



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3320

by Rep. Allen Skillicorn

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Occupational Licensing Reform Act. Provides that an individual with a criminal history may petition the responsible licensing board, at any time, including before obtaining any required education or paying any fee, for a determination of whether the individual's criminal history will disqualify the individual from obtaining State recognition. Provides that the Governor shall establish the Office of Supervision of Occupational Boards, which will be responsible for actively supervising State occupational boards to ensure compliance with the State's policies. Provides that the Office must review and approve or reject any proposed board rule, policy, enforcement, or other regulatory action prior to it being adopted or implemented. Amends the Departments of State Government Article of the Civil Administrative Code of Illinois. In provisions concerning temporary licenses to service members or spouses of service members, provides that the director of a department must issue or deny a license within the 6-month period of the temporary license. Provides that upon denial of a license, the department must provide specific information explaining the denial and a course of action for the applicant to receive licensure. Amends the Nurse Practice Act. Allows for the issuance of multistate licenses that allow nurses to practice in his or her home state and other compact states. Ratifies and approves the Nurse Licensure Compact. Provides that the Compact does not supersede existing State labor laws. Effective immediately.

LRB100 05501 SMS 15512 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Occupational Licensing Reform Act.

6 Section 5. Policy. For occupational regulations and their  
7 boards, it is the policy of the State of Illinois that:

8 (1) the right of an individual to pursue an occupation  
9 is a fundamental right;

10 (2) occupational regulations shall be construed and  
11 applied to increase economic opportunities, promote  
12 competition, and encourage innovation;

13 (3) occupational regulations shall be tailored to  
14 recognize the service and sacrifice of military families by  
15 expediting and endorsing in Illinois the occupation  
16 licensure or recognition that a military service member,  
17 spouse, or direct family member has obtained in another  
18 state;

19 (4) occupational regulations shall recognize the  
20 importance of mobility and portability for military  
21 spouses and medical professionals for nursing licensure by  
22 joining the Nurse Licensure Compact;

23 (5) where the State finds it is necessary to displace

1 competition, it will use the least restrictive regulation  
2 to protect consumers from present, significant, and  
3 substantiated harms that threaten public health and  
4 safety;

5 (6) an occupational regulation may be enforced against  
6 an individual only to the extent the individual sells goods  
7 and services that are included explicitly in the statute  
8 that defines the occupation's scope of practice;

9 (7) the Governor establish the Office of Supervision of  
10 Occupational Boards; the Office is responsible for  
11 actively supervising State occupational boards; and

12 (8) the General Assembly establish a position in its  
13 nonpartisan research staff to analyze occupational  
14 regulations; the position is responsible for reviewing  
15 legislation and laws related to occupational regulations.

16 Section 10. Intent. By establishing and executing the  
17 policies in Section 5, the State intends to ensure that  
18 occupational boards and board members will avoid liability  
19 under federal antitrust laws.

20 Section 15. Definitions. As used in this Act:

21 "Certification" means a voluntary program in which a  
22 private organization or a state government grants  
23 nontransferable recognition to an individual who meets  
24 personal qualifications established by the private

1 organization or a legislature. Upon approval, the individual  
2 may use "certified" as a designated title. A non-certified  
3 individual may also perform the lawful occupation for  
4 compensation, but may not use the title "certified".

5 "Lawful occupation" means a course of conduct, pursuit, or  
6 profession that includes the sale of goods or services that are  
7 not themselves illegal to sell irrespective of whether the  
8 individual selling them is subject to an occupational  
9 regulation.

10 "Least restrictive regulation" means, from least to most  
11 restrictive:

12 (1) market competition;

13 (2) third-party or consumer-created ratings and  
14 reviews;

15 (3) private certification;

16 (4) specific private civil cause of action to remedy  
17 consumer harm;

18 (5) deceptive trade practice act;

19 (6) regulation of the process of providing the specific  
20 goods or services to consumers;

21 (7) inspection;

22 (8) bonding or insurance;

23 (9) registration;

24 (10) government certification;

25 (11) specialty occupational license for medical  
26 reimbursement; and

1           (12) occupational license.

2           "Occupational license" means a nontransferable  
3 authorization in law for an individual to perform exclusively a  
4 lawful occupation for compensation based on meeting personal  
5 qualifications established by a state legislature. In an  
6 occupation for which a license is required, it is illegal for  
7 an individual who does not possess a valid occupational license  
8 to perform the occupation for compensation.

