

**Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0004.01 Kristen Forrestal

SENATE BILL 06-020

SENATE SPONSORSHIP

Hanna,

HOUSE SPONSORSHIP

Green,

Senate Committees

Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A NURSE LICENSURE COMPACT, AND**
102 **MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Directs the governor to enter into a nurse licensure compact ("compact") with other states to allow licensed nurses to exercise a multistate licensure privilege in other states that have also adopted the compact ("party states"). Approves and ratifies the compact developed by the national council of state boards of nursing.

The compact:

States that a license to practice nursing issued by a home

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 9, 2006

SENATE
Amended 2nd Reading
March 8, 2006

state to a state resident will be recognized by party states. In order to obtain or retain a license, all applicable home state requirements must be met.

Allows a party state to limit the multistate licensure privilege of any nurse to practice in such party state. Requires notification to the coordinated licensure information system of any adverse actions. Requires nurses to comply with the state laws in which they are practicing and subjects them to that state's jurisdiction. Does not limit applications for licensure in a party state, but provides that such license will not be recognized by other party states unless explicitly agreed to by that state.

Requires a party state to ascertain whether a license applicant holds a license in another state and whether any adverse actions have been taken by another state against that applicant. Allows nurse licensure to be held in only one party state at a time. Allows issuance of a new license in another party state only with a proven change of residence.

Requires adverse actions and investigations to be reported through the coordinated licensure information system. Grants authority to a party state to complete investigations for a nurse who changes primary state residence during an investigation. Requires the administrator of the coordinated licensure information system to notify the new home state of any adverse action. Allows a party state to take action affecting the practice within that state, but allows only a home state to take action against a license it issues. Requires a home state to consider conduct reported from another state and apply its own laws to determine appropriate action. Allows participation in an alternative program in lieu of licensure action.

Authorizes a party state's nurse licensing board to recover costs of investigations from affected nurses, issue subpoenas for hearings and investigations, issue cease and desist orders to limit or revoke nursing licenses, and promulgate rules.

Requires party states to participate in the creation of a coordinated database to include information on all nurse participants, including licensure information, disciplinary history, any adverse actions, and any current investigative information. Imposes certain confidentiality standards for such information.

Designates the head of each party state's nurse licensing board or his or her designee as the administrator of the

compact for his or her state. Requires each compact administrator to provide information to other party states. Authorizes the compact administrator to develop uniform rules to be adopted by other party states. Makes provisions for withdrawal from the compact, amendments to the compact, severability of provisions, and dispute resolution.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 12-38-103 (8), (11), and (13), Colorado Revised
3 Statutes, are amended to read:

4 **12-38-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (8) "Practical nurse", "trained practical nurse", "licensed
7 vocational nurse", or "licensed practical nurse" means a person who holds
8 a license to practice pursuant to the provisions of this article as a licensed
9 practical nurse in this state OR IS LICENSED IN ANOTHER STATE AND IS
10 PRACTICING IN THIS STATE PURSUANT TO SECTION 24-60-3202, C.R.S.,
11 with the right to use the title "licensed practical nurse" and its
12 abbreviation, "L.P.N.".

13 (11) "Registered nurse" or "registered professional nurse" means
14 a professional nurse, and only a person who holds a license to practice
15 professional nursing in this state pursuant to the provisions of this article
16 OR WHO HOLDS A LICENSE IN ANOTHER STATE AND IS PRACTICING IN THIS
17 STATE PURSUANT TO SECTION 24-60-3202, C.R.S., shall have the right to
18 use the title "registered nurse" and its abbreviation, "R.N.".

19 (13) "Unauthorized practice" means the practice of practical
20 nursing or the practice of professional nursing by any person who has not
21 been issued a license under the provisions of this article, OR IS NOT
22 PRACTICING IN THIS STATE PURSUANT TO SECTION 24-60-3202, C.R.S., or

1 whose license has been suspended or revoked or has expired.

2 **SECTION 2.** 12-38-108, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **12-38-108. Powers and duties of the board.** (4) THE BOARD
5 SHALL ADMINISTER THE PROVISIONS OF THE NURSE LICENSURE COMPACT
6 PURSUANT TO SECTION 24-60-3202, C.R.S. BEFORE RECOGNIZING A
7 NURSE LICENSE FROM ANOTHER STATE THAT IS PARTY TO THE NURSE
8 LICENSURE COMPACT, THE BOARD SHALL DETERMINE THAT SUCH STATE'S
9 QUALIFICATIONS FOR A NURSING LICENSE ARE SUBSTANTIALLY
10 EQUIVALENT TO OR MORE STRINGENT THAN THE MINIMUM
11 QUALIFICATIONS FOR ISSUANCE OF A COLORADO LICENSE UNDER THIS
12 ARTICLE.

