

HOUSE BILL NO. HB0055

Nurse Licensure Compact-1.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to the Nurse Licensure Compact; entering
2 into a compact with other states to allow nurses licensed
3 in one compact state to exercise a multistate licensure
4 privilege in other states that are a party to the compact;
5 approving and specifying terms of the compact; making
6 conforming amendments; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 33-21-201 and 33-21-202 are created
11 to read:

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ARTICLE 2

14

NURSE LICENSURE COMPACT

1 (ii) Violations of nurse licensure and other
2 laws regulating the practice of nursing may result in
3 injury or harm to the public;

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5 (iii) The expanded mobility of nurses and the
6 use of advanced communication technologies as part of our
7 nation's health care delivery system require greater
8 coordination and cooperation among states in the areas of
9 nurse licensure and regulation;

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11 (iv) New practice modalities and technology make
12 compliance with individual state nurse licensure laws
13 difficult and complex;

14
15 (v) The current system of duplicative licensure
16 for nurses practicing in multiple states is cumbersome and
17 redundant for both nurses and states; and

18
19 (vi) Uniformity of nurse licensure requirements
20 throughout the states promotes public safety and public
21 health benefits.

22
23 (b) The general purposes of this compact are to:

1

2 (i) Facilitate the states' responsibility to
3 protect the public's health and safety;

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5 (ii) Ensure and encourage the cooperation of
6 party states in the areas of nurse licensure and
7 regulation;

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9 (iii) Facilitate the exchange of information
10 between party states in the areas of nurse regulation,
11 investigation and adverse actions;

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13 (iv) Promote compliance with the laws governing
14 the practice of nursing in each jurisdiction;

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

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22 (vi) Decrease redundancies in the consideration
23 and issuance of nurse licenses; and

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(vii) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II

Definitions

(a) As used in this compact:

(i) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action;

(ii) "Alternative program" means a nondisciplinary monitoring program approved by a licensing board;

1

2 (iii) "Coordinated licensure information system"
3 means an integrated process for collecting, storing and
4 sharing information on nurse licensure and enforcement
5 activities related to nurse licensure laws that is
6 administered by a nonprofit organization composed of and
7 controlled by licensing boards;

8

9 (iv) "Current significant investigative
10 information" means:

11

12 (A) Investigative information that a
13 licensing board, after a preliminary inquiry that includes
14 notification and an opportunity for the nurse to respond,
15 if required by state law, has reason to believe is not
16 groundless and, if proved true, would indicate more than a
17 minor infraction; or

18

19 (B) Investigative information that
20 indicates that the nurse represents an immediate threat to
21 public health and safety regardless of whether the nurse
22 has been notified and had an opportunity to respond.

23

1 (v) "Encumbrance" means a revocation or
2 suspension of, or any limitation on, the full and
3 unrestricted practice of nursing imposed by a licensing
4 board;

5

6 (vi) "Home state" means the party state which is
7 the nurse's primary state of residence;

8

9 (vii) "Licensing board" means a party state's
10 regulatory body responsible for issuing nurse licenses;

11

12 (viii) "Multistate license" means a license to
13 practice as a registered or a licensed practical/vocational
14 nurse (LPN/VN) issued by a home state licensing board that
15 authorizes the licensed nurse to practice in all party
16 states under a multistate licensure privilege;

17

18 (ix) "Multistate licensure privilege" means a
19 legal authorization associated with a multistate license
20 permitting the practice of nursing as either a registered
21 nurse (RN) or LPN/VN in a remote state;

22

1 (x) "Nurse" means RN or LPN/VN, as those terms
2 are defined by each party state's practice laws;

3

4 (xi) "Party state" means any state that has
5 adopted this compact;

6

7 (xii) "Remote state" means a party state, other
8 than the home state;

9

10 (xiii) "Single-state license" means a nurse
11 license issued by a party state that authorizes practice
12 only within the issuing state and does not include a
13 multistate licensure privilege to practice in any other
14 party state;

15

16 (xiv) "State" means a state, territory or
17 possession of the United States and the District of
18 Columbia;

19

20 (xv) "State practice laws" means a party state's
21 laws, rules and regulations that govern the practice of
22 nursing, define the scope of nursing practice, and create
23 the methods and grounds for imposing discipline. "State

1 practice laws" do not include requirements necessary to
2 obtain and retain a license, except for qualifications or
3 requirements of the home state.

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ARTICLE III

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General Provisions and Jurisdiction

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8 (a) A multistate license to practice registered or
9 licensed practical/vocational nursing issued by a home
10 state to a resident in that state will be recognized by
11 each party state as authorizing a nurse to practice as a
12 registered nurse (RN) or as a licensed practical/vocational
13 nurse (LPN/VN), under a multistate licensure privilege, in
14 each party state.

15

16 (b) A state must implement procedures for considering
17 the criminal history records of applicants for initial
18 multistate license or licensure by endorsement. The
19 procedures shall include the submission of fingerprints or
20 other biometric-based information by applicants for the
21 purpose of obtaining an applicant's criminal history record
22 information from the federal bureau of investigation and

1 the agency responsible for retaining that state's criminal
2 records.