9           "Occupational regulation" means a statute, rule, practice,  
10 policy, or other state law that allows an individual to use an  
11 occupational title or work in a lawful occupation. It includes  
12 registration, certification, and occupational licenses. It  
13 excludes a business license, facility license, building  
14 permit, or zoning and land use regulation, except to the extent  
15 those state laws regulate an individual's personal  
16 qualifications to perform a lawful occupation.

17           "Personal qualifications" means criteria related to an  
18 individual's personal background and characteristics,  
19 including completion of an approved educational program,  
20 satisfactory performance on an examination, work experience,  
21 other evidence of attainment of requisite skills or knowledge,  
22 moral standing, criminal history, and completion of continuing  
23 education.

24           "Registration" means a requirement to give notice to the  
25 government that may include the individual's name and address,  
26 the individual's agent for service of process, the location of

1 the activity to be performed, and a description of the service  
2 the individual provides. "Registration" does not include  
3 personal qualifications but may require a bond or insurance.  
4 Upon the government's receipt of notice, the individual may use  
5 "registered" as a designated title. A non-registered  
6 individual may not perform the occupation for compensation or  
7 use "registered" as a designated title. Registration is not  
8 transferable.

9 "Specialty occupational license for medical reimbursement"  
10 means a nontransferable authorization in law for an individual  
11 to qualify for payment or reimbursement from a government  
12 agency for the non-exclusive provision of medical services  
13 based on meeting personal qualifications established by the  
14 legislature. A private company may recognize this credential.  
15 Notwithstanding this specialty license, it is legal for a  
16 person regulated under another occupational regulation to  
17 provide similar services as defined in that statute for  
18 compensation and reimbursement. It is also legal for an  
19 individual who does not possess this specialty license to  
20 provide the identified medical services for compensation but  
21 the non-licensed individual shall not qualify for payment or  
22 reimbursement from a government agency.

23 Section 20. Statutory interpretation. For the purposes of  
24 this Act, the following statutory interpretations apply:

25 (1) The terms "certification" and "registration" are

1 not synonymous with an "occupational license" in this Act.

2 (2) The use of the terms "certification" and  
3 "certified" in other statutes to mean requiring an  
4 individual to meet certain personal qualifications to work  
5 legally shall be interpreted for the purposes of this Act  
6 as requiring an individual to meet the requirements of an  
7 "occupational license".

8 (3) The use of the terms "registration" and  
9 "registered" in other statutes to mean requiring an  
10 individual to meet certain personal qualifications to work  
11 legally shall be interpreted for the purposes of this Act  
12 as requiring an individual to meet the requirements of an  
13 "occupational license".

14 Section 25. Petition for review of criminal history.

15 (a) The fundamental right of an individual to pursue an  
16 occupation includes the right of an individual with a criminal  
17 history to obtain an occupational license, specialty  
18 occupational license for medical reimbursement, government  
19 certification, or any State recognition of the individual's  
20 personal qualifications ("State recognition").

21 (b) An individual with a criminal history may petition the  
22 responsible licensing board, at any time, including before  
23 obtaining any required education or paying any fee, for a  
24 determination of whether the individual's criminal history  
25 will disqualify the individual from obtaining State

1 recognition.

2 (c) Notwithstanding any other statute or rule, the board is  
3 authorized to determine whether the individual's criminal  
4 history disqualifies the individual from obtaining State  
5 recognition.

6 (d) The board may find that the individual's criminal  
7 history disqualifies the individual from obtaining State  
8 recognition only if all of the following conditions are met:

9 (1) the individual has a felony conviction;

10 (2) the type of felony for which the individual was  
11 convicted is expressly codified as a disqualifying offense  
12 in the relevant occupational license's statute; and

13 (3) the board determines the State has an important  
14 interest in protecting public safety that is superior to  
15 the individual's right because both the nature of the  
16 specific disqualifying offense for which the individual  
17 was convicted and the risk of the individual's recidivating  
18 that specific offense are, at the time of the petition,  
19 substantially related to the State's interest.

20 (e) The board shall issue its determination within 90 days  
21 after the board receives the petition. The determination shall  
22 be in writing and include a finding of facts and a conclusion  
23 of law.

24 (f) If the board determines the State's interest is  
25 superior to the individual's right, the board may advise the  
26 individual of actions the individual may take to remedy the



1 disqualification.

2 (g) The individual may appeal the board's determination as  
3 provided for in the Illinois Administrative Procedure Act.

4 (h) The individual may submit a new petition to the same  
5 responsible licensing board at any time 2 years after final  
6 judgement in the initial petition. If the new petition is  
7 submitted on the ground that the individual has undertaken the  
8 actions the board has advised him or her will remedy the  
9 disqualification, then the individual may submit a new petition  
10 at any time 6 months after final judgment in the initial  
11 petition.

