

**STATE AND LOCAL GOVERNMENT / INTERSTATE  
COOPERATION AND LEGAL DEVELOPMENT**

## **Advanced Practice Registered Nurse Compact**

In 2002, the NCSBN Delegate Assembly approved the adoption of model language for a licensure compact for APRNs that would facilitate interstate practice for all four APRN roles: nurse practitioners, nurse midwives, clinical nurse specialists, and nurse anesthetists. Under the APRN Compact, only states that adopted the RN and LPN/VN NLC would be eligible to implement the compact for APRNs.

Utah was the first state to pass APRN Compact legislation in 2004 (Senate Bill 107) with Iowa following shortly thereafter that same year (House File 784). Texas passed the law in June 2007 (House Bill 2426).

Implementation of the APRN Compact was halted due to issues surrounding lack of uniformity of APRN titles and practice from state to state. In response, NCSBN, along with other nursing organizations, developed and began implementing the APRN Consensus Model, which addressed these problems.

### **Suggested State Legislation**

(Title, enacting clause, etc.)

- 1 Article I. [*Findings and Declaration of Purpose.*]  
2 a. The party states find that:  
3 1. The health and safety of the public are affected by the degree of compliance with APRN  
4 licensure requirements and the effectiveness of enforcement activities related to state  
5 APRN licensure laws;  
6 2. Violations of APRN licensure and other laws regulating the practice of nursing may result  
7 in injury or harm to the public;  
8 3. The expanded mobility of APRNs and the use of advanced communication technologies  
9 as part of our nation's health care delivery system require greater coordination and  
10 cooperation among states in the areas of APRN licensure and regulation;  
11 4. New practice modalities and technology make compliance with individual state APRN  
12 licensure laws difficult and complex;  
13 5. The current system of duplicative APRN licensure for APRNs practicing in multiple states  
14 is cumbersome and redundant for both APRNs and states;  
15 6. Uniformity of APRN licensure requirements throughout the states promotes public safety  
16 and public health benefits.  
17 b. The general purposes of this Compact are to:  
18 1. Facilitate the states' responsibility to protect the public's health and safety;  
19 2. Ensure and encourage the cooperation of party states in the areas of APRN licensure and  
20 regulation, including promotion of uniform licensure requirements;  
21 3. Facilitate the exchange of information between party states in the areas of APRN  
22 regulation, investigation and adverse actions;  
23 4. Promote compliance with the laws governing APRN practice in each jurisdiction;  
24 5. Invest all party states with the authority to hold an APRN accountable for meeting all  
25 state practice laws in the state in which the patient is located at the time care is rendered

- 1 through the mutual recognition of party state licenses;
- 2 6. Decrease redundancies in the consideration and issuance of APRN licenses; and
- 3 7. Provide opportunities for interstate practice by APRNs who meet uniform licensure
- 4 requirements.

5  
6 Article II. [Definitions.]

7 As used in this Compact:

- 8 a. “Advanced practice registered nurse” or “APRN” means a registered nurse who has gained
- 9 additional specialized knowledge, skills and experience through a program of study
- 10 recognized or defined by the Interstate Commission of APRN Compact Administrators
- 11 (“Commission”), and who is licensed to perform advanced nursing practice. An advanced
- 12 practice registered nurse is licensed in an APRN role that is congruent with an APRN
- 13 educational program, certification, and Commission rules.
- 14 b. “Adverse action” means any administrative, civil, equitable or criminal action permitted by a
- 15 state’s laws which is imposed by a licensing board or other authority against an APRN,
- 16 including actions against an individual’s license or multistate licensure privilege such as
- 17 revocation, suspension, probation, monitoring of the licensee, limitation on the licensee’s
- 18 practice, or any other encumbrance on licensure affecting an APRN’s authorization to
- 19 practice, including the issuance of a cease and desist action.
- 20 c. “Alternative program” means a, non-disciplinary monitoring program approved by a licensing
- 21 board.
- 22 d. “APRN licensure” means the regulatory mechanism used by a party state to grant legal
- 23 authority to practice as an APRN.
- 24 e. “APRN uniform licensure requirements” means minimum uniform licensure, education and
- 25 examination requirements as adopted by the Commission.
- 26 f. “Coordinated licensure information system” means an integrated process for collecting, storing
- 27 and sharing information on APRN licensure and enforcement activities related to APRN
- 28 licensure laws that is administered by a nonprofit organization composed of and controlled by
- 29 licensing boards.
- 30 g. “Current significant investigatory information” means:
- 31 1. Investigative information that a licensing board, after a preliminary inquiry that includes
- 32 notification and an opportunity for the APRN to respond, if required by state law, has
- 33 reason to believe is not groundless and, if proved true, would indicate more than a minor
- 34 infraction; or
- 35 2. Investigative information that indicates that the APRN represents an immediate threat to
- 36 public health and safety regardless of whether the APRN has been notified and had an
- 37 opportunity to respond.
- 38 h. “Encumbrance” means a revocation or suspension of, or any limitation on, the full and
- 39 unrestricted practice of nursing imposed by a licensing board.
- 40 i. “Home state” means the party state that is the APRN’s primary state of residence.
- 41 j. “Licensing board” means a party state’s regulatory body responsible for regulating the practice
- 42 of advanced practice registered nursing.
- 43 k. “Multistate license” means an APRN license to practice as an APRN issued by a home state
- 44 licensing board that authorizes the APRN to practice as an APRN in all party states under a
- 45 multistate licensure privilege, in the same role and population focus as the APRN is licensed in
- 46 the home state.

