

1 AN ACT relating to the licensure of nurses.

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

4 Section 5. The Nursing and Advanced Practice Nursing Act
5 is amended by changing Sections 5-10, 5-15, and 10-30 by
6 adding Title 11 as follows:

7 (225 ILCS 65/5-10)

8 Sec. 5-10. Definitions. Each of the following terms,
9 when used in this Act, shall have the meaning ascribed to it
10 in this Section, except where the context clearly indicates
11 otherwise:

12 (a) "Department" means the Department of Professional
13 Regulation.

14 (b) "Director" means the Director of Professional
15 Regulation.

16 (c) "Board" means the Board of Nursing appointed by the
17 Director.

18 (d) "Academic year" means the customary annual schedule
19 of courses at a college, university, or approved school,
20 customarily regarded as the school year as distinguished from
21 the calendar year.

22 (e) "Approved program of professional nursing education"
23 and "approved program of practical nursing education" are
24 programs of professional or practical nursing, respectively,
25 approved by the Department under the provisions of this Act.

26 (f) "Nursing Act Coordinator" means a registered
27 professional nurse appointed by the Director to carry out the
28 administrative policies of the Department.

29 (g) "Assistant Nursing Act Coordinator" means a
30 registered professional nurse appointed by the Director to
31 assist in carrying out the administrative policies of the

1 Department.

2 (h) "Registered" is the equivalent of "licensed".

3 (i) "Practical nurse" or "licensed practical nurse"
4 means a person who is licensed as a practical nurse under
5 this Act or holds the privilege to practice under this Act
6 and practices practical nursing as defined in paragraph (j)
7 of this Section. Only a practical nurse licensed or granted
8 the privilege to practice under this Act is entitled to use
9 the title "licensed practical nurse" and the abbreviation
10 "L.P.N.".

11 (j) "Practical nursing" means the performance of nursing
12 acts requiring the basic nursing knowledge, judgement, and
13 skill acquired by means of completion of an approved
14 practical nursing education program. Practical nursing
15 includes assisting in the nursing process as delegated by and
16 under the direction of a registered professional nurse. The
17 practical nurse may work under the direction of a licensed
18 physician, dentist, podiatrist, or other health care
19 professional determined by the Department.

20 (k) "Registered Nurse" or "Registered Professional
21 Nurse" means a person who is licensed as a professional nurse
22 under this Act or holds the privilege to practice under this
23 Act and practices nursing as defined in paragraph (l) of this
24 Section. Only a registered nurse licensed or granted the
25 privilege to practice under this Act is entitled to use the
26 titles "registered nurse" and "registered professional nurse"
27 and the abbreviation, "R.N.".

28 (l) "Registered professional nursing practice" includes
29 all nursing specialities and means the performance of any
30 nursing act based upon professional knowledge, judgment, and
31 skills acquired by means of completion of an approved
32 registered professional nursing education program. A
33 registered professional nurse provides nursing care
34 emphasizing the importance of the whole and the

1 interdependence of its parts through the nursing process to
2 individuals, groups, families, or communities, that includes
3 but is not limited to: (1) the assessment of healthcare
4 needs, nursing diagnosis, planning, implementation, and
5 nursing evaluation; (2) the promotion, maintenance, and
6 restoration of health; (3) counseling, patient education,
7 health education, and patient advocacy; (4) the
8 administration of medications and treatments as prescribed by
9 a physician licensed to practice medicine in all of its
10 branches, a licensed dentist, a licensed podiatrist, or a
11 licensed optometrist or as prescribed by a physician
12 assistant in accordance with written guidelines required
13 under the Physician Assistant Practice Act of 1987 or by an
14 advanced practice nurse in accordance with a written
15 collaborative agreement required under the Nursing and
16 Advanced Practice Nursing Act; (5) the coordination and
17 management of the nursing plan of care; (6) the delegation to
18 and supervision of individuals who assist the registered
19 professional nurse implementing the plan of care; and (7)
20 teaching and supervision of nursing students. The foregoing
21 shall not be deemed to include those acts of medical
22 diagnosis or prescription of therapeutic or corrective
23 measures that are properly performed only by physicians
24 licensed in the State of Illinois.

25 (m) "Current nursing practice update course" means a
26 planned nursing education curriculum approved by the
27 Department consisting of activities that have educational
28 objectives, instructional methods, content or subject matter,
29 clinical practice, and evaluation methods, related to basic
30 review and updating content and specifically planned for
31 those nurses previously licensed in the United States or its
32 territories and preparing for reentry into nursing practice.