12 (i) The board may rescind its determination at any time in  
13 the future if the individual is convicted of an additional  
14 offense that the board determines meets the elements in  
15 subsection (d).

16 Section 30. Office of Supervision of Occupational Boards.

17 (a) The Governor shall establish the Office of Supervision  
18 of Occupational Boards within the Office of the Governor.

19 (b) The Office is responsible for actively supervising  
20 State occupational boards to ensure compliance with the  
21 policies in Section 5. The Office shall be staffed by one or  
22 more attorneys who do not provide general counsel to any board  
23 and exercise control over a board's processes and substantive  
24 actions.

25 (c) The Office must review and approve or reject any

1 proposed board rule, policy, enforcement, or other regulatory  
2 action prior to it being adopted or implemented. The Office's  
3 approval must be explicit; silence or failure to act shall not  
4 be deemed approval.

5 (d) A person may file a complaint to the Office about a  
6 board's rule, policy, or enforcement action that the person  
7 believes is inconsistent with Section 5. Within 90 days, the  
8 Office will investigate the complaint, identify remedies to the  
9 complaint, instruct the board to take action, where  
10 appropriate, and respond in writing to the person. There is no  
11 administrative appeal available to the person of the Office's  
12 decision under the Administrative Review Law.

13 (e) A member of the General Assembly may ask the Attorney  
14 General to review:

15 (1) a board's rule, policy, or enforcement action that  
16 the member of the General Assembly believes is inconsistent  
17 with Section 5;

18 (2) the Office's active supervision of a board; or

19 (3) the Office's response to a complaint filed under  
20 subsection (d) of this Section.

21 (f) The Office and the Attorney General may assess its  
22 costs on each board for its services of active supervision and  
23 review. Each board may recoup the assessment by increasing the  
24 fees paid to each board by license holders.

25 Section 35. The General Assembly's analysis of

1 occupational regulations.

2 (a) The Speaker of the House of Representatives, the  
3 President of the Senate, the Minority Leader of the House of  
4 Representatives, and the Minority Leader of the Senate shall  
5 establish a position in the nonpartisan research staff to  
6 analyze occupational regulations. The person holding the  
7 position:

8 (1) is responsible for reviewing legislation to enact  
9 or modify an occupational regulation to ensure compliance  
10 with the policies in Section 5;

11 (2) may require the legislation's sponsors to submit  
12 evidence of present, significant, and substantiated harms  
13 to consumers in the State, which may require information  
14 from others knowledgeable of the occupation, labor  
15 economics, or other factors;

16 (3) shall determine if legislation meets the State  
17 policy of using the least restrictive regulation necessary  
18 to protect consumers from present, significant, and  
19 substantiated harms;

20 (4) shall evaluate the effects of legislation on  
21 opportunities for workers, consumer choices and costs,  
22 general unemployment, market competition, and governmental  
23 costs and other effects;

24 (5) shall compare the legislation to other states that  
25 regulate the occupation; and

26 (6) shall issue a report to the relevant legislative

1 committees about legislation on a timely basis.

2 (b) The House of Representatives and the Senate shall each  
3 adopt a rule requiring a committee to consider legislation to  
4 enact or modify an occupational regulation to receive the  
5 analysis of the legislation prior to voting on the legislation.

6 (c) On or before January 1, 2018, the person holding this  
7 position shall review annually regulations of approximately  
8 20% of occupations subject to State regulation to improve  
9 compliance with this Act and shall review all occupational  
10 regulations over a period of 5 years. This may require  
11 information be submitted by a board, its members, and others.

12 (d) On or before January 1, 2018 and on or before January 1  
13 of each year thereafter, the person holding this position shall  
14 file the report of the findings of the reviews with the  
15 Secretary of the Senate, the Clerk of the House of  
16 Representatives, and the Attorney General. The report shall  
17 suggest changes to occupational regulations to improve  
18 compliance with this Act.

19 Section 40. Active supervision.

20 (a) The Office of Supervision of Occupational Boards shall  
21 independently:

22 (1) play a substantial role in the development of an  
23 occupational board's rules and policies to ensure they  
24 benefit consumers and do not serve private interests of  
25 providers of goods and services who the occupational board

1 regulates;

2 (2) disapprove the use of any board rule or policy and  
3 terminate any enforcement action outstanding at the time of  
4 this Act's enactment and subsequently that fails to achieve  
5 the policies stated under Section 5;

6 (3) exercise control over each of the boards by  
7 reviewing and affirmatively approving only rules,  
8 policies, and enforcement actions that are consistent with  
9 Section 5; and

10 (4) use the analysis under Section 35 and conduct  
11 reasonable investigations to gain additional information,  
12 including about less restrictive regulatory approaches, to  
13 reduce exposure to antitrust litigation.

