

2024 South Dakota Legislature

House Bill 1013**AMENDMENT 1013C
FOR THE INTRODUCED BILL**

1 **An Act to adopt the advanced practice registered nurse compact.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to title 36:**

4 ADVANCED PRACTICE REGISTERED NURSE COMPACT

5 ARTICLE I

6 FINDINGS AND DECLARATIONS OF PURPOSE

7 The party states find that:

- 8 (1) The health and safety of the public are affected by the degree of compliance with
9 advanced practice registered nurse licensure requirements and the effectiveness
10 of enforcement activities related to state advanced practice registered nurse
11 licensure laws;
- 12 (2) Violations of advanced practice registered nurse licensure and other laws governing
13 the practice of nursing may result in injury or harm to the public;
- 14 (3) The expanded mobility of advanced practice registered nurses and the use of
15 advanced communication and intervention technologies, as part of this nation's
16 health care delivery system, require greater coordination and cooperation among
17 states in the areas of advanced practice registered nurse licensure and regulation;
- 18 (4) New practice modalities and technology make compliance with individual state
19 advanced practice registered nurse licensure laws difficult and complex;
- 20 (5) The current system of duplicative advanced practice registered nurse licensure to
21 authorize practice in multiple states is cumbersome and redundant for healthcare
22 delivery systems, payors, state licensing boards, regulators, and advanced practice
23 registered nurses;
- 24 (6) Uniformity of advanced practice registered nurse licensure requirements
25 throughout the states promotes public safety and public health benefits, and
26 provides a mechanism for increasing access to care; and

- 1 (7) The general purposes of this Compact are to:
- 2 (a) Facilitate the states' responsibility to protect the public's health and safety;
- 3 (b) Ensure and encourage the cooperation of party states in the areas of
- 4 advanced practice registered nurse licensure and regulation, including the
- 5 promotion of uniform licensure requirements;
- 6 (c) Facilitate the exchange of information between party states in the areas of
- 7 advanced practice registered nurse regulation, investigation, and adverse
- 8 actions;
- 9 (d) Promote compliance with the laws governing practice by advanced practice
- 10 registered nurses in each jurisdiction;
- 11 (e) Invest all party states with the authority to hold an advanced practice
- 12 registered nurse accountable for meeting all practice laws of the state in
- 13 which the patient is located, at the time care is rendered, through the
- 14 mutual recognition of party-state privileges to practice;
- 15 (f) Decrease redundancies in the consideration and issuance of advanced
- 16 practice registered nurse licenses; and
- 17 (g) Provide opportunities for interstate practice by advanced practice registered
- 18 nurses who meet uniform licensure requirements.

ARTICLE II
DEFINITIONS

Terms used in this Compact mean:

- 22 (1) "Advanced practice registered nurse," a registered nurse who:
- 23 (a) Has gained additional specialized knowledge, skills, and experience through
- 24 a program of study recognized or defined by the Interstate Commission of
- 25 Advanced Practice Registered Nurse Compact Administrators;
- 26 (b) Is licensed to perform advanced nursing practice; and
- 27 (c) Is licensed in an advanced practice registered nurse role that is congruent
- 28 with an advanced practice registered nurse educational program,
- 29 certification, and rules of the commission;
- 30 (2) "Advanced practice registered nurse licensure," the regulatory mechanism used by
- 31 a party-state in granting the authority to practice as an advanced practice
- 32 registered nurse;
- 33 (3) "Advanced practice registered nurse uniform licensure requirements," the
- 34 minimum uniform licensure, education, and examination requirements set forth in
- 35 Article III of this Compact;