13 **SECTION 3.** Article 60 of title 24, Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW PART to read:

15 **PART 32**

16 **NURSE LICENSURE COMPACT**

17 **24-60-3201. Short title.** THIS PART 32 SHALL BE KNOWN AND
18 MAY BE CITED AS THE "NURSE LICENSURE COMPACT".

19 **24-60-3202. Compact approved and ratified.** THE GENERAL
20 ASSEMBLY HEREBY APPROVES AND RATIFIES AND THE GOVERNOR SHALL
21 ENTER INTO A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH
22 ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING
23 THEREIN IN THE FORM AS SUBSTANTIALLY FOLLOWS:

24 **ARTICLE I**

25 **Declaration and Purpose**

26 a. THE PARTY STATES FIND THAT:

27 1. THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE

1 DEGREE OF COMPLIANCE WITH AND THE EFFECTIVENESS OF ENFORCEMENT
2 ACTIVITIES RELATED TO STATE NURSE LICENSURE LAWS;

3 2. VIOLATIONS OF NURSE LICENSURE AND OTHER LAWS
4 REGULATING THE PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM
5 TO THE PUBLIC;

6 3. THE EXPANDED MOBILITY OF NURSES AND THE USE OF
7 ADVANCED COMMUNICATION TECHNOLOGIES AS PART OF OUR NATION'S
8 HEALTHCARE DELIVERY SYSTEM REQUIRE GREATER COORDINATION AND
9 COOPERATION AMONG STATES IN THE AREAS OF NURSE LICENSURE AND
10 REGULATION;

11 4. NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE
12 COMPLIANCE WITH INDIVIDUAL STATE NURSE LICENSURE LAWS DIFFICULT
13 AND COMPLEX;

14 5. THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES
15 PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT TO
16 BOTH NURSES AND STATES.

17 b. THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

18 1. FACILITATE THE STATES' RESPONSIBILITY TO PROTECT THE
19 PUBLIC'S HEALTH AND SAFETY;

20 2. ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES
21 IN THE AREAS OF NURSE LICENSURE AND REGULATION;

22 3. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN PARTY
23 STATES IN THE AREAS OF NURSE REGULATION, INVESTIGATION, AND
24 ADVERSE ACTIONS;

25 4. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING THE
26 PRACTICE OF NURSING IN EACH JURISDICTION;

27 5. INVEST ALL PARTY STATES WITH THE AUTHORITY TO HOLD A

1 NURSE ACCOUNTABLE FOR MEETING ALL STATE PRACTICE LAWS IN THE
2 STATE IN WHICH THE PATIENT IS LOCATED AT THE TIME CARE IS RENDERED
3 THROUGH THE MUTUAL RECOGNITION OF PARTY STATE LICENSES.

4 **ARTICLE II**

5 **Definitions**

6 AS USED IN THIS COMPACT:

7 a. "ADVERSE ACTION" MEANS A HOME OR REMOTE STATE ACTION.

8 b. "ALTERNATIVE PROGRAM" MEANS A VOLUNTARY,
9 NONDISCIPLINARY MONITORING PROGRAM APPROVED BY A NURSE
10 LICENSING BOARD.

11 c. "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN
12 INTEGRATED PROCESS FOR COLLECTING, STORING, AND SHARING
13 INFORMATION ON NURSE LICENSURE AND ENFORCEMENT ACTIVITIES
14 RELATED TO NURSE LICENSURE LAWS, WHICH IS ADMINISTERED BY A
15 NONPROFIT ORGANIZATION COMPOSED OF AND CONTROLLED BY STATE
16 NURSE LICENSING BOARDS.

17 d. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

18 1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER
19 A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN
20 OPPORTUNITY FOR THE NURSE TO RESPOND IF REQUIRED BY STATE LAW,
21 HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE,
22 WOULD INDICATE MORE THAN A MINOR INFRACTION; OR

23 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE NURSE
24 REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY
25 REGARDLESS OF WHETHER THE NURSE HAS BEEN NOTIFIED AND HAD AN
26 OPPORTUNITY TO RESPOND.

27 e. "HOME STATE" MEANS THE PARTY STATE THAT IS THE NURSE'S

1 PRIMARY STATE OF RESIDENCE.

2 f. "HOME STATE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
3 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY THE HOME STATE'S LAWS
4 THAT IS IMPOSED ON A NURSE BY THE HOME STATE'S LICENSING BOARD OR
5 OTHER AUTHORITY INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S
6 LICENSE SUCH AS: REVOCATION, SUSPENSION, PROBATION, OR ANY OTHER
7 ACTION THAT AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE.

8 g. "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY
9 BODY RESPONSIBLE FOR ISSUING NURSE LICENSES.

