

Senate Bill 109

By: Senators Williams of the 27th, Hill of the 6th, Harper of the 7th, Albers of the 56th, Miller of the 49th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
 2 emergency management, so as to provide for the enactment of the "Recognition of
 3 Emergency Medical Services Personnel Licensure Interstate Compact" ("REPLICA"); to
 4 provide a short title; to provide for the purpose of the compact; to provide for definitions; to
 5 provide for home state licensure; to provide for privilege to practice; to provide for
 6 conditions to practice in a remote state; to provide for a relationship with the Emergency
 7 Management Assistance Compact; to provide for veterans and service members separating
 8 from active duty military; to provide for adverse actions; to provide for additional powers in
 9 a member state's authority; to establish the Interstate Commission for EMS Personnel
 10 Practice; to provide for a coordinated database; to provide for rulemaking; to provide for
 11 oversight, dispute resolution, and enforcement; to provide for contingent effectiveness of the
 12 compact; to provide for construction and severability; to amend Chapter 26 of Title 43 of the
 13 Official Code of Georgia Annotated, relating to nurses, so as to enter into an interstate
 14 compact known as the "Nurse Licensure Compact"; to authorize the Georgia Board of
 15 Nursing to exercise certain powers with respect to the compact; to provide for a short title;
 16 to provide for findings and declarations of purpose of the compact; to provide for definitions;
 17 to provide for general provisions and jurisdiction; to provide for applications for licensure
 18 in a party state; to provide for additional authorities invested in party state licensing boards;
 19 to provide for a coordinated licensure information system and exchange of information
 20 between the party states; to provide for the establishment of the Interstate Commission of
 21 Nurse Licensure Compact Administrators; to provide for rulemaking; to provide for
 22 oversight, dispute resolution, and enforcement; to provide for an effective date, withdrawal,
 23 and amendment of the compact; to provide for construction and severability; to provide for
 24 related matters; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 **SECTION 1.**

27 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
28 management, is amended by adding a new article to read as follows:

29 "ARTICLE 4

30 38-3-70.

31 This article shall be known and may be referred to as the 'Recognition of Emergency
32 Medical Services Personnel Licensure Interstate Compact (REPLICA).'

33 38-3-71.

34 Section 1. Purpose.

35 In order to protect the public through verification of competency and ensure accountability
36 for patient care related activities all states license emergency medical services (EMS)
37 personnel, such as emergency medical technicians (EMTs), advanced EMTs, and
38 paramedics. This Compact is intended to facilitate the day-to-day movement of EMS
39 personnel across state boundaries in the performance of their EMS duties as assigned by
40 an appropriate authority and authorize state EMS offices to afford immediate legal
41 recognition to EMS personnel licensed in a member state. This Compact recognizes that
42 states have a vested interest in protecting the public's health and safety through their
43 licensing and regulation of EMS personnel and that such state regulation shared among the
44 member states will best protect public health and safety. This Compact is designed to
45 achieve the following purposes and objectives:

46 (1) Increase public access to EMS personnel;

47 (2) Enhance the states' ability to protect the public's health and safety, especially patient
48 safety;

49 (3) Encourage the cooperation of member states in the areas of EMS personnel licensure
50 and regulation;

51 (4) Support licensing of military members who are separating from an active duty tour
52 and their spouses;

53 (5) Facilitate the exchange of information between member states regarding EMS
54 personnel licensure, adverse action, and significant investigatory information;

55 (6) Promote compliance with the laws governing EMS personnel practice in each
56 member state; and

57 (7) Invest all member states with the authority to hold EMS personnel accountable
58 through the mutual recognition of member state licenses.

59 Section 2. Definitions.

60 In this compact:

61 (A) 'Advanced Emergency Medical Technician (AEMT)' means: an individual licensed
62 with cognitive knowledge and a scope of practice that corresponds to that level in the
63 National EMS Education Standards and National EMS Scope of Practice Model.

64 (B) 'Adverse Action' means: any administrative, civil, equitable, or criminal action
65 permitted by a state's laws which may be imposed against licensed EMS personnel by a
66 state EMS authority or state court, including, but not limited to, actions against an
67 individual's license such as revocation, suspension, probation, consent agreement,
68 monitoring, or other limitation or encumbrance on the individual's practice, letters of
69 reprimand or admonition, fines, criminal convictions, and state court judgments enforcing
70 adverse actions by the state EMS authority.

71 (C) 'Alternative program' means: a voluntary, non-disciplinary substance abuse recovery
72 program approved by a state EMS authority.

73 (D) 'Certification' means: the successful verification of entry-level cognitive and
74 psychomotor competency using a reliable, validated, and legally defensible examination.

75 (E) 'Commission' means: the national administrative body of which all states that have
76 enacted the compact are members.

77 (F) 'Emergency Medical Technician (EMT)' means: an individual licensed with cognitive
78 knowledge and a scope of practice that corresponds to that level in the National EMS
79 Education Standards and National EMS Scope of Practice Model.

80 (G) 'Home State' means: a member state where an individual is licensed to practice
81 emergency medical services.

82 (H) 'License' means: the authorization by a state for an individual to practice as an EMT,
83 AEMT, paramedic, or a level in between EMT and paramedic.

84 (I) 'Medical Director' means: a physician licensed in a member state who is accountable
85 for the care delivered by EMS personnel.

86 (J) 'Member State' means: a state that has enacted this compact.

87 (K) 'Paramedic' means: an individual licensed with cognitive knowledge and a scope of
88 practice that corresponds to that level in the National EMS Education Standards and
89 National EMS Scope of Practice Model.

90 (L) 'Privilege to Practice' means: an individual's authority to deliver emergency medical
91 services in remote states as authorized under this compact.

92 (M) 'Remote State' means: a member state in which an individual is not licensed.

93 (N) 'Restricted' means: the outcome of an adverse action that limits a license or the
 94 privilege to practice.

95 (O) 'Rule' means: a written statement by the interstate Commission promulgated pursuant
 96 to Section 12 of this compact that is of general applicability; implements, interprets, or
 97 prescribes a policy or provision of the compact; or is an organizational, procedural, or
 98 practice requirement of the Commission and has the force and effect of statutory law in a
 99 member state and includes the amendment, repeal, or suspension of an existing rule.

100 (P) 'Scope of Practice' means: defined parameters of various duties or services that may
 101 be provided by an individual with specific credentials. Whether regulated by rule, statute,
 102 or court decision, it tends to represent the limits of services an individual may perform.

103 (Q) 'Significant Investigatory Information' means:

104 (1) Investigative information that a state EMS authority, after a preliminary inquiry that
 105 includes notification and an opportunity to respond if required by state law, has reason
 106 to believe, if proved true, would result in the imposition of an adverse action on a license
 107 or privilege to practice; or

108 (2) Investigative information that indicates that the individual represents an immediate
 109 threat to public health and safety regardless of whether the individual has been notified
 110 and had an opportunity to respond.

111 (R) 'State' means: means any state, commonwealth, district, or territory of the United
 112 States.

113 (S) 'State EMS Authority' means: the board, office, or other agency with the legislative
 114 mandate to license EMS personnel.

115 Section 3. Home State Licensure.

116 (A) Any member state in which an individual holds a current license shall be deemed a
 117 home state for purposes of this compact.

118 (B) Any member state may require an individual to obtain and retain a license to be
 119 authorized to practice in the member state under circumstances not authorized by the
 120 privilege to practice under the terms of this compact.

121 (C) A home state's license authorizes an individual to practice in a remote state under the
 122 privilege to practice only if the home state:

123 (1) Currently requires the use of the National Registry of Emergency Medical
 124 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT
 125 and paramedic levels;

126 (2) Has a mechanism in place for receiving and investigating complaints about
 127 individuals;

- 128 (3) Notifies the Commission, in compliance with the terms herein, of any adverse action
129 or significant investigatory information regarding an individual;
130 (4) No later than five years after activation of the Compact, requires a criminal
131 background check of all applicants for initial licensure, including the use of the results
132 of fingerprint or other biometric data checks compliant with the requirements of the
133 Federal Bureau of Investigation with the exception of federal employees who have
134 suitability determination in accordance with US CFR §731.202 and submit
135 documentation of such as promulgated in the rules of the Commission; and
136 (5) Complies with the rules of the Commission.