- 1 l. “Multistate licensure privilege” means a legal authorization associated with an APRN  
2 multistate license that permits an APRN to practice as an APRN in a remote state, in the  
3 same role and population focus as the APRN is licensed in the home state.
- 4 m. “Non-controlled prescription drug” means a device or drug that is not a controlled substance  
5 and is prohibited under state or federal law from being dispensed without a prescription. The  
6 term includes a device or drug that bears or is required to bear the legend “Caution: federal law  
7 prohibits dispensing without prescription” or “prescription only” or other legend that complies  
8 with federal law.
- 9 n. “Party state” means any state that has adopted this Compact.
- 10 o. “Population focus” means a specific patient population that is congruent with the APRN  
11 educational program, certification, and Commission rules.
- 12 p. “Prescriptive authority” means the legal authority to prescribe medications and devices as  
13 defined by party state laws.
- 14 q. “Remote state” means a party state that is not the home state.
- 15 r. “Single-state license” means an APRN license issued by a party state that authorizes practice  
16 only within the issuing state and does not include a multistate licensure privilege to practice  
17 in any other party state.
- 18 s. “State” means a state, territory or possession of the United States and the District of Columbia.
- 19 t. “State practice laws” means a party state’s laws, rules, and regulations that govern APRN  
20 practice, define the scope of advanced nursing practice, including prescriptive authority, and  
21 create the methods and grounds for imposing discipline. State practice laws do not include the  
22 requirements necessary to obtain and retain an APRN license, except for qualifications or  
23 requirements of the home state.
- 24

25 Article III. [*General Provisions and Jurisdiction.*]

- 26 a. A state must implement procedures for considering the criminal history records of applicants  
27 for initial APRN licensure or APRN licensure by endorsement. Such procedures shall include  
28 the submission of fingerprints or other biometric-based information by APRN applicants for  
29 the purpose of obtaining an applicant’s criminal history record information from the Federal  
30 Bureau of Investigation and the agency responsible for retaining that state’s criminal records.
- 31 b. By rule, the Commission shall adopt the APRN Uniform Licensure Requirements (“ULRs”).  
32 The ULRs shall provide the minimum requirements for APRN multistate licensure in party  
33 states, provided that the Commission may adopt rules whereby an APRN, with an  
34 unencumbered license on the effective date of this Compact, may obtain, by endorsement or  
35 otherwise, and retain a multistate license in a party state.
- 36 c. In order to obtain or retain a multistate license, an APRN must meet, in addition to the ULRs,  
37 the home state’s qualifications for licensure or renewal of licensure, as well as, all other  
38 applicable home state laws.
- 39 d. By rule, the Commission shall identify the approved APRN roles and population foci for  
40 licensure as an APRN. An APRN issued a multistate license shall be licensed in an approved  
41 APRN role and at least one approved population focus.
- 42 e. An APRN multistate license issued by a home state to a resident in that state will be  
43 recognized by each party state as authorizing the APRN to practice as an APRN in each party  
44 state, under a multistate licensure privilege, in the same role and population focus as the  
45 APRN is licensed in the home state. If an applicant does not qualify for a multistate license, a  
46 single-state license may be issued by a home state.

