

HOUSE BILL NO. HB0056

Advanced Practice Nurse Licensure Compact.

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

A BILL

for

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

8

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

10

11 **Section 1.** W.S. 33-21-301 and 33-21-302 are created
12 to read:

13

14

ARTICLE 3

15

ADVANCED PRACTICE REGISTERED NURSE COMPACT

1

2 **33-21-301. Short title.**

3

4 This article shall be known and may be cited as the
5 "Advanced Practice Registered Nurse Compact."
6

6

7 **33-21-302. Compact provisions generally.**

8

9 The Advanced Practice Registered Nurse Compact is enacted
10 into law and entered into on behalf of this state with all
11 other states legally joining in the compact in a form
12 substantially as follows:

13

14

ARTICLE I

15

Findings and Declaration of Purpose

16

17 (a) The party states find that:

18

19 (i) The health and safety of the public are
20 affected by the degree of compliance with advanced practice
21 registered nurse (APRN) licensure requirements and the
22 effectiveness of enforcement activities related to state
23 APRN licensure laws;

1

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

5

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

11

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

15

16 (v) The current system of duplicative APRN
17 licensure for APRNs practicing in multiple states is
18 cumbersome and redundant for both APRNs and states;

19

20 (vi) Uniformity of APRN licensure requirements
21 throughout the states promotes public safety and public
22 health benefits.

23

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

2

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

5

6 (ii) Ensure and encourage the cooperation of
7 party states in the areas of APRN licensure and regulation,
8 including promotion of uniform licensure requirements;

9

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

13

14 (iv) Promote compliance with the laws governing
15 APRN practice in each jurisdiction;

16

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

22

1 (vi) Decrease redundancies in the consideration
2 and issuance of APRN licenses; and

3
4 (vii) Provide opportunities for interstate
5 practice by APRNs who meet uniform licensure requirements.

6

7 ARTICLE II

8 Definitions

9

10 (a) As used in this compact:

11

12 (i) "Advanced practice registered nurse" or
13 "APRN" means a registered nurse who has gained additional
14 specialized knowledge, skills and experience through a
15 program of study recognized or defined by the Interstate
16 Commission of APRN Compact Administrators ("commission"),
17 and who is licensed to perform advanced nursing practice.
18 An advanced practice registered nurse is licensed in an
19 APRN role that is congruent with an APRN educational
20 program, certification and commission rules;

21

22 (ii) "Adverse action" means any administrative,
23 civil, equitable or criminal action permitted by a state's

1 laws which is imposed by a licensing board or other
2 authority against an APRN, including actions against an
3 individual's license or multistate licensure privilege such
4 as revocation, suspension, probation, monitoring of the
5 licensee, limitation on the licensee's practice or any
6 other encumbrance on licensure affecting an APRN's
7 authorization to practice, including the issuance of a
8 cease and desist action;

9

10 (iii) "Alternative program" means a,
11 nondisciplinary monitoring program approved by a licensing
12 board;

13

14 (iv) "APRN licensure" means the regulatory
15 mechanism used by a party state to grant legal authority to
16 practice as an APRN;

17

18 (v) "APRN uniform licensure requirements" means
19 minimum uniform licensure, education and examination
20 requirements as adopted by the commission;

21

22 (vi) "Coordinated licensure information system"
23 means an integrated process for collecting, storing and

1 sharing information on APRN licensure and enforcement
2 activities related to APRN licensure laws that is
3 administered by a nonprofit organization composed of and
4 controlled by licensing boards;

5

6 (vii) "Current significant investigatory
7 information" means:

8

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

15

16 (B) Investigative information that
17 indicates that the APRN represents an immediate threat to
18 public health and safety regardless of whether the APRN has
19 been notified and had an opportunity to respond.

