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

1 2. A nurse who fails to satisfy the multistate licensure  
 2 requirements in Article III.c. due to a disqualifying event occurring  
 3 after this Compact’s effective date shall be ineligible to retain or  
 4 renew a multistate license, and the nurse’s multistate license shall  
 5 be revoked or deactivated in accordance with applicable rules  
 6 adopted by the Interstate Commission of Nurse Licensure Compact  
 7 Administrators (“Commission”).

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**ARTICLE IV**

**Applications for Licensure in a Party State**

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

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

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

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

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

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

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**ARTICLE V**





1 criminal background checks and use the results in making licensure  
2 decisions.

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

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

9 b. If adverse action is taken by the home state against a nurse’s  
10 multistate license, the nurse’s multistate licensure privilege to  
11 practice in all other party states shall be deactivated until all  
12 encumbrances have been removed from the multistate license. All  
13 home state disciplinary orders that impose adverse action against  
14 a nurse’s multistate license shall include a statement that the nurse’s  
15 multistate licensure privilege is deactivated in all party states during  
16 the pendency of the order.

17 c. Nothing in this Compact shall override a party state’s decision  
18 that participation in an alternative program may be used in lieu of  
19 adverse action. The home state licensing board shall deactivate  
20 the multistate licensure privilege under the multistate license of  
21 any nurse for the duration of the nurse’s participation in an  
22 alternative program.

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24 **ARTICLE VI**

25 **Coordinated Licensure Information System and Exchange**  
26 **of Information**

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

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

38 c. All licensing boards shall promptly report to the coordinated  
39 licensure information system any adverse action, any current  
40 significant investigative information, denials of applications (with

1 the reasons for such denials) and nurse participation in alternative  
2 programs known to the licensing board regardless of whether such  
3 participation is deemed nonpublic or confidential under state law.

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

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

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

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

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

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

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

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**ARTICLE VII**  
**Establishment of the Interstate Commission of Nurse**  
**Licensure Compact Administrators**

1 a. The party states hereby create and establish a joint public  
 2 entity known as the Interstate Commission of Nurse Licensure  
 3 Compact Administrators.

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

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

11 3. Nothing in this Compact shall be construed to be a waiver of  
 12 sovereign immunity.

13 b. Membership, Voting and Meetings

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

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

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

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

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

37 i. Noncompliance of a party state with its obligations under this  
 38 Compact;

39 ii. The employment, compensation, discipline or other personnel  
 40 matters, practices or procedures related to specific employees or

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

1 3. Providing reasonable procedures for calling and conducting  
 2 meetings of the Commission, ensuring reasonable advance notice  
 3 of all meetings and providing an opportunity for attendance of  
 4 such meetings by interested parties, with enumerated exceptions  
 5 designed to protect the public’s interest, the privacy of individuals,  
 6 and proprietary information, including trade secrets. The  
 7 Commission may meet in closed session only after a majority of  
 8 the administrators vote to close a meeting in whole or in part. As  
 9 soon as practicable, the Commission must make public a copy of  
 10 the vote to close the meeting revealing the vote of each  
 11 administrator, with no proxy votes allowed;

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

14 5. Providing reasonable standards and procedures for the  
 15 establishment of the personnel policies and programs of the  
 16 Commission. Notwithstanding any civil service or other similar  
 17 laws of any party state, the bylaws shall exclusively govern the  
 18 personnel policies and programs of the Commission; and

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

23 d. The Commission shall publish its bylaws and rules, and any  
 24 amendments thereto, in a convenient form on the website of the  
 25 Commission.

26 e. The Commission shall maintain its financial records in  
 27 accordance with the bylaws.

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

30 g. The Commission shall have the following powers:

31 1. To promulgate uniform rules to facilitate and coordinate  
 32 implementation and administration of this Compact. The rules  
 33 shall have the force and effect of law and shall be binding in all  
 34 party states;

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

39 3. To purchase and maintain insurance and bonds;

- 1 4. To borrow, accept or contract for services of personnel,  
2 including, but not limited to, employees of a party state or nonprofit  
3 organizations;
- 4 5. To cooperate with other organizations that administer state  
5 compacts related to the regulation of nursing, including but not  
6 limited to sharing administrative or staff expenses, office space or  
7 other resources;
- 8 6. To hire employees, elect or appoint officers, fix compensation,  
9 define duties, grant such individuals appropriate authority to carry  
10 out the purposes of this Compact, and to establish the  
11 Commission's personnel policies and programs relating to conflicts  
12 of interest, qualifications of personnel and other related personnel  
13 matters;
- 14 7. To accept any and all appropriate donations, grants and gifts  
15 of money, equipment, supplies, materials and services, and to  
16 receive, utilize and dispose of the same; provided that at all times  
17 the Commission shall avoid any appearance of impropriety or  
18 conflict of interest;
- 19 8. To lease, purchase, accept appropriate gifts or donations of,  
20 or otherwise to own, hold, improve or use, any property, whether  
21 real, personal or mixed; provided that at all times the Commission  
22 shall avoid any appearance of impropriety;
- 23 9. To sell, convey, mortgage, pledge, lease, exchange, abandon  
24 or otherwise dispose of any property, whether real, personal or  
25 mixed;
- 26 10. To establish a budget and make expenditures;
- 27 11. To borrow money;
- 28 12. To appoint committees, including advisory committees  
29 comprised of administrators, state nursing regulators, state  
30 legislators or their representatives, and consumer representatives,  
31 and other such interested persons;
- 32 13. To provide and receive information from, and to cooperate  
33 with, law enforcement agencies;
- 34 14. To adopt and use an official seal; and
- 35 15. To perform such other functions as may be necessary or  
36 appropriate to achieve the purposes of this Compact consistent  
37 with the state regulation of nurse licensure and practice.
- 38 h. Financing of the Commission