14 (b) A government or private attorney providing general  
15 counsel to a board does not meet the requirement for active  
16 supervision.

17 Section 45. Preemption. This Act preempts any ordinance  
18 enacted by a township, municipality, county, or other  
19 government in the State that regulates the same occupations  
20 regulated by the State. This Section is a denial and limitation  
21 of home rule powers and functions under subsection (h) of  
22 Section 6 of Article VII of the Illinois Constitution.

23 Section 50. The Civil Administrative Code of Illinois is  
24 amended by changing Section 5-715 as follows:

1 (20 ILCS 5/5-715)

2 Sec. 5-715. Expedited licensure for service members and  
3 spouses.

4 (a) In this Section, "service member" means any person who,  
5 at the time of application under this Section, is an active  
6 duty member of the United States Armed Forces or any reserve  
7 component of the United States Armed Forces or the National  
8 Guard of any state, commonwealth, or territory of the United  
9 States or the District of Columbia or whose active duty service  
10 concluded within the preceding 2 years before application.

11 (b) Each director of a department that issues an  
12 occupational or professional license is authorized to and shall  
13 issue an expedited temporary occupational or professional  
14 license to a service member who meets the requirements under  
15 this Section. The temporary occupational or professional  
16 license shall be valid for 6 months after the date of issuance  
17 or until a license is granted or a notice to deny a license is  
18 issued in accordance with rules adopted by the department  
19 issuing the license, whichever occurs first. The license or  
20 notice to deny a license shall be issued within the 6-month  
21 period of the service member's temporary occupational or  
22 professional license. No temporary occupational or  
23 professional license shall be renewed. The service member shall  
24 apply to the department on forms provided by the department. An  
25 application must include proof that:

1 (1) the applicant is a service member;

2 (2) the applicant holds a valid license in good  
3 standing for the occupation or profession issued by another  
4 state, commonwealth, possession, or territory of the  
5 United States, the District of Columbia, or any foreign  
6 jurisdiction and the requirements for licensure in the  
7 other jurisdiction are determined by the department to be  
8 substantially equivalent to the standards for licensure of  
9 this State;

10 (3) the applicant is assigned to a duty station in this  
11 State or has established legal residence in this State;

12 (4) a complete set of the applicant's fingerprints has  
13 been submitted to the Department of State Police for  
14 statewide and national criminal history checks, if  
15 applicable to the requirements of the department issuing  
16 the license; the applicant shall pay the fee to the  
17 Department of State Police or to the fingerprint vendor for  
18 electronic fingerprint processing; no temporary  
19 occupational or professional license shall be issued to an  
20 applicant if the statewide or national criminal history  
21 check discloses information that would cause the denial of  
22 an application for licensure under any applicable  
23 occupational or professional licensing Act;

24 (5) the applicant is not ineligible for licensure  
25 pursuant to Section 2105-165 of the Civil Administrative  
26 Code of Illinois;

1           (6) the applicant has submitted an application for full  
2           licensure; and

3           (7) the applicant has paid the required fee; fees shall  
4           not be refundable.

5           (c) Each director of a department that issues an  
6           occupational or professional license is authorized to and shall  
7           issue an expedited temporary occupational or professional  
8           license to the spouse of a service member who meets the  
9           requirements under this Section. The temporary occupational or  
10          professional license shall be valid for 6 months after the date  
11          of issuance or until a license is granted or a notice to deny a  
12          license is issued in accordance with rules adopted by the  
13          department issuing the license, whichever occurs first. The  
14          license or notice to deny a license shall be issued within the  
15          6-month period of the service member spouse's temporary  
16          occupational or professional license. No temporary  
17          occupational or professional license shall be renewed. The  
18          spouse of a service member shall apply to the department on  
19          forms provided by the department. An application must include  
20          proof that:

21               (1) the applicant is the spouse of a service member;

22               (2) the applicant holds a valid license in good  
23               standing for the occupation or profession issued by another  
24               state, commonwealth, possession, or territory of the  
25               United States, the District of Columbia, or any foreign  
26               jurisdiction and the requirements for licensure in the



1 other jurisdiction are determined by the department to be  
2 substantially equivalent to the standards for licensure of  
3 this State;

4 (3) the applicant's spouse is assigned to a duty  
5 station in this State or has established legal residence in  
6 this State;