20

21 (viii) "Encumbrance" means a revocation or
22 suspension of, or any limitation on, the full and

1 unrestricted practice of nursing imposed by a licensing
2 board;

3

4 (ix) "Home state" means the party state that is
5 the APRN's primary state of residence;

6

7 (x) "Licensing board" means a party state's
8 regulatory body responsible for regulating the practice of
9 advanced practice registered nursing;

10

11 (xi) "Multistate license" means an APRN license
12 to practice as an APRN issued by a home state licensing
13 board that authorizes the APRN to practice as an APRN in
14 all party states under a multistate licensure privilege, in
15 the same role and population focus as the APRN is licensed
16 in the home state;

17

18 (xii) "Multistate licensure privilege" means a
19 legal authorization associated with an APRN multistate
20 license that permits an APRN to practice as an APRN in a
21 remote state, in the same role and population focus as the
22 APRN is licensed in the home state;

23

1 (xiii) "Noncontrolled prescription drug" means a
2 device or drug that is not a controlled substance and is
3 prohibited under state or federal law from being dispensed
4 without a prescription. The term includes a device or drug
5 that bears or is required to bear the legend "caution:
6 federal law prohibits dispensing without prescription" or
7 "prescription only" or other legend that complies with
8 federal law;

9

10 (xiv) "Party state" means any state that has
11 adopted this compact;

12

13 (xv) "Population focus" means a specific patient
14 population that is congruent with the APRN educational
15 program, certification and commission rules;

16

17 (xvi) "Prescriptive authority" means the legal
18 authority to prescribe medications and devices as defined
19 by party state laws;

20

21 (xvii) "Remote state" means a party state that
22 is not the home state;

23

1 (xviii) "Single state license" means an APRN
2 license issued by a party state that authorizes practice
3 only within the issuing state and does not include a
4 multistate licensure privilege to practice in any other
5 party state;

6

7 (xix) "State" means a state, territory or
8 possession of the United States and the District of
9 Columbia;

10

11 (xx) "State practice laws" means a party state's
12 laws, rules and regulations that govern APRN practice,
13 define the scope of advanced nursing practice, including
14 prescriptive authority, and create the methods and grounds
15 for imposing discipline. State practice laws do not include
16 the requirements necessary to obtain and retain an APRN
17 license, except for qualifications or requirements of the
18 home state.

19

20

ARTICLE III

21

General Provisions and Jurisdiction

22

1 (a) A state must implement procedures for considering
2 the criminal history records of applicants for initial APRN
3 licensure or APRN licensure by endorsement. The procedures
4 shall include the submission of fingerprints or other
5 biometric based information by APRN applicants for the
6 purpose of obtaining an applicant's criminal history record
7 information from the federal bureau of investigation and
8 the agency responsible for retaining that state's criminal
9 records.

10
11 (b) By rule, the commission shall adopt the APRN
12 uniform licensure requirements. The uniform licensure
13 requirements shall provide the minimum requirements for
14 APRN multistate licensure in party states, provided that
15 the commission may adopt rules whereby an APRN, with an
16 unencumbered license on the effective date of this compact,
17 may obtain, by endorsement or otherwise, and retain a
18 multistate license in a party state.

19
20 (c) In order to obtain or retain a multistate
21 license, an APRN must meet, in addition to the uniform
22 licensure requirements, the home state's qualifications for

1 licensure or renewal of licensure, as well as, all other
2 applicable home state laws.

3

4 (d) By rule, the commission shall identify the
5 approved APRN roles and population foci for licensure as an
6 APRN. An APRN issued a multistate license shall be licensed
7 in an approved APRN role and at least one (1) approved
8 population focus.

9

10 (e) An APRN multistate license issued by a home state
11 to a resident in that state will be recognized by each
12 party state as authorizing the APRN to practice as an APRN
13 in each party state, under a multistate licensure
14 privilege, in the same role and population focus as the
15 APRN is licensed in the home state. If an applicant does
16 not qualify for a multistate license, a single state
17 license may be issued by a home state.

18

19 (f) Issuance of an APRN multistate license shall
20 include prescriptive authority for noncontrolled
21 prescription drugs, unless the APRN was licensed by the
22 home state prior to the home state's adoption of this

1 compact and has not previously held prescriptive authority.