- 1 (4) "Adverse action," any administrative, civil, equitable, or criminal action that:
2 (a) Is permitted by a state's laws;
3 (b) Imposed by a licensing board, or other authority, against an advanced
4 practice registered nurse; and
5 (c) Includes actions against an individual's license or multistate licensure
6 privilege, such as revocation, suspension, probation, monitoring of the
7 licensee, limitation on the licensee's practice, and any other encumbrance
8 on licensure affecting an advanced practice registered nurse's authorization
9 to practice, including the issuance of a cease and desist action;
10 (5) "Alternative program," a non-disciplinary monitoring program approved by a
11 licensing board;
12 (6) "Coordinated licensure information system," an integrated process for collecting,
13 storing and sharing information on advanced practice registered nurse licensure
14 and enforcement activities related to advanced practice registered nurse licensure
15 laws, which is administered by a nonprofit organization composed of and controlled
16 by licensing boards;
17 (7) "Current significant investigatory information," investigative information that:
18 (a) A licensing board, after a preliminary inquiry including notification and an
19 opportunity for the advanced practice registered nurse to respond, if
20 required by state law, has reason to believe is not groundless and, if proven
21 true, would indicate more than a minor infraction; or
22 (b) Indicates that the advanced practice registered nurse represents an
23 immediate threat to public health and safety, regardless of whether the
24 advanced practice registered nurse has been notified and had an
25 opportunity to respond;
26 (8) "Encumbrance," a revocation or suspension of, or any limitation on, the full and
27 unrestricted practice of nursing, imposed by a licensing board, in connection with
28 a disciplinary proceeding;
29 (9) "Home state," the party-state that is the advanced practice registered nurse's state
30 of residence;
31 (10) "Licensing board," a party-state's regulatory body responsible for regulating
32 advanced practice registered nursing;
33 (11) "Multistate license," a license to practice as an advanced practice registered nurse,
34 that:
35 (a) Is issued by a home state licensing board; and

- 1 (b) Authorizes the holder to practice as an advanced practice registered nurse
2 in all party-states, under a multistate licensure privilege, in the same role
3 and population focus as the holder is licensed in the holder's home state;
- 4 (12) "Multistate licensure privilege," an authorization, associated with an advanced
5 practice registered nurse multistate license, that permits the holder to practice as
6 an advanced practice registered nurse in a remote state, in the same role and
7 population focus as the holder is licensed for in the holder's home state;
- 8 (13) "Non-controlled prescription drug," a device or drug that:
9 (a) Is not a controlled substance;
10 (b) Is prohibited under state or federal law from being dispensed without a
11 prescription; and
12 (c) Includes a device or drug that bears or is required to bear the legend
13 "Caution: federal law prohibits dispensing without prescription," the legend
14 "prescription only," or any other legend that complies with federal law;
- 15 (14) "Party state," a state that has adopted this Compact;
- 16 (15) "Population focus," a focus on:
17 (a) Family or individuals, or both, across the lifespan;
18 (b) Gerontology;
19 (c) Pediatrics;
20 (d) Neonatal care;
21 (e) Women's health and gender-related care; or
22 (f) Psychology and mental health;
- 23 (16) "Prescriptive authority," the authority to prescribe medications and devices, as
24 defined by party state laws;
- 25 (17) "Remote state," a party state that is not the home state;
- 26 (18) "Role," the role of a certified registered nurse anesthetist, a certified nurse-
27 midwife, a clinical nurse specialist, or a certified nurse practitioner;
- 28 (19) "Single-state license," an advanced practice registered nurse license that:
29 (a) Is issued by a party state;
30 (b) Authorizes practice only within the issuing state; and
31 (c) Does not include licensure privilege to practice in any other party state;
- 32 (20) "State," a state, territory, or possession of the United States, and the District of
33 Columbia;
- 34 (21) "State practice laws," a party state's laws, rules, and regulations, which:
35 (a) Govern advanced practice registered nurses;

- 1 (b) Define the scope of advanced nursing practice;
2 (c) Create the methods and grounds for imposing discipline;
3 (d) Provide for the treatment of prescriptive authority under Article III of this
4 Compact;
5 (e) Do not include a party state's laws, rules, and regulations requiring
6 supervision or collaboration with a healthcare professional, other than those
7 regarding the prescription of controlled substances; and
8 (f) Do not include the requirements to obtain and retain an advanced practice
9 registered nurse license, other than the qualifications or requirements of
10 the home state.

11 ARTICLE III

12 GENERAL PROVISIONS AND JURISDICTION

13 A state shall implement procedures for considering the criminal background check
14 of applicants for initial advanced practice registered nurse licensure or licensure by
15 endorsement. The procedures must include the submission of fingerprints or other
16 biometric-based information by an applicant, for the purpose of obtaining the applicant's
17 criminal background information from the Federal Bureau of Investigation and the agency
18 responsible for retaining the state's criminal records.