7 (4) a complete set of the applicant's fingerprints has  
8 been submitted to the Department of State Police for  
9 statewide and national criminal history checks, if  
10 applicable to the requirements of the department issuing  
11 the license; the applicant shall pay the fee to the  
12 Department of State Police or to the fingerprint vendor for  
13 electronic fingerprint processing; no temporary  
14 occupational or professional license shall be issued to an  
15 applicant if the statewide or national criminal history  
16 check discloses information that would cause the denial of  
17 an application for licensure under any applicable  
18 occupational or professional licensing Act;

19 (5) the applicant is not ineligible for licensure  
20 pursuant to Section 2105-165 of the Civil Administrative  
21 Code of Illinois;

22 (6) the applicant has submitted an application for full  
23 licensure; and

24 (7) the applicant has paid the required fee; fees shall  
25 not be refundable.

26 (d) All relevant experience of a service member in the

1 discharge of official duties, including full-time and  
2 part-time experience, shall be credited in the calculation of  
3 any years of practice in an occupation or profession as may be  
4 required under any applicable occupational or professional  
5 licensing Act. All relevant training provided by the military  
6 and completed by a service member shall be credited to that  
7 service member as meeting any training or education requirement  
8 under any applicable occupational or professional licensing  
9 Act, provided that the training or education is determined by  
10 the department to be substantially equivalent to that required  
11 under any applicable Act and is not otherwise contrary to any  
12 other licensure requirement.

13 (e) A department may adopt any rules necessary for the  
14 implementation and administration of this Section and shall by  
15 rule provide for fees for the administration of this Section.

16 (f) If the director of a department denies licensure to a  
17 service member or the spouse of a service member, the  
18 department must provide evidence that his or her licensure  
19 would endanger legitimate public health, safety, and welfare  
20 objectives. The department must also provide a specifically  
21 tailored and demonstrably necessary course of action for the  
22 service member or spouse of a service member to take to meet  
23 the requirements for licensure in Illinois. Those requirements  
24 shall be restricted to requirements that are not covered by the  
25 applicant's out-of-state license and could not have been gained  
26 by the applicant's work experience.

1 (Source: P.A. 97-710, eff. 1-1-13; 98-463, eff. 8-16-13.)

2 Section 55. The Nurse Practice Act is amended by adding  
3 Article 85 as follows:

4 (225 ILCS 65/Art. 85 heading new)

5 ARTICLE 85. NURSE LICENSURE COMPACT

6 (225 ILCS 65/85-5 new)

7 Sec. 85-5. Nurse Licensure Compact. The State of Illinois  
8 ratifies and approves the following Compact:

9 ARTICLE I

10 Findings and Declaration of Purpose

11 a. The party states find that:

12 1. The health and safety of the public are affected by  
13 the degree of compliance with and the effectiveness of  
14 enforcement activities related to state nurse licensure  
15 laws;

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

19 3. The expanded mobility of nurses and the use of  
20 advanced communication technologies as part of our  
21 nation's health care delivery system require greater

1 coordination and cooperation among states in the areas of  
2 nurse licensure and regulation;

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

6 5. The current system of duplicative licensure for  
7 nurses practicing in multiple states is cumbersome and  
8 redundant for both nurses and states; and

9 6. Uniformity of nurse licensure requirements  
10 throughout the states promotes public safety and public  
11 health benefits.

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

13 1. Facilitate the states' responsibility to protect  
14 the public's health and safety;

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

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

20 4. Promote compliance with the laws governing the  
21 practice of nursing in each jurisdiction;

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



1       licensing boards.

2       d. "Current significant investigative information"  
3       means:

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

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

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

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

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

21       h. "Multistate license" means a license to practice as  
22       a registered or a licensed practical/vocational nurse  
23       (LPN/VN) issued by a home state licensing board that  
24       authorizes the licensed nurse to practice in all party  
25       states under a multistate licensure privilege.

26       i. "Multistate licensure privilege" means a legal

1 authorization associated with a multistate license  
2 permitting the practice of nursing as either a registered  
3 nurse (RN) or LPN/VN in a remote state.

4 j. "Nurse" means RN or LPN/VN, as those terms are  
5 defined by each party state's practice laws.

6 k. "Party state" means any state that has adopted this  
7 Compact.

8 l. "Remote state" means a party state, other than the  
9 home state.

10 m. "Single-state license" means a nurse license issued  
11 by a party state that authorizes practice only within the  
12 issuing state and does not include a multistate licensure  
13 privilege to practice in any other party state.

14 n. "State" means a state, territory or possession of  
15 the United States and the District of Columbia.

