

SUBSTITUTE FOR  
HOUSE BILL NO. 5493

(As amended March 22, 2006)

[A bill entering into the nurse licensure compact; and to repeal acts and parts of acts.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 NURSE LICENSURE COMPACT

2 ARTICLE I. FINDINGS AND PURPOSES

3 The party states find that:

4 a. The health and safety of the public are affected by the  
5 degree of compliance with and the effectiveness of enforcement  
6 activities related to state nurse licensure laws.

7 b. Violations of nurse licensure and other laws regulating the  
8 practice of nursing may result in injury or harm to the public.

9 c. The expanded mobility of nurses and the use of advanced  
10 communication technologies as part of our nation's health care  
11 delivery system require greater coordination and cooperation among  
12 states in the areas of nurse licensure and regulation.

1           d. New practice modalities and technology make compliance with  
2 individual state nurse licensure laws difficult and complex.

3           e. The current system of duplicative licensure for nurses  
4 practicing in multiple states is cumbersome and redundant to both  
5 nurses and states.

6           The general purposes of this compact are to:

7           a. Facilitate the states' responsibility to protect the  
8 public's health and safety.

9           b. Ensure and encourage the cooperation of party states in the  
10 areas of nurse licensure and regulation.

11           c. Facilitate the exchange of information between party states  
12 in the areas of nurse regulation, investigation, and adverse  
13 actions.

14           d. Promote compliance with the laws governing the practice of  
15 nursing in each jurisdiction.

16           e. Invest all party states with the authority to hold a nurse  
17 accountable for meeting all state practice laws in the state in  
18 which the patient is located at the time care is rendered through  
19 the mutual recognition of party state licenses.

## 20                           ARTICLE II. DEFINITIONS

21           As used in this compact:

22           a. "Adverse action" means a home or remote state action.

23           b. "Alternative program" means a voluntary, nondisciplinary  
24 monitoring program approved by a nurse licensing board.

25           c. "Coordinated licensure information system" means an  
26 integrated process for collecting, storing, and sharing information  
27 on nurse licensure and enforcement activities related to nurse

1 licensure laws, which is administered by a nonprofit organization  
2 composed of and controlled by state nurse licensing boards.

3 d. "Current significant investigative information" means  
4 investigative information that a licensing board, after a  
5 preliminary inquiry that includes notification and an opportunity  
6 for the nurse to respond if required by state law, has reason to  
7 believe is not groundless and, if proved true, would indicate more  
8 than a minor infraction or investigative information that indicates  
9 that the nurse represents an immediate threat to public health and  
10 safety regardless of whether the nurse has been notified and had an  
11 opportunity to respond.

12 e. "Home state" means the party state which is the nurse's  
13 primary state of residence.

14 f. "Home state action" means any administrative, civil,  
15 equitable, or criminal action permitted by the home state's laws  
16 which are imposed on a nurse by the home state's licensing board or  
17 other authority including actions against an individual's license  
18 such as revocation, suspension, probation, or any other action  
19 which affects a nurse's authorization to practice.

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

22 h. "Multistate licensure privilege" means current, official  
23 authority from a remote state permitting the practice of nursing as  
24 either a registered nurse or a licensed practical nurse in a party  
25 state. All party states have the authority, in accordance with  
26 existing state due process law, to take actions against the nurse's  
27 privilege such as revocation, suspension, probation, or any other

1 action which affects a nurse's authorization to practice.

2 i. "Nurse" means a registered nurse or licensed practical  
3 nurse, as those terms are defined by each party's state practice  
4 laws.

5 j. "Party state" means any state that has adopted this  
6 compact.

7 k. "Remote state" means a party state, other than the home  
8 state, where the patient is located at the time nursing care is  
9 provided, or, in the case of the practice of nursing not involving  
10 a patient, in a party state where the recipient of nursing practice  
11 is located.

12 l. "Remote state action" means any administrative, civil,  
13 equitable, or criminal action permitted by a remote state's laws  
14 which are imposed on a nurse by the remote state's licensing board  
15 or other authority including actions against an individual's  
16 multistate licensure privilege to practice in the remote state, and  
17 cease and desist and other injunctive or equitable orders issued by  
18 remote states or the licensing boards of the remote states.

19 m. "State" means a state, territory, or possession of the  
20 United States, the District of Columbia, or the Commonwealth of  
21 Puerto Rico.

22 n. "State practice laws" means those individual party's state  
23 laws and regulations that govern the practice of nursing, define  
24 the scope of nursing practice, and create the methods and grounds  
25 for imposing discipline.

26 o. "State practice laws" does not include the initial  
27 qualifications for licensure or requirements necessary to obtain

1 and retain a license, except for qualifications or requirements of  
2 the home state.