19 Each party state shall require that an applicant satisfy the following uniform
20 licensure requirements to obtain, or retain, a multistate license:

- 21 (1) Meet the home state's qualifications for licensure or renewal of licensure, and all
22 other applicable state laws;
23 (2) Complete:
24 (a) An accredited graduate-level education program that prepares the applicant
25 for one of the four recognized roles and population foci; or
26 (b) A foreign advanced practice registered nurse education program for one of
27 the four recognized roles and population foci that has been approved by the
28 authorized accrediting body in the applicable country and verified by an
29 independent credentials review agency to be comparable to a licensing
30 board-approved advanced practice registered nurse education program;
31 (3) If a graduate of a foreign advanced practice registered nurse education program
32 that was not taught in English or if English is not the applicant's native language,
33 successfully pass an English proficiency examination that includes reading,
34 speaking, writing, and listening;

- 1 (4) Pass a national certification examination that measures advanced practice
2 registered nurse roles and population-focused competencies, and maintains
3 continued competence, as evidenced by recertification in the role and population
4 focused competencies, through the national certification program;
5 (5) Holds an active, unencumbered license as a registered nurse and an active,
6 unencumbered authorization to practice as an advanced practice registered nurse;
7 (6) Passes an NCLEX-RN® examination or a recognized predecessor of that
8 examination;
9 (7) Practice at least 2,080 hours as an advanced practice registered nurse, in a role
10 and population focus congruent with the applicant's education and training,
11 provided that for purposes of this subdivision, practice does not include hours
12 obtained as part of enrollment in an advanced practice registered nurse education
13 program;
14 (8) Submits, in connection with an application for initial licensure or licensure by
15 endorsement, fingerprints or other biometric data for the purpose of obtaining
16 criminal background information from the Federal Bureau of Investigation and the
17 agency responsible for retaining the state's criminal records or, if applicable, the
18 foreign country's criminal records;
19 (9) Has not been convicted of, found guilty of, or entered into an agreed disposition
20 of, a felony offense under applicable state, federal, or foreign criminal law;
21 (10) Has not been convicted of, found guilty of, or entered into an agreed disposition
22 of, a misdemeanor offense related to the practice of nursing, as determined by
23 factors set forth in rules adopted by the commission;
24 (11) Is not enrolled in an alternative program;
25 (12) Is subject to self-disclosure requirements regarding current participation in an
26 alternative program; and
27 (13) Has a valid United States Social Security number.

28 An advanced practice registered nurse issued a multistate license must be licensed
29 in an approved role and at least one approved population focus.

30 An advanced practice registered nurse multistate license issued by a home state
31 to a resident of the state must be recognized by each party state, as authorizing the
32 advanced practice registered nurse to practice as an advanced practice registered nurse
33 in each party state, under a multistate licensure privilege, in the same role and population
34 focus as the advanced practice registered nurse is licensed in the home state.

1 Nothing in this Compact affects the requirements established by a party state for
2 the issuance of a single-state license, except that an individual may apply for a single-
3 state license, instead of a multistate license, even if otherwise qualified for the multistate
4 license. The failure of an individual to affirmatively opt for a single-state license may result
5 in the issuance of a multistate license.

6 Issuance of an advanced practice registered nurse multistate license includes
7 prescriptive authority for noncontrolled prescription drugs.

8 For each state in which an advanced practice registered nurse seeks authority to
9 prescribe controlled substances, the advanced practice registered nurse shall satisfy the
10 requirements imposed by the state in granting, or as applicable, in renewing such
11 authority.

12 An advanced practice registered nurse issued a multistate license may assume
13 responsibility and accountability for patient care, independently of any supervisory or
14 collaborative relationship. This authority may be exercised in the home state and in any
15 remote state in which the advanced practice registered nurse exercises a multistate
16 licensure privilege.

17 Each party state may, in accordance with state due process laws, take adverse
18 action against an advanced practice registered nurse's multistate licensure privilege. If a
19 party state takes adverse action, it shall promptly notify the administrator of the
20 coordinated licensure information system. The administrator of the coordinated licensure
21 information system shall promptly notify the home state of any such actions by remote
22 states.

23 Except as otherwise provided in this Compact, an advanced practice registered
24 nurse practicing in a party state shall comply with the state practice laws of the state in
25 which the client is located at the time service is provided. Advanced practice is not limited
26 to patient care. It may include all advanced nursing practice, as defined by the practice
27 laws of the party state in which the client is located. Practice in a party state under a
28 multistate licensure privilege will subject the advanced practice registered nurse to the
29 jurisdiction of the licensing board, the courts, and the laws of the party state in which the
30 client is located at the time service is provided.