- 1 f. Issuance of an APRN multistate license shall include prescriptive authority for noncontrolled  
2 prescription drugs, unless the APRN was licensed by the home state prior to the home state's  
3 adoption of this Compact and has not previously held prescriptive authority.
- 4 1. An APRN granted prescriptive authority for noncontrolled prescription drugs in the home  
5 state may exercise prescriptive authority for noncontrolled prescription drugs in any  
6 remote state while exercising a multistate licensure privilege under an APRN multistate  
7 license; the APRN shall not be required to meet any additional eligibility requirements  
8 imposed by the remote state in exercising prescriptive authority for noncontrolled  
9 prescription drugs.
- 10 2. Prescriptive authority in the home state for an APRN who was not granted prescriptive  
11 authority at the time of initial licensure by the home state, prior to the adoption of this  
12 Compact, shall be determined under home state law.
- 13 3. Prescriptive authority eligibility for an APRN holding a single-state license shall be  
14 determined under the law of the licensing state.
- 15 g. For each state in which an APRN seeks authority to prescribe controlled substances, the APRN  
16 shall satisfy all requirements imposed by such state in granting and/or renewing such authority.
- 17 h. An APRN issued a multistate license is authorized to assume responsibility and  
18 accountability for patient care independent of a supervisory or collaborative relationship with  
19 a physician. This authority may be exercised in the home state and in any remote state in  
20 which the APRN exercises a multistate licensure privilege. For an APRN issued a single-  
21 state license in a party state, the requirement for a supervisory or collaborative relationship  
22 with a physician shall be determined under applicable party state law.
- 23 i. All party states shall be authorized, in accordance with state due process laws, to take adverse  
24 action against an APRN's multistate licensure privilege such as revocation, suspension,  
25 probation or any other action that affects an APRN's authorization to practice under a  
26 multistate licensure privilege, including cease and desist actions. If a party state takes such  
27 action, it shall promptly notify the administrator of the coordinated licensure information  
28 system. The administrator of the coordinated licensure information system shall promptly  
29 notify the home state of any such actions by remote states.
- 30 j. An APRN practicing in a party state must comply with the state practice laws of the state in  
31 which the client is located at the time service is provided. APRN practice is not limited to  
32 patient care, but shall include all advanced nursing practice as defined by the state practice  
33 laws of the party state in which the client is located. APRN practice in a party state under a  
34 multistate licensure privilege will subject the APRN to the jurisdiction of the licensing board,  
35 the courts, and the laws of the party state in which the client is located at the time service is  
36 provided.
- 37 k. This Compact does not affect additional requirements imposed by states for advanced  
38 practice registered nursing. However, a multistate licensure privilege to practice registered  
39 nursing granted by a party state shall be recognized by other party states as satisfying any  
40 state law requirement for registered nurse licensure as a precondition for authorization to  
41 practice as an APRN in that state.
- 42 l. Individuals not residing in a party state shall continue to be able to apply for a party state's  
43 single- state APRN license as provided under the laws of each party state. However, the  
44 single-state license granted to these individuals will not be recognized as granting the privilege  
45 to practice as an APRN in any other party state.

1 Article IV. [*Applications for APRN Licensure in a Party State.*]

- 2 a. Upon application for an APRN multistate license, the licensing board in the issuing party  
3 state shall ascertain, through the coordinated licensure information system, whether the  
4 applicant has ever held or is the holder of a licensed practical/vocational nursing license, a  
5 registered nursing license or an advanced practice registered nurse license issued by any  
6 other state, whether there are any encumbrances on any license or multistate licensure  
7 privilege held by the applicant, whether any adverse action has been taken against any  
8 license or multistate licensure privilege held by the applicant and whether the applicant is  
9 currently participating in an alternative program.
- 10 b. An APRN may hold a multistate APRN license, issued by the home state, in only one party  
11 state at a time.
- 12 c. If an APRN changes primary state of residence by moving between two party states, the  
13 APRN must apply for APRN licensure in the new home state, and the multistate license  
14 issued by the prior home state shall be deactivated in accordance with applicable Commission  
15 rules.
- 16 1. The APRN may apply for licensure in advance of a change in primary state of residence.  
17 2. A multistate APRN license shall not be issued by the new home state until the APRN  
18 provides satisfactory evidence of a change in primary state of residence to the new home  
19 state and satisfies all applicable requirements to obtain a multistate APRN license from  
20 the new home state.
- 21 d. If an APRN changes primary state of residence by moving from a party state to a non-party  
22 state, the APRN multistate license issued by the prior home state will convert to a single-state  
23 license, valid only in the former home state.
- 24

25 Article V. [*Additional Authorities Invested in Party State Licensing Boards.*]

- 26 a. In addition to the other powers conferred by state law, a licensing board shall have the  
27 authority to:
- 28 1. Take adverse action against an APRN's multistate licensure privilege to practice within  
29 that party state.
- 30 i. Only the home state shall have power to take adverse action against an APRN's  
31 license issued by the home state.
- 32 ii. For purposes of taking adverse action, the home state licensing board shall give  
33 the same priority and effect to reported conduct that occurred outside of the home  
34 state as it would if such conduct had occurred within the home state. In so doing,  
35 the home state shall apply its own state laws to determine appropriate action.
- 36 2. Issue cease and desist orders or impose an encumbrance on an APRN's authority to  
37 practice within that party state.
- 38 3. Complete any pending investigations of an APRN who changes primary state of residence  
39 during the course of such investigations. The licensing board shall also have the authority  
40 to take appropriate action(s) and shall promptly report the conclusions of such  
41 investigations to the administrator of the coordinated licensure information system. The  
42 administrator of the coordinated licensure information system shall promptly notify the  
43 new home state of any such actions.
- 44 4. Issue subpoenas for both hearings and investigations that require the attendance and  
45 testimony of witnesses, as well as, the production of evidence. Subpoenas issued by a party  
46 state licensing board for the attendance and testimony of witnesses and/or the production