33 (n) "Professional assistance program for nurses" means a
34 professional assistance program that meets criteria

1 established by the Board of Nursing and approved by the
2 Director, which provides a non-disciplinary treatment
3 approach for nurses licensed under this Act whose ability to
4 practice is compromised by alcohol or chemical substance
5 addiction.

6 (o) "Privilege to practice" means the authorization to
7 practice as a practical nurse or a registered nurse in the
8 state under the Nurse Licensure Compact set forth in Title 11
9 of this Act.

10 (p) "License" or "Licensed" means the permission granted
11 a person to practice nursing under this Act, including the
12 privilege to practice.

13 (q) "Licensee" means a person who has been issued a
14 license to practice nursing in the state or who holds the
15 privilege to practice nursing in the state.

16 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
17 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

18 (225 ILCS 65/5-15)

19 Sec. 5-15. Policy; application of Act. For the protection
20 of life and the promotion of health, and the prevention of
21 illness and communicable diseases, any person practicing or
22 offering to practice professional and practical nursing in
23 Illinois shall submit evidence that he or she is qualified to
24 practice, and shall be licensed or hold the privilege to
25 practice as provided under this Act. No person shall
26 practice or offer to practice professional or practical
27 nursing in Illinois or use any title, sign, card or device to
28 indicate that such a person is practicing professional or
29 practical nursing unless such person has been licensed or
30 holds the privilege to practice under the provisions of this
31 Act.

32 This Act does not prohibit the following:

33 (a) The practice of nursing in Federal employment

1 in the discharge of the employee's duties by a person who
2 is employed by the United States government or any
3 bureau, division or agency thereof and is a legally
4 qualified and licensed nurse of another state or
5 territory and not in conflict with Sections 10-5, 10-30,
6 and 10-45 of this Act.

7 (b) Nursing that is included in their program of
8 study by students enrolled in programs of nursing or in
9 current nurse practice update courses approved by the
10 Department.

11 (c) The furnishing of nursing assistance in an
12 emergency.

13 (d) The practice of nursing by a nurse who holds an
14 active license in another state when providing services
15 to patients in Illinois during a bonafide emergency or in
16 immediate preparation for or during interstate transit.

17 (e) The incidental care of the sick by members of
18 the family, domestic servants or housekeepers, or care of
19 the sick where treatment is by prayer or spiritual means.

20 (f) Persons from being employed as nursing aides,
21 attendants, orderlies, and other auxiliary workers in
22 private homes, long term care facilities, nurseries,
23 hospitals or other institutions.

24 (g) The practice of practical nursing by one who
25 has applied in writing to the Department in form and
26 substance satisfactory to the Department, for a license
27 as a licensed practical nurse and who has complied with
28 all the provisions under Section 10-30, except the
29 passing of an examination to be eligible to receive such
30 license, until: the decision of the Department that the
31 applicant has failed to pass the next available
32 examination authorized by the Department or has failed,
33 without an approved excuse, to take the next available
34 examination authorized by the Department or until the

1 withdrawal of the application, but not to exceed 3
2 months. No applicant for licensure practicing under the
3 provisions of this paragraph shall practice practical
4 nursing except under the direct supervision of a
5 registered professional nurse licensed under this Act or
6 a licensed physician, dentist or podiatrist. In no
7 instance shall any such applicant practice or be employed
8 in any supervisory capacity.

9 (h) The practice of practical nursing by one who is
10 a licensed practical nurse under the laws of another U.S.
11 jurisdiction and has applied in writing to the
12 Department, in form and substance satisfactory to the
13 Department, for a license as a licensed practical nurse
14 and who is qualified to receive such license under
15 Section 10-30, until (1) the expiration of 6 months after
16 the filing of such written application, (2) the
17 withdrawal of such application, or (3) the denial of such
18 application by the Department.

19 (i) The practice of professional nursing by one who
20 has applied in writing to the Department in form and
21 substance satisfactory to the Department for a license as
22 a registered professional nurse and has complied with all
23 the provisions under Section 10-30 except the passing of
24 an examination to be eligible to receive such license,
25 until the decision of the Department that the applicant
26 has failed to pass the next available examination
27 authorized by the Department or has failed, without an
28 approved excuse, to take the next available examination
29 authorized by the Department or until the withdrawal of
30 the application, but not to exceed 3 months. No
31 applicant for licensure practicing under the provisions
32 of this paragraph shall practice professional nursing
33 except under the direct supervision of a registered
34 professional nurse licensed under this Act. In no

1 instance shall any such applicant practice or be employed
2 in any supervisory capacity.