16 o. "State practice laws" means a party state's laws,  
17 rules and regulations that govern the practice of nursing,  
18 define the scope of nursing practice, and create the  
19 methods and grounds for imposing discipline. "State  
20 practice laws" do not include requirements necessary to  
21 obtain and retain a license, except for qualifications or  
22 requirements of the home state.

23 ARTICLE III

24 General Provisions and Jurisdiction

1       a. A multistate license to practice registered or licensed  
2 practical/vocational nursing issued by a home state to a  
3 resident in that state will be recognized by each party state  
4 as authorizing a nurse to practice as a registered nurse (RN)  
5 or as a licensed practical/vocational nurse (LPN/VN), under a  
6 multistate licensure privilege, in each party state.

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

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

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

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

24           ii. Has graduated from a foreign RN or LPN/VN  
25 prelicensure education program that (a) has been approved  
26 by the authorized accrediting body in the applicable



1 country and (b) has been verified by an independent  
2 credentials review agency to be comparable to a licensing  
3 board-approved prelicensure education program;

4 3. Has, if a graduate of a foreign prelicensure  
5 education program not taught in English or if English is  
6 not the individual's native language, successfully passed  
7 an English proficiency examination that includes the  
8 components of reading, speaking, writing and listening;

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

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

13 6. Has submitted, in connection with an application for  
14 initial licensure or licensure by endorsement,  
15 fingerprints or other biometric data for the purpose of  
16 obtaining criminal history record information from the  
17 Federal Bureau of Investigation and the agency responsible  
18 for retaining that state's criminal records;

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

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

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

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

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

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

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

26          f. Individuals not residing in a party state shall continue

1 to be able to apply for a party state's single-state license as  
2 provided under the laws of each party state. However, the  
3 single-state license granted to these individuals will not be  
4 recognized as granting the privilege to practice nursing in any  
5 other party state. Nothing in this Compact shall affect the  
6 requirements established by a party state for the issuance of a  
7 single-state license.

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

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

16 2. A nurse who fails to satisfy the multistate  
17 licensure requirements in Article III.c. due to a  
18 disqualifying event occurring after this Compact's  
19 effective date shall be ineligible to retain or renew a  
20 multistate license, and the nurse's multistate license  
21 shall be revoked or deactivated in accordance with  
22 applicable rules adopted by the Interstate Commission of  
23 Nurse Licensure Compact Administrators ("Commission").

24 ARTICLE IV

25 Applications for Licensure in a Party State

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

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

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

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

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

25       d. If a nurse changes primary state of residence by moving

1 from a party state to a non-party state, the multistate license  
2 issued by the prior home state will convert to a single-state  
3 license, valid only in the former home state.

4 ARTICLE V

5 Additional Authorities Invested in Party State Licensing  
6 Boards

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

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

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

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

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

23 3. Complete any pending investigations of a nurse who  
24 changes primary state of residence during the course of

1 such investigations. The licensing board shall also have  
2 the authority to take appropriate action(s) and shall  
3 promptly report the conclusions of such investigations to  
4 the administrator of the coordinated licensure information  
5 system. The administrator of the coordinated licensure  
6 information system shall promptly notify the new home state  
7 of any such actions.

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

21 5. Obtain and submit, for each nurse licensure  
22 applicant, fingerprint or other biometric-based  
23 information to the Federal Bureau of Investigation for  
24 criminal background checks, receive the results of the  
25 Federal Bureau of Investigation record search on criminal  
26 background checks and use the results in making licensure

1 decisions.

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

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

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

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

24 ARTICLE VI

25 Coordinated Licensure Information System and Exchange of

1 Information

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

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

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

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



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

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

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

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

21           1. Identifying information;

22           2. Licensure data;

23           3. Information related to alternative program  
24 participation; and

25           4. Other information that may facilitate the  
26 administration of this Compact, as determined by

1 Commission rules.

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

5 ARTICLE VII

6 Establishment of the Interstate Commission of Nurse Licensure  
7 Compact Administrators

8 a. The party states hereby create and establish a joint  
9 public entity known as the Interstate Commission of Nurse  
10 Licensure Compact Administrators.

11 1. The Commission is an instrumentality of the party  
12 states.

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

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

22 b. Membership, Voting and Meetings

23 1. Each party state shall have and be limited to one  
24 administrator. The head of the state licensing board or

1 designee shall be the administrator of this Compact for  
2 each party state. Any administrator may be removed or  
3 suspended from office as provided by the law of the state  
4 from which the Administrator is appointed. Any vacancy  
5 occurring in the Commission shall be filled in accordance  
6 with the laws of the party state in which the vacancy  
7 exists.