1 of evidence from another party state shall be enforced in the latter state by any court of  
2 competent jurisdiction, according to that court's practice and procedure in considering  
3 subpoenas issued in its own proceedings. The issuing licensing board shall pay any  
4 witness fees, travel expenses, mileage and other fees required by the service statutes of  
5 the state in which the witnesses and/or evidence are located.

6 5. Obtain and submit, for an APRN licensure applicant, fingerprints or other biometric-  
7 based information to the Federal Bureau of Investigation for criminal background checks,  
8 receive the results of the Federal Bureau of Investigation record search on criminal  
9 background checks and use the results in making licensure decisions.

10 6. If otherwise permitted by state law, recover from the affected APRN the costs of  
11 investigations and disposition of cases resulting from any adverse action taken against that  
12 APRN.

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

15 b. If adverse action is taken by a home state against an APRN's multistate licensure, the  
16 privilege to practice in all other party states under a multistate licensure privilege shall be  
17 deactivated until all encumbrances have been removed from the APRN's multistate license.  
18 All home state disciplinary orders that impose adverse action against an APRN's multistate  
19 license shall include a statement that the APRN's multistate licensure privilege is deactivated  
20 in all party states during the pendency of the order.

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

25  
26 *Article VI. [Coordinated Licensure Information System and Exchange of Information.]*

27 a. All party states shall participate in a coordinated licensure information system of all APRNs,  
28 licensed registered nurses and licensed practical/vocational nurses. This system will include  
29 information on the licensure and disciplinary history of each APRN, as submitted by party  
30 states, to assist in the coordinated administration of APRN licensure and enforcement efforts.

31 b. The Commission, in consultation with the administrator of the coordinated licensure  
32 information system, shall formulate necessary and proper procedures for the identification,  
33 collection and exchange of information under this Compact.

34 c. All licensing boards shall promptly report to the coordinated licensure information system  
35 any adverse action, any current significant investigative information, denials of applications  
36 (with the reasons for such denials) and APRN participation in alternative programs known to  
37 the licensing board regardless of whether such participation is deemed nonpublic and/or  
38 confidential under state law.

39 d. Current significant investigative information and participation in nonpublic or confidential  
40 alternative programs shall be transmitted through the coordinated licensure information  
41 system only to party state licensing boards.

42 e. Notwithstanding any other provision of law, all party state licensing boards contributing  
43 information to the coordinated licensure information system may designate information that  
44 may not be shared with non-party states or disclosed to other entities or individuals without  
45 the express permission of the contributing state.

- 1 f. Any personally identifiable information obtained from the coordinated licensure information  
2 system by a party state licensing board shall not be shared with non-party states or disclosed  
3 to other entities or individuals except to the extent permitted by the laws of the party state  
4 contributing the information.
- 5 g. Any information contributed to the coordinated licensure information system that is  
6 subsequently required to be expunged by the laws of the party state contributing the  
7 information shall be removed from the coordinated licensure information system.
- 8 h. The Compact administrator of each party state shall furnish a uniform data set to the Compact  
9 administrator of each other party state, which shall include, at a minimum:
  - 10 1. Identifying information;
  - 11 2. Licensure data;
  - 12 3. Information related to alternative program participation information; and
  - 13 4. Other information that may facilitate the administration of this Compact, as determined by  
14 Commission rules.
- 15 i. The Compact administrator of a party state shall provide all investigative documents and  
16 information requested by another party state.

17  
18 Article VII. [*Establishment of the Interstate Commission of APRN Compact Administrators.*]