3 (j) The practice of professional nursing by one who
4 is a registered professional nurse under the laws of
5 another state, territory of the United States or country
6 and has applied in writing to the Department, in form and
7 substance satisfactory to the Department, for a license
8 as a registered professional nurse and who is qualified
9 to receive such license under Section 10-30, until (1)
10 the expiration of 6 months after the filing of such
11 written application, (2) the withdrawal of such
12 application, or (3) the denial of such application by the
13 Department.

14 (k) The practice of professional nursing that is
15 included in a program of study by one who is a registered
16 professional nurse under the laws of another state or
17 territory of the United States or foreign country,
18 territory or province and who is enrolled in a graduate
19 nursing education program or a program for the completion
20 of a baccalaureate nursing degree in this State, which
21 includes clinical supervision by faculty as determined by
22 the educational institution offering the program and the
23 health care organization where the practice of nursing
24 occurs. The educational institution will file with the
25 Department each academic term a list of the names and
26 origin of license of all professional nurses practicing
27 nursing as part of their programs under this provision.

28 (l) Any person licensed in this State under any
29 other Act from engaging in the practice for which she or
30 he is licensed.

31 (m) Delegation to authorized direct care staff
32 trained under Section 15.4 of the Mental Health and
33 Developmental Disabilities Administrative Act.

34 An applicant for license practicing under the exceptions

1 set forth in subparagraphs (g), (h), (i), and (j) of this
2 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.
3 Pend. respectively and no other.

4 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
5 90-655, eff. 7-30-98; 90-742, eff. 8-13-98; 91-630, eff.
6 8-19-99.)

7 (225 ILCS 65/10-30)

8 Sec. 10-30. Qualifications for licensure.

9 (a) Each applicant who successfully meets the
10 requirements of this Section shall be entitled to licensure
11 as a Registered Nurse or Licensed Practical Nurse, whichever
12 is applicable.

13 (b) An applicant for licensure by examination to
14 practice as a registered nurse or licensed practical nurse
15 shall:

16 (1) submit a completed written application, on
17 forms provided by the Department and fees as established
18 by the Department;

19 (2) for registered nurse licensure, have completed
20 an approved professional nursing education program of not
21 less than 2 academic years and have graduated from the
22 program; for licensed practical nurse licensure, have
23 completed an approved practical nursing education program
24 of not less than one academic year and have graduated
25 from the program;

26 (3) have not violated the provisions of Section
27 10-45 of this Act. The Department may take into
28 consideration any felony conviction of the applicant, but
29 such a conviction shall not operate as an absolute bar to
30 licensure;

31 (4) meet all other requirements as established by
32 rule;

33 (5) pay, either to the Department or its designated

1 testing service, a fee covering the cost of providing the
2 examination. Failure to appear for the examination on the
3 scheduled date at the time and place specified after the
4 applicant's application for examination has been received
5 and acknowledged by the Department or the designated
6 testing service shall result in the forfeiture of the
7 examination fee.

8 If an applicant neglects, fails, or refuses to take an
9 examination or fails to pass an examination for a license
10 under this Act within 3 years after filing the application,
11 the application shall be denied. However, the applicant may
12 make a new application accompanied by the required fee and
13 provide evidence of meeting the requirements in force at the
14 time of the new application.

15 An applicant shall have one year from the date of
16 notification of successful completion of the examination to
17 apply to the Department for a license. If an applicant fails
18 to apply within one year, the applicant shall be required to
19 again take and pass the examination unless licensed in
20 another jurisdiction of the United States within one year of
21 passing the examination.

22 (c) An applicant for licensure who is a registered
23 professional nurse or a licensed practical nurse licensed by
24 examination under the laws of another state or territory of
25 the United States shall:

26 (1) submit a completed written application, on
27 forms supplied by the Department, and fees as established
28 by the Department;

29 (2) for registered nurse licensure, have completed
30 an approved professional nursing education program of not
31 less than 2 academic years and have graduated from the
32 program; for licensed practical nurse licensure, have
33 completed an approved practical nursing education program
34 of not less than one academic year and have graduated

1 from the program;

2 (3) submit verification of licensure status
3 directly from the United States jurisdiction of
4 licensure;

5 (4) have passed the examination authorized by the
6 Department;

7 (5) meet all other requirements as established by
8 rule.