2 Further:

3

4 (i) An APRN granted prescriptive authority for
5 noncontrolled prescription drugs in the home state may
6 exercise prescriptive authority for noncontrolled
7 prescription drugs in any remote state while exercising a
8 multistate licensure privilege under an APRN multistate
9 license. The APRN shall not be required to meet any
10 additional eligibility requirements imposed by the remote
11 state in exercising prescriptive authority for
12 noncontrolled prescription drugs;

13

14 (ii) Prescriptive authority in the home state
15 for an APRN who was not granted prescriptive authority at
16 the time of initial licensure by the home state, prior to
17 the adoption of this compact, shall be determined under
18 home state law;

19

20 (iii) Prescriptive authority eligibility for an
21 APRN holding a single state license shall be determined
22 under the law of the licensing state.

23

1 (g) For each state in which an APRN seeks authority
2 to prescribe controlled substances, the APRN shall satisfy
3 all requirements imposed by the state in granting or
4 renewing such authority.

5
6 (h) An APRN issued a multistate license is authorized
7 to assume responsibility and accountability for patient
8 care independent of a supervisory or collaborative
9 relationship with a physician. This authority may be
10 exercised in the home state and in any remote state in
11 which the APRN exercises a multistate licensure privilege.
12 For an APRN issued a single state license in a party state,
13 the requirement for a supervisory or collaborative
14 relationship with a physician shall be determined under
15 applicable party state law.

16
17 (j) All party states shall be authorized, in
18 accordance with state due process laws, to take adverse
19 action against an APRN's multistate licensure privilege
20 such as revocation, suspension, probation or any other
21 action that affects an APRN's authorization to practice
22 under a multistate licensure privilege, including cease and
23 desist actions. If a party state takes any action, it shall

1 promptly notify the administrator of the coordinated
2 licensure information system. The administrator of the
3 coordinated licensure information system shall promptly
4 notify the home state of any actions by remote states.

5

6 (k) An APRN practicing in a party state must comply
7 with the state practice laws of the state in which the
8 client is located at the time service is provided. APRN
9 practice is not limited to patient care, but shall include
10 all advanced nursing practice as defined by the state
11 practice laws of the party state in which the client is
12 located. APRN practice in a party state under a multistate
13 licensure privilege will subject the APRN to the
14 jurisdiction of the licensing board, the courts and the
15 laws of the party state in which the client is located at
16 the time service is provided.

17

18 (m) This compact does not affect additional
19 requirements imposed by states for advanced practice
20 registered nursing. However, a multistate licensure
21 privilege to practice registered nursing granted by a party
22 state shall be recognized by other party states as
23 satisfying any state law requirement for registered nurse

1 licensure as a precondition for authorization to practice
2 as an APRN in that state.

3

4 (n) Individuals not residing in a party state shall
5 continue to be able to apply for a party state's single
6 state APRN license as provided under the laws of each party
7 state. However, the single state license granted to these
8 individuals will not be recognized as granting the
9 privilege to practice as an APRN in any other party state.

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ARTICLE IV

12

Applications for APRN Licensure in a Party State

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14 (a) Upon application for an APRN multistate license,
15 the licensing board in the issuing party state shall
16 ascertain, through the coordinated licensure information
17 system, whether the applicant has ever held or is the
18 holder of a licensed practical/vocational nursing license,
19 a registered nursing license or an advanced practice
20 registered nurse license issued by any other state, whether
21 there are any encumbrances on any license or multistate
22 licensure privilege held by the applicant, whether any
23 adverse action has been taken against any license or

1 multistate licensure privilege held by the applicant and
2 whether the applicant is currently participating in an
3 alternative program.

4

5 (b) An APRN may hold a multistate APRN license,
6 issued by the home state, in only one (1) party state at a
7 time.

8

9 (c) If an APRN changes primary state of residence by
10 moving between two (2) party states, the APRN must apply
11 for APRN licensure in the new home state, and the
12 multistate license issued by the prior home state shall be
13 deactivated in accordance with applicable commission rules
14 and the following:

15

16 (i) The APRN may apply for licensure in advance
17 of a change in primary state of residence;

18

19 (ii) A multistate APRN license shall not be
20 issued by the new home state until the APRN provides
21 satisfactory evidence of a change in primary state of
22 residence to the new home state and satisfies all

1 applicable requirements to obtain a multistate APRN license
2 from the new home state.