- 19 a. The party states hereby create and establish a joint public agency known as the Interstate  
20 Commission of APRN Compact Administrators.
  - 21 1. The Commission is an instrumentality of the party states.
  - 22 2. Venue is proper, and judicial proceedings by or against the Commission shall be brought  
23 solely and exclusively, in a court of competent jurisdiction where the principal office of the  
24 Commission is located. The Commission may waive venue and jurisdictional defenses to  
25 the extent it adopts or consents to participate in alternative dispute resolution proceedings.
  - 26 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.
- 27 b. Membership, Voting and Meetings
  - 28 1. Each party state shall have and be limited to one administrator. The head of the state  
29 licensing board or designee shall be the administrator of this Compact for each party  
30 state. Any administrator may be removed or suspended from office as provided by the law  
31 of the state from which the Administrator is appointed. Any vacancy occurring in the  
32 Commission shall be filled in accordance with the laws of the party state in which the  
33 vacancy exists.
  - 34 2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules  
35 and creation of bylaws and shall otherwise have an opportunity to participate in the  
36 business and affairs of the Commission. An administrator shall vote in person or by such  
37 other means as provided in the bylaws. The bylaws may provide for an administrator's  
38 participation in meetings by telephone or other means of communication.
  - 39 3. The Commission shall meet at least once during each calendar year. Additional meetings  
40 shall be held as set forth in the bylaws or rules of the commission.
  - 41 4. All meetings shall be open to the public, and public notice of meetings shall be given in the  
42 same manner as required under the rulemaking provisions in Article VIII.
  - 43 5. The Commission may convene in a closed, nonpublic meeting if the Commission must  
44 discuss:
    - 45 i. Noncompliance of a party state with its obligations under this Compact;
    - 46 ii. The employment, compensation, discipline or other personnel matters, practices

- 1 or procedures related to specific employees or other matters related to the  
2 Commission's internal personnel practices and procedures;
- 3 iii. Current, threatened, or reasonably anticipated litigation;
- 4 iv. Negotiation of contracts for the purchase or sale of goods, services or real estate;
- 5 v. Accusing any person of a crime or formally censuring any person;
- 6 vi. Disclosure of trade secrets or commercial or financial information that is privileged  
7 or confidential;
- 8 vii. Disclosure of information of a personal nature where disclosure would constitute a  
9 clearly unwarranted invasion of personal privacy;
- 10 viii. Disclosure of investigatory records compiled for law enforcement purposes;
- 11 ix. Disclosure of information related to any reports prepared by or on behalf of the  
12 Commission for the purpose of investigation of compliance with this Compact; or
- 13 x. Matters specifically exempted from disclosure by federal or state statute.
- 14 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
15 Commission's legal counsel or designee shall certify that the meeting may be closed and  
16 shall reference each relevant exempting provision. The Commission shall keep minutes  
17 that fully and clearly describe all matters discussed in a meeting and shall provide a full  
18 and accurate summary of actions taken, and the reasons therefor, including a description of  
19 the views expressed. All documents considered in connection with an action shall be  
20 identified in such minutes. All minutes and documents of a closed meeting shall remain  
21 under seal, subject to release by a majority vote of the Commission or order of a court of  
22 competent jurisdiction.
- 23 c. The Commission shall, by a majority vote of the administrators, prescribe bylaws or rules to  
24 govern its conduct as may be necessary or appropriate to carry out the purposes and exercise  
25 the powers of this Compact, including but not limited to:
- 26 1. Establishing the fiscal year of the Commission;
- 27 2. Providing reasonable standards and procedures:
- 28 i. For the establishment and meetings of other committees; and
- 29 ii. Governing any general or specific delegation of any authority or function of the  
30 Commission.
- 31 3. Providing reasonable procedures for calling and conducting meetings of the Commission,  
32 ensuring reasonable advance notice of all meetings and providing an opportunity for  
33 attendance of such meetings by interested parties, with enumerated exceptions designed  
34 to protect the public's interest, the privacy of individuals, and proprietary information,  
35 including trade secrets. The Commission may meet in closed session only after a majority  
36 of the administrators vote to close a meeting in whole or in part. As soon as practicable,  
37 the Commission must make public a copy of the vote to close the meeting revealing the  
38 vote of each administrator, with no proxy votes allowed;
- 39 4. Establishing the titles, duties and authority and reasonable procedures for the election of  
40 the officers of the Commission;
- 41 5. Providing reasonable standards and procedures for the establishment of the personnel  
42 policies and programs of the Commission. Notwithstanding any civil service or other  
43 similar laws of any party state, the bylaws shall exclusively govern the personnel policies  
44 and programs of the Commission;