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

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

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

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

24 i. Noncompliance of a party state with its  
25 obligations under this Compact;

26 ii. The employment, compensation, discipline or

1 other personnel matters, practices or procedures  
2 related to specific employees or other matters related  
3 to the Commission's internal personnel practices and  
4 procedures;

5 iii. Current, threatened or reasonably anticipated  
6 litigation;

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

9 v. Accusing any person of a crime or formally  
10 censuring any person;

11 vi. Disclosure of trade secrets or commercial or  
12 financial information that is privileged or  
13 confidential;

14 vii. Disclosure of information of a personal  
15 nature where disclosure would constitute a clearly  
16 unwarranted invasion of personal privacy;

17 viii. Disclosure of investigatory records compiled  
18 for law enforcement purposes;

19 ix. Disclosure of information related to any  
20 reports prepared by or on behalf of the Commission for  
21 the purpose of investigation of compliance with this  
22 Compact; or

23 x. Matters specifically exempted from disclosure  
24 by federal or state statute.

25 6. If a meeting, or portion of a meeting, is closed  
26 pursuant to this provision, the Commission's legal counsel

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

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

17 1. Establishing the fiscal year of the Commission;

18 2. Providing reasonable standards and procedures:

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

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

23 3. Providing reasonable procedures for calling and  
24 conducting meetings of the Commission, ensuring reasonable  
25 advance notice of all meetings and providing an opportunity  
26 for attendance of such meetings by interested parties, with

1 enumerated exceptions designed to protect the public's  
2 interest, the privacy of individuals, and proprietary  
3 information, including trade secrets. The Commission may  
4 meet in closed session only after a majority of the  
5 administrators vote to close a meeting in whole or in part.  
6 As soon as practicable, the Commission must make public a  
7 copy of the vote to close the meeting revealing the vote of  
8 each administrator, with no proxy votes allowed;

9 4. Establishing the titles, duties and authority and  
10 reasonable procedures for the election of the officers of  
11 the Commission;

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

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

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

26 e. The Commission shall maintain its financial records in

1 accordance with the bylaws.

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

4 g. The Commission shall have the following powers:

5 1. To promulgate uniform rules to facilitate and  
6 coordinate implementation and administration of this  
7 Compact. The rules shall have the force and effect of law  
8 and shall be binding in all party states;

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

13 3. To purchase and maintain insurance and bonds;

14 4. To borrow, accept or contract for services of  
15 personnel, including, but not limited to, employees of a  
16 party state or nonprofit organizations;

17 5. To cooperate with other organizations that  
18 administer state compacts related to the regulation of  
19 nursing, including but not limited to sharing  
20 administrative or staff expenses, office space or other  
21 resources;

22 6. To hire employees, elect or appoint officers, fix  
23 compensation, define duties, grant such individuals  
24 appropriate authority to carry out the purposes of this  
25 Compact, and to establish the Commission's personnel  
26 policies and programs relating to conflicts of interest,

1 qualifications of personnel and other related personnel  
2 matters;

3 7. To accept any and all appropriate donations, grants  
4 and gifts of money, equipment, supplies, materials and  
5 services, and to receive, utilize and dispose of the same;  
6 provided that at all times the Commission shall avoid any  
7 appearance of impropriety or conflict of interest;

8 8. To lease, purchase, accept appropriate gifts or  
9 donations of, or otherwise to own, hold, improve or use,  
10 any property, whether real, personal or mixed; provided  
11 that at all times the Commission shall avoid any appearance  
12 of impropriety;

13 9. To sell, convey, mortgage, pledge, lease, exchange,  
14 abandon or otherwise dispose of any property, whether real,  
15 personal or mixed;

16 10. To establish a budget and make expenditures;

17 11. To borrow money;

18 12. To appoint committees, including advisory  
19 committees comprised of administrators, state nursing  
20 regulators, state legislators or their representatives,  
21 and consumer representatives, and other such interested  
22 persons;

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

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

26 15. To perform such other functions as may be necessary



1 or appropriate to achieve the purposes of this Compact  
2 consistent with the state regulation of nurse licensure and  
3 practice.

4 h. Financing of the Commission

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

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

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

20 4. The Commission shall keep accurate accounts of all  
21 receipts and disbursements. The receipts and disbursements  
22 of the Commission shall be subject to the audit and  
23 accounting procedures established under its bylaws.  
24 However, all receipts and disbursements of funds handled by  
25 the Commission shall be audited yearly by a certified or  
26 licensed public accountant, and the report of the audit

1 shall be included in and become part of the annual report  
2 of the Commission.