9 (d) All applicants for licensure pursuant to this
10 Section who are graduates of nursing educational programs in
11 a country other than the United States or its territories
12 must submit to the Department certification of successful
13 completion of the Commission of Graduates of Foreign Nursing
14 Schools (CGFNS) examination. An applicant, who is unable to
15 provide appropriate documentation to satisfy CGFNS of her or
16 his educational qualifications for the CGFNS examination,
17 shall be required to pass an examination to test competency
18 in the English language which shall be prescribed by the
19 Department, if the applicant is determined by the Board to be
20 educationally prepared in nursing. The Board shall make
21 appropriate inquiry into the reasons for any adverse
22 determination by CGFNS before making its own decision.

23 An applicant licensed in another state or territory who
24 is applying for licensure and has received her or his
25 education in a country other than the United States or its
26 territories shall be exempt from the completion of the
27 Commission of Graduates of Foreign Nursing Schools (CGFNS)
28 examination if the applicant meets all of the following
29 requirements:

30 (1) successful passage of the licensure examination
31 authorized by the Department;

32 (2) holds an active, unencumbered license in
33 another state; and

34 (3) has been actively practicing for a minimum of 2

1 years in another state.

2 (e) No applicant shall be issued a license as a
3 registered nurse or practical nurse under this Section unless
4 he or she has passed the examination authorized by the
5 Department within 3 years of completion and graduation from
6 an approved nursing education program, unless such applicant
7 submits proof of successful completion of a
8 Department-authorized remedial nursing education program or
9 recompletion of an approved registered nursing program or
10 licensed practical nursing program, as appropriate.

11 (f) Pending the issuance of a license under subsection
12 (b) of this Section, the Department may grant an applicant a
13 temporary license to practice nursing as a registered nurse
14 or as a licensed practical nurse if the Department is
15 satisfied that the applicant holds an active, unencumbered
16 license in good standing in another jurisdiction. If the
17 applicant holds more than one current active license, or one
18 or more active temporary licenses from other jurisdictions,
19 the Department shall not issue a temporary license until it
20 is satisfied that each current active license held by the
21 applicant is unencumbered. The temporary license, which
22 shall be issued no later than 14 working days following
23 receipt by the Department of an application for the temporary
24 license, shall be granted upon the submission of the
25 following to the Department:

26 (1) a signed and completed application for
27 licensure under subsection (a) of this Section as a
28 registered nurse or a licensed practical nurse;

29 (2) proof of a current, active license in at least
30 one other jurisdiction and proof that each current active
31 license or temporary license held by the applicant is
32 unencumbered;

33 (3) a signed and completed application for a
34 temporary license; and

1 (4) the required permit fee.

2 (g) The Department may refuse to issue an applicant a
3 temporary license authorized pursuant to this Section if,
4 within 14 working days following its receipt of an
5 application for a temporary license, the Department
6 determines that:

7 (1) the applicant has been convicted of a crime
8 under the laws of a jurisdiction of the United States:

9 (i) which is a felony; or (ii) which is a misdemeanor
10 directly related to the practice of the profession,
11 within the last 5 years;

12 (2) within the last 5 years the applicant has had a
13 license or permit related to the practice of nursing
14 revoked, suspended, or placed on probation by another
15 jurisdiction, if at least one of the grounds for
16 revoking, suspending, or placing on probation is the same
17 or substantially equivalent to grounds in Illinois; or

18 (3) it intends to deny licensure by endorsement.

19 For purposes of this Section, an "unencumbered license"
20 means a license against which no disciplinary action has been
21 taken or is pending and for which all fees and charges are
22 paid and current.

23 (h) The Department may revoke a temporary license issued
24 pursuant to this Section if:

25 (1) it determines that the applicant has been
26 convicted of a crime under the law of any jurisdiction of
27 the United States that is (i) a felony or (ii) a
28 misdemeanor directly related to the practice of the
29 profession, within the last 5 years;

30 (2) it determines that within the last 5 years the
31 applicant has had a license or permit related to the
32 practice of nursing revoked, suspended, or placed on
33 probation by another jurisdiction, if at least one of the
34 grounds for revoking, suspending, or placing on probation

1 is the same or substantially equivalent to grounds in
2 Illinois; or

3 (3) it determines that it intends to deny licensure
4 by endorsement.