10 h. "MULTISTATE LICENSURE PRIVILEGE" MEANS CURRENT,
11 OFFICIAL AUTHORITY FROM A REMOTE STATE PERMITTING THE PRACTICE
12 OF NURSING AS EITHER A REGISTERED NURSE OR A LICENSED
13 PRACTICAL/VOCATIONAL NURSE IN SUCH PARTY STATE. ALL PARTY
14 STATES HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE
15 PROCESS LAW, TO TAKE ACTIONS AGAINST THE NURSE'S PRIVILEGE SUCH
16 AS: REVOCATION, SUSPENSION, PROBATION, OR ANY OTHER ACTION THAT
17 AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE.

18 i. "NURSE" MEANS A REGISTERED NURSE OR LICENSED
19 PRACTICAL/VOCATIONAL NURSE, AS THOSE TERMS ARE DEFINED BY EACH
20 PARTY'S STATE PRACTICE LAWS.

21 j. "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS
22 COMPACT.

23 k. "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE
24 HOME STATE:

25 1. WHERE THE PATIENT IS LOCATED AT THE TIME NURSING CARE IS
26 PROVIDED; OR

27 2. IN THE CASE OF THE PRACTICE OF NURSING NOT INVOLVING A

1 PATIENT, IN SUCH PARTY STATE WHERE THE RECIPIENT OF NURSING
2 PRACTICE IS LOCATED.

3 1. "REMOTE STATE ACTION" MEANS:

4 1. ANY ADMINISTRATIVE, CIVIL, EQUITABLE, OR CRIMINAL ACTION
5 PERMITTED BY A REMOTE STATE'S LAWS THAT IS IMPOSED ON A NURSE BY
6 THE REMOTE STATE'S LICENSING BOARD OR OTHER AUTHORITY, INCLUDING
7 ACTIONS AGAINST AN INDIVIDUAL'S MULTISTATE LICENSURE PRIVILEGE TO
8 PRACTICE IN THE REMOTE STATE; AND

9 2. CEASE AND DESIST AND OTHER INJUNCTIVE OR EQUITABLE
10 ORDERS ISSUED BY REMOTE STATES OR THE LICENSING BOARDS THEREOF.

11 m. "STATE" MEANS A STATE, TERRITORY, OR POSSESSION OF THE
12 UNITED STATES, THE DISTRICT OF COLUMBIA, OR THE COMMONWEALTH
13 OF PUERTO RICO.

14 n. "STATE PRACTICE LAWS" MEANS THOSE INDIVIDUAL PARTY'S
15 STATE LAWS AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING,
16 DEFINE THE SCOPE OF NURSING PRACTICE, AND CREATE THE METHODS AND
17 GROUNDS FOR IMPOSING DISCIPLINE.

18 o. "STATE PRACTICE LAWS" DOES NOT INCLUDE THE INITIAL
19 QUALIFICATIONS FOR LICENSURE OR REQUIREMENTS NECESSARY TO
20 OBTAIN AND RETAIN A LICENSE, EXCEPT FOR QUALIFICATIONS OR
21 REQUIREMENTS OF THE HOME STATE.

22 **ARTICLE III**

23 **General Provisions and Jurisdiction**

24 a. A LICENSE TO PRACTICE REGISTERED NURSING ISSUED BY A
25 HOME STATE TO A RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH
26 PARTY STATE AS AUTHORIZING A MULTISTATE LICENSURE PRIVILEGE TO
27 PRACTICE AS A REGISTERED NURSE IN SUCH PARTY STATE. A LICENSE TO

1 PRACTICE LICENSED PRACTICAL/VOCATIONAL NURSING ISSUED BY A HOME
2 STATE TO A RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH
3 PARTY STATE AS AUTHORIZING A MULTISTATE LICENSURE PRIVILEGE TO
4 PRACTICE AS A LICENSED PRACTICAL/VOCATIONAL NURSE IN SUCH PARTY
5 STATE. IN ORDER TO OBTAIN OR RETAIN A LICENSE, AN APPLICANT MUST
6 MEET THE HOME STATE'S QUALIFICATIONS FOR LICENSURE AND LICENSE
7 RENEWAL AS WELL AS ALL OTHER APPLICABLE STATE LAWS.

8 b. PARTY STATES MAY, IN ACCORDANCE WITH STATE DUE PROCESS
9 LAWS, LIMIT OR REVOKE THE MULTISTATE LICENSURE PRIVILEGE OF ANY
10 NURSE TO PRACTICE IN THEIR STATE AND MAY TAKE ANY OTHER ACTIONS
11 UNDER THEIR APPLICABLE STATE LAWS NECESSARY TO PROTECT THE
12 HEALTH AND SAFETY OF THEIR CITIZENS. IF A PARTY STATE TAKES SUCH
13 ACTION, IT SHALL PROMPTLY NOTIFY THE ADMINISTRATOR OF THE
14 COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR
15 OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY
16 NOTIFY THE HOME STATE OF ANY SUCH ACTIONS BY REMOTE STATES.