3

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

7

8 (i) Meets the home state's qualifications for
9 licensure or renewal of licensure, as well as, all other
10 applicable state laws;

11

12 (ii) Has graduated or is eligible to graduate
13 from a licensing board approved RN or LPN/VN prelicensure
14 education program or has graduated from a foreign RN or
15 LPN/VN prelicensure education program that:

16

17 (A) Has been approved by the authorized
18 accrediting body in the applicable country; and

19

20 (B) Has been verified by an independent
21 credentials review agency to be comparable to a licensing
22 board approved prelicensure education program.

23

1 (iii) Has, if a graduate of a foreign
2 prelicensure education program not taught in English or if
3 English is not the individual's native language,
4 successfully passed an English proficiency examination that
5 includes the components of reading, speaking, writing and
6 listening;

7

8 (iv) Has successfully passed the NCLEX-RN® or
9 NCLEX-PN® Examination or recognized predecessor, as
10 applicable;

11

12 (v) Is eligible for or holds an active,
13 unencumbered license;

14

15 (vi) Has submitted, in connection with an
16 application for initial licensure or licensure by
17 endorsement, fingerprints or other biometric data for the
18 purpose of obtaining criminal history record information
19 from the federal bureau of investigation and the agency
20 responsible for retaining that state's criminal records;

21

1 (vii) Has not been convicted or found guilty, or
2 has entered into an agreed disposition, of a felony offense
3 under applicable state or federal criminal law;

4

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

9

10 (ix) Is not currently enrolled in an alternative
11 program;

12

13 (x) Is subject to self-disclosure requirements
14 regarding current participation in an alternative program;
15 and

16

17 (xi) Has a valid United States social security
18 number.

19

20 (d) All party states shall be authorized, in
21 accordance with existing state due process law, to take
22 adverse action against a nurse's multistate licensure
23 privilege such as revocation, suspension, probation or any

1 other action that affects a nurse's authorization to
2 practice under a multistate licensure privilege, including
3 cease and desist actions. If a party state takes such
4 action, it shall promptly notify the administrator of the
5 coordinated licensure information system. The administrator
6 of the coordinated licensure information system shall
7 promptly notify the home state of any such actions by
8 remote states.

9

10 (e) A nurse practicing in a party state must comply
11 with the state practice laws of the state in which the
12 client is located at the time service is provided. The
13 practice of nursing is not limited to patient care, but
14 shall include all nursing practice as defined by the state
15 practice laws of the party state in which the client is
16 located. The practice of nursing in a party state under a
17 multistate licensure privilege will subject a nurse to the
18 jurisdiction of the licensing board, the courts and the
19 laws of the party state in which the client is located at
20 the time service is provided.

21

22 (f) Individuals not residing in a party state shall
23 continue to be able to apply for a party state's single

1 state license as provided under the laws of each party
2 state. However, the single state license granted to these
3 individuals will not be recognized as granting the
4 privilege to practice nursing in any other party state.
5 Nothing in this compact shall affect the requirements
6 established by a party state for the issuance of a single
7 state license.

8

9 (g) Any nurse holding a home state multistate
10 license, on the effective date of this compact, may retain
11 and renew the multistate license issued by the nurse's then
12 current home state, provided that:

13

14 (i) A nurse, who changes primary state of
15 residence after this compact's effective date, must meet
16 all applicable Article III(c) requirements to obtain a
17 multistate license from a new home state;

18

19 (ii) A nurse who fails to satisfy the multistate
20 licensure requirements in Article III(c) due to a
21 disqualifying event occurring after this compact's
22 effective date shall be ineligible to retain or renew a
23 multistate license, and the nurse's multistate license

1 shall be revoked or deactivated in accordance with
2 applicable rules adopted by the Interstate Commission of
3 Nurse Licensure Compact Administrators ("Commission").
4

5 ARTICLE IV

6 Applications for Licensure in a Party State
7

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

19 (b) A nurse may hold a multistate license, issued by
20 the home state, in only one (1) party state at a time.
21

22 (c) If a nurse changes primary state of residence by
23 moving between two (2) party states, the nurse must apply

1 for licensure in the new home state, and the multistate
2 license issued by the prior home state will be deactivated
3 in accordance with applicable rules adopted by the
4 commission. Further:

5

6 (i) The nurse may apply for licensure in advance
7 of a change in primary state of residence;

8

9 (ii) A multistate license shall not be issued by
10 the new home state until the nurse provides satisfactory
11 evidence of a change in primary state of residence to the
12 new home state and satisfies all applicable requirements to
13 obtain a multistate license from the new home state.

14

15 (d) If a nurse changes primary state of residence by
16 moving from a party state to a nonparty state, the
17 multistate license issued by the prior home state will
18 convert to a single state license, valid only in the former
19 home state.