5 A temporary license or renewed temporary license shall
6 expire (i) upon issuance of an Illinois license or (ii) upon
7 notification that the Department intends to deny licensure by
8 endorsement. A temporary license shall expire 6 months from
9 the date of issuance. Further renewal may be granted by the
10 Department in hardship cases, as defined by rule. However, a
11 temporary license shall automatically expire upon issuance of
12 the Illinois license or upon notification that the Department
13 intends to deny licensure, whichever occurs first. No
14 extensions shall be granted beyond the 6-month period unless
15 approved by the Director. Notification by the Department
16 under this Section shall be by certified or registered mail.

17 (i) A practical nurse licensed by a party state to the
18 Nurse Licensure Compact set forth in Title 11 of this Act is
19 granted the privilege to practice practical nursing in this
20 State. A registered nurse licensed by a party state to the
21 Nurse Licensure Compact set forth in Title 11 of this Act is
22 granted the privilege to practice registered nursing in this
23 State. A practical nurse or registered nurse who has been
24 granted the privilege to practice nursing in this State under
25 this subsection, shall notify the Department, prior to
26 commencing employment in this State as a practical or
27 registered nurse, of the identity and location of the nurse's
28 prospective employer.

29 (Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

30 (225 ILCS 65/Title heading new)

31 TITLE 11. NURSE LICENSURE COMPACT

1 (225 ILCS 65/11-1 new)

2 Sec. 11-1. Nurse Licensure Compact. The nurse licensure
3 compact is entered into and enacted into law with all
4 jurisdictions that legally join in the compact, which is, in
5 form substantially as contained in this Title.

6 (225 ILCS 65/11-5 new)

7 Sec. 11-5. Findings and Purpose.

8 (a) The party states find all of the following:

9 (1) The health and safety of the public are
10 affected by the degree of compliance with and the
11 effectiveness of enforcement activities related to state
12 nurse licensure laws.

13 (2) Violations of nurse licensure and other laws
14 regulating the practice of nursing may result in injury
15 or harm to the public.

16 (3) The expanded mobility of nurses and the use of
17 advanced communication technologies as part of our
18 nation's health care delivery system require greater
19 coordination and cooperation among states in the areas of
20 nurse licensure and regulation.

21 (4) New practice modalities and technology make
22 compliance with individual state nurse licensure laws
23 difficult and complex.

24 (5) The current system of duplicative licensure for
25 nurses practicing in multiple states is cumbersome and
26 redundant to both nurses and states.

27 (b) The general purposes of this compact are to:

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

30 (2) Ensure and encourage the cooperation of party
31 states in the areas of nurse licensure and regulation.

32 (3) Facilitate the exchange of information between
33 party states in the areas of nurse regulation,

1 investigation, and adverse actions.

2 (4) Promote compliance with the laws governing the
3 practice of nursing in each jurisdiction.

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

9 (225 ILCS 65/11-10 new)

10 Sec. 11-10. Definitions. As used in this compact:

11 (a) "Adverse action" means a home or remote state
12 action.

13 (b) "Alternative program" means a voluntary,
14 nondisciplinary monitoring program approved by a nurse
15 licensing board.

16 (c) "Coordinated licensure information system" means an
17 integrated process for collecting, storing, and sharing
18 information on nurse licensure and enforcement activities
19 related to nurse licensure laws, which is administered by a
20 nonprofit organization composed of and controlled by state
21 nurse licensing boards.

22 (d) "Current significant investigative information"
23 means either of the following:

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

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

1 (e) "Home state" means the party state which is the
2 nurse's primary state of residence.

3 (f) "Home state action" means any administrative, civil,
4 equitable, or criminal action permitted by the home state's
5 laws which are imposed on a nurse by the home state's
6 licensing board or other authority, including actions against
7 an individual's license such as revocation, suspension,
8 probation, or any other action which affects a nurse's
9 authorization to practice.

10 (g) "Licensing board" means a party state's regulatory
11 body responsible for issuing nurse licenses.

12 (h) "Multistate licensure privilege" means current,
13 official authority from a remote state permitting the
14 practice of nursing as either a registered nurse or a
15 licensed practical or vocational nurse in such party state.
16 All party states have the authority, in accordance with
17 existing state due process law, to take actions against the
18 nurse's privilege such as revocation, suspension, probation,
19 or any other action which affects a nurse's authorization to
20 practice.