31 Except as otherwise provided in this Compact, this Compact does not affect
32 additional requirements imposed by states for advanced practice registered nursing. A
33 multistate licensure privilege to practice registered nursing granted by a party state must
34 be recognized by other party states as satisfying any state law requirement for registered

1 nurse licensure, as a precondition for authorization to practice as an advanced practice
2 registered nurse in that state.

3 An individual not residing in a party state may apply for a party state's single-state
4 advanced practice registered nurse license, as provided under the laws of each party state.
5 A single-state license granted to such an individual does not grant the privilege to practice
6 as an advanced practice registered nurse in any other party state.

7 ARTICLE IV

8 APPLICATIONS FOR ADVANCED PRACTICE REGISTERED NURSE LICENSURE IN A PARTY 9 STATE

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

19 An advanced practice registered nurse may hold a multistate advanced practice
20 registered nurse license, issued by the home state, in only one party state at a time.

21 If an advanced practice registered nurse changes the nurse's home state, the
22 advanced practice registered nurse must apply for advanced practice registered nurse
23 licensure in the nurse's new home state, and the multistate license issued by the prior
24 home state must be deactivated, in accordance with applicable rules of the commission.

25 An advanced practice registered nurse may apply for licensure in advance of a
26 change in the nurse's home state.

27 A multistate advanced practice registered nurse license may not be issued by the
28 new home state until the advanced practice registered nurse provides satisfactory
29 evidence of a change to the new home state and satisfies all applicable requirements to
30 obtain a multistate advanced practice registered nurse license from the new home state.

31 If an advanced practice registered nurse moves from a party state to a non-party
32 state, the advanced practice registered nurse multistate license issued by the prior home
33 state converts to a single-state license, valid only in the former home state.

34 ARTICLE V

35 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

1 In addition to other powers conferred by state law, a licensing board may:

- 2 (1) Take adverse action against an advanced practice registered nurse's multistate
3 licensure privilege to practice within that party state, provided:
- 4 (a) Only the home state may take adverse action against an advanced practice
5 registered nurse's license issued by the home state; and
- 6 (b) For purposes of taking adverse action, the home state licensing board shall
7 give the same priority and effect to reported conduct that occurred outside
8 of the home state as it would if such conduct had occurred within the home
9 state, and in so doing, the home state shall apply its state laws to determine
10 appropriate action;
- 11 (2) Issue cease and desist orders or impose an encumbrance on an advanced practice
12 registered nurse's authority to practice within that party state;
- 13 (3) Complete any pending investigations of an advanced practice registered nurse who
14 changes the nurse's state of residence during the course of an investigation, take
15 appropriate action, and promptly report the conclusions of an investigation to the
16 administrator of the coordinated licensure information system, who shall promptly
17 notify the new home state of any such actions;
- 18 (4) Issue subpoenas for both hearings and investigations that require the attendance
19 and testimony of witnesses, and the production of evidence, provided:
- 20 (a) Subpoenas issued by a party state licensing board for the attendance and
21 testimony of witnesses or the production of evidence from another party
22 state must be enforced in the latter state by a court of competent
23 jurisdiction, according to that court's practice and procedure in considering
24 subpoenas issued in its own proceedings; and
- 25 (b) The licensing board issuing a subpoena shall pay any witness fees, travel
26 expenses, mileage, and other fees required by the service statutes of the
27 state in which the witnesses or evidence are located;
- 28 (5) For an advanced practice registered nurse licensure applicant, obtain and submit
29 fingerprints or other biometric-based information to the Federal Bureau of
30 Investigation for criminal history checks, receive the results from the Federal
31 Bureau of Investigation, and use the results in making licensure decisions;
- 32 (6) If permitted by state law, recover from the affected advanced practice registered
33 nurse the costs of investigations and disposition of cases resulting from any
34 adverse action taken against the advanced practice registered nurse; and

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

3 If adverse action is taken by a home state against an advanced practice registered
4 nurse's multistate licensure, the privilege to practice in all other party states under a
5 multistate licensure privilege is deactivated, until all encumbrances have been removed
6 from the advanced practice registered nurse's multistate license. All home state
7 disciplinary orders that impose adverse action against an advanced practice registered
8 nurse's multistate license must include a statement that the advanced practice registered
9 nurse's multistate licensure privilege is deactivated in all party states during the pendency
10 of the order.

11 Nothing in this Compact overrides a party state's decision that participation in an
12 alternative program may be used in lieu of adverse action. The home state licensing board
13 shall deactivate the multistate licensure privilege under the multistate license of any
14 advanced practice registered nurse for the duration of the advanced practice registered
15 nurse's participation in an alternative program.