- 1       6. Providing a mechanism for winding up the operations of the Commission and the  
2       equitable disposition of any surplus funds that may exist after the termination of this  
3       Compact after the payment and/or reserving of all of its debts and obligations;
- 4   d. The Commission shall publish its bylaws and rules, and any amendments thereto, in a  
5       convenient form on the website of the Commission;
- 6   e. The Commission shall maintain its financial records in accordance with the bylaws; and
- 7   f. The Commission shall meet and take such actions as are consistent with the provisions of this  
8       Compact and the bylaws.
- 9   g. The Commission shall have the following powers:
  - 10   1. To promulgate uniform rules to facilitate and coordinate implementation and  
11       administration of this Compact. The rules shall have the force and effect of law and shall  
12       be binding in all party states;
  - 13   2. To bring and prosecute legal proceedings or actions in the name of the Commission,  
14       provided that the standing of any licensing board to sue or be sued under applicable law  
15       shall not be affected;
  - 16   3. To purchase and maintain insurance and bonds;
  - 17   4. To borrow, accept or contract for services of personnel, including but not limited to  
18       employees of a party state or nonprofit organizations;
  - 19   5. To cooperate with other organizations that administer state compacts related to the  
20       regulation of nursing, including but not limited to sharing administrative or staff expenses,  
21       office space or other resources;
  - 22   6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such  
23       individuals appropriate authority to carry out the purposes of this Compact, and to establish  
24       the Commission's personnel policies and programs relating to conflicts of interest,  
25       qualifications of personnel and other related personnel matters;
  - 26   7. To accept any and all appropriate donations, grants and gifts of money, equipment,  
27       supplies, materials and services, and to receive, utilize and dispose of the same; provided  
28       that at all times the Commission shall strive to avoid any appearance of impropriety and/or  
29       conflict of interest;
  - 30   8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
31       improve or use, any property, whether real, personal or mixed; provided that at all times  
32       the Commission shall strive to avoid any appearance of impropriety;
  - 33   9. To sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any  
34       property, whether real, personal or mixed;
  - 35   10. To establish a budget and make expenditures;
  - 36   11. To borrow money;
  - 37   12. To appoint committees, including advisory committees comprised of administrators, state  
38       nursing regulators, state legislators or their representatives, and consumer representatives,  
39       and other such interested persons;
  - 40   13. To provide and receive information from, and to cooperate with, law enforcement  
41       agencies;
  - 42   14. To adopt and use an official seal; and
  - 43   15. To perform such other functions as may be necessary or appropriate to achieve the  
44       purposes of this Compact consistent with the state regulation of APRN licensure and  
45       practice.

- 1 h. Financing of the Commission
- 2 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
- 3 establishment, organization and ongoing activities.
- 4 2. The Commission may levy on and collect an annual assessment from each party state to
- 5 cover the cost of the operations and activities of the Interstate Commission and its staff
- 6 which must be in a total amount sufficient to cover its annual budget as approved each
- 7 year. The aggregate annual assessment amount shall be allocated based upon a formula to
- 8 be determined by the Commission, which shall promulgate a rule that is binding upon all
- 9 party states.
- 10 3. The Commission shall not incur obligations of any kind prior to securing the funds
- 11 adequate to meet the same; nor shall the Commission pledge the credit of any of the party
- 12 states, except by, and with the authority of, such party state.
- 13 4. The Commission shall keep accurate accounts of all receipts and disbursements. The
- 14 receipts and disbursements of the Commission shall be subject to the audit and
- 15 accounting procedures established under its bylaws. However, all receipts and
- 16 disbursements of funds handled by the Commission shall be audited yearly by a certified
- 17 or licensed public accountant, and the report of the audit shall be included in and become
- 18 part of the annual report of the Commission.
- 19 i. Qualified Immunity, Defense, and Indemnification
- 20 1. The administrators, officers, executive director, employees and representatives of the
- 21 Commission shall be immune from suit and liability, either personally or in their official
- 22 capacity, for any claim for damage to or loss of property or personal injury or other civil
- 23 liability caused by or arising out of any actual or alleged act, error or omission that
- 24 occurred, or that the person against whom the claim is made had a reasonable basis for
- 25 believing occurred, within the scope of Commission employment, duties or
- 26 responsibilities; provided that nothing in this paragraph shall be construed to protect any
- 27 such person from suit and/or liability for any damage, loss, injury or liability caused by the
- 28 intentional, willful or wanton misconduct of that person.
- 29 2. The Commission shall defend any administrator, officer, executive director, employee or
- 30 representative of the Commission in any civil action seeking to impose liability arising out
- 31 of any actual or alleged act, error or omission that occurred within the scope of
- 32 Commission employment, duties or responsibilities, or that the person against whom the
- 33 claim is made had a reasonable basis for believing occurred within the scope of
- 34 Commission employment, duties or responsibilities; provided that nothing herein shall be
- 35 construed to prohibit that person from retaining his or her own counsel; and provided
- 36 further that the actual or alleged act, error or omission did not result from that person's
- 37 intentional, willful or wanton misconduct.
- 38 3. The Commission shall indemnify and hold harmless any administrator, officer, executive
- 39 director, employee or representative of the Commission for the amount of any settlement
- 40 or judgment obtained against that person arising out of any actual or alleged act, error or
- 41 omission that occurred within the scope of Commission employment, duties or
- 42 responsibilities, or that such person had a reasonable basis for believing occurred within
- 43 the scope of Commission employment, duties or responsibilities, provided that the actual
- 44 or alleged act, error or omission did not result from the intentional, willful or wanton
- 45 misconduct of that person.