21 (i) "Nurse" means a registered nurse or licensed
22 practical or vocational nurse, as those terms are defined by
23 each party's state practice laws.

24 (j) "Party state" means any state that has adopted this
25 compact.

26 (k) "Remote state" means a party state, other than the
27 home state, where either of the following applies:

28 (1) Where the patient is located at the time
29 nursing care is provided.

30 (2) In the case of the practice of nursing not
31 involving a patient, in such party state where the
32 recipient of nursing practice is located.

33 (l) "Remote state action" means either of the following:

34 (1) Any administrative, civil, equitable, or

1 criminal action permitted by a remote state's laws which
2 are imposed on a nurse by the remote state's licensing
3 board or other authority, including actions against an
4 individual's multistate licensure privilege to practice
5 in the remote state.

6 (2) Cease and desist and other injunctive or
7 equitable orders issued by remote states or the licensing
8 boards of remote states.

9 (m) "State" means a state, territory, or possession of
10 the United States, the District of Columbia, or the
11 Commonwealth of Puerto Rico.

12 (n) "State practice laws" means those individual party's
13 state laws and regulations that govern the practice of
14 nursing, define the scope of nursing practice, and create the
15 methods and grounds for imposing discipline. "State practice
16 laws" does not include the initial qualifications for
17 licensure or requirements necessary to obtain and retain a
18 license, except for qualifications or requirements of the
19 home state.

20 (225 ILCS 65/11-15 new)

21 Sec. 11-15. General Provisions and Jurisdiction.

22 (a) A license to practice registered nursing issued by a
23 home state to a resident in that state will be recognized by
24 each party state as authorizing a multistate licensure
25 privilege to practice as a registered nurse in such party
26 state. A license to practice licensed practical or
27 vocational nursing issued by a home state to a resident in
28 that state will be recognized by each party state as
29 authorized a multistate licensure privilege to practice as a
30 licensed practical or vocational nurse in such party state.
31 In order to obtain or retain a license, an applicant must
32 meet the home state's qualifications for licensure and
33 license renewal as well as all other applicable state laws.

1 (b) Party states may, in accordance with state due
2 process laws, limit or revoke the multistate licensure
3 privilege of any nurse to practice in their state and may
4 take any other actions under their applicable state laws
5 necessary to protect the health and safety of their citizens.
6 If a party state takes such action, it shall promptly notify
7 the administrator of the coordinated licensure information
8 system. The administrator of the coordinated licensure
9 information system shall promptly notify the home state of
10 any such actions by remote states.

11 (c) Every nurse practicing in a party state must comply
12 with the state practice laws of the state in which the
13 patient is located at the time care is rendered. In
14 addition, the practice of nursing is not limited to patient
15 care, but shall include all nursing practice as defined by
16 the state practice laws of a party state. The practice of
17 nursing subjects a nurse to the jurisdiction of the nurse
18 licensing board and the courts, as well as the laws, in that
19 party state.

20 (d) This compact does not affect additional requirements
21 imposed by states for advanced practice registered nursing.
22 However, a multistate licensure privilege to practice
23 registered nursing granted by a party state shall be
24 recognized by other party states as a license to practice
25 registered nursing if one is required by state law as a
26 precondition for qualifying for advanced practice registered
27 nurse authorization.

28 (e) Individuals not residing in a party state shall
29 continue to be able to apply for nurse licensure as provided
30 for under the laws of each party state. However, the license
31 granted to these individuals will not be recognized as
32 granting the privilege to practice nursing in any other party
33 state unless explicitly agreed to by that party state.

1 (225 ILCS 65/11-20 new)

2 Sec. 11-20. Applications for licensure in a party state.

3 (a) Upon application for a license, the licensing board
4 in a party state shall ascertain, through the coordinated
5 licensure information system, whether the applicant has ever
6 held, or is the holder of, a license issued by any other
7 state, whether there are any restrictions on the multistate
8 licensure privilege, and whether any other adverse action by
9 any state has been taken against the license.

10 (b) A nurse in a party state shall hold licensure in
11 only one party state at a time, issued by the home state.

12 (c) A nurse who intends to change primary state of
13 residence may apply for licensure in the new home state in
14 advance of such change. However, new licenses will not be
15 issued by a party state until after a nurse provides evidence
16 of change in primary state of residence satisfactory to the
17 new home state's licensing board.

18 (d) When a nurse changes primary state of residence by:

19 (1) moving between two party states, and obtains a
20 license from the new home state, the license from the
21 former home state is no longer valid.