3 i. Qualified Immunity, Defense and Indemnification

4 1. The administrators, officers, executive director,  
5 employees and representatives of the Commission shall be  
6 immune from suit and liability, either personally or in  
7 their official capacity, for any claim for damage to or  
8 loss of property or personal injury or other civil  
9 liability caused by or arising out of any actual or alleged  
10 act, error or omission that occurred, or that the person  
11 against whom the claim is made had a reasonable basis for  
12 believing occurred, within the scope of Commission  
13 employment, duties or responsibilities; provided that  
14 nothing in this paragraph shall be construed to protect any  
15 such person from suit or liability for any damage, loss,  
16 injury or liability caused by the intentional, willful or  
17 wanton misconduct of that person.

18 2. The Commission shall defend any administrator,  
19 officer, executive director, employee or representative of  
20 the Commission in any civil action seeking to impose  
21 liability arising out of any actual or alleged act, error  
22 or omission that occurred within the scope of Commission  
23 employment, duties or responsibilities, or that the person  
24 against whom the claim is made had a reasonable basis for  
25 believing occurred within the scope of Commission  
26 employment, duties or responsibilities; provided that

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

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

18 ARTICLE VIII

19 Rulemaking

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

1 Compact.

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

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

9 1. On the website of the Commission; and

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

13 d. The notice of proposed rulemaking shall include:

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

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

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

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

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

26 f. The Commission shall grant an opportunity for a public

1 hearing before it adopts a rule or amendment.

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

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

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

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

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

19 j. The Commission shall, by majority vote of all  
20 administrators, take final action on the proposed rule and  
21 shall determine the effective date of the rule, if any, based  
22 on the rulemaking record and the full text of the rule.

23 k. Upon determination that an emergency exists, the  
24 Commission may consider and adopt an emergency rule without  
25 prior notice, opportunity for comment or hearing, provided that  
26 the usual rulemaking procedures provided in this Compact and in

1 this section shall be retroactively applied to the rule as soon  
2 as reasonably possible, in no event later than ninety (90) days  
3 after the effective date of the rule. For the purposes of this  
4 provision, an emergency rule is one that must be adopted  
5 immediately in order to:

6 1. Meet an imminent threat to public health, safety or  
7 welfare;

8 2. Prevent a loss of Commission or party state funds;  
9 or

10 3. Meet a deadline for the promulgation of an  
11 administrative rule that is required by federal law or  
12 rule.

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



1           2. If a state in default fails to cure the default, the  
2           defaulting state's membership in this Compact may be  
3           terminated upon an affirmative vote of a majority of the  
4           administrators, and all rights, privileges and benefits  
5           conferred by this Compact may be terminated on the  
6           effective date of termination. A cure of the default does  
7           not relieve the offending state of obligations or  
8           liabilities incurred during the period of default.

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

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

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

25          6. The defaulting state may appeal the action of the  
26          Commission by petitioning the U.S. District Court for the



1 District of Columbia or the federal district in which the  
2 Commission has its principal offices. The prevailing party  
3 shall be awarded all costs of such litigation, including  
4 reasonable attorneys' fees.

5 c. Dispute Resolution

6 1. Upon request by a party state, the Commission shall  
7 attempt to resolve disputes related to the Compact that  
8 arise among party states and between party and non-party  
9 states.

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

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

15 i. The party states may submit the issues in  
16 dispute to an arbitration panel, which will be  
17 comprised of individuals appointed by the Compact  
18 administrator in each of the affected party states and  
19 an individual mutually agreed upon by the Compact  
20 administrators of all the party states involved in the  
21 dispute.

22 ii. The decision of a majority of the arbitrators  
23 shall be final and binding.

24 d. Enforcement

25 1. The Commission, in the reasonable exercise of its  
26 discretion, shall enforce the provisions and rules of this



1       b. Each party state to this Compact shall continue to  
2 recognize a nurse's multistate licensure privilege to practice  
3 in that party state issued under the Prior Compact until such  
4 party state has withdrawn from the Prior Compact.

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

9       d. A party state's withdrawal or termination shall not  
10 affect the continuing requirement of the withdrawing or  
11 terminated state's licensing board to report adverse actions  
12 and significant investigations occurring prior to the  
13 effective date of such withdrawal or termination.

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

19       f. This Compact may be amended by the party states. No  
20 amendment to this Compact shall become effective and binding  
21 upon the party states unless and until it is enacted into the  
22 laws of all party states.

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



1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 5/5-715

5 225 ILCS 65/Art. 85

6 heading new

7 225 ILCS 65/85-5 new

8 225 ILCS 65/85-10 new