16 ARTICLE VI

17 COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

18 All party states shall participate in a coordinated licensure information system of
19 all advanced practice registered nurses, licensed registered nurses, and licensed practical
20 or vocational nurses. This system must include information on the licensure and
21 disciplinary history of each advanced practice registered nurse, as submitted by party
22 states, to assist in the coordinated administration of advanced practice registered nurse
23 licensure and enforcement efforts.

24 The commission, in consultation with the administrator of the coordinated licensure
25 information system, shall formulate procedures for the identification, collection, and
26 exchange of information under this Compact.

27 Each licensing board shall promptly report to the coordinated licensure information
28 system any adverse action, any current significant investigative information, denials of
29 applications and the reason for the denials, and advanced practice registered nurse
30 participation in an alternative program known to the licensing board, regardless of whether
31 the participation is deemed nonpublic or confidential under state law.

32 Notwithstanding any other law, any party state licensing board contributing
33 information to the coordinated licensure information system may designate information
34 that may not be shared with non-party states or disclosed to others without the permission
35 of the contributing state.

1 in the bylaws. The bylaws may provide for an administrator's participation in meetings by
2 telephone or other means of communication.

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

5 All meetings of the commission are open to the public. Public notice of each meeting
6 must be given in accordance with the rulemaking provisions in Article VIII of this Compact.

7 The commission may convene in a closed, nonpublic meeting to discuss:

- 8 (1) A party state's noncompliance with its obligations under this Compact;
9 (2) The employment, compensation, discipline, or other personnel matters, practices
10 or procedures, related to a specific employee, or matters related to the
11 commission's internal personnel practices and procedures;
12 (3) Current, threatened, or reasonably anticipated litigation;
13 (4) The negotiation of contracts for the purchase or sale of goods, services, or real
14 estate;
15 (5) Accusing any person of a crime or formally censuring any person;
16 (6) The disclosure of trade secrets, or commercial or financial information that is
17 privileged or confidential;
18 (7) The disclosure of information that is personal in nature, if disclosure would
19 constitute a clearly unwarranted invasion of personal privacy;
20 (8) The disclosure of investigatory records compiled for law enforcement purposes;
21 (9) The disclosure of information related to any reports prepared by or on behalf of the
22 commission for the purpose of investigating compliance with this Compact; or
23 (10) Matters specifically exempted from disclosure by federal or state statute.

24 If a meeting or portion of a meeting is closed pursuant to this Article, the
25 commission's legal counsel or designee must certify that the meeting may be closed and
26 must reference each relevant exempting provision. The commission shall keep minutes
27 that fully and clearly describe all matters discussed in a meeting and shall provide a full
28 and accurate summary of actions taken, and the reasons therefor, including a description
29 of the views expressed. All documents considered in connection with an action must be
30 identified in the minutes. All minutes and documents of a closed meeting shall remain
31 under seal, subject to release by a majority vote of the commission or by court order.

32 The commission shall, by a majority vote of the administrators, prescribe bylaws
33 or rules to govern its conduct, as necessary or appropriate to carry out the purposes and
34 exercise the powers of this Compact, including: establishing the fiscal year of the
35 commission; providing reasonable standards and procedures for the establishment and

1 meetings of committees and for the general or specific delegation of any authority or
2 function of the commission; establishing procedures for calling and conducting meetings
3 of the commission, ensuring advance notice of all meetings, and providing an opportunity
4 for attendance at meetings by interested parties, with enumerated exceptions designed
5 to protect the public's interest, the privacy of individuals, and proprietary information,
6 including trade secrets.

7 The commission may meet in closed session only after a majority of the
8 administrators vote to close a meeting, in whole or in part. As soon as practicable, the
9 commission shall make public a copy of the vote to close the meeting, revealing the vote
10 of each administrator. No proxy votes are allowed.

11 The commission shall, by a majority vote of the administrators, establish the titles,
12 duties, and authority and procedures for the election of the commission's officers; and
13 provide standards and procedures for the establishment of personnel policies and
14 programs of the commission. Notwithstanding any civil service or other similar laws of any
15 party state, the bylaws exclusively govern the personnel policies and programs of the
16 commission.

17 The commission shall, by a majority vote of the administrators, provide a
18 mechanism for winding up the operations of the commission and for the equitable
19 disposition of any surplus funds that may exist after the termination of this Compact and
20 the payment or reserving of its debts and obligations.