137 Section 4. Compact Privilege to Practice.

- 138 (A) Member states shall recognize the privilege to practice of an individual licensed in
139 another member state that is in conformance with Section 3.
140 (B) To exercise the privilege to practice under the terms and provisions of this compact,
141 an individual must:
142 (1) Be at least 18 years of age;
143 (2) Possess a current unrestricted license in a member state as an EMT, AEMT,
144 paramedic, or state recognized and licensed level with a scope of practice and authority
145 between EMT and paramedic; and
146 (3) Practice under the supervision of a medical director.
147 (C) An individual providing patient care in a remote state under the privilege to practice
148 shall function within the scope of practice authorized by the home state unless and until
149 modified by an appropriate authority in the remote state as may be defined in the rules of
150 the Commission.
151 (D) Except as provided in subsection (C) of this section, an individual practicing in a
152 remote state will be subject to the remote state's authority and laws. A remote state may,
153 in accordance with due process and that state's laws, restrict, suspend, or revoke an
154 individual's privilege to practice in the remote state and may take any other necessary
155 actions to protect the health and safety of its citizens. If a remote state takes action it shall
156 promptly notify the home state and the Commission.
157 (E) If an individual's license in any home state is restricted or suspended, the individual
158 shall not be eligible to practice in a remote state under the privilege to practice until the
159 individual's home state license is restored.
160 (F) If an individual's privilege to practice in any remote state is restricted, suspended, or
161 revoked the individual shall not be eligible to practice in any remote state until the
162 individual's privilege to practice is restored.

163 Section 5. Conditions of Practice in a Remote State.

164 An individual may practice in a remote state under a privilege to practice only in the
165 performance of the individual's EMS duties as assigned by an appropriate authority, as
166 defined in the rules of the Commission, and under the following circumstances:

167 (1) The individual originates a patient transport in a home state and transports the patient
168 to a remote state;

169 (2) The individual originates in the home state and enters a remote state to pick up a
170 patient and provide care and transport of the patient to the home state;

171 (3) The individual enters a remote state to provide patient care and/or transport within
172 that remote state;

173 (4) The individual enters a remote state to pick up a patient and provide care and
174 transport to a third member state; or

175 (5) Other conditions as determined by rules promulgated by the Commission.

176 Section 6. Relationship to Emergency Management Assistance Compact.

177 Upon a member state's governor's declaration of a state of emergency or disaster that
178 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
179 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
180 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
181 practicing in the remote state in response to such declaration.

182 Section 7. Veterans, Service Members Separating from Active Duty Military, and Their
183 Spouses.

184 (A) Member states shall consider a veteran, active military service member, and member
185 of the National Guard and Reserves separating from an active duty tour, and a spouse
186 thereof, who holds a current valid and unrestricted NREMT certification at or above the
187 level of the state license being sought as satisfying the minimum training and examination
188 requirements for such licensure.

189 (B) Member states shall expedite the processing of licensure applications submitted by
190 veterans, active military service members, and members of the National Guard and
191 Reserves separating from an active duty tour, and their spouses.

192 (C) All individuals functioning with a privilege to practice under this Section remain
193 subject to the Adverse Actions provisions of Section 8.

194 Section 8. Adverse Actions.

195 (A) A home state shall have exclusive power to impose adverse action against an
196 individual's license issued by the home state.

197 (B) If an individual's license in any home state is restricted or suspended, the individual
 198 shall not be eligible to practice in a remote state under the privilege to practice until the
 199 individual's home state license is restored.

200 (1) All home state adverse action orders shall include a statement that the individual's
 201 compact privileges are inactive. The order may allow the individual to practice in remote
 202 states with prior written authorization from both the home state and remote state's EMS
 203 authority.

204 (2) An individual currently subject to adverse action in the home state shall not practice
 205 in any remote state without prior written authorization from both the home state and
 206 remote state's EMS authority.

207 (C) A member state shall report adverse actions and any occurrences that the individual's
 208 compact privileges are restricted, suspended, or revoked to the Commission in accordance
 209 with the rules of the Commission.

210 (D) A remote state may take adverse action on an individual's privilege to practice within
 211 that state.

212 (E) Any member state may take adverse action against an individual's privilege to practice
 213 in that state based on the factual findings of another member state, so long as each state
 214 follows its own procedures for imposing such adverse action.

215 (F) A home state's EMS authority shall investigate and take appropriate action with respect
 216 to reported conduct in a remote state as it would if such conduct had occurred within the
 217 home state. In such cases, the home state's law shall control in determining the appropriate
 218 adverse action.

219 (G) Nothing in this Compact shall override a member state's decision that participation in
 220 an alternative program may be used in lieu of adverse action and that such participation
 221 shall remain non-public if required by the member state's laws. Member states must
 222 require individuals who enter any alternative programs to agree not to practice in any other
 223 member state during the term of the alternative program without prior authorization from
 224 such other member state.

225 Section 9. Additional Powers Invested in a Member State's EMS Authority.

226 A member state's EMS authority, in addition to any other powers granted under state law,
 227 is authorized under this compact to:

228 (1) Issue subpoenas for both hearings and investigations that require the attendance and
 229 testimony of witnesses and the production of evidence. Subpoenas issued by a member
 230 state's EMS authority for the attendance and testimony of witnesses, and/or the
 231 production of evidence from another member state, shall be enforced in the remote state
 232 by any court of competent jurisdiction, according to that court's practice and procedure

233 in considering subpoenas issued in its own proceedings. The issuing state EMS authority
 234 shall pay any witness fees, travel expenses, mileage, and other fees required by the
 235 service statutes of the state where the witnesses and/or evidence are located; and
 236 (2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege
 237 to practice in the state.

238 Section 10. Establishment of the Interstate Commission for EMS Personnel Practice.

239 (A) The Compact states hereby create and establish a joint public agency known as the
 240 Interstate Commission for EMS Personnel Practice.

241 (1) The Commission is a body politic and an instrumentality of the Compact states.

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

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

248 (B) Membership, Voting, and Meetings

249 (1) Each member state shall have and be limited to one (1) delegate. The responsible
 250 official of the state EMS authority or his or her designee shall be the delegate to this
 251 Compact for each member state. Any delegate may be removed or suspended from office
 252 as provided by the law of the state from which the delegate is appointed. Any vacancy
 253 occurring in the Commission shall be filled in accordance with the laws of the member
 254 state in which the vacancy exists. In the event that more than one board, office, or other
 255 agency with the legislative mandate to license EMS personnel at and above the level of
 256 EMT exists, the Governor of the state will determine which entity will be responsible for
 257 assigning the delegate.

258 (2) Each delegate shall be entitled to one (1) vote with regard to the promulgation of
 259 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
 260 business and affairs of the Commission. A delegate shall vote in person or by such other
 261 means as provided in the bylaws. The bylaws may provide for delegates' participation
 262 in meetings by telephone or other means of communication.

263 (3) The Commission shall meet at least once during each calendar year. Additional
 264 meetings shall be held as set forth in the bylaws.

265 (4) All meetings shall be open to the public, and public notice of meetings shall be given
 266 in the same manner as required under the rulemaking provisions in Section 12.

267 (5) The Commission may convene in a closed, non-public meeting if the Commission
 268 must discuss:

- 269 (a) Non-compliance of a member state with its obligations under the Compact;
 270 (b) The employment, compensation, discipline or other personnel matters, practices or
 271 procedures related to specific employees, or other matters related to the Commission's
 272 internal personnel practices and procedures;
 273 (c) Current, threatened, or reasonably anticipated litigation;
 274 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;
 275 (e) Accusing any person of a crime or formally censuring any person;
 276 (f) Disclosure of trade secrets or commercial or financial information that is privileged
 277 or confidential;
 278 (g) Disclosure of information of a personal nature where disclosure would constitute
 279 a clearly unwarranted invasion of personal privacy;
 280 (h) Disclosure of investigatory records compiled for law enforcement purposes;
 281 (i) Disclosure of information related to any investigatory reports prepared by or on
 282 behalf of or for use of the Commission or other committee charged with responsibility
 283 of investigation or determination of compliance issues pursuant to the compact; or
 284 (j) Matters specifically exempted from disclosure by federal or member state statute.
 285 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
 286 Commission's legal counsel or designee shall certify that the meeting may be closed and
 287 shall reference each relevant exempting provision. The Commission shall keep minutes
 288 that fully and clearly describe all matters discussed in a meeting and shall provide a full
 289 and accurate summary of actions taken, and the reasons therefore, including a description
 290 of the views expressed. All documents considered in connection with an action shall be
 291 identified in such minutes. All minutes and documents of a closed meeting shall remain
 292 under seal, subject to release by a majority vote of the Commission or order of a court of
 293 competent jurisdiction.
 294 (C) The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
 295 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
 296 exercise the powers of the compact, including, but not limited to:
 297 (1) Establishing the fiscal year of the Commission;
 298 (2) Providing reasonable standards and procedures:
 299 (a) For the establishment and meetings of other committees; and
 300 (b) Governing any general or specific delegation of any authority or function of the
 301 Commission;
 302 (3) Providing reasonable procedures for calling and conducting meetings of the
 303 Commission, ensuring reasonable advance notice of all meetings, and providing an
 304 opportunity for attendance of such meetings by interested parties, with enumerated
 305 exceptions designed to protect the public's interest, the privacy of individuals, and