22 (2) moving from a nonparty state to a party state,
23 and obtains a license from the new home state, the
24 individual state license issued by the nonparty state is
25 not affected and will remain in full force if so provided
26 by the laws of the nonparty state.

27 (3) moving from a party state to a nonparty state,
28 the license issued by the prior home state converts to an
29 individual state license, valid only in the former home
30 state, without the multistate licensure privilege to
31 practice in other party states.

32 (225 ILCS 65/11-25 new)

33 Sec. 11-25. Adverse actions. In addition to the general

1 provisions described in Section 11-15, the following
2 provisions apply.

3 (a) The licensing board of a remote state shall promptly
4 report to the administrator of the coordinated licensure
5 information system any remote state actions, including the
6 factual and legal basis for such action, if known. The
7 licensing board of a remote state shall also promptly report
8 any significant current investigative information yet to
9 result in a remote state action. The administrator of the
10 coordinated licensure information system shall promptly
11 notify the home state of any such reports.

12 (b) The licensing board of a party state shall have the
13 authority to complete any pending investigations for a nurse
14 who changes primary state of residence during the course of
15 such investigations. It shall also have the authority to
16 take appropriate action and shall promptly report the
17 conclusions of such investigations to the administrator of
18 the coordinated licensure information system. The
19 administrator of the coordinated licensure information system
20 shall promptly notify the new home state of any such actions.

21 (c) A remote state may take adverse action affecting the
22 multistate licensure privilege to practice within that party
23 state. However, only the home state shall have the power to
24 impose adverse action against the license issued by the home
25 state.

26 (d) For purposes of imposing adverse action, the
27 licensing board of the home state shall give the same
28 priority and effect to reported conduct received from a
29 remote state as it would if such conduct had occurred within
30 the home state. In so doing, it shall apply its own state
31 laws to determine appropriate action.

32 (e) The home state may take adverse action based on the
33 factual findings of the remote state, so long as each state
34 follows its own procedures for imposing such adverse action.

1 (f) Nothing in this compact shall override a party
2 state's decision that participation in an alternative program
3 may be used in lieu of licensure action and that such
4 participation shall remain nonpublic if required by the party
5 state's laws. Party states must require nurses who enter any
6 alternative programs to agree not to practice in any other
7 party state during the term of the alternative program
8 without prior authorization from such other party state.

9 (225 ILCS 65/11-30 new)

10 Sec. 11-30. Additional authorities invested in party
11 state nursing licensing boards. Notwithstanding any other
12 powers, party state nurse licensing boards shall have the
13 authority to do all of the following:

14 (a) If otherwise permitted by state law, recover from
15 the affected nurse the costs of investigations and
16 disposition of cases resulting from any adverse action taken
17 against that nurse.

18 (b) Issue subpoenas for both hearings and investigations
19 which require the attendance and testimony of witnesses, and
20 the production of evidence. Subpoenas issued by a nurse
21 licensing board in a party state for the attendance and
22 testimony of witnesses or the production of evidence from
23 another party state shall be enforced in the latter state by
24 any court of competent jurisdiction, according to the
25 practice and procedure of that court applicable to subpoenas
26 issued in proceedings pending before it. The issuing
27 authority shall pay any witness fees, travel expenses,
28 mileage, and other fees required by the service statutes of
29 the state where the witnesses or evidence is located.

30 (c) Issue cease and desist orders or limit or revoke a
31 nurse's authority to practice in the nurse's state.

32 (d) Promulgate uniform rules and regulations as provided
33 for in Section 11- 40, subsection (c).

1 (225 ILCS 65/11-35 new)

2 Sec. 11-35. Coordinated Licensure Information System.

3 (a) All party states shall participate in a cooperative
4 effort to create a coordinated database of all licensed
5 registered nurses and licensed practical or vocational
6 nurses. This system will include information on the licensure
7 and disciplinary history of each nurse, as contributed by
8 party states, to assist in the coordination of nurse
9 licensure and enforcement efforts.

10 (b) Notwithstanding any other provision of law, all
11 party states' licensing boards shall promptly report adverse
12 actions, actions against multistate licensure privileges, any
13 current significant investigative information yet to result
14 in adverse action, denials of applications, and the reasons
15 for such denials, to the coordinated licensure information
16 system.

17 (c) Current significant investigative information shall
18 be transmitted through the coordinated licensure information
19 system only to party state licensing boards.