21 The commission shall publish its bylaws and rules, and any amendments to the
22 bylaws or rules, in a convenient form on the website of the commission; maintain its
23 financial records in accordance with the bylaws; and meet and take such actions as are
24 consistent with this Compact and the bylaws.

25 The commission may promulgate uniform rules to facilitate and coordinate
26 implementation and administration of this Compact and any rules so promulgated have
27 the force and effect of law and are binding in all party states.

28 The commission may bring and prosecute legal proceedings or actions in the name
29 of the commission, provided that the standing of any licensing board to sue or be sued
30 under applicable law is not be affected.

31 The commission may purchase and maintain insurance and bonds.

32 The commission may borrow, accept, or contract for services of personnel,
33 including employees of a party state or a nonprofit organization.

1 The commission may cooperate with any other organization that administers state
2 compacts related to the regulation of nursing, including the sharing of administrative or
3 staff expenses, office space, and other resources.

4 The commission may hire employees, elect or appoint officers, fix compensation,
5 define duties, and grant such individuals the authority to carry out the purposes of this
6 Compact and the authority to establish the commission's personnel policies and programs
7 relating to conflicts of interest, qualifications of personnel, and other related personnel
8 matters.

9 The commission may accept donations, grants, and gifts of money, equipment,
10 supplies, materials, and services, and receive, utilize, and dispose of the same, provided
11 the commission strives to avoid any appearance of impropriety or conflict of interest.

12 The commission may lease, purchase, accept gifts or donations of, or otherwise
13 own, hold, improve, or use, any property, whether real or personal, provided the
14 commission strives to avoid any appearance of impropriety.

15 The commission may sell, convey, mortgage, pledge, lease, exchange, abandon or
16 otherwise dispose of any property, whether real or personal.

17 The commission may establish a budget and make expenditures.

18 The commission may borrow money.

19 The commission may appoint committees, including advisory committees
20 comprised of administrators, state nursing regulators, state legislators or their
21 representatives, consumer representatives, and other interested persons.

22 The commission may issue advisory opinions.

23 The commission may provide and receive information from, and cooperate with,
24 law enforcement agencies.

25 The commission may adopt and use an official seal.

26 The commission may perform other functions as necessary or appropriate to
27 achieve the purposes of this Compact, consistent with the state regulation of advanced
28 practice registered nurse licensure and practice.

29 The commission shall pay, or provide for the payment of, the reasonable expenses
30 of its establishment, organization, and ongoing activities.

31 The commission may levy on and collect an annual assessment from each party
32 state to cover the cost of its operations, activities, and staff, in its annual budget as
33 approved each year.

1 The aggregate annual assessment amount, if any, must be allocated based upon a
2 formula to be determined by the commission, which shall promulgate a rule that is binding
3 upon all party states.

4 The commission may not incur obligations of any kind prior to securing the funds
5 adequate to meet the same, nor may the commission pledge the credit of any party state,
6 except by, and with the authority of, such party state.

7 The commission shall keep accurate accounts of all receipts and disbursements.
8 The receipts and disbursements of the commission are subject to the audit and accounting
9 procedures established under the bylaws of the commission. All receipts and the
10 disbursement of moneys handled by the commission must be audited annually, by a
11 certified or licensed public accountant, and the report of the audit must be included in and
12 become part of the annual report of the commission.

13 The administrators, officers, executive director, employees, and representatives of
14 the commission are immune from suit and liability, either personally or in their official
15 capacity, for any claim for damage to or loss of property or personal injury or other civil
16 liability caused by or arising out of any actual or alleged act, error, or omission, that
17 occurred or which the person against whom the claim is made had a reasonable basis for
18 believing occurred, within the scope of commission employment, duties, or
19 responsibilities, provided that nothing in this paragraph may be construed to protect any
20 such person from suit or liability for any damage, loss, injury, or liability, caused by the
21 intentional, willful, or wanton misconduct of that person.

22 The commission shall defend any administrator, officer, executive director,
23 employee, or representative of the commission, in any civil action seeking to impose
24 liability arising out of any actual or alleged act, error, or omission, that occurred within
25 the scope of commission employment, duties, or responsibilities, or that the person
26 against whom the claim is made had a reasonable basis for believing occurred within the
27 scope of commission employment, duties, or responsibilities, provided that nothing in this
28 paragraph may be construed to prohibit that person from retaining the person's own
29 counsel, and further provided that the actual or alleged act, error, or omission did not
30 result from that person's intentional, willful, or wanton misconduct.