306 proprietary information, including trade secrets. The Commission may meet in closed
307 session only after a majority of the membership votes to close a meeting in whole or in
308 part. As soon as practicable, the Commission must make public a copy of the vote to
309 close the meeting revealing the vote of each member with no proxy votes allowed;
310 (4) Establishing the titles, duties and authority, and reasonable procedures for the
311 election of the officers of the Commission;
312 (5) Providing reasonable standards and procedures for the establishment of the personnel
313 policies and programs of the Commission. Notwithstanding any civil service or other
314 similar laws of any member state, the bylaws shall exclusively govern the personnel
315 policies and programs of the Commission;
316 (6) Promulgating a code of ethics to address permissible and prohibited activities of
317 Commission members and employees;
318 (7) Providing a mechanism for winding up the operations of the Commission and the
319 equitable disposition of any surplus funds that may exist after the termination of the
320 Compact after the payment and/or reserving of all of its debts and obligations.
321 (8) The Commission shall publish its bylaws and file a copy thereof, and a copy of any
322 amendment thereto, with the appropriate agency or officer in each of the member states,
323 if any.
324 (9) The Commission shall maintain its financial records in accordance with the bylaws.
325 (10) The Commission shall meet and take such actions as are consistent with the
326 provisions of this Compact and the bylaws.
327 (D) The Commission shall have the following powers:
328 (1) The authority to promulgate uniform rules to facilitate and coordinate implementation
329 and administration of this Compact. The rules shall have the force and effect of law and
330 shall be binding in all member states;
331 (2) To bring and prosecute legal proceedings or actions in the name of the Commission,
332 provided that the standing of any state EMS authority or other regulatory body
333 responsible for EMS personnel licensure to sue or be sued under applicable law shall not
334 be affected;
335 (3) To purchase and maintain insurance and bonds;
336 (4) To borrow, accept, or contract for services of personnel, including, but not limited
337 to, employees of a member state;
338 (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant
339 such individuals appropriate authority to carry out the purposes of the compact, and to
340 establish the Commission's personnel policies and programs relating to conflicts of
341 interest, qualifications of personnel, and other related personnel matters;

342 (6) To accept any and all appropriate donations and grants of money, equipment,
343 supplies, materials and services, and to receive, utilize and dispose of the same; provided
344 that at all times the Commission shall strive to avoid any appearance of impropriety
345 and/or conflict of interest;

346 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
347 hold, improve or use, any property, real, personal or mixed; provided that at all times the
348 Commission shall strive to avoid any appearance of impropriety;

349 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
350 of any property real, personal, or mixed;

351 (9) To establish a budget and make expenditures;

352 (10) To borrow money;

353 (11) To appoint committees, including advisory committees comprised of members, state
354 regulators, state legislators or their representatives, and consumer representatives, and
355 such other interested persons as may be designated in this compact and the bylaws;

356 (12) To provide and receive information from, and to cooperate with, law enforcement
357 agencies;

358 (13) To adopt and use an official seal; and

359 (14) To perform such other functions as may be necessary or appropriate to achieve the
360 purposes of this Compact consistent with the state regulation of EMS personnel licensure
361 and practice.

362 (E) Financing of the Commission

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

365 (2) The Commission may accept any and all appropriate revenue sources, donations, and
366 grants of money, equipment, supplies, materials, and services.

367 (3) The Commission may levy on and collect an annual assessment from each member
368 state or impose fees on other parties to cover the cost of the operations and activities of
369 the Commission and its staff, which must be in a total amount sufficient to cover its
370 annual budget as approved each year for which revenue is not provided by other sources.
371 The aggregate annual assessment amount shall be allocated based upon a formula to be
372 determined by the Commission, which shall promulgate a rule binding upon all member
373 states.

374 (4) The Commission shall not incur obligations of any kind prior to securing the funds
375 adequate to meet the same; nor shall the Commission pledge the credit of any of the
376 member states, except by and with the authority of the member state.

377 (5) The Commission shall keep accurate accounts of all receipts and disbursements. The
378 receipts and disbursements of the Commission shall be subject to the audit and

379 accounting procedures established under its bylaws. However, all receipts and
380 disbursements of funds handled by the Commission shall be audited yearly by a certified
381 or licensed public accountant, and the report of the audit shall be included in and become
382 part of the annual report of the Commission.

383 (F) Qualified Immunity, Defense, and Indemnification

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

393 (2) The Commission shall defend any member, officer, executive director, employee or
394 representative of the Commission in any civil action seeking to impose liability arising
395 out of any actual or alleged act, error, or omission that occurred within the scope of
396 Commission employment, duties, or responsibilities, or that the person against whom the
397 claim is made had a reasonable basis for believing occurred within the scope of
398 Commission employment, duties, or responsibilities; provided that nothing herein shall
399 be construed to prohibit that person from retaining his or her own counsel; and provided
400 further, that the actual or alleged act, error, or omission did not result from that person's
401 intentional or willful or wanton misconduct.

402 (3) The Commission shall indemnify and hold harmless any member, officer, executive
403 director, employee, or representative of the Commission for the amount of any settlement
404 or judgment obtained against that person arising out of any actual or alleged act, error or
405 omission that occurred within the scope of Commission employment, duties, or
406 responsibilities, or that such person had a reasonable basis for believing occurred within
407 the scope of Commission employment, duties, or responsibilities, provided that the actual
408 or alleged act, error, or omission did not result from the intentional or willful or wanton
409 misconduct of that person.

410 Section 11. Coordinated Database.

411 (A) The Commission shall provide for the development and maintenance of a coordinated
412 database and reporting system containing licensure, adverse action, and significant
413 investigatory information on all licensed individuals in member states.

414 (B) Notwithstanding any other provision of state law to the contrary, a member state shall
415 submit a uniform data set to the coordinated database on all individuals to whom this
416 compact is applicable as required by the rules of the Commission, including:

417 (1) Identifying information;

418 (2) Licensure data;

419 (3) Significant investigatory information;

420 (4) Adverse actions against an individual's license;

421 (5) An indicator that an individual's privilege to practice is restricted, suspended or
422 revoked;

423 (6) Non-confidential information related to alternative program participation;

424 (7) Any denial of application for licensure, and the reason(s) for such denial; and

425 (8) Other information that may facilitate the administration of this Compact, as
426 determined by the rules of the Commission.

427 (C) The coordinated database administrator shall promptly notify all member states of any
428 adverse action taken against, or significant investigative information on, any individual in
429 a member state.

430 (D) Member states contributing information to the coordinated database may designate
431 information that may not be shared with the public without the express permission of the
432 contributing state.

433 (E) Any information submitted to the coordinated database that is subsequently required
434 to be expunged by the laws of the member state contributing the information shall be
435 removed from the coordinated database.

436 Section 12. Rulemaking.

437 (A) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth
438 in this Section and the rules adopted thereunder. Rules and amendments shall become
439 binding as of the date specified in each rule or amendment.

440 (B) If a majority of the legislatures of the member states rejects a rule, by enactment of a
441 statute or resolution in the same manner used to adopt the Compact, then such rule shall
442 have no further force and effect in any member state.

443 (C) Rules or amendments to the rules shall be adopted at a regular or special meeting of
444 the Commission.

445 (D) Prior to promulgation and adoption of a final rule or rules by the Commission, and at
446 least sixty (60) days in advance of the meeting at which the rule will be considered and
447 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

448 (1) On the website of the Commission; and

449 (2) On the website of each member state EMS authority or the publication in which each
450 state would otherwise publish proposed rules.

451 (E) The Notice of Proposed Rulemaking shall include:

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

454 (2) The text of the proposed rule or amendment and the reason for the proposed rule;

455 (3) A request for comments on the proposed rule from any interested person; and

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

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

460 (G) The Commission shall grant an opportunity for a public hearing before it adopts a rule
461 or amendment if a hearing is requested by:

462 (1) At least twenty-five (25) persons;

463 (2) A governmental subdivision or agency; or

464 (3) An association having at least twenty-five (25) members.

465 (H) If a hearing is held on the proposed rule or amendment, the Commission shall publish
466 the place, time, and date of the scheduled public hearing.

467 (1) All persons wishing to be heard at the hearing shall notify the executive director of
468 the Commission or other designated member in writing of their desire to appear and
469 testify at the hearing not less than five (5) business days before the scheduled date of the
470 hearing.

471 (2) Hearings shall be conducted in a manner providing each person who wishes to
472 comment a fair and reasonable opportunity to comment orally or in writing.

473 (3) No transcript of the hearing is required, unless a written request for a transcript is
474 made, in which case the person requesting the transcript shall bear the cost of producing
475 the transcript. A recording may be made in lieu of a transcript under the same terms and
476 conditions as a transcript. This subsection shall not preclude the Commission from
477 making a transcript or recording of the hearing if it so chooses.