3

4 (d) If an APRN changes primary state of residence by
5 moving from a party state to a nonparty state, the APRN
6 multistate license issued by the prior home state will
7 convert to a single state license, valid only in the former
8 home state.

9

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ARTICLE V

11 Additional Authorities Invested in Party State Licensing
12 Boards

13

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

16

17 (i) Take adverse action against an APRN's
18 multistate licensure privilege to practice within that
19 party state as follows:

20

21 (A) Only the home state shall have power to
22 take adverse action against an APRN's license issued by the
23 home state;

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(B) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct that occurred outside of the home state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(ii) Issue cease and desist orders or impose an encumbrance on an APRN's authority to practice within that party state;

(iii) Complete any pending investigations of an APRN who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

1 (iv) Issue subpoenas for both hearings and
2 investigations that require the attendance and testimony of
3 witnesses, as well as, the production of evidence.
4 Subpoenas issued by a party state licensing board for the
5 attendance and testimony of witnesses or the production of
6 evidence from another party state shall be enforced in the
7 latter state by any court of competent jurisdiction,
8 according to that court's practice and procedure in
9 considering subpoenas issued in its own proceedings. The
10 issuing licensing board shall pay any witness fees, travel
11 expenses, mileage and other fees required by the service
12 statutes of the state in which the witnesses or evidence
13 are located;

14

15 (v) Obtain and submit, for an APRN licensure
16 applicant, fingerprints or other biometric based
17 information to the federal bureau of investigation for
18 criminal background checks, receive the results of the
19 federal bureau of investigation record search on criminal
20 background checks and use the results in making licensure
21 decisions;

22

1 (vi) If otherwise permitted by state law,
2 recover from the affected APRN the costs of investigations
3 and disposition of cases resulting from any adverse action
4 taken against that APRN; and

5

6 (vii) Take adverse action based on the factual
7 findings of another party state, provided that the
8 licensing board follows its own procedures for taking the
9 adverse action.

10

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

21

22 (c) Nothing in this compact shall override a party
23 state's decision that participation in an alternative

1 program may be used in lieu of adverse action. The home
2 state licensing board shall deactivate the multistate
3 licensure privilege under the multistate license of any
4 APRN for the duration of the APRN's participation in an
5 alternative program.

6

7

ARTICLE VI

8

Coordinated Licensure Information System and Exchange of

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Information

10

11 (a) All party states shall participate in a
12 coordinated licensure information system of all APRNs,
13 licensed registered nurses and licensed
14 practical/vocational nurses. This system will include
15 information on the licensure and disciplinary history of
16 each APRN, as submitted by party states, to assist in the
17 coordinated administration of APRN licensure and
18 enforcement efforts.

19

20 (b) The commission, in consultation with the
21 administrator of the coordinated licensure information
22 system, shall formulate necessary and proper procedures for

1 the identification, collection and exchange of information
2 under this compact.

3

4 (c) All licensing boards shall promptly report to the
5 coordinated licensure information system any adverse
6 action, any current significant investigative information,
7 denials of applications, including the reasons for such
8 denials, and APRN participation in alternative programs
9 known to the licensing board regardless of whether the
10 participation is deemed nonpublic or confidential under
11 state law.

12

13 (d) Current significant investigative information and
14 participation in nonpublic or confidential alternative
15 programs shall be transmitted through the coordinated
16 licensure information system only to party state licensing
17 boards.

18

19 (e) Notwithstanding any other provision of law, all
20 party state licensing boards contributing information to
21 the coordinated licensure information system may designate
22 information that may not be shared with nonparty states or

1 disclosed to other entities or individuals without the
2 express permission of the contributing state.