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ARTICLE V

22 Additional Authorities Invested in Party State Licensing

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Boards

1

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

4

5 (i) Take adverse action against a nurse's
6 multistate licensure privilege to practice within that
7 party state as follows:

8

9 (A) Only the home state shall have the
10 power to take adverse action against a nurse's license
11 issued by the home state;

12

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

19

20 (ii) Issue cease and desist orders or impose an
21 encumbrance on a nurse's authority to practice within that
22 party state;

23

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

10

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

1

2 (v) Obtain and submit, for each nurse licensure
3 applicant, fingerprint or other biometric based information
4 to the federal bureau of investigation for criminal
5 background checks, receive the results of the federal
6 bureau of investigation record search on criminal
7 background checks and use the results in making licensure
8 decisions;

9

10 (vi) If otherwise permitted by state law,
11 recover from the affected nurse the costs of investigations
12 and disposition of cases resulting from any adverse action
13 taken against that nurse;

14

15 (vii) Take adverse action based on the factual
16 findings of the remote state, provided that the licensing
17 board follows its own procedures for taking the adverse
18 action.

19

20 (b) If adverse action is taken by the home state
21 against a nurse's multistate license, the nurse's
22 multistate licensure privilege to practice in all other
23 party states shall be deactivated until all encumbrances

1 have been removed from the multistate license. All home
2 state disciplinary orders that impose adverse action
3 against a nurse's multistate license shall include a
4 statement that the nurse's multistate licensure privilege
5 is deactivated in all party states during the pendency of
6 the order.

7

8 (c) Nothing in this compact shall override a party
9 state's decision that participation in an alternative
10 program may be used in lieu of adverse action. The home
11 state licensing board shall deactivate the multistate
12 licensure privilege under the multistate license of any
13 nurse for the duration of the nurse's participation in an
14 alternative program.

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ARTICLE VI

17 Coordinated Licensure Information System and Exchange of
18 Information

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20 (a) All party states shall participate in a
21 coordinated licensure information system of all licensed
22 registered nurses (RNs) and licensed practical/vocational
23 nurses (LPNs/VNs). This system will include information on

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

4

5 (b) The commission, in consultation with the
6 administrator of the coordinated licensure information
7 system, shall formulate necessary and proper procedures for
8 the identification, collection and exchange of information
9 under this compact.

10

11 (c) All licensing boards shall promptly report to the
12 coordinated licensure information system any adverse
13 action, any current significant investigative information,
14 denials of applications, including the reasons for such
15 denials, and nurse participation in alternative programs
16 known to the licensing board regardless of whether the
17 participation is deemed nonpublic or confidential under
18 state law.

19

20 (d) Current significant investigative information and
21 participation in nonpublic or confidential alternative
22 programs shall be transmitted through the coordinated

1 licensure information system only to party state licensing
2 boards.

3

4 (e) Notwithstanding any other provision of law, all
5 party state licensing boards contributing information to
6 the coordinated licensure information system may designate
7 information that may not be shared with nonparty states or
8 disclosed to other entities or individuals without the
9 express permission of the contributing state.

10

11 (f) Any personally identifiable information obtained
12 from the coordinated licensure information system by a
13 party state licensing board shall not be shared with
14 nonparty states or disclosed to other entities or
15 individuals except to the extent permitted by the laws of
16 the party state contributing the information.

17

18 (g) Any information contributed to the coordinated
19 licensure information system that is subsequently required
20 to be expunged by the laws of the party state contributing
21 that information shall also be expunged from the
22 coordinated licensure information system.

23

1

2 (a) The party states hereby create and establish a
3 joint public entity known as the Interstate Commission Of
4 Nurse Licensure Compact Administrators, in accordance with
5 the following:

6

7 (i) The commission is an instrumentality of the
8 party states;

9

10 (ii) Venue is proper, and judicial proceedings
11 by or against the commission shall be brought solely and
12 exclusively, in a court of competent jurisdiction where the
13 principal office of the commission is located. The
14 commission may waive venue and jurisdictional defenses to
15 the extent it adopts or consents to participate in
16 alternative dispute resolution proceedings;

17

18 (iii) Nothing in this compact shall be construed
19 to be a waiver of sovereign immunity.

20

21 (b) The membership, voting and meetings of the
22 commission shall be as follows:

23

1 (i) Each party state shall have and be limited
2 to one (1) administrator. The head of the state licensing
3 board or designee shall be the administrator of this
4 compact for each party state. Any administrator may be
5 removed or suspended from office as provided by the law of
6 the state from which the administrator is appointed. Any
7 vacancy occurring in the commission shall be filled in
8 accordance with the laws of the party state in which the
9 vacancy exists;

10

11 (ii) Each administrator shall be entitled to one
12 (1) vote with regard to the promulgation of rules and
13 creation of bylaws and shall otherwise have an opportunity
14 to participate in the business and affairs of the
15 commission. An administrator shall vote in person or by any
16 other means as provided in the bylaws. The bylaws may
17 provide for an administrator's participation in meetings by
18 telephone or other means of communication;

19

20 (iii) The commission shall meet at least once
21 during each calendar year. Additional meetings shall be
22 held as set forth in the bylaws or rules of the commission;