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

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

484 (J) The Commission shall, by majority vote of all members, take final action on the
 485 proposed rule and shall determine the effective date of the rule, if any, based on the
 486 rulemaking record and the full text of the rule.

487 (K) If no written notice of intent to attend the public hearing by interested parties is
 488 received, the Commission may proceed with promulgation of the proposed rule without a
 489 public hearing.

490 (L) Upon determination that an emergency exists, the Commission may consider and adopt
 491 an emergency rule without prior notice, opportunity for comment, or hearing, provided that
 492 the usual rulemaking procedures provided in the Compact and in this section shall be
 493 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
 494 (90) days after the effective date of the rule. For the purposes of this provision, an
 495 emergency rule is one that must be adopted immediately in order to:

- 496 (1) Meet an imminent threat to public health, safety, or welfare;
- 497 (2) Prevent a loss of Commission or member state funds;
- 498 (3) Meet a deadline for the promulgation of an administrative rule that is established by
 499 federal law or rule; or
- 500 (4) Protect public health and safety.

501 (M) The Commission or an authorized committee of the Commission may direct revisions
 502 to a previously adopted rule or amendment for purposes of correcting typographical errors,
 503 errors in format, errors in consistency, or grammatical errors. Public notice of any
 504 revisions shall be posted on the website of the Commission. The revision shall be subject
 505 to challenge by any person for a period of thirty (30) days after posting. The revision may
 506 be challenged only on grounds that the revision results in a material change to a rule. A
 507 challenge shall be made in writing, and delivered to the chair of the Commission prior to
 508 the end of the notice period. If no challenge is made, the revision will take effect without
 509 further action. If the revision is challenged, the revision may not take effect without the
 510 approval of the Commission.

511 Section 13. Oversight, Dispute Resolution, and Enforcement.

512 (A) Oversight

513 (1) The executive, legislative, and judicial branches of state government in each member
 514 state shall enforce this compact and take all actions necessary and appropriate to
 515 effectuate the compact's purposes and intent. The provisions of this compact and the
 516 rules promulgated hereunder shall have standing as statutory law.

517 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
 518 administrative proceeding in a member state pertaining to the subject matter of this
 519 compact which may affect the powers, responsibilities or actions of the Commission.

520 (3) The Commission shall be entitled to receive service of process in any such
521 proceeding, and shall have standing to intervene in such a proceeding for all purposes.
522 Failure to provide service of process to the Commission shall render a judgment or order
523 void as to the Commission, this Compact, or promulgated rules.

524 (B) Default, Technical Assistance, and Termination

525 (1) If the Commission determines that a member state has defaulted in the performance
526 of its obligations or responsibilities under this compact or the promulgated rules, the
527 Commission shall:

528 (a) Provide written notice to the defaulting state and other member states of the nature
529 of the default, the proposed means of curing the default and/or any other action to be
530 taken by the Commission; and

531 (b) Provide remedial training and specific technical assistance regarding the default.

532 (2) If a state in default fails to cure the default, the defaulting state may be terminated
533 from the Compact upon an affirmative vote of a majority of the member states, and all
534 rights, privileges and benefits conferred by this compact may be terminated on the
535 effective date of termination. A cure of the default does not relieve the offending state
536 of obligations or liabilities incurred during the period of default.

537 (3) Termination of membership in the compact shall be imposed only after all other
538 means of securing compliance have been exhausted. Notice of intent to suspend or
539 terminate shall be given by the Commission to the governor, the majority and minority
540 leaders of the defaulting state's legislature, and each of the member states.

541 (4) A state that has been terminated is responsible for all assessments, obligations, and
542 liabilities incurred through the effective date of termination, including obligations that
543 extend beyond the effective date of termination.

544 (5) The Commission shall not bear any costs related to a state that is found to be in
545 default or that has been terminated from the compact, unless agreed upon in writing
546 between the Commission and the defaulting state.

547 (6) The defaulting state may appeal the action of the Commission by petitioning the U.S.
548 District Court for the District of Columbia or the federal district where the Commission
549 has its principal offices. The prevailing member shall be awarded all costs of such
550 litigation, including reasonable attorney's fees.

551 (C) Dispute Resolution

552 (1) Upon request by a member state, the Commission shall attempt to resolve disputes
553 related to the compact that arise among member states and between member and
554 non-member states.

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

557 (D) Enforcement

558 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
 559 provisions and rules of this compact.

560 (2) By majority vote, the Commission may initiate legal action in the United States
 561 District Court for the District of Columbia or the federal district where the Commission
 562 has its principal offices against a member state in default to enforce compliance with the
 563 provisions of the compact and its promulgated rules and bylaws. The relief sought may
 564 include both injunctive relief and damages. In the event judicial enforcement is
 565 necessary, the prevailing member shall be awarded all costs of such litigation, including
 566 reasonable attorney's fees.

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

569

570 Section 14. Date of Implementation of the Interstate Commission for EMS Personnel
 571 Practice and Associated Rules, Withdrawal, and Amendment.

572 (A) The compact shall come into effect on the date on which the compact statute is enacted
 573 into law in the tenth member state. The provisions, which become effective at that time,
 574 shall be limited to the powers granted to the Commission relating to assembly and the
 575 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking
 576 powers necessary to the implementation and administration of the compact.

577 (B) Any state that joins the compact subsequent to the Commission's initial adoption of
 578 the rules shall be subject to the rules as they exist on the date on which the compact
 579 becomes law in that state. Any rule that has been previously adopted by the Commission
 580 shall have the full force and effect of law on the day the compact becomes law in that state.

581 (C) Any member state may withdraw from this compact by enacting a statute repealing the
 582 same.

583 (1) A member state's withdrawal shall not take effect until six (6) months after enactment
 584 of the repealing statute.

585 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
 586 EMS authority to comply with the investigative and adverse action reporting
 587 requirements of this act prior to the effective date of withdrawal.

588 (D) Nothing contained in this compact shall be construed to invalidate or prevent any EMS
 589 personnel licensure agreement or other cooperative arrangement between a member state
 590 and a non-member state that does not conflict with the provisions of this compact.

591 (E) This Compact may be amended by the member states. No amendment to this Compact
 592 shall become effective and binding upon any member state until it is enacted into the laws
 593 of all member states.

594 Section 15. Construction and Severability

595 This Compact shall be liberally construed so as to effectuate the purposes thereof. If this
 596 compact shall be held contrary to the constitution of any state member thereto, the compact
 597 shall remain in full force and effect as to the remaining member states. Nothing in this
 598 compact supersedes state law or rules related to licensure of EMS agencies."

599 **SECTION 2.**

600 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
 601 amended by revising Code Section 43-26-5, relating to general powers and responsibilities
 602 of the Georgia Board of Nursing, as follows:

603 "43-26-5.

604 (a) The board shall:

- 605 (1) Be responsible for the enforcement of the provisions of this chapter and shall be
 606 specifically granted all of the necessary duties, powers, and authority to carry out this
 607 responsibility;
- 608 (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems
 609 necessary for the administration and enforcement of this chapter in the protection of
 610 public health, safety, and welfare;
- 611 (3) Enforce qualifications for licensure under this article or Article 2 or Article 4 of this
 612 chapter;
- 613 (4) Develop and enforce reasonable and uniform standards for nursing education and
 614 nursing practice;
- 615 (5) Periodically evaluate nursing education programs and approve such programs as meet
 616 the board's requirements;
- 617 (6) Deny or withdraw approval from noncompliant nursing education programs;
- 618 (7) License duly qualified applicants under this article or Article 2 of this chapter by
 619 examination, endorsement, or reinstatement;
- 620 (8) Be authorized to issue temporary permits;
- 621 (9) Renew licenses of registered professional nurses, licensed undergraduate nurses, and
 622 licensed practical nurses in accordance with this article or Article 2 of this chapter;
- 623 (10) Be authorized to set standards for competency of licensees under this article or
 624 Article 2 of this chapter continuing in or returning to practice;
- 625 (11) Set standards for and regulate advanced nursing practice;
- 626 (12) Be authorized to enact rules and regulations for registered professional nurses in
 627 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and
 628 enact rules and regulations for advanced practice registered nurses in performing acts as
 629 authorized in Code Section 43-34-25;