3

4 (f) Any personally identifiable information obtained
5 from the coordinated licensure information system by a
6 party state licensing board shall not be shared with
7 nonparty states or disclosed to other entities or
8 individuals except to the extent permitted by the laws of
9 the party state contributing the information.

10

11 (g) Any information contributed to the coordinated
12 licensure information system that is subsequently required
13 to be expunged by the laws of the party state contributing
14 the information shall be removed from the coordinated
15 licensure information system.

16

17 (h) The compact administrator of each party state
18 shall furnish a uniform data set to the compact
19 administrator of each other party state, which shall
20 include, at a minimum:

21

22 (i) Identifying information;

23

1 (ii) Licensure data;

2

3 (iii) Information related to alternative program
4 participation information; and

5

6 (iv) Other information that may facilitate the
7 administration of this compact, as determined by commission
8 rules.

9

10 (j) The compact administrator of a party state shall
11 provide all investigative documents and information
12 requested by another party state.

13

14 ARTICLE VII

15 Establishment of the Interstate Commission of APRN Compact
16 Administrators

17

18 (a) The party states hereby create and establish a
19 joint public agency known as the Interstate Commission of
20 APRN Compact Administrators, in accordance with the
21 following:

22

1 (i) The commission is an instrumentality of the
2 party states;

3

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

11

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

14

15 (b) Membership, voting and meetings of the commission
16 shall be as follows:

17

18 (i) Each party state shall have and be limited
19 to one (1) administrator. The head of the state licensing
20 board or designee shall be the administrator of this
21 compact for each party state. Any administrator may be
22 removed or suspended from office as provided by the law of
23 the state from which the administrator is appointed. Any

1 vacancy occurring in the commission shall be filled in
2 accordance with the laws of the party state in which the
3 vacancy exists;

4

5 (ii) Each administrator shall be entitled to one
6 (1) vote with regard to the promulgation of rules and
7 creation of bylaws and shall otherwise have an opportunity
8 to participate in the business and affairs of the
9 commission. An administrator shall vote in person or by
10 such other means as provided in the bylaws. The bylaws may
11 provide for an administrator's participation in meetings by
12 telephone or other means of communication;

13

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

17

18 (iv) All meetings shall be open to the public
19 and public notice of meetings shall be given in the same
20 manner as required under the rulemaking provisions in
21 Article VIII;

22

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

3

4 (A) Noncompliance of a party state with its
5 obligations under this compact;

6

7 (B) The employment, compensation,
8 discipline or other personnel matters, practices or
9 procedures related to specific employees or other matters
10 related to the commission's internal personnel practices
11 and procedures;

12

13 (C) Current, threatened or reasonably
14 anticipated litigation;

15

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

18

19 (E) Accusing any person of a crime or
20 formally censuring any person;

21

1 (F) Disclosure of trade secrets or
2 commercial or financial information that is privileged or
3 confidential;

4

5 (G) Disclosure of information of a personal
6 nature where disclosure would constitute a clearly
7 unwarranted invasion of personal privacy;

8

9 (H) Disclosure of investigatory records
10 compiled for law enforcement purposes;

11

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

16

17 (K) Matters specifically exempted from
18 disclosure by federal or state statute.

19

20 (vi) If a meeting or portion of a meeting is
21 closed pursuant to this subsection, the commission's legal
22 counsel or designee shall certify that the meeting may be
23 closed and shall reference each relevant exempting

1 provision. The commission shall keep minutes that fully and
2 clearly describe all matters discussed in a meeting and
3 shall provide a full and accurate summary of actions taken
4 and the reasons for the action, including a description of
5 the views expressed. All documents considered in connection
6 with an action shall be identified in the minutes. All
7 minutes and documents of a closed meeting shall remain
8 under seal, subject to release by a majority vote of the
9 commission or order of a court of competent jurisdiction.

10

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

16

17 (i) Establishing the fiscal year of the
18 commission;

19

20 (ii) Providing reasonable standards and
21 procedures:

22

1 (A) For the establishment and meetings of
2 other committees; and

3
4 (B) Governing any general or specific
5 delegation of any authority or function of the commission.