3 ARTICLE III. GENERAL PROVISIONS AND JURISDICTION

4 a. A license to practice registered nursing issued by a home  
5 state to a resident in that state will be recognized by each party  
6 state as authorizing a multistate licensure privilege to practice  
7 as a registered nurse in a party state. A license to practice  
8 licensed practical nursing issued by a home state to a resident in  
9 that state will be recognized by each party state as authorizing a  
10 multistate licensure privilege to practice as a licensed practical  
11 nurse in a party state. In order to obtain or retain a license, an  
12 applicant must meet the home state's qualifications for licensure  
13 and license renewal as well as all other applicable state laws.

14 b. Party states may, in accordance with state due process  
15 laws, limit or revoke the multistate licensure privilege of any  
16 nurse to practice in their state and may take any other actions  
17 under their applicable state laws necessary to protect the health  
18 and safety of their citizens. If a party state takes such action,  
19 it shall promptly notify the administrator of the coordinated  
20 licensure information system. The administrator of the coordinated  
21 licensure information system shall promptly notify the home state  
22 of any such actions by remote states.

23 c. Every nurse practicing in a party state must comply with  
24 the state practice laws of the state in which the patient is  
25 located at the time care is rendered. In addition, the practice of  
26 nursing is not limited to patient care, but shall include all  
27 nursing practice as defined by the state practice laws of a party

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1 state. The practice of nursing will subject a nurse to the  
2 jurisdiction of the nurse licensing board and the courts, as well  
3 as the laws, in that party state.

[d. A nurse who has been granted multi-state licensing privileges  
by a party state shall notify the board of nursing in this state, on a  
standard form provided by the board, before commencing any nursing  
practice in this state, of the identity and location of the nurse's  
prospective practice location, the nurse's current address, and other  
contact information as requested. A nurse shall maintain at all times a  
current address and contact information during practice in this state.

4 e.] This compact does not affect additional requirements  
5 imposed by states for advanced practice registered nursing.

6 However, a multistate licensure privilege to practice registered  
7 nursing granted by a party state shall be recognized by other party  
8 states as a license to practice registered nursing if one is  
9 required by state law as a precondition for qualifying for advanced  
10 practice registered nurse authorization.

11 [f.] Individuals not residing in a party state shall continue to  
12 be able to apply for nurse licensure as provided for under the laws  
13 of each party state. However, the license granted to these  
14 individuals will not be recognized as granting the privilege to  
15 practice nursing in any other party state unless explicitly agreed  
16 to by that party state.

#### 17 ARTICLE IV. APPLICATIONS FOR LICENSURE IN PARTY STATE

18 a. Upon application for a license, the licensing board in a  
19 party state shall ascertain, through the coordinated licensure  
20 information system, whether the applicant has ever held, or is the  
21 holder of, a license issued by any other state, whether there are  
22 any restrictions on the multistate licensure privilege, and whether  
23 any other adverse action by any state has been taken against the  
24 license.

25 b. A nurse in a party state shall hold licensure in only one  
26 party state at a time, issued by the home state.

27 c. A nurse who intends to change primary state of residence

1 may apply for licensure in the new home state in advance of the  
2 change. However, new licenses will not be issued by a party state  
3 until after a nurse provides evidence of change in primary state of  
4 residence satisfactory to the new home state's licensing board.

5 d. When a nurse changes primary state of residence by:

6 1. Moving between two party states, and obtains a license from  
7 the new home state, the license from the former home state is no  
8 longer valid.

9 2. Moving from a nonparty state to a party state, and obtains  
10 a license from the new home state, the individual state license  
11 issued by the nonparty state is not affected and will remain in  
12 full force if so provided by the laws of the nonparty state.

13 3. Moving from a party state to a nonparty state, the license  
14 issued by the prior home state converts to an individual state  
15 license, valid only in the former home state, without the  
16 multistate licensure privilege to practice in other party states.

#### 17 ARTICLE V. ADVERSE ACTIONS

18 In addition to the general provisions described in Article  
19 III, the following provisions apply:

20 a. The licensing board of a remote state shall promptly report  
21 to the administrator of the coordinated licensure information  
22 system any remote state actions including the factual and legal  
23 basis for such action, if known. The licensing board of a remote  
24 state shall also promptly report any significant current  
25 investigative information yet to result in a remote state action.  
26 The administrator of the coordinated licensure information system  
27 shall promptly notify the home state of any such reports.

1           b. The licensing board of a party state shall have the  
2 authority to complete any pending investigations for a nurse who  
3 changes primary state of residence during the course of such  
4 investigations. It shall also have the authority to take  
5 appropriate action, and shall promptly report the conclusions of  
6 the investigations to the administrator of the coordinated  
7 licensure information system. The administrator of the coordinated  
8 licensure information system shall promptly notify the new home  
9 state of any actions.