- 630 (13) Implement the disciplinary process;
- 631 (14) Be authorized to issue orders when a license under this article or Article 2 of this
632 chapter is surrendered to the board while a complaint, investigation, or disciplinary action
633 against such license is pending;
- 634 (15) Issue a limited license to practice nursing or licensed practical nursing subject to
635 such terms and conditions as the board may impose;
- 636 (16) Provide consultation and conduct conferences, forums, studies, and research on
637 nursing education and nursing practice;
- 638 (17) Approve the selection of a qualified person to serve as executive director;
- 639 (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and
640 make recommendations to the board about issues and concerns and to facilitate
641 communication amongst the board, licensees under this article or Article 2 of this chapter,
642 and the community;
- 643 (19) Maintain membership in the national organization which develops and regulates the
644 nursing licensing examination and the practical nursing licensing examination;
- 645 (20) Be authorized to collect data regarding existing nursing and licensed practical
646 nursing resources in Georgia and coordinate planning for nursing education and nursing
647 practice;
- 648 (21) Determine fees;
- 649 (22) Adopt a seal which shall be in the care of the executive director and shall be affixed
650 only in such a manner as prescribed by the board; ~~and~~
- 651 (23) Be authorized to enforce all investigative and disciplinary orders issued by the
652 former Georgia Board of Examiners of Licensed Practical Nurses;
- 653 (24) Issue and renew multistate licenses pursuant to Article 4 of this chapter; and
- 654 (25) Take any action with respect to a multistate license issued by this state pursuant to
655 Article 4 of this chapter and with respect to the privilege to practice in this state under a
656 multistate license issued by another party state pursuant to the compact in Code Section
657 43-26-61 in the same manner as is authorized with respect to a license issued pursuant
658 to this article or Article 2 of this chapter.
- 659 (b) The board shall be the sole professional licensing board for determining if a registered
660 professional nurse, licensed practical nurse, or any other person has engaged illegally in
661 the practice of nursing. If a registered professional nurse or licensed practical nurse is
662 charged with the unauthorized practice of any other health profession by any other board,
663 such board shall notify the Georgia Board of Nursing before conducting any hearing.
664 Nothing contained in this chapter shall be construed to limit any powers of any other board.
- 665 (c) Chapter 1 of this title is expressly adopted and incorporated by reference into this
666 chapter as if all the provisions of such chapter were included in this chapter."

667 **SECTION 3.**

668 Said chapter is further amended by adding a new article to read as follows:

669 "ARTICLE 4670 43-26-60.671 This article shall be known and may be cited as the 'Nurse Licensure Compact.'672 43-26-61.673 The Nurse Licensure Compact is enacted into law and entered into by the State of Georgia
674 with any and all other states legally joining therein in the form substantially as follows:675 ARTICLE I676 Findings and Declaration of Purpose677 (a) The party states find that:678 (1) The health and safety of the public are affected by the degree of compliance with
679 and the effectiveness of enforcement activities related to state nurse licensure laws;680 (2) Violations of nurse licensure and other laws regulating the practice of nursing may
681 result in injury or harm to the public;682 (3) The expanded mobility of nurses and the use of advanced communication
683 technologies as part of our nation's health care delivery system require greater
684 coordination and cooperation among states in the areas of nurse licensure and
685 regulation;686 (4) New practice modalities and technology make compliance with individual state
687 nurse licensure laws difficult and complex;688 (5) The current system of duplicative licensure for nurses practicing in multiple states
689 is cumbersome and redundant for both nurses and states; and690 (6) Uniformity of nurse licensure requirements throughout the states promotes public
691 safety and public health benefits.692 (b) The general purposes of this Compact are to:693 (1) Facilitate the states' responsibility to protect the public's health and safety;694 (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure
695 and regulation;696 (3) Facilitate the exchange of information between party states in the areas of nurse
697 regulation, investigation and adverse actions;

- 698 (4) Promote compliance with the laws governing the practice of nursing in each
 699 jurisdiction;
 700 (5) Invest all party states with the authority to hold a nurse accountable for meeting all
 701 state practice laws in the state in which the patient is located at the time care is rendered
 702 through the mutual recognition of party state licenses;
 703 (6) Decrease redundancies in the consideration and issuance of nurse licenses; and
 704 (7) Provide opportunities for interstate practice by nurses who meet uniform licensure
 705 requirements.

706 ARTICLE II

707 Definitions

708 As used in this Compact:

- 709 (a) 'Adverse action' means any administrative, civil, equitable or criminal action
 710 permitted by a state's laws which is imposed by a licensing board or other authority
 711 against a nurse, including actions against an individual's license or multistate licensure
 712 privilege such as revocation, suspension, probation, monitoring of the licensee, limitation
 713 on the licensee's practice, or any other encumbrance on licensure affecting a nurse's
 714 authorization to practice, including issuance of a cease and desist action.
 715 (b) 'Alternative program' means a non-disciplinary monitoring program approved by a
 716 licensing board.
 717 (c) 'Coordinated licensure information system' means an integrated process for
 718 collecting, storing and sharing information on nurse licensure and enforcement activities
 719 related to nurse licensure laws that is administered by a nonprofit organization composed
 720 of and controlled by licensing boards.
 721 (d) 'Current significant investigative information' means:
 722 (1) Investigative information that a licensing board, after a preliminary inquiry that
 723 includes notification and an opportunity for the nurse to respond, if required by state
 724 law, has reason to believe is not groundless and, if proved true, would indicate more
 725 than a minor infraction, or
 726 (2) Investigative information that indicates that the nurse represents an immediate
 727 threat to public health and safety regardless of whether the nurse has been notified and
 728 had an opportunity to respond.
 729 (e) 'Encumbrance' means a revocation or suspension of, or any limitation on, the full and
 730 unrestricted practice of nursing imposed by a licensing board.
 731 (f) 'Home state' means the party state which is the nurse's primary state of residence.

- 732 (g) 'Licensing board' means a party state's regulatory body responsible for issuing nurse
 733 licenses.
- 734 (h) 'Multistate license' means a license to practice as a registered professional nurse or
 735 a licensed practical nurse issued by a home state licensing board that authorizes the
 736 licensed nurse to practice in all party states under a multistate licensure privilege.
- 737 (i) 'Multistate licensure privilege' means a legal authorization associated with a multistate
 738 license permitting the practice of nursing as either a registered professional nurse or a
 739 licensed practical nurse in a remote state.
- 740 (j) 'Nurse' means a registered professional nurse or licensed practical nurse, as those
 741 terms are defined by each party state's practice laws.
- 742 (k) 'Party state' means any state that has adopted this Compact.
- 743 (l) 'Remote state' means a party state, other than the home state.
- 744 (m) 'Single-state license' means a nurse license issued by a party state that authorizes
 745 practice only within the issuing state and does not include a multistate licensure privilege
 746 to practice in any other party state.
- 747 (n) 'State' means a state, territory or possession of the United States and the District of
 748 Columbia.
- 749 (o) 'State practice laws' means a party state's laws, rules and regulations that govern the
 750 practice of nursing, define the scope of nursing practice, and create the methods and
 751 grounds for imposing discipline. 'State practice laws' do not include requirements
 752 necessary to obtain and retain a license, except for qualifications or requirements of the
 753 home state.

754 ARTICLE III

755 General Provisions and Jurisdiction

- 756 (a) A multistate license to practice as a registered professional nurse or a licensed
 757 practical nurse issued by a home state to a resident in that state will be recognized by
 758 each party state as authorizing a nurse to practice as a registered professional nurse or a
 759 licensed practical nurse, under a multistate licensure privilege, in each party state.
- 760 (b) A state must implement procedures for considering the criminal history records of
 761 applicants for initial multistate license or licensure by endorsement. Such procedures
 762 shall include the submission of fingerprints or other biometric-based information by
 763 applicants for the purpose of obtaining an applicant's criminal history record information
 764 from the Federal Bureau of Investigation and the agency responsible for retaining that
 765 state's criminal records.

766 (c) Each party state shall require the following for an applicant to obtain or retain a
767 multistate license in the home state:

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

770 (2)(i) Has graduated or is eligible to graduate from a licensing board-approved
771 registered professional nurse or licensed practical nurse prelicensure education
772 program; or

773 (ii) Has graduated from a foreign registered professional nurse or licensed practical
774 nurse prelicensure education program that (a) has been approved by the authorized
775 accrediting body in the applicable country and (b) has been verified by an
776 independent credentials review agency to be comparable to a licensing
777 board-approved prelicensure education program;

778 (3) Has, if a graduate of a foreign prelicensure education program not taught in English
779 or if English is not the individual's native language, successfully passed an English
780 proficiency examination that includes the components of reading, speaking, writing and
781 listening;

782 (4) Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or
783 recognized predecessor, as applicable;

784 (5) Is eligible for or holds an active, unencumbered license;

785 (6) Has submitted, in connection with an application for initial licensure or licensure
786 by endorsement, fingerprints or other biometric data for the purpose of obtaining
787 criminal history record information from the Federal Bureau of Investigation and the
788 agency responsible for retaining that state's criminal records;

789 (7) Has not been convicted or found guilty, or has entered into an agreed disposition,
790 of a felony offense under applicable state or federal criminal law;

791 (8) Has not been convicted or found guilty, or has entered into an agreed disposition,
792 of a misdemeanor offense related to the practice of nursing as determined on a
793 case-by-case basis;

794 (9) Is not currently enrolled in an alternative program;

795 (10) Is subject to self-disclosure requirements regarding current participation in an
796 alternative program; and

797 (11) Has a valid United States Social Security number.