20 (d) Notwithstanding any other provision of law, all
21 party states' licensing boards contributing information to
22 the coordinated licensure information system may designate
23 information that may not be shared with nonparty states or
24 disclosed to other entities or individuals without the
25 express permission of the contributing state.

26 (e) Any personally identifiable information obtained by
27 a party state's licensing board from the coordinated
28 licensure information system shall not be shared with
29 nonparty states or disclosed to other entities or individuals
30 except to the extent permitted by the laws of the party state
31 contributing the information.

32 (f) Any information contributed to the coordinated
33 licensure information system that is subsequently required to
34 be expunged by the laws of the party state contributing that

1 information shall also be expunged from the coordinated
2 licensure information system.

3 (g) The compact administrators, acting jointly with each
4 other and in consultation with the administrator of the
5 coordinated licensure information system, shall formulate
6 necessary and proper procedures for the identification,
7 collection, and exchange of information under this compact.

8 (225 ILCS 65/11-40 new)

9 Sec. 11-40. Compact Administration and Interchange of
10 Information.

11 (a) The head of the nurse licensing board, or his or her
12 designee, of each party state shall be the administrator of
13 this compact for his or her state.

14 (b) The compact administrator of each party state shall
15 furnish to the compact administrator of each other party
16 state any information and documents including, but not
17 limited to, a uniform data set of investigations, identifying
18 information, licensure data, and disclosable alternative
19 program participation information to facilitate the
20 administration of this compact.

21 (c) Compact administrators shall have the authority to
22 develop uniform rules to facilitate and coordinate
23 implementation of this compact. These uniform rules shall be
24 adopted by party states, under the authority invested under
25 Section 11-30, subsection d.

26 (225 ILCS 65/11-45 new)

27 Sec. 11-45. Immunity. No party state or the officers or
28 employees or agents of a party state's nurse licensing board
29 who acts in accordance with the provisions of this compact
30 shall be liable on account of any act or omission in good
31 faith while engaged in the performance of their duties under
32 this compact. As used in this section, "good faith" shall

1 not include willful misconduct, gross negligence, or
2 recklessness.

3 (225 ILCS 65/11-50 new)

4 Sec. 11-50. Entry into force, withdrawal and amendment.

5 (a) This compact shall enter into force and become
6 effective as to any state when it has been enacted into the
7 laws of that state. Any party state may withdraw from this
8 compact by enacting a statute repealing the same, but such
9 withdrawal shall not take effect until six months after the
10 withdrawing state has given notice of the withdrawal to the
11 executive heads of all other party states.

12 (b) Withdrawal shall not affect the validity or
13 applicability by the licensing boards of states remaining
14 party to the compact of any report of adverse action
15 occurring prior to the withdrawal.

16 (c) This compact shall not be construed to invalidate or
17 prevent any nurse licensure agreement or other cooperative
18 arrangement between a party state and a nonparty state that
19 is made in accordance with the other provisions of this
20 compact.

21 (d) This compact may be amended by the party states. An
22 amendment to this compact shall not become effective and
23 binding upon the party states unless and until it is enacted
24 into the laws of all party states.

25 (225 ILCS 65/11-55 new)

26 Sec. 11-55. Construction and severability.

27 (a) This compact shall be liberally construed so as to
28 effectuate the purposes thereof. The provisions of this
29 compact shall be severable and if any phrase, clause,
30 sentence, or provision of this compact is declared to be
31 contrary to the constitution of any party state or of the
32 United States or the applicability thereof to any government,

1 agency, person, or circumstance is held invalid, the validity
2 of the remainder of this compact and the applicability
3 thereof to any government, agency, person, or circumstance
4 shall not be affected thereby. If this compact shall be held
5 contrary to the constitution of any party state, the compact
6 shall remain in full force and effect as to the remaining
7 party states and in full force and effect as to the party
8 state affected as to all severable matters.

9 (b) In the event party states find a need for settling
10 disputes arising under this compact:

11 (1) The party states may submit the issues in
12 dispute to an arbitration panel which shall be comprised
13 of an individual appointed by the compact administrator
14 in the home state, an individual appointed by the compact
15 administrator in the remote state or states involved, and
16 an individual mutually agreed upon by the compact
17 administrators of all the party states involved in the
18 dispute.

19 (2) The decision of a majority of the arbitrators
20 shall be final and binding.

21 Section 99. Effective date. This Act takes effect on
22 January 1, 2002.