31 The commission shall indemnify and hold harmless any administrator, officer,
32 executive director, employee, or representative of the commission, for the amount of any
33 settlement or judgment obtained against that person arising out of any actual or alleged
34 act, error, or omission that occurred within the scope of commission employment, duties
35 or responsibilities, or that the person had a reasonable basis for believing occurred within

1 the scope of commission employment, duties, or responsibilities, provided that the actual
2 or alleged act, error, or omission did not result from the intentional, willful, or wanton
3 misconduct of that person.

4 ARTICLE VIII

5 RULEMAKING

6 The commission shall exercise its rulemaking powers pursuant to the criteria set
7 forth in this Article and the rules adopted hereunder. Rules and amendments become
8 binding as of the date specified in each and have the same force and effect as provisions
9 of this Compact.

10 Rules and amendments to the rules must be adopted at a regular or special meeting
11 of the commission.

12 Before promulgation and adoption of a final rule or any rule by the commission,
13 and at least sixty days in advance of the meeting at which the rule will be considered and
14 voted upon, the commission shall file a notice of proposed rulemaking on the commission's
15 website and on the website of each licensing board or in the publication in which each
16 state would otherwise publish proposed rules.

17 The notice of proposed rulemaking must include:

- 18 (1) The proposed time, date, and location of the meeting in which the rule will be
19 considered and voted upon;
20 (2) The text of the proposed rule, and the reason for the proposed rule;
21 (3) A request for comments on the proposed rule from any interested person; and
22 (4) The manner in which a person may submit notice to the commission of the person's
23 intention to attend the public hearing and any written comments.

24 Before the adoption of a proposed rule or amendment, the commission shall allow
25 persons to submit written data, facts, opinions, and arguments, which must be made
26 available to the public.

27 The commission shall grant an opportunity for a public hearing before it adopts a
28 rule or amendment.

29 The commission shall publish the place, time, and date of the public hearing. A
30 public hearing must be conducted in a manner that provides each person who wishes to
31 comment a fair and reasonable opportunity to comment orally or in writing. Each hearing
32 must be recorded, and a copy of the recording must be made available upon request.

33 Nothing in this Article requires a separate hearing on each rule. Rules may be
34 grouped, at hearings required by this section, for the convenience of the commission.

1 If no one appears at the public hearing, the commission may proceed with
2 promulgation of the proposed rule.

3 Following the scheduled hearing date, or by the close of business on the scheduled
4 hearing date if the hearing was not held, the commission shall consider all written and
5 oral comments received.

6 The commission shall, by majority vote of all administrators, take final action on
7 the proposed rule and shall determine the effective date of the rule, if any, based on the
8 rulemaking record and the full text of the rule.

9 Upon determination that an emergency exists, the commission may consider and
10 adopt an emergency rule without prior notice, opportunity for comment, or hearing,
11 provided that the usual rulemaking procedures provided in this Compact and in this section
12 are retroactively applied to the rule, as soon as reasonably possible, but not later than
13 ninety days after the effective date of the rule. For the purposes of this provision, an
14 emergency rule is one that must be adopted immediately, in order to meet an imminent
15 threat to public health, safety or welfare, prevent a loss of commission or party state
16 moneys, or meet a deadline for the promulgation of an administrative rule that is
17 established by federal law or regulation.

18 The commission may direct revisions to a previously adopted rule or amendment
19 for purposes of correcting typographical errors, errors in formatting, errors in consistency,
20 or grammatical errors. Public notice of any revisions must be posted on the website of the
21 commission. A revision may be challenged by any person for a period of thirty days after
22 the revision is posted. The revision may be challenged only on grounds that the revision
23 results in a material change to a rule. A challenge must be made in writing, and delivered
24 to the commission, before the end of the notice period. If no challenge is made, the
25 revision takes effect without further action. If the revision is challenged, the revision may
26 not take effect without the approval of the commission.

27 ARTICLE IX

28 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

29 Each party state shall enforce this Compact and take all actions necessary and
30 appropriate to effectuate this Compact's purposes and intent.

31 The commission may receive service of process in any proceeding that may affect
32 the powers, responsibilities, or actions of the commission, and has standing to intervene
33 in such a proceeding for all purposes. Failure to provide service of process to the
34 commission renders a judgment or order void as to the commission, this Compact, or
35 promulgated rules.