798 (d) All party states shall be authorized, in accordance with existing state due process law,
799 to take adverse action against a nurse's multistate licensure privilege to practice such as
800 revocation, suspension, probation or any other action that affects a nurse's authorization
801 to practice under a multistate licensure privilege, including cease and desist actions. If
802 a party state takes such action, it shall promptly notify the administrator of the

803 coordinated licensure information system. The administrator of the coordinated licensure
 804 information system shall promptly notify the home state of any such actions by remote
 805 states.

806 (e) A nurse practicing in a party state must comply with the state practice laws of the
 807 state in which the client is located at the time service is provided. The practice of nursing
 808 is not limited to patient care, but shall include all nursing practice as defined by the state
 809 practice laws of the party state in which the client is located. The practice of nursing in
 810 a party state under a multistate licensure privilege will subject a nurse to the jurisdiction
 811 of the licensing board, the courts and the laws of the party state in which the client is
 812 located at the time service is provided.

813 (f) Individuals not residing in a party state shall continue to be able to apply for a party
 814 state's single-state license as provided under the laws of each party state. However, the
 815 single-state license granted to these individuals will not be recognized as granting the
 816 privilege to practice nursing in any other party state. Nothing in this Compact shall affect
 817 the requirements established by a party state for the issuance of a single-state license.

818 (g) Any nurse holding a home state multistate license, on the effective date of this
 819 Compact, may retain and renew the multistate license issued by the nurse's then-current
 820 home state, provided that:

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

824 (2) A nurse who fails to satisfy the multistate licensure requirements in Article III(c)
 825 due to a disqualifying event occurring after this Compact's effective date shall be
 826 ineligible to retain or renew a multistate license, and the nurse's multistate license shall
 827 be revoked or deactivated in accordance with applicable rules adopted by the Interstate
 828 Commission of Nurse Licensure Compact Administrators ('Commission').

829 ARTICLE IV

830 Applications for Licensure in a Party State

831 (a) Upon application for a multistate license, the licensing board in the issuing party state
 832 shall ascertain, through the coordinated licensure information system, whether the
 833 applicant has ever held, or is the holder of, a license issued by any other state, whether
 834 there are any encumbrances on any license or multistate licensure privilege held by the
 835 applicant, whether any adverse action has been taken against any license or multistate
 836 licensure privilege held by the applicant and whether the applicant is currently
 837 participating in an alternative program.

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

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

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

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

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

853 ARTICLE V

854 Additional Authorities Invested in

855 Party State Licensing Boards

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

858 (1) Take adverse action against a nurse's multistate licensure privilege to practice
 859 within that party state.

860 (i) Only the home state shall have the power to take adverse action against a nurse's
 861 license issued by the home state.

862 (ii) For purposes of taking adverse action, the home state licensing board shall give
 863 the same priority and effect to reported conduct received from a remote state as it
 864 would if such conduct had occurred within the home state. In so doing, the home
 865 state shall apply its own state laws to determine appropriate action.

866 (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to
 867 practice within that party state.

868 (3) Complete any pending investigations of a nurse who changes primary state of
 869 residence during the course of such investigations. The licensing board shall also have
 870 the authority to take appropriate action(s) and shall promptly report the conclusions of
 871 such investigations to the administrator of the coordinated licensure information

872 system. The administrator of the coordinated licensure information system shall
 873 promptly notify the new home state of any such actions.

874 (4) Issue subpoenas for both hearings and investigations that require the attendance and
 875 testimony of witnesses, as well as, the production of evidence. Subpoenas issued by
 876 a licensing board in a party state for the attendance and testimony of witnesses or the
 877 production of evidence from another party state shall be enforced in the latter state by
 878 any court of competent jurisdiction, according to the practice and procedure of that
 879 court applicable to subpoenas issued in proceedings pending before it. The issuing
 880 authority shall pay any witness fees, travel expenses, mileage and other fees required
 881 by the service statutes of the state in which the witnesses or evidence are located.

882 (5) Obtain and submit, for each nurse licensure applicant, fingerprint or other
 883 biometric-based information to the Federal Bureau of Investigation for criminal
 884 background checks, receive the results of the Federal Bureau of Investigation record
 885 search on criminal background checks and use the results in making licensure decisions.

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

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

891 (b) If adverse action is taken by the home state against a nurse's multistate license, the
 892 nurse's multistate licensure privilege to practice in all other party states shall be
 893 deactivated until all encumbrances have been removed from the multistate license. All
 894 home state disciplinary orders that impose adverse action against a nurse's multistate
 895 license shall include a statement that the nurse's multistate licensure privilege is
 896 deactivated in all party states during the pendency of the order.

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

901 ARTICLE VI

902 Coordinated Licensure Information System 903 and Exchange of Information

904 (a) All party states shall participate in a coordinated licensure information system of all
 905 registered professional nurses and licensed practical nurses. This system will include

- 906 information on the licensure and disciplinary history of each nurse, as submitted by party
907 states, to assist in the coordination of nurse licensure and enforcement efforts.
- 908 (b) The Commission, in consultation with the administrator of the coordinated licensure
909 information system, shall formulate necessary and proper procedures for the
910 identification, collection and exchange of information under this Compact.
- 911 (c) All licensing boards shall promptly report to the coordinated licensure information
912 system any adverse action, any current significant investigative information, denials of
913 applications (with the reasons for such denials) and nurse participation in alternative
914 programs known to the licensing board regardless of whether such participation is
915 deemed nonpublic or confidential under state law.
- 916 (d) Current significant investigative information and participation in nonpublic or
917 confidential alternative programs shall be transmitted through the coordinated licensure
918 information system only to party state licensing boards.
- 919 (e) Notwithstanding any other provision of law, all party state licensing boards
920 contributing information to the coordinated licensure information system may designate
921 information that may not be shared with non-party states or disclosed to other entities or
922 individuals without the express permission of the contributing state.
- 923 (f) Any personally identifiable information obtained from the coordinated licensure
924 information system by a party state licensing board shall not be shared with non-party
925 states or disclosed to other entities or individuals except to the extent permitted by the
926 laws of the party state contributing the information.
- 927 (g) Any information contributed to the coordinated licensure information system that is
928 subsequently required to be expunged by the laws of the party state contributing that
929 information shall also be expunged from the coordinated licensure information system.
- 930 (h) The Compact administrator of each party state shall furnish a uniform data set to the
931 Compact administrator of each other party state, which shall include, at a minimum:
- 932 (1) Identifying information;
933 (2) Licensure data;
934 (3) Information related to alternative program participation; and
935 (4) Other information that may facilitate the administration of this Compact, as
936 determined by Commission rules.
- 937 (i) The Compact administrator of a party state shall provide all investigative documents
938 and information requested by another party state.

ARTICLE VII

Establishment of the Interstate Commission of
Nurse Licensure Compact Administrators

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

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

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

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

(b) Membership, Voting and Meetings

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

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

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

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

(5) The Commission may convene in a closed, nonpublic meeting if the Commission
must discuss:

(i) Noncompliance of a party state with its obligations under this Compact;

(ii) The employment, compensation, discipline or other personnel matters, practices
or procedures related to specific employees or other matters related to the
Commission's internal personnel practices and procedures;

(iii) Current, threatened or reasonably anticipated litigation;

- 975 (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;
 976 (v) Accusing any person of a crime or formally censuring any person;
 977 (vi) Disclosure of trade secrets or commercial or financial information that is
 978 privileged or confidential;
 979 (vii) Disclosure of information of a personal nature where disclosure would constitute
 980 a clearly unwarranted invasion of personal privacy;
 981 (viii) Disclosure of investigatory records compiled for law enforcement purposes;
 982 (ix) Disclosure of information related to any reports prepared by or on behalf of the
 983 Commission for the purpose of investigation of compliance with this Compact; or
 984 (x) Matters specifically exempted from disclosure by federal or state statute.
- 985 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
 986 Commission's legal counsel or designee shall certify that the meeting may be closed and
 987 shall reference each relevant exempting provision. The Commission shall keep minutes
 988 that fully and clearly describe all matters discussed in a meeting and shall provide a full
 989 and accurate summary of actions taken, and the reasons therefor, including a
 990 description of the views expressed. All documents considered in connection with an
 991 action shall be identified in such minutes. All minutes and documents of a closed
 992 meeting shall remain under seal, subject to release by a majority vote of the
 993 Commission or order of a court of competent jurisdiction.
- 994 (c) The Commission shall, by a majority vote of the administrators, prescribe bylaws or
 995 rules to govern its conduct as may be necessary or appropriate to carry out the purposes
 996 and exercise the powers of this Compact, including but not limited to:
- 997 (1) Establishing the fiscal year of the Commission;
 998 (2) Providing reasonable standards and procedures:
 999 (i) For the establishment and meetings of other committees, and
 1000 (ii) Governing any general or specific delegation of any authority or function of the
 1001 Commission;
- 1002 (3) Providing reasonable procedures for calling and conducting meetings of the
 1003 Commission, ensuring reasonable advance notice of all meetings and providing an
 1004 opportunity for attendance of such meetings by interested parties, with enumerated
 1005 exceptions designed to protect the public's interest, the privacy of individuals, and
 1006 proprietary information, including trade secrets. The Commission may meet in closed
 1007 session only after a majority of the administrators vote to close a meeting in whole or
 1008 in part. As soon as practicable, the Commission must make public a copy of the vote
 1009 to close the meeting revealing the vote of each administrator, with no proxy votes
 1010 allowed;