23

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

5

6 (v) The commission may convene in a closed,
7 nonpublic meeting if the commission must discuss:

8

9 (A) Noncompliance of a party state with its
10 obligations under this compact;

11

12 (B) The employment, compensation,
13 discipline or other personnel matters, practices or
14 procedures related to specific employees or other matters
15 related to the commission's internal personnel practices
16 and procedures;

17

18 (C) Current, threatened or reasonably
19 anticipated litigation;

20

21 (D) Negotiation of contracts for the
22 purchase or sale of goods, services or real estate;

23

1 (E) Accusing any person of a crime or
2 formally censuring any person;

3

4 (F) Disclosure of trade secrets or
5 commercial or financial information that is privileged or
6 confidential;

7

8 (G) Disclosure of information of a personal
9 nature where disclosure would constitute a clearly
10 unwarranted invasion of personal privacy;

11

12 (H) Disclosure of investigatory records
13 compiled for law enforcement purposes;

14

15 (J) Disclosure of information related to
16 any reports prepared by or on behalf of the commission for
17 the purpose of investigation of compliance with this
18 compact; or

19

20 (K) Matters specifically exempted from
21 disclosure by federal or state statute.

22

1 (vi) If a meeting, or portion of a meeting, is
2 closed pursuant to this subsection, the commission's legal
3 counsel or designee shall certify that the meeting may be
4 closed and shall reference each relevant exempting
5 provision. The commission shall keep minutes that fully and
6 clearly describe all matters discussed in a meeting and
7 shall provide a full and accurate summary of actions taken,
8 and the reasons, including a description of the views
9 expressed. All documents considered in connection with an
10 action shall be identified in the minutes. All minutes and
11 documents of a closed meeting shall remain under seal,
12 subject to release by a majority vote of the commission or
13 order of a court of competent jurisdiction.

14

15 (c) The commission shall, by a majority vote of the
16 administrators, prescribe bylaws or rules to govern its
17 conduct as may be necessary or appropriate to carry out the
18 purposes and exercise the powers of this compact, including
19 but not limited to:

20

21 (i) Establishing the fiscal year of the
22 commission;

23

1 (ii) Providing reasonable standards and
2 procedures:

3
4 (A) For the establishment and meetings of
5 other committees; and

6
7 (B) Governing any general or specific
8 delegation of any authority or function of the commission.

9
10 (iii) Providing reasonable procedures for
11 calling and conducting meetings of the commission, ensuring
12 reasonable advance notice of all meetings and providing an
13 opportunity for attendance of the meetings by interested
14 parties, with enumerated exceptions designed to protect the
15 public's interest, the privacy of individuals and
16 proprietary information, including trade secrets. The
17 commission may meet in closed session only after a majority
18 of the administrators vote to close a meeting in whole or
19 in part. As soon as practicable, the commission must make
20 public a copy of the vote to close the meeting revealing
21 the vote of each administrator, with no proxy votes
22 allowed;

23

1 (iv) Establishing the titles, duties and
2 authority and reasonable procedures for the election of the
3 officers of the commission;

4

5 (v) Providing reasonable standards and
6 procedures for the establishment of the personnel policies
7 and programs of the commission. Notwithstanding any civil
8 service or other similar laws of any party state, the
9 bylaws shall exclusively govern the personnel policies and
10 programs of the commission; and

11

12 (vi) Providing a mechanism for winding up the
13 operations of the commission and the equitable disposition
14 of any surplus funds that may exist after the termination
15 of this compact after the payment or reserving of all of
16 its debts and obligations.

17

18 (d) The commission shall publish its bylaws and
19 rules, and any amendments, in a convenient form on the
20 website of the commission.

21

22 (e) The commission shall maintain its financial
23 records in accordance with the bylaws.

1

2 (f) The commission shall meet and take such actions
3 as are consistent with the provisions of this compact and
4 the bylaws.

5

6 (g) The commission shall have the following powers:

7

8 (i) To promulgate uniform rules to facilitate
9 and coordinate implementation and administration of this
10 compact. The rules shall have the force and effect of law
11 and shall be binding in all party states;

12

13 (ii) To bring and prosecute legal proceedings or
14 actions in the name of the commission, provided that the
15 standing of any licensing board to sue or be sued under
16 applicable law shall not be affected;

17

18 (iii) To purchase and maintain insurance and
19 bonds;

20

21 (iv) To borrow, accept or contract for services
22 of personnel, including, but not limited to, employees of a
23 party state or nonprofit organizations;

1

2 (v) To cooperate with other organizations that
3 administer state compacts related to the regulation of
4 nursing, including but not limited to sharing
5 administrative or staff expenses, office space or other
6 resources;

7

8 (vi) To hire employees, elect or appoint
9 officers, fix compensation, define duties, grant
10 individuals appropriate authority to carry out the purposes
11 of this compact and to establish the commission's personnel
12 policies and programs relating to conflicts of interest,
13 qualifications of personnel and other related personnel
14 matters;