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

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

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

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

22 i. Qualified Immunity, Defense and Indemnification

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

35 2. The Commission shall defend any administrator, officer,  
36 executive director, employee or representative of the Commission  
37 in any civil action seeking to impose liability arising out of any  
38 actual or alleged act, error or omission that occurred within the  
39 scope of Commission employment, duties or responsibilities, or  
40 that the person against whom the claim is made had a reasonable



1 basis for believing occurred within the scope of Commission  
2 employment, duties or responsibilities; provided that nothing herein  
3 shall be construed to prohibit that person from retaining his or her  
4 own counsel; and provided further that the actual or alleged act,  
5 error or omission did not result from that person's intentional,  
6 willful or wanton misconduct.

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

18  
19 **ARTICLE VIII**  
20 **Rulemaking**  
21

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

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

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

33 1. On the website of the Commission; and

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

36 d. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

27 j. The Commission shall, by majority vote of all administrators,  
28 take final action on the proposed rule and shall determine the  
29 effective date of the rule, if any, based on the rulemaking record  
30 and the full text of the rule.

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

- 39 1. Meet an imminent threat to public health, safety or welfare;
- 40 2. Prevent a loss of Commission or party state funds; or

1 3. Meet a deadline for the promulgation of an administrative  
2 rule that is required by federal law or rule.

3 1. The Commission may direct revisions to a previously adopted  
4 rule or amendment for purposes of correcting typographical errors,  
5 errors in format, errors in consistency or grammatical errors. Public  
6 notice of any revisions shall be posted on the website of the  
7 Commission. The revision shall be subject to challenge by any  
8 person for a period of thirty (30) days after posting. The revision  
9 may be challenged only on grounds that the revision results in a  
10 material change to a rule. A challenge shall be made in writing,  
11 and delivered to the Commission, prior to the end of the notice  
12 period. If no challenge is made, the revision will take effect without  
13 further action. If the revision is challenged, the revision may not  
14 take effect without the approval of the Commission.

15  
16 **ARTICLE IX**

17 **Oversight, Dispute Resolution and Enforcement**

18  
19 a. Oversight

20 1. Each party state shall enforce this Compact and take all actions  
21 necessary and appropriate to effectuate this Compact's purposes  
22 and intent.

23 2. The Commission shall be entitled to receive service of process  
24 in any proceeding that may affect the powers, responsibilities or  
25 actions of the Commission, and shall have standing to intervene  
26 in such a proceeding for all purposes. Failure to provide service  
27 of process in such proceeding to the Commission shall render a  
28 judgment or order void as to the Commission, this Compact or  
29 promulgated rules.

30 b. Default, Technical Assistance and Termination

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

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

37 ii. Provide remedial training and specific technical assistance  
38 regarding the default.

39 2. If a state in default fails to cure the default, the defaulting  
40 state's membership in this Compact may be terminated upon an

1 affirmative vote of a majority of the administrators, and all rights,  
 2 privileges and benefits conferred by this Compact may be  
 3 terminated on the effective date of termination. A cure of the  
 4 default does not relieve the offending state of obligations or  
 5 liabilities incurred during the period of default.

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

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

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

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

26 c. Dispute Resolution

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

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

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

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

1 ii. The decision of a majority of the arbitrators shall be final and  
2 binding.

3 d. Enforcement

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

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

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

18

19

**ARTICLE X**

20

**Effective Date, Withdrawal and Amendment**

21

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

30 b. Each party state to this Compact shall continue to recognize  
31 a nurse’s multistate licensure privilege to practice in that party  
32 state issued under the Prior Compact until such party state has  
33 withdrawn from the Prior Compact.

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

38 d. A party state’s withdrawal or termination shall not affect the  
39 continuing requirement of the withdrawing or terminated state’s  
40 licensing board to report adverse actions and significant

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

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

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

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

15  
16 **ARTICLE XI**  
17 **Construction and Severability**  
18

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

32 2839.4. (a) Fees collected by the Board of Registered Nursing  
33 for purposes of granting a multistate license pursuant to Section  
34 2839.3 shall not exceed the cost of administering that multistate  
35 license under the compact and shall be deposited in the Board of  
36 Registered Nursing Fund established pursuant to Section 2810.

37 (b) Fees collected by the Board of Vocational Nursing and  
38 Psychiatric Technicians for purposes of granting a multistate  
39 license pursuant to Section 2839.3 shall not exceed the cost of  
40 administering that multistate license under the compact and shall

1 be deposited in the Vocational Nursing and Psychiatric Technicians  
2 Fund pursuant to Section 2890.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

O