- 1011 (4) Establishing the titles, duties and authority and reasonable procedures for the
1012 election of the officers of the Commission;
- 1013 (5) Providing reasonable standards and procedures for the establishment of the
1014 personnel policies and programs of the Commission. Notwithstanding any civil service
1015 or other similar laws of any party state, the bylaws shall exclusively govern the
1016 personnel policies and programs of the Commission; and
- 1017 (6) Providing a mechanism for winding up the operations of the Commission and the
1018 equitable disposition of any surplus funds that may exist after the termination of this
1019 Compact after the payment or reserving of all of its debts and obligations;
- 1020 (d) The Commission shall publish its bylaws and rules, and any amendments thereto, in
1021 a convenient form on the website of the Commission.
- 1022 (e) The Commission shall maintain its financial records in accordance with the bylaws.
- 1023 (f) The Commission shall meet and take such actions as are consistent with the
1024 provisions of this Compact and the bylaws.
- 1025 (g) The Commission shall have the following powers:
- 1026 (1) To promulgate uniform rules to facilitate and coordinate implementation and
1027 administration of this Compact. The rules shall have the force and effect of law and
1028 shall be binding in all party states;
- 1029 (2) To bring and prosecute legal proceedings or actions in the name of the
1030 Commission, provided that the standing of any licensing board to sue or be sued under
1031 applicable law shall not be affected;
- 1032 (3) To purchase and maintain insurance and bonds;
- 1033 (4) To borrow, accept or contract for services of personnel, including, but not limited
1034 to, employees of a party state or nonprofit organizations;
- 1035 (5) To cooperate with other organizations that administer state compacts related to the
1036 regulation of nursing, including but not limited to sharing administrative or staff
1037 expenses, office space or other resources;
- 1038 (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant
1039 such individuals appropriate authority to carry out the purposes of this Compact, and
1040 to establish the Commission's personnel policies and programs relating to conflicts of
1041 interest, qualifications of personnel and other related personnel matters;
- 1042 (7) To accept any and all appropriate donations, grants and gifts of money, equipment,
1043 supplies, materials and services, and to receive, utilize and dispose of the same;
1044 provided that at all times the Commission shall avoid any appearance of impropriety
1045 or conflict of interest;

1046 (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
 1047 hold, improve or use, any property, whether real, personal or mixed; provided that at
 1048 all times the Commission shall avoid any appearance of impropriety;

1049 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose
 1050 of any property, whether real, personal or mixed;

1051 (10) To establish a budget and make expenditures;

1052 (11) To borrow money;

1053 (12) To appoint committees, including advisory committees comprised of
 1054 administrators, state nursing regulators, state legislators or their representatives, and
 1055 consumer representatives, and other such interested persons;

1056 (13) To provide and receive information from, and to cooperate with, law enforcement
 1057 agencies;

1058 (14) To adopt and use an official seal; and

1059 (15) To perform such other functions as may be necessary or appropriate to achieve the
 1060 purposes of this Compact consistent with the state regulation of nurse licensure and
 1061 practice.

1062 (h) Financing of the Commission

1063 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses
 1064 of its establishment, organization and ongoing activities.

1065 (2) The Commission may also levy on and collect an annual assessment from each
 1066 party state to cover the cost of its operations, activities and staff in its annual budget as
 1067 approved each year. The aggregate annual assessment amount, if any, shall be
 1068 allocated based upon a formula to be determined by the Commission, which shall
 1069 promulgate a rule that is binding upon all party states.

1070 (3) The Commission shall not incur obligations of any kind prior to securing the funds
 1071 adequate to meet the same; nor shall the Commission pledge the credit of any of the
 1072 party states, except by, and with the authority of, such party state.

1073 (4) The Commission shall keep accurate accounts of all receipts and disbursements.
 1074 The receipts and disbursements of the Commission shall be subject to the audit and
 1075 accounting procedures established under its bylaws. However, all receipts and
 1076 disbursements of funds handled by the Commission shall be audited yearly by a
 1077 certified or licensed public accountant, and the report of the audit shall be included in
 1078 and become part of the annual report of the Commission.

1079 (i) Qualified Immunity, Defense and Indemnification

1080 (1) The administrators, officers, executive director, employees and representatives of
 1081 the Commission shall be immune from suit and liability, either personally or in their
 1082 official capacity, for any claim for damage to or loss of property or personal injury or

1083 other civil liability caused by or arising out of any actual or alleged act, error or
 1084 omission that occurred, or that the person against whom the claim is made had a
 1085 reasonable basis for believing occurred, within the scope of Commission employment,
 1086 duties or responsibilities, provided that nothing in this paragraph shall be construed to
 1087 protect any such person from suit or liability for any damage, loss, injury or liability
 1088 caused by the intentional, willful or wanton misconduct of that person.

1089 (2) The Commission shall defend any administrator, officer, executive director,
 1090 employee or representative of the Commission in any civil action seeking to impose
 1091 liability arising out of any actual or alleged act, error or omission that occurred within
 1092 the scope of Commission employment, duties or responsibilities, or that the person
 1093 against whom the claim is made had a reasonable basis for believing occurred within
 1094 the scope of Commission employment, duties or responsibilities; provided that nothing
 1095 herein shall be construed to prohibit that person from retaining his or her own counsel;
 1096 and provided further that the actual or alleged act, error or omission did not result from
 1097 that person's intentional, willful or wanton misconduct.

1098 (3) The Commission shall indemnify and hold harmless any administrator, officer,
 1099 executive director, employee or representative of the Commission for the amount of any
 1100 settlement or judgment obtained against that person arising out of any actual or alleged
 1101 act, error or omission that occurred within the scope of Commission employment,
 1102 duties or responsibilities, or that such person had a reasonable basis for believing
 1103 occurred within the scope of Commission employment, duties or responsibilities,
 1104 provided that the actual or alleged act, error or omission did not result from the
 1105 intentional, willful or wanton misconduct of that person.

1106 ARTICLE VIII

1107 Rulemaking

1108 (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set
 1109 forth in this Article and the rules adopted thereunder. Rules and amendments shall
 1110 become binding as of the date specified in each rule or amendment and shall have the
 1111 same force and effect as provisions of this Compact.

1112 (b) Rules or amendments to the rules shall be adopted at a regular or special meeting of
 1113 the Commission.

1114 (c) Prior to promulgation and adoption of a final rule or rules by the Commission, and
 1115 at least sixty (60) days in advance of the meeting at which the rule will be considered and
 1116 voted upon, the Commission shall file a notice of proposed rulemaking:

1117 (1) On the website of the Commission; and

- 1118 (2) On the website of each licensing board or the publication in which each state would
1119 otherwise publish proposed rules.
- 1120 (d) The notice of proposed rulemaking shall include:
- 1121 (1) The proposed time, date and location of the meeting in which the rule will be
1122 considered and voted upon;
- 1123 (2) The text of the proposed rule or amendment, and the reason for the proposed rule;
- 1124 (3) A request for comments on the proposed rule from any interested person; and
- 1125 (4) The manner in which interested persons may submit notice to the Commission of
1126 their intention to attend the public hearing and any written comments.
- 1127 (e) Prior to adoption of a proposed rule, the Commission shall allow persons to submit
1128 written data, facts, opinions and arguments, which shall be made available to the public.
- 1129 (f) The Commission shall grant an opportunity for a public hearing before it adopts a rule
1130 or amendment.
- 1131 (g) The Commission shall publish the place, time and date of the scheduled public
1132 hearing.
- 1133 (1) Hearings shall be conducted in a manner providing each person who wishes to
1134 comment a fair and reasonable opportunity to comment orally or in writing. All
1135 hearings will be recorded, and a copy will be made available upon request.
- 1136 (2) Nothing in this section shall be construed as requiring a separate hearing on each
1137 rule. Rules may be grouped for the convenience of the Commission at hearings
1138 required by this section.
- 1139 (h) If no one appears at the public hearing, the Commission may proceed with
1140 promulgation of the proposed rule.
- 1141 (i) Following the scheduled hearing date, or by the close of business on the scheduled
1142 hearing date if the hearing was not held, the Commission shall consider all written and
1143 oral comments received.
- 1144 (j) The Commission shall, by majority vote of all administrators, take final action on the
1145 proposed rule and shall determine the effective date of the rule, if any, based on the
1146 rulemaking record and the full text of the rule.
- 1147 (k) Upon determination that an emergency exists, the Commission may consider and
1148 adopt an emergency rule without prior notice, opportunity for comment or hearing,
1149 provided that the usual rulemaking procedures provided in this Compact and in this
1150 section shall be retroactively applied to the rule as soon as reasonably possible, in no
1151 event later than ninety (90) days after the effective date of the rule. For the purposes of
1152 this provision, an emergency rule is one that must be adopted immediately in order to:
- 1153 (1) Meet an imminent threat to public health, safety or welfare;
- 1154 (2) Prevent a loss of Commission or party state funds; or

1155 (3) Meet a deadline for the promulgation of an administrative rule that is required by
 1156 federal law or rule.