6
7 (iii) Providing reasonable procedures for
8 calling and conducting meetings of the commission, ensuring
9 reasonable advance notice of all meetings and providing an
10 opportunity for attendance of the meetings by interested
11 parties, with enumerated exceptions designed to protect the
12 public's interest, the privacy of individuals and
13 proprietary information, including trade secrets. The
14 commission may meet in closed session only after a majority
15 of the administrators vote to close a meeting in whole or
16 in part. As soon as practicable, the commission shall make
17 public a copy of the vote to close the meeting revealing
18 the vote of each administrator, with no proxy votes
19 allowed;

20
21 (iv) Establishing the titles, duties, authority
22 and reasonable procedures for the election of the officers
23 of the commission;

1

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

8

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

14

15 (d) The commission shall publish its bylaws and rules
16 and any amendments, in a convenient form on the website of
17 the commission.

18

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

21

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

4

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

6

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

11

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

16

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

19

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

23

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

6

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

14

15 (vii) To accept any and all appropriate
16 donations, grants and gifts of money, equipment, supplies,
17 materials and services, and to receive, utilize and dispose
18 of the same. At all times the commission shall strive to
19 avoid any appearance of impropriety or conflict of
20 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 strive to avoid any
3 appearance of 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 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 other functions as may be
2 necessary or appropriate to achieve the purposes of this
3 compact consistent with the state regulation of APRN
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 levy on and collect an
13 annual assessment from each party state to cover the cost
14 of the operations and activities of the interstate
15 commission and its staff which must be in a total amount
16 sufficient to cover its annual budget as approved each
17 year. The aggregate annual assessment amount shall be
18 allocated based upon a formula to be determined by the
19 commission, which shall promulgate a rule that is binding
20 upon all party states;

21

22 (iii) The commission shall not incur obligations
23 of any kind prior to securing adequate funding. Nor shall

1 the commission pledge the credit of any of the party
2 states, except by, and with the authority of, the party
3 state;

4

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

14

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

17

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

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

9

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

23

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 the 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 section 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 such a proceeding for
5 all 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, the
19 defaulting state's licensing board and each of the party
20 states;

21

22 (iv) A state whose membership in this compact
23 has been terminated is responsible for all assessments,

1 obligations and liabilities incurred through the effective
2 date of termination, including obligations that extend
3 beyond the effective date of termination;

4

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

10

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

17

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

20

21 (i) Upon request by a party state, the
22 commission shall attempt to resolve disputes related to the

1 compact that arise among party states and between party and
2 nonparty states;

3

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

7

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

10

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

17

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

20

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

22

1 (i) The commission, in the reasonable exercise
2 of its discretion, shall enforce the provisions and rules
3 of this compact;

4

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

15

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

20

21

ARTICLE X

22

Effective Date, Withdrawal and Amendment

23

1 (a) This compact shall come into limited effect at
2 the time the compact has been enacted into law in ten (10)
3 party states for the sole purpose of establishing and
4 convening the commission to adopt rules relating to its
5 operation and the APRN uniform licensure requirements.

6

7 (b) On the date of the commission's adoption of the
8 APRN uniform licensure requirements, all remaining
9 provisions of this compact, and rules adopted by the
10 commission, shall come into full force and effect in all
11 party states.

12

13 (c) Any state that joins this compact subsequent to
14 the commission's initial adoption of the APRN uniform
15 licensure requirements shall be subject to all rules that
16 have been previously adopted by the commission.

17

18 (d) Any party state may withdraw from this compact by
19 enacting a statute repealing the same. A party state's
20 withdrawal shall not take effect until six (6) months after
21 enactment of the repealing statute.

22

1 (e) A party state's withdrawal or termination shall
2 not affect the continuing requirement of the withdrawing or
3 terminated state's licensing board to report adverse
4 actions and significant investigations occurring prior to
5 the effective date of such withdrawal or termination.

6

7 (f) Nothing contained in this compact shall be
8 construed to invalidate or prevent any APRN licensure
9 agreement or other cooperative arrangement between a party
10 state and a nonparty state that does not conflict with the
11 provisions of this compact.