1 If the commission determines that a party state has defaulted in the performance
2 of its obligations or responsibilities under this Compact or under the promulgated rules,
3 the commission shall provide written notice to the defaulting state and other party states
4 of the nature of the default, the proposed means of curing the default, and any other
5 action to be taken by the commission and shall provide remedial training and specific
6 technical assistance regarding the default.

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

12 Termination of membership in this Compact may be imposed only after all other
13 means of securing compliance have been exhausted. Notice of the intent to suspend or
14 terminate membership must be given by the commission to the Governor of the defaulting
15 state and to the executive officer of the defaulting state's licensing board, the defaulting
16 state's licensing board, and each of the party states.

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

20 The commission may not bear any costs related to a state that is found to be in
21 default or whose membership in this Compact has been terminated, unless agreed upon,
22 in writing, between the commission and the defaulting state.

23 A defaulting state may appeal the action of the commission by petitioning the
24 United States District Court for the District of Columbia or for the federal district in which
25 the commission has its principal offices. The prevailing party must be awarded all costs of
26 the litigation, including reasonable attorneys' fees.

27 At the request of a party state, the commission shall attempt to resolve a dispute
28 that is related to the Compact and which arises among party states or between party and
29 non-party states.

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

32 If the commission cannot resolve a dispute among party states arising under this
33 Compact, the party states may submit the issues in dispute to an arbitration panel,
34 comprised of individuals appointed by the Compact administrator in each of the affected
35 party states and an individual mutually agreed upon by the Compact administrators of all

1 the party states involved in the dispute. A decision by a majority of the arbitrators is final
2 and binding.

3 The commission, in the reasonable exercise of its discretion, shall enforce the
4 provisions and rules of this Compact.

5 To enforce compliance with this Compact, its bylaws, and rules promulgated under
6 this Compact, against a party state that is in default, the commission may, by majority
7 vote, initiate legal action in the United States District Court for the District of Columbia or
8 the federal district in which the commission has its principal offices. The relief sought may
9 include both injunctive relief and damages. If judicial enforcement is necessary, the
10 prevailing party must be awarded all costs of the litigation, including reasonable attorneys'
11 fees.

12 The remedies provided for in this Article are not the exclusive remedies of the
13 commission. The commission may pursue any other remedies available under federal or
14 state law.

15 ARTICLE X

16 EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

17 When enacted into law, in seven party states, this Compact becomes effective for the
18 limited purpose of establishing and convening the commission to adopt rules related to its
19 operation.

20 Any state that joins the Compact after the commission's initial adoption of the
21 advanced practice registered nurse uniform licensure requirements is subject to all rules
22 that have been previously adopted by the commission.

23 A party state may withdraw from this Compact by enacting a statute that repeals
24 the Compact. A party state's withdrawal is not effective until six months after enactment
25 of the repealing statute.

26 A party state's withdrawal or termination does not affect the continuing
27 requirement of the withdrawing or terminated state's licensing board to report adverse
28 actions and significant investigations occurring prior to the effective date of the withdrawal
29 or termination.

30 Nothing contained in this Compact invalidates or prevents any advanced practice
31 registered nurse licensure agreement or other cooperative arrangement between a party
32 state and a non-party state, provided the agreement or arrangement does not conflict
33 with this Compact.

34 This Compact may be amended by the party states. No amendment to this Compact
35 is effective and binding upon any party state until it is enacted into law by all the party

1 states. Representatives of non-party states to this Compact shall be invited to participate
2 in the activities of the commission, on a nonvoting basis, prior to the adoption of this
3 Compact by all states.

4 ARTICLE XI

5 CONSTRUCTION AND SEVERABILITY

6 This Compact must be liberally construed so as to effectuate its purposes. The
7 provisions of this Compact are severable and, if any portion of this Compact is declared
8 to be contrary to the constitution of any party state or of the United States, or if the
9 applicability thereof, to any government, agency, person, or circumstance, is held invalid,
10 the validity of the remainder of this Compact and its applicability is not affected.

11 If this Compact is held to be contrary to the constitution of any party state, this
12 Compact must remain in full force and effect, as to the remaining party states, and in full
13 force and effect as to the party state affected, as to all severable matters.

14 **Section 2. That a NEW SECTION be added to title 36:**

15 Nothing in the Advanced Practice Registered Nurse Compact, as set forth in section
16 1 of this Act, supersedes any law of this state related to:

17 (1) An individual's scope of practice; or

18 (2) Supervision and collaborative requirements.

19