10           c. A remote state may take adverse action affecting the  
11 multistate licensure privilege to practice within that party state.  
12 However, only the home state shall have the power to impose adverse  
13 action against the license issued by the home state.

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

19           e. The home state may take adverse action based on the factual  
20 findings of the remote state, so long as each state follows its own  
21 procedures for imposing such adverse action.

22           f. Nothing in this compact shall override a party state's  
23 decision that participation in an alternative program may be used  
24 in lieu of licensure action and that participation shall remain  
25 nonpublic if required by the party state's laws. Party states must  
26 require nurses who enter any alternative programs to agree not to  
27 practice in any other party state during the term of the



1 alternative program without prior authorization from the other  
2 party state.

3 ARTICLE VI. ADDITIONAL AUTHORITIES

4 Notwithstanding any other powers, party state nurse licensing  
5 boards shall have the authority to:

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

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

20 c. Issue cease and desist orders to limit or revoke a nurse's  
21 authority to practice in his or her state.

22 d. Promulgate uniform rules and regulations as provided for in  
23 Article VIII(c).

24 ARTICLE VII. COORDINATED LICENSURE INFORMATION SYSTEM

25 a. All party states shall participate in a cooperative effort  
26 to create a coordinated database of all licensed registered nurses  
27 and licensed practical nurses. This system will include information

1 on the licensure and disciplinary history of each nurse, as  
2 contributed by party states, to assist in the coordination of nurse  
3 licensure and enforcement efforts.

4 b. Notwithstanding any other provision of law, all party  
5 states' licensing boards shall promptly report adverse actions,  
6 actions against multistate licensure privileges, any current  
7 significant investigative information yet to result in adverse  
8 action, denials of applications, and the reasons for such denials,  
9 to the coordinated licensure information system.

10 c. Current significant investigative information shall be  
11 transmitted through the coordinated licensure information system  
12 only to party state licensing boards.

13 d. Notwithstanding any other provision of law, all party  
14 states' licensing boards contributing information to the  
15 coordinated licensure information system may designate information  
16 that may not be shared with nonparty states or disclosed to other  
17 entities or individuals without the express permission of the  
18 contributing state.

19 e. Any personally identifiable information obtained by a party  
20 states' licensing board from the coordinated licensure information  
21 system may not be shared with nonparty states or disclosed to other  
22 entities or individuals except to the extent permitted by the laws  
23 of the party state contributing the information.

24 f. Any information contributed to the coordinated licensure  
25 information system that is subsequently required to be expunged by  
26 the laws of the party state contributing that information, shall  
27 also be expunged from the coordinated licensure information system.

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

6       ARTICLE VIII. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

7           a. The head of the nurse licensing board of each party state,  
8 or his or her designee, shall be the administrator of this compact  
9 for his or her state.

10          b. The compact administrator of each party state shall furnish  
11 to the compact administrator of each other party state any  
12 information and documents including, but not limited to, a uniform  
13 data set of investigations, identifying information, licensure  
14 data, and disclosable alternative program participation information  
15 to facilitate the administration of this compact.

16          c. Compact administrators shall have the authority to develop  
17 uniform rules to facilitate and coordinate implementation of this  
18 compact. Within 1 year after the effective date of this act, these  
19 uniform rules shall be adopted by party states, under the authority  
20 invested under Article VI(d).

21                       ARTICLE IX. IMMUNITY

22          No party state or the officers or employees or agents of a  
23 party state's nurse licensing board who acts in accordance with the  
24 provisions of this compact shall be liable on account of any act or  
25 omission in good faith while engaged in the performance of their  
26 duties under this compact. Good faith in this article shall not  
27 include willful misconduct, gross negligence, or recklessness.

ARTICLE X. ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

a. This compact shall become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but a withdrawal shall not take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

b. No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

c. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.

d. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

ARTICLE XI. CONSTRUCTION AND SEVERABILITY

a. This compact shall be liberally construed so as to effectuate the purposes of this compact. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this

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compact and the applicability of this compact to any government, agency, person, or circumstance shall not be affected. If this compact shall be held contrary to the constitution of any state party to this compact, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

b. In the event party states find a need for settling disputes arising under this compact:

1. The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote states involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.

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

Enacting section 1. [(1)] This act takes effect 6 months after it is enacted into law.

[(2) Pursuant to Article X(a), notice of withdrawal from this compact is given effective December 31, 2011, and this act is repealed effective July 1, 2012.]

Enacting section 2. This act does not take effect unless Senate Bill No. \_\_\_\_ or House Bill No. 5750 of the 93rd Legislature is enacted into law.