1 Article VIII. [Rulemaking.]

- 2 a. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this  
3 Article and the rules adopted thereunder. Rules and amendments shall become binding as of  
4 the date specified in each rule or amendment and shall have the same force and effect as  
5 provisions of this Compact.
- 6 b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
7 Commission.
- 8 c. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least  
9 sixty (60) days in advance of the meeting at which the rule will be considered and voted upon,  
10 the Commission shall file a notice of proposed rulemaking:  
11 1. On the website of the Commission; and  
12 2. On the website of each licensing board or the publication in which each state would  
13 otherwise publish proposed rules.
- 14 d. The notice of proposed rulemaking shall include:  
15 1. The proposed time, date and location of the meeting in which the rule will be considered  
16 and voted upon;  
17 2. The text of the proposed rule or amendment, and the reason for the proposed rule;  
18 3. A request for comments on the proposed rule from any interested person; and  
19 4. The manner in which interested persons may submit notice to the Commission of their  
20 intention to attend the public hearing and any written comments.
- 21 e. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written  
22 data, facts, opinions and arguments, which shall be made available to the public.
- 23 f. The Commission shall grant an opportunity for a public hearing before it adopts a rule or  
24 amendment.
- 25 g. The Commission shall publish the place, time, and date of the scheduled public hearing.  
26 1. Hearings shall be conducted in a manner providing each person who wishes to comment  
27 a fair and reasonable opportunity to comment orally or in writing. All hearings will be  
28 recorded, and a copy will be made available upon request.  
29 2. Nothing in this section shall be construed as requiring a separate hearing on each rule.  
30 Rules may be grouped for the convenience of the Commission at hearings required by this  
31 section.
- 32 h. If no one appears at the public hearing, the Commission may proceed with promulgation of the  
33 proposed rule.
- 34 i. Following the scheduled hearing date, or by the close of business on the scheduled hearing  
35 date if the hearing was not held, the Commission shall consider all written and oral comments  
36 received.
- 37 j. The Commission shall, by majority vote of all administrators, take final action on the  
38 proposed rule and shall determine the effective date of the rule, if any, based on the  
39 rulemaking record and the full text of the rule.
- 40 k. Upon determination that an emergency exists, the Commission may consider and adopt an  
41 emergency rule without prior notice, opportunity for comment, or hearing, provided that the  
42 usual rulemaking procedures provided in this Compact and in this section shall be retroactively  
43 applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after  
44 the effective date of the rule. For the purposes of this provision, an emergency rule is one that  
45 must be adopted immediately in order to:

- 1 1. Meet an imminent threat to public health, safety or welfare;
- 2 2. Prevent a loss of Commission or party state funds; or
- 3 3. Meet a deadline for the promulgation of an administrative rule that is established by federal
- 4 law or rule.
- 5 l. The Commission may direct revisions to a previously adopted rule or amendment for
- 6 purposes of correcting typographical errors, errors in format, errors in consistency or
- 7 grammatical errors. Public notice of any revisions shall be posted on the website of the
- 8 Commission. The revision shall be subject to challenge by any person for a period of thirty
- 9 (30) days after posting. The revision may be challenged only on grounds that the revision
- 10 results in a material change to a rule. A challenge shall be made in writing, and delivered to
- 11 the Commission, prior to the end of the notice period. If no challenge is made, the revision
- 12 will take effect without further action. If the revision is challenged, the revision may not take
- 13 effect without the approval of the Commission.
- 14

15 Article IX. [*Oversight, Dispute Resolution and Enforcement.*]

16 a. Oversight

- 17 1. Each party state shall enforce this Compact and take all actions necessary and appropriate
- 18 to effectuate this Compact's purposes and intent.
- 19 2. The Commission shall be entitled to receive service of process in any proceeding that
- 20 may affect the powers, responsibilities or actions of the Commission, and shall have
- 21 standing to intervene in such a proceeding for all purposes. Failure to provide service of
- 22 process to the Commission shall render a judgment or order void as to the Commission,
- 23 this Compact or promulgated rules.

24 b. Default, Technical Assistance and Termination

- 25 1. If the Commission determines that a party state has defaulted in the performance of its
- 26 obligations or responsibilities under this Compact or the promulgated rules, the
- 27 Commission shall:
  - 28 i. Provide written notice to the defaulting state and other party states of the nature of the
  - 29 default, the proposed means of curing the default and/or any other action to be taken by
  - 30 the Commission; and
  - 31 ii. Provide remedial training and specific technical assistance regarding the default.
- 32 2. If a state in default fails to cure the default, the defaulting state's membership in this
- 33 Compact may be terminated upon an affirmative vote of a majority of the administrators,
- 34 and all rights, privileges and benefits conferred by this Compact may be terminated on
- 35 the effective date of termination. A cure of the default does not relieve the offending state
- 36 of obligations or liabilities incurred during the period of default.
- 37 3. Termination of membership in this Compact shall be imposed only after all other means
- 38 of securing compliance have been exhausted. Notice of intent to suspend or terminate
- 39 shall be given by the Commission to the governor of the defaulting state and to the
- 40 executive officer of the defaulting state's licensing board, the defaulting state's licensing
- 41 board, and each of the party states.
- 42 4. A state whose membership in this Compact has been terminated is responsible for all
- 43 assessments, obligations and liabilities incurred through the effective date of termination,
- 44 including obligations that extend beyond the effective date of termination.
- 45 5. The Commission shall not bear any costs related to a state that is found to be in default or
- 46 whose membership in this Compact has been terminated, unless agreed upon in writing