12

13 (g) This compact may be amended by the party states.
14 No amendment to this compact shall become effective and
15 binding upon any party state until it is enacted into the
16 laws of all party states.

17

18 (h) Representatives of nonparty states to this
19 compact shall be invited to participate in the activities
20 of the commission, on a nonvoting basis, prior to the
21 adoption of this compact by all states.

22

23

ARTICLE XI

1 Construction and Severability

2

3 (a) This compact shall be liberally construed so as
4 to effectuate the purposes thereof. The provisions of this
5 compact shall be severable, and if any phrase, clause,
6 sentence or provision of this compact is declared to be
7 contrary to the constitution of any party state or of the
8 United States, or if the applicability thereof to any
9 government, agency, person or circumstance is held invalid,
10 the validity of the remainder of this compact and the
11 applicability thereof to any government, agency, person or
12 circumstance shall not be affected thereby. If this compact
13 shall be held to be contrary to the constitution of any
14 party state, this compact shall remain in full force and
15 effect as to the remaining party states and in full force
16 and effect as to the party state affected as to all
17 severable matters.

18

19 **Section 2.** W.S. 33-21-122 by creating a new
20 subsection (g), 33-21-134(b), 33-21-145(a)(i) and (iii) and
21 33-21-154(a) by creating a new paragraph (xi) are amended
22 to read:

23

1 **33-21-122. Board of nursing; powers and duties.**

2

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

14

15 **33-31-134. Registered professional nurse; use of R.N.;**
16 **advanced practice registered nurse; use of A.P.R.N.**

17

18 (b) Any person who holds a license to practice as an
19 advanced practice registered nurse in this state, or who
20 holds a license in another state and is practicing in this
21 state pursuant to the Advanced Practice Registered Nurse
22 Compact, shall have the right to use the title "Advanced
23 Practice Registered Nurse" and the abbreviation "A.P.R.N."

1 No other person shall assume this title or use this
2 abbreviation or any words, letters, signs or devices to
3 indicate that the person using same is an advance practice
4 registered nurse.

5

6 **33-21-145. Violations; penalties.**

7

8 (a) No person shall:

9

10 (i) Engage in the practice of nursing as defined
11 in this act without a valid, current license or temporary
12 permit, except as otherwise permitted under this act or the
13 Advanced Practice Registered Nurse Compact;

14

15 (iii) Use any words, abbreviations, figures,
16 letters, titles, signs, cards or devices tending to imply
17 that the person is a registered nurse, licensed practical
18 nurse or advanced practice registered nurse unless the
19 person is duly licensed as a registered nurse, licensed
20 practical nurse, or recognized as an advanced practice
21 registered nurse under this act or the Advanced Practice
22 Registered Nurse Compact;

23

1 **33-21-154. Exemptions.**

2

3 (a) No provisions in this act prohibit:

4

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

8

9 **Section 3.** If 2016 House Bill 55 is enacted into law,
10 the amendments to W.S. 33-21-122, 33-21-145 and 33-21-154
11 in Section 2 of this act shall not be effective and W.S.
12 33-21-122 by creating new subsections (f) and (g),
13 33-21-145(a) (i) and (iii) and 33-21-154(a) by creating new
14 paragraphs (x) and (xi) are amended to read:

15

16 **33-21-122. Board of nursing; powers and duties.**

17

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

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

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

17
18 **33-21-145. Violations; penalties.**

19
20 (a) No person shall:

21
22 (i) Engage in the practice of nursing as defined
23 in this act without a valid, current license or temporary

1 permit, except as otherwise permitted under this act, the
2 Advanced Practice Registered Nurse Compact or the Nurse
3 Licensure Compact;

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

15
16 **33-21-154. Exemptions.**

17
18 (a) No provisions in this act prohibit:

19
20 (x) The practice of any nurse within this state
21 who holds a license in another state and is practicing in
22 this state pursuant to the Nurse Licensure Compact;

23

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

4

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

6

7

(END)