1157 (1) The Commission may direct revisions to a previously adopted rule or amendment for
 1158 purposes of correcting typographical errors, errors in format, errors in consistency or
 1159 grammatical errors. Public notice of any revisions shall be posted on the website of the
 1160 Commission. The revision shall be subject to challenge by any person for a period of
 1161 thirty (30) days after posting. The revision may be challenged only on grounds that the
 1162 revision results in a material change to a rule. A challenge shall be made in writing, and
 1163 delivered to the Commission, prior to the end of the notice period. If no challenge is
 1164 made, the revision will take effect without further action. If the revision is challenged,
 1165 the revision may not take effect without the approval of the Commission.

1166 ARTICLE IX

1167 Oversight, Dispute Resolution and Enforcement

1168 (a) Oversight

1169 (1) Each party state shall enforce this Compact and take all actions necessary and
 1170 appropriate to effectuate this Compact's purposes and intent.

1171 (2) The Commission shall be entitled to receive service of process in any proceeding
 1172 that may affect the powers, responsibilities or actions of the Commission, and shall
 1173 have standing to intervene in such a proceeding for all purposes. Failure to provide
 1174 service of process in such proceeding to the Commission shall render a judgment or
 1175 order void as to the Commission, this Compact or promulgated rules.

1176 (b) Default, Technical Assistance and Termination

1177 (1) If the Commission determines that a party state has defaulted in the performance
 1178 of its obligations or responsibilities under this Compact or the promulgated rules, the
 1179 Commission shall:

1180 (i) Provide written notice to the defaulting state and other party states of the nature
 1181 of the default, the proposed means of curing the default or any other action to be taken
 1182 by the Commission; and

1183 (ii) Provide remedial training and specific technical assistance regarding the default.

1184 (2) If a state in default fails to cure the default, the defaulting state's membership in this
 1185 Compact may be terminated upon an affirmative vote of a majority of the
 1186 administrators, and all rights, privileges and benefits conferred by this Compact may
 1187 be terminated on the effective date of termination. A cure of the default does not
 1188 relieve the offending state of obligations or liabilities incurred during the period of
 1189 default.

1190 (3) Termination of membership in this Compact shall be imposed only after all other
1191 means of securing compliance have been exhausted. Notice of intent to suspend or
1192 terminate shall be given by the Commission to the governor of the defaulting state and
1193 to the executive officer of the defaulting state's licensing board and each of the party
1194 states.

1195 (4) A state whose membership in this Compact has been terminated is responsible for
1196 all assessments, obligations and liabilities incurred through the effective date of
1197 termination, including obligations that extend beyond the effective date of termination.

1198 (5) The Commission shall not bear any costs related to a state that is found to be in
1199 default or whose membership in this Compact has been terminated unless agreed upon
1200 in writing between the Commission and the defaulting state.

1201 (6) The defaulting state may appeal the action of the Commission by petitioning the
1202 U.S. District Court for the District of Columbia or the federal district in which the
1203 Commission has its principal offices. The prevailing party shall be awarded all costs
1204 of such litigation, including reasonable attorneys' fees.

1205 (c) Dispute Resolution

1206 (1) Upon request by a party state, the Commission shall attempt to resolve disputes
1207 related to the Compact that arise among party states and between party and non-party
1208 states.

1209 (2) The Commission shall promulgate a rule providing for both mediation and binding
1210 dispute resolution for disputes, as appropriate.

1211 (3) In the event the Commission cannot resolve disputes among party states arising
1212 under this Compact:

1213 (i) The party states may submit the issues in dispute to an arbitration panel, which
1214 will be comprised of individuals appointed by the Compact administrator in each of
1215 the affected party states and an individual mutually agreed upon by the Compact
1216 administrators of all the party states involved in the dispute.

1217 (ii) The decision of a majority of the arbitrators shall be final and binding.

1218 (d) Enforcement

1219 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
1220 provisions and rules of this Compact.

1221 (2) By majority vote, the Commission may initiate legal action in the U.S. District
1222 Court for the District of Columbia or the federal district in which the Commission has
1223 its principal offices against a party state that is in default to enforce compliance with
1224 the provisions of this Compact and its promulgated rules and bylaws. The relief sought
1225 may include both injunctive relief and damages. In the event judicial enforcement is

1226 necessary, the prevailing party shall be awarded all costs of such litigation, including
 1227 reasonable attorneys' fees.
 1228 (3) The remedies herein shall not be the exclusive remedies of the Commission. The
 1229 Commission may pursue any other remedies available under federal or state law.

1230 ARTICLE X

1231 Effective Date, Withdrawal and Amendment

1232 (a) This Compact shall become effective and binding on the earlier of the date of
 1233 legislative enactment of this Compact into law by no less than twenty-six (26) states or
 1234 December 31, 2018. All party states to this Compact, that also were parties to the prior
 1235 Nurse Licensure Compact, superseded by this Compact, ('Prior Compact'), shall be
 1236 deemed to have withdrawn from said Prior Compact within six (6) months after the
 1237 effective date of this Compact.

1238 (b) Each party state to this Compact shall continue to recognize a nurse's multistate
 1239 licensure privilege to practice in that party state issued under the Prior Compact until such
 1240 party state has withdrawn from the Prior Compact.

1241 (c) Any party state may withdraw from this Compact by enacting a statute repealing the
 1242 same. A party state's withdrawal shall not take effect until six (6) months after enactment
 1243 of the repealing statute.

1244 (d) A party state's withdrawal or termination shall not affect the continuing requirement
 1245 of the withdrawing or terminated state's licensing board to report adverse actions and
 1246 significant investigations occurring prior to the effective date of such withdrawal or
 1247 termination.

1248 (e) Nothing contained in this Compact shall be construed to invalidate or prevent any
 1249 nurse licensure agreement or other cooperative arrangement between a party state and a
 1250 non-party state that is made in accordance with the other provisions of this Compact.

1251 (f) This Compact may be amended by the party states. No amendment to this Compact
 1252 shall become effective and binding upon the party states unless and until it is enacted into
 1253 the laws of all party states.

1254 (g) Representatives of non-party states to this Compact shall be invited to participate in
 1255 the activities of the Commission, on a nonvoting basis, prior to the adoption of this
 1256 Compact by all states.

1257 ARTICLE XI

1258 Construction and Severability

1259 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
 1260 provisions of this Compact shall be severable, and if any phrase, clause, sentence or
 1261 provision of this Compact is declared to be contrary to the constitution of any party state
 1262 or of the United States, or if the applicability thereof to any government, agency, person
 1263 or circumstance is held invalid, the validity of the remainder of this Compact and the
 1264 applicability thereof to any government, agency, person or circumstance shall not be
 1265 affected thereby. If this Compact shall be held to be contrary to the constitution of any
 1266 party state, this Compact shall remain in full force and effect as to the remaining party
 1267 states and in full force and effect as to the party state affected as to all severable matters.

1268 43-26-62.

1269 The Georgia Board of Nursing shall be authorized to promulgate rules and regulations to
 1270 implement the provisions of this article.

1271 43-26-63.

1272 The executive director of the Georgia Board of Nursing shall serve as the Nurse Licensure
 1273 Compact administrator for this state.

1274 43-26-64.

1275 A registered professional nurse or licensed practical nurse practicing in this state under a
 1276 multistate license issued by another party state shall be subject to all requirements and
 1277 duties applicable to registered professional nurses or licensed practical nurses who are
 1278 licensed pursuant to Article 1 or Article 2 of this chapter, respectively.

1279 43-26-65.

1280 This article shall only be applicable to registered professional nurses and licensed practical
 1281 nurses whose home states are determined by the Georgia Board of Nursing to have
 1282 licensure requirements that are substantially equivalent to or more stringent than those of
 1283 this state."

1284 **SECTION 4.**

1285 All laws and parts of laws in conflict with this Act are repealed.