1 between the Commission and the defaulting state.

- 2 6. The defaulting state may appeal the action of the Commission by petitioning the U.S.  
3 District Court for the District of Columbia or the federal district in which the Commission  
4 has its principal offices. The prevailing party shall be awarded all costs of such litigation,  
5 including reasonable attorneys' fees.

6 c. Dispute Resolution

- 7 1. Upon request by a party state, the Commission shall attempt to resolve disputes related to  
8 the Compact that arise among party states and between party and non-party states.  
9 2. The Commission shall promulgate a rule providing for both mediation and binding dispute  
10 resolution for disputes, as appropriate.  
11 3. In the event the Commission cannot resolve disputes among party states arising under this  
12 Compact:  
13 i. The party states may submit the issues in dispute to an arbitration panel, which will  
14 be comprised of individuals appointed by the Compact administrator in each of the  
15 affected party states and an individual mutually agreed upon by the Compact  
16 administrators of all the party states involved in the dispute.  
17 ii. The decision of a majority of the arbitrators shall be final and binding.

18 d. Enforcement

- 19 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions  
20 and rules of this Compact.  
21 2. By majority vote, the Commission may initiate legal action in the United States District  
22 Court for the District of Columbia or the federal district in which the Commission has its  
23 principal offices against a party state that is in default to enforce compliance with the  
24 provisions of this Compact and its promulgated rules and bylaws. The relief sought may  
25 include both injunctive relief and damages. In the event judicial enforcement is necessary,  
26 the prevailing party shall be awarded all costs of such litigation, including reasonable  
27 attorneys' fees.  
28 3. The remedies herein shall not be the exclusive remedies of the Commission. The  
29 Commission may pursue any other remedies available under federal or state law.  
30

31 Article X. [*Effective Date, Withdrawal and Amendment.*]

- 32 a. This Compact shall come into limited effect at such time as this Compact has been enacted  
33 into law in ten (10) party states for the sole purpose of establishing and convening the  
34 Commission to adopt rules relating to its operation and the APRN ULRs.  
35 b. On the date of the Commission's adoption of the APRN ULRs, all remaining provisions of  
36 this Compact, and rules adopted by the Commission, shall come into full force and effect in all  
37 party states.  
38 c. Any state that joins this Compact subsequent to the Commission's initial adoption of the  
39 APRN uniform licensure requirements shall be subject to all rules that have been previously  
40 adopted by the Commission.  
41 d. Any party state may withdraw from this Compact by enacting a statute repealing the same. A  
42 party state's withdrawal shall not take effect until six (6) months after enactment of the  
43 repealing statute.  
44 e. A party state's withdrawal or termination shall not affect the continuing requirement of the  
45 withdrawing or terminated state's licensing board to report adverse actions and significant  
46 investigations occurring prior to the effective date of such withdrawal or termination.

- 1 f. Nothing contained in this Compact shall be construed to invalidate or prevent any APRN  
2 licensure agreement or other cooperative arrangement between a party state and a non-party  
3 state that does not conflict with the provisions of this Compact.
- 4 g. This Compact may be amended by the party states. No amendment to this Compact shall  
5 become effective and binding upon any party state until it is enacted into the laws of all party  
6 states.
- 7 h. Representatives of non-party states to this Compact shall be invited to participate in the  
8 activities of the Commission, on a nonvoting basis, prior to the adoption of this Compact by all  
9 states.

10

11 Article XI. [*Construction and Severability.*]

12 This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions  
13 of this Compact shall be severable, and if any phrase, clause, sentence or provision of this  
14 Compact is declared to be contrary to the constitution of any party state or of the United States, or  
15 if the applicability thereof to any government, agency, person or circumstance is held invalid, the  
16 validity of the remainder of this Compact and the applicability thereof to any government,  
17 agency, person or circumstance shall not be affected thereby. If this Compact shall be held to be  
18 contrary to the constitution of any party state, this Compact shall remain in full force and effect as  
19 to the remaining party states and in full force and effect as to the party state affected as to all  
20 severable matters.