15

16 (vii) To accept any and all appropriate
17 donations, grants and gifts of money, equipment, supplies,
18 materials and services and to receive, utilize and dispose
19 of the same. At all times the commission shall avoid any
20 appearance of impropriety or conflict of interest;

21

22 (viii) To lease, purchase, accept appropriate
23 gifts or donations of, or otherwise to own, hold, improve

1 or use, any property, whether real, personal or mixed. At
2 all times the commission shall avoid any appearance of
3 impropriety;

4

5 (ix) To sell, convey, mortgage, pledge, lease,
6 exchange, abandon or otherwise dispose of any property,
7 whether real, personal or mixed;

8

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

10

11 (xi) To borrow money;

12

13 (xii) To appoint committees, including advisory
14 committees comprised of administrators, state nursing
15 regulators, state legislators or their representatives,
16 consumer representatives and other such interested persons;

17

18 (xiii) To provide and receive information from,
19 and to cooperate with, law enforcement agencies;

20

21 (xiv) To adopt and use an official seal; and

22

1 (xv) To perform such other functions as may be
2 necessary or appropriate to achieve the purposes of this
3 compact consistent with the state regulation of nurse
4 licensure and practice.

5

6 (h) Financing of the commission shall be as follows:

7

8 (i) The commission shall pay, or provide for the
9 payment of, the reasonable expenses of its establishment,
10 organization and ongoing activities;

11

12 (ii) The commission may also levy on and collect
13 an annual assessment from each party state to cover the
14 cost of its operations, activities and staff in its annual
15 budget as approved each year. The aggregate annual
16 assessment amount, if any, shall be allocated based upon a
17 formula to be determined by the commission, which shall
18 promulgate a rule that is binding upon all party states;

19

20 (iii) The commission shall not incur obligations
21 of any kind prior to securing adequate funding. Nor shall
22 the commission pledge the credit of any of the party

1 states, except by, and with the authority of, the party
2 state;

3
4 (iv) The commission shall keep accurate accounts
5 of all receipts and disbursements. The receipts and
6 disbursements of the commission shall be subject to the
7 audit and accounting procedures established under its
8 bylaws. However, all receipts and disbursements of funds
9 handled by the commission shall be audited yearly by a
10 certified or licensed public accountant and the report of
11 the audit shall be included in and become part of the
12 annual report of the commission.

13
14 (j) Qualified immunity, defense and indemnification
15 of the commission shall be as follows:

16
17 (i) The administrators, officers, executive
18 director, employees and representatives of the commission
19 shall be immune from suit and liability, either personally
20 or in their official capacity, for any claim for damage to
21 or loss of property or personal injury or other civil
22 liability caused by or arising out of any actual or alleged
23 act, error or omission that occurred, or that the person

1 against whom the claim is made had a reasonable basis for
2 believing occurred, within the scope of commission
3 employment, duties or responsibilities. Nothing in this
4 paragraph shall be construed to protect any person from
5 suit or liability for any damage, loss, injury or liability
6 caused by the intentional, willful or wanton misconduct of
7 that person;

8

9 (ii) The commission shall defend any
10 administrator, officer, executive director, employee or
11 representative of the commission in any civil action
12 seeking to impose liability arising out of any actual or
13 alleged act, error or omission that occurred within the
14 scope of commission employment, duties or responsibilities,
15 or that the person against whom the claim is made had a
16 reasonable basis for believing occurred within the scope of
17 commission employment, duties or responsibilities provided
18 that the actual or alleged act, error or omission did not
19 result from that person's intentional, willful or wanton
20 misconduct. Nothing in this paragraph shall be construed to
21 prohibit that person from retaining his own counsel;

22

1 (iii) The commission shall indemnify and hold
2 harmless any administrator, officer, executive director,
3 employee or representative of the commission for the amount
4 of any settlement or judgment obtained against that person
5 arising out of any actual or alleged act, error or omission
6 that occurred within the scope of commission employment,
7 duties or responsibilities, or that such person had a
8 reasonable basis for believing occurred within the scope of
9 commission employment, duties or responsibilities, provided
10 that the actual or alleged act, error or omission did not
11 result from the intentional, willful or wanton misconduct
12 of that person.

13

14

ARTICLE VIII

15

Rulemaking

16

17 (a) The commission shall exercise its rulemaking
18 powers pursuant to the criteria set forth in this article
19 and any adopted rules. Rules and amendments shall become
20 binding as of the date specified in each rule or amendment
21 and shall have the same force and effect as provisions of
22 this compact.

23

1 (b) Rules or amendments to the rules shall be adopted
2 at a regular or special meeting of the commission.

3
4 (c) Prior to promulgation and adoption of a final
5 rule or rules by the commission, and at least sixty (60)
6 days in advance of the meeting at which the rule will be
7 considered and voted upon, the commission shall file a
8 notice of proposed rulemaking:

9
10 (i) On the website of the commission; and

11
12 (ii) On the website of each licensing board or
13 the publication in which each state would otherwise publish
14 proposed rules.

15
16 (d) The notice of proposed rulemaking shall include:

17
18 (i) The proposed time, date and location of the
19 meeting in which the rule will be considered and voted
20 upon;

21
22 (ii) The text of the proposed rule or amendment
23 and the reason for the proposed rule;

1

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

4

5 (iv) The manner in which interested persons may
6 submit notice to the commission of their intention to
7 attend the public hearing and any written comments.

8

9 (e) Prior to adoption of a proposed rule, the
10 commission shall allow persons to submit written data,
11 facts, opinions and arguments, which shall be made
12 available to the public.

13

14 (f) The commission shall grant an opportunity for a
15 public hearing before it adopts a rule or amendment.

16

17 (g) The commission shall publish the place, time and
18 date of the scheduled public hearing. Hearings shall be
19 conducted as follows:

20

21 (i) In a manner providing each person who wishes
22 to comment a fair and reasonable opportunity to comment

1 orally or in writing. All hearings will be recorded, and a
2 copy will be made available upon request; and

3

4 (ii) Nothing in this article shall be construed
5 as requiring a separate hearing on each rule. Rules may be
6 grouped for the convenience of the commission at hearings
7 required by this section.

8

9 (h) If no one appears at the public hearing, the
10 commission may proceed with promulgation of the proposed
11 rule.

12

13 (j) Following the scheduled hearing date or by the
14 close of business on the scheduled hearing date if the
15 hearing was not held, the commission shall consider all
16 written and oral comments received.

17

18 (k) The commission shall, by majority vote of all
19 administrators, take final action on the proposed rule and
20 shall determine the effective date of the rule, if any,
21 based on the rulemaking record and the full text of the
22 rule.

23

1 (m) Upon determination that an emergency exists, the
2 commission may consider and adopt an emergency rule without
3 prior notice, opportunity for comment or hearing, provided
4 that the usual rulemaking procedures provided in this
5 compact and in this section shall be retroactively applied
6 to the rule as soon as reasonably possible, in no event
7 later than ninety (90) days after the effective date of the
8 rule. For the purposes of this provision, an emergency rule
9 is one that must be adopted immediately in order to:

10
11 (i) Meet an imminent threat to public health,
12 safety or welfare;

13
14 (ii) Prevent a loss of commission or party state
15 funds; or

16
17 (iii) Meet a deadline for the promulgation of an
18 administrative rule that is required by federal law or
19 rule.

20
21 (n) The commission may direct revisions to a
22 previously adopted rule or amendment for purposes of
23 correcting typographical errors, errors in format, errors

1 in consistency or grammatical errors. Public notice of any
2 revisions shall be posted on the website of the commission.
3 The revision shall be subject to challenge by any person
4 for a period of thirty (30) days after posting. The
5 revision may be challenged only on grounds that the
6 revision results in a material change to a rule. A
7 challenge shall be made in writing and delivered to the
8 commission, prior to the end of the notice period. If no
9 challenge is made, the revision will take effect without
10 further action. If the revision is challenged, the revision
11 shall not take effect without the approval of the
12 commission.

13

14

ARTICLE IX

15

Oversight, Dispute Resolution and Enforcement

16

17

(a) Oversight of the compact shall be as follows:

18

19

20

21

22

(i) Each party state shall enforce this compact
and take all actions necessary and appropriate to
effectuate this compact's purposes and intent;

1 (ii) The commission shall be entitled to receive
2 service of process in any proceeding that may affect the
3 powers, responsibilities or actions of the commission and
4 shall have standing to intervene in any proceeding for all
5 purposes related to this compact. Failure to provide
6 service of process in any proceeding to the commission
7 shall render a judgment or order void as to the commission,
8 this compact or promulgated rules.

9

10 (b) Default, technical assistance and termination
11 shall be as follows:

12

13 (i) If the commission determines that a party
14 state has defaulted in the performance of its obligations
15 or responsibilities under this compact or the promulgated
16 rules, the commission shall:

17

18 (A) Provide written notice to the
19 defaulting state and other party states of the nature of
20 the default, the proposed means of curing the default or
21 any other action to be taken by the commission; and

22

1 (B) Provide remedial training and specific
2 technical assistance regarding the default.

3
4 (ii) If a state in default fails to cure the
5 default, the defaulting state's membership in this compact
6 may be terminated upon an affirmative vote of a majority of
7 the administrators and all rights, privileges and benefits
8 conferred by this compact may be terminated on the
9 effective date of termination. A cure of the default does
10 not relieve the offending state of obligations or
11 liabilities incurred during the period of default;

12
13 (iii) Termination of membership in this compact
14 shall be imposed only after all other means of securing
15 compliance have been exhausted. Notice of intent to suspend
16 or terminate shall be given by the commission to the
17 governor of the defaulting state and to the executive
18 officer of the defaulting state's licensing board and each
19 of the party states;

20
21 (iv) A state whose membership in this compact
22 has been terminated is responsible for all assessments,
23 obligations and liabilities incurred through the effective

1 date of termination, including obligations that extend
2 beyond the effective date of termination;

3

4 (v) The commission shall not bear any costs
5 related to a state that is found to be in default or whose
6 membership in this compact has been terminated unless
7 agreed upon in writing between the commission and the
8 defaulting state;

9

10 (vi) The defaulting state may appeal the action
11 of the commission by petitioning the United States District
12 Court for the District of Columbia or the federal district
13 in which the commission has its principal offices. The
14 prevailing party shall be awarded all costs of litigation,
15 including reasonable attorneys' fees.

16

17 (c) Dispute resolution of the compact shall be as
18 follows:

19

20 (i) Upon request by a party state, the
21 commission shall attempt to resolve disputes related to the
22 compact that arise among party states and between party and
23 nonparty states;

1

2 (ii) The commission shall promulgate a rule
3 providing for both mediation and binding dispute resolution
4 for disputes, as appropriate;

5

6 (iii) In the event the commission cannot resolve
7 disputes among party states arising under this compact:

8

9 (A) The party states may submit the issues
10 in dispute to an arbitration panel, which will be comprised
11 of individuals appointed by the compact administrator in
12 each of the affected party states and an individual
13 mutually agreed upon by the compact administrators of all
14 the party states involved in the dispute;

15

16 (B) The decision of a majority of the
17 arbitrators shall be final and binding.

18

19 (d) Enforcement of the compact shall be as follows:

20

21 (i) The commission, in the reasonable exercise
22 of its discretion, shall enforce the provisions and rules
23 of this compact;

1

2 (ii) By majority vote, the commission may
3 initiate legal action in the United States District Court
4 for the District of Columbia or the federal district in
5 which the commission has its principal offices against a
6 party state that is in default to enforce compliance with
7 the provisions of this compact and its promulgated rules
8 and bylaws. The relief sought may include both injunctive
9 relief and damages. In the event judicial enforcement is
10 necessary, the prevailing party shall be awarded all costs
11 of such litigation, including reasonable attorneys' fees;

12

13 (iii) The remedies provided in this subsection
14 shall not be the exclusive remedies of the commission. The
15 commission may pursue any other remedies available under
16 federal or state law.

17

18

ARTICLE X

19

Effective Date, Withdrawal and Amendment

20

21 (a) This compact shall become effective and binding
22 on the earlier of the date of legislative enactment of this
23 compact into law by no less than twenty-six (26) states or

1 December 31, 2018. All party states to this compact, that
2 also were parties to the prior Nurse Licensure Compact,
3 superseded by this compact shall be deemed to have
4 withdrawn from the prior Nurse Licensure Compact within six
5 (6) months after the effective date of this compact.

6

7 (b) Each party state to this compact shall continue
8 to recognize a nurse's multistate licensure privilege to
9 practice in that party state issued under the prior compact
10 until such party state has withdrawn from the prior
11 compact.

12

13 (c) Any party state may withdraw from this compact by
14 enacting a statute repealing the same. A party state's
15 withdrawal shall not take effect until six (6) months after
16 enactment of the repealing statute.

17

18 (d) A party state's withdrawal or termination shall
19 not affect the continuing requirement of the withdrawing or
20 terminated state's licensing board to report adverse
21 actions and significant investigations occurring prior to
22 the effective date of the withdrawal or termination.

23

1 (e) Nothing contained in this compact shall be
2 construed to invalidate or prevent any nurse licensure
3 agreement or other cooperative arrangement between a party
4 state and a nonparty state that is made in accordance with
5 the other provisions of this compact.

6

7 (f) This compact may be amended by the party states.
8 No amendment to this compact shall become effective and
9 binding upon the party states unless and until it is
10 enacted into the laws of all party states.

11

12 (g) Representatives of nonparty states to this
13 compact shall be invited to participate in the activities
14 of the commission, on a nonvoting basis, prior to the
15 adoption of this compact by all states.

16

17 ARTICLE XI

18 Construction and Severability

19

20 (a) This compact shall be liberally construed to
21 effectuate its purposes. The provisions of this compact
22 shall be severable, and if any phrase, clause, sentence or
23 provision of this compact is declared to be contrary to the

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

11

12 **Section 2.** W.S. 33-21-122 by creating a new
13 subsection (f), 33-21-134(a), 33-21-135, 33-21-145(a)(i)
14 and (iii), 33-21-146(a)(vii) and 33-21-154(a) by creating a
15 new paragraph (x) are amended to read:

16

17 **33-21-122. Board of nursing; powers and duties.**

18

19 (f) The board shall administer the provisions of the
20 Nurse Licensure Compact pursuant to W.S. 33-21-202,
21 including factoring the annual assessment required under
22 the compact into its biennium budget. Before recognizing a
23 nurse from another state that is party to the Nurse

1 Licensure Compact, the board shall determine the
2 qualifications for a nursing license in the remote state
3 are substantially equivalent to, or more stringent than,
4 the minimum qualifications for issuance of a Wyoming
5 license under this act.

6

7 **33-21-134. Registered professional nurse; use of**
8 **R.N.; advanced practice registered nurse; use of A.P.R.N.**

9

10 (a) Any person who holds a license to practice as a
11 registered professional nurse in this state or who holds a
12 license in another state and is practicing in this state
13 pursuant to the Nurse Licensure Compact, shall have the
14 right to use the title "Registered Nurse" and the
15 abbreviation "R.N." No other person shall assume this title
16 or use this abbreviation or any words, letters, signs or
17 devices to indicate that the person using same is a
18 registered professional nurse.

19

20 **33-21-135. Licensed practical nurse; use of L.P.N.**

21

22 Any person who holds a license to practice as a licensed
23 practical nurse in this state or who holds a license in

1 another state and is practicing in this state pursuant to
2 the Nurse Licensure Compact, shall have the right to use
3 the title "Licensed Practical Nurse" and the abbreviation
4 "L.P.N." No other person shall assume this title or use
5 this abbreviation or any words, letters, signs or devices
6 to indicate that the person using same is a licensed
7 practical nurse.

8

9 **33-21-145. Violations; penalties.**

10

11 (a) No person shall:

12

13 (i) Engage in the practice of nursing as defined
14 in this act without a valid, current license or temporary
15 permit, except as otherwise permitted under this act or the
16 Nurse Licensure Compact;

17

18 (iii) Use any words, abbreviations, figures,
19 letters, titles, signs, cards or devices tending to imply
20 that the person is a registered nurse, licensed practical
21 nurse or advanced practice registered nurse unless the
22 person is duly licensed as a registered nurse, licensed
23 practical nurse, or recognized as an advanced practice

1 registered nurse under this act or holds a license in
2 another state and is practicing in this state pursuant to
3 the Nurse Licensure Compact;

4

5 **33-21-146. Disciplining licensees and certificate**
6 **holders; grounds.**

7

8 (a) The board of nursing may refuse to issue or
9 renew, or may suspend or revoke the license, certificate or
10 temporary permit of any person, or to otherwise discipline
11 a licensee or certificate holder, upon proof that the
12 person:

13

14 (vii) Has practiced nursing within this state
15 without a valid current license or temporary permit or as
16 otherwise permitted under this act or the Nurse Licensure
17 Compact;

18

19 **33-21-154. Exemptions.**

20

21 (a) No provisions in this act prohibit:

22

1 (x) The practice of any nurse within this state
2 who holds a license in another state and is practicing in
3 this state pursuant to the Nurse Licensure Compact.

4
5 **Section 3.** If 2016 House Bill 56 is enacted into law,
6 the amendments to W.S. 33-21-122, 33-21-145 and 33-21-154
7 in Section 2 of this act shall not be effective and W.S.
8 33-21-122 by creating new subsections (f) and (g),
9 33-21-145(a)(i) and (iii) and 33-21-154(a) by creating new
10 paragraphs (x) and (xi) are amended to read:

11
12 **33-21-122. Board of nursing; powers and duties.**

13
14 (f) The board shall administer the provisions of the
15 Nurse Licensure Compact pursuant to W.S. 33-21-202,
16 including factoring the annual assessment required under
17 the compact into its biennium budget. Before recognizing a
18 nurse from another state that is party to the Nurse
19 Licensure Compact, the board shall determine the
20 qualifications for a nursing license in the remote state
21 are substantially equivalent to, or more stringent than,
22 the minimum qualifications for issuance of a Wyoming
23 license under this act.

1

2 (g) The board shall administer the provisions of the
3 Advance Practice Registered Nurse Compact pursuant to W.S.
4 33-21-302, including factoring the annual assessment
5 required under the compact into its biennium budget. Before
6 recognizing a nurse from another state that is party to the
7 Advanced Practice Registered Nurse Compact, the board shall
8 determine the qualifications for an advanced practice
9 nursing license in the remote state are substantially
10 equivalent to, or more stringent than, the minimum
11 qualifications for issuance of a Wyoming license under this
12 act.

13

14 **33-21-145. Violations; penalties.**

15

16 (a) No person shall:

17

18 (i) Engage in the practice of nursing as defined
19 in this act without a valid, current license or temporary
20 permit, except as otherwise permitted under this act, the
21 Advanced Practice Registered Nurse Compact or the Nurse
22 Licensure Compact;

23

1 (iii) Use any words, abbreviations, figures,
2 letters, titles, signs, cards or devices tending to imply
3 that the person is a registered nurse, licensed practical
4 nurse or advanced practice registered nurse unless the
5 person is duly licensed as a registered nurse, licensed
6 practical nurse, or recognized as an advanced practice
7 registered nurse under this act, the Advanced Practice
8 Registered Nurse Compact or holds a license in another
9 state and is practicing in this state pursuant to the Nurse
10 Licensure Compact;

11
12 **33-21-154. Exemptions.**

13
14 (a) No provisions in this act prohibit:

15
16 (x) The practice of any nurse within this state
17 who holds a license in another state and is practicing in
18 this state pursuant to the Nurse Licensure Compact;

19
20 (xi) The practice of any advanced practice
21 registered nurse who holds a license in another state and
22 is practicing in this state pursuant to W.S. 33-21-302.

23

1 **Section 4.** This act is effective July 1, 2016.

2

3

(END)