17 c. EVERY NURSE PRACTICING IN A PARTY STATE MUST COMPLY
18 WITH THE STATE PRACTICE LAWS OF THE STATE IN WHICH THE PATIENT IS
19 LOCATED AT THE TIME CARE IS RENDERED. IN ADDITION, THE PRACTICE OF
20 NURSING IS NOT LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL
21 NURSING PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF A PARTY
22 STATE. THE PRACTICE OF NURSING WILL SUBJECT A NURSE TO THE
23 JURISDICTION OF THE NURSE LICENSING BOARD AND THE COURTS, AS WELL
24 AS THE LAWS, IN THAT PARTY STATE.

25 d. THIS COMPACT DOES NOT AFFECT ADDITIONAL REQUIREMENTS
26 IMPOSED BY STATES FOR ADVANCED PRACTICE REGISTERED NURSING.
27 HOWEVER, A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED

1 NURSING GRANTED BY A PARTY STATE SHALL BE RECOGNIZED BY OTHER
2 PARTY STATES AS A LICENSE TO PRACTICE REGISTERED NURSING IF ONE IS
3 REQUIRED BY STATE LAW AS A PRECONDITION FOR QUALIFYING FOR
4 ADVANCED PRACTICE REGISTERED NURSE AUTHORIZATION.

5 e. INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE
6 TO BE ABLE TO APPLY FOR NURSE LICENSURE AS PROVIDED FOR UNDER THE
7 LAWS OF EACH PARTY STATE. HOWEVER, THE LICENSE GRANTED TO THESE
8 INDIVIDUALS WILL NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO
9 PRACTICE NURSING IN ANY OTHER PARTY STATE UNLESS EXPLICITLY
10 AGREED TO BY THAT PARTY STATE.

11 **ARTICLE IV**

12 **Applications for Licensure in a Party State**

13 a. UPON APPLICATION FOR A LICENSE, THE LICENSING BOARD IN A
14 PARTY STATE SHALL ASCERTAIN, THROUGH THE COORDINATED LICENSURE
15 INFORMATION SYSTEM, WHETHER THE APPLICANT HAS EVER HELD, OR IS
16 THE HOLDER OF, A LICENSE ISSUED BY ANY OTHER STATE, WHETHER THERE
17 ARE ANY RESTRICTIONS ON THE MULTISTATE LICENSURE PRIVILEGE, AND
18 WHETHER ANY OTHER ADVERSE ACTION BY ANY STATE HAS BEEN TAKEN
19 AGAINST THE LICENSE.

20 b. A NURSE IN A PARTY STATE SHALL HOLD LICENSURE IN ONLY
21 ONE PARTY STATE AT A TIME, ISSUED BY THE HOME STATE.

22 c. A NURSE WHO INTENDS TO CHANGE PRIMARY STATE OF
23 RESIDENCE MAY APPLY FOR LICENSURE IN THE NEW HOME STATE IN
24 ADVANCE OF SUCH CHANGE. HOWEVER, NEW LICENSES WILL NOT BE
25 ISSUED BY A PARTY STATE UNTIL AFTER A NURSE PROVIDES EVIDENCE OF
26 CHANGE IN PRIMARY STATE OF RESIDENCE SATISFACTORY TO THE NEW
27 HOME STATE'S LICENSING BOARD.

1 d. WHEN A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY:

2 1. MOVING BETWEEN TWO PARTY STATES, AND OBTAINS A LICENSE

3 FROM THE NEW HOME STATE, THE LICENSE FROM THE FORMER HOME STATE

4 IS NO LONGER VALID;

5 2. MOVING FROM A NONPARTY STATE TO A PARTY STATE, AND

6 OBTAINS A LICENSE FROM THE NEW HOME STATE, THE INDIVIDUAL STATE

7 LICENSE ISSUED BY THE NONPARTY STATE IS NOT AFFECTED AND WILL

8 REMAIN IN FULL FORCE IF SO PROVIDED BY THE LAWS OF THE NONPARTY

9 STATE;

10 3. MOVING FROM A PARTY STATE TO A NONPARTY STATE, THE

11 LICENSE ISSUED BY THE PRIOR HOME STATE CONVERTS TO AN INDIVIDUAL

12 STATE LICENSE, VALID ONLY IN THE FORMER HOME STATE, WITHOUT THE

13 MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN OTHER PARTY STATES.

ARTICLE V

Adverse Actions

16 IN ADDITION TO THE GENERAL PROVISIONS DESCRIBED IN ARTICLE
17 III, THE FOLLOWING PROVISIONS APPLY:

18 a. THE LICENSING BOARD OF A REMOTE STATE SHALL PROMPTLY
19 REPORT TO THE ADMINISTRATOR OF THE COORDINATED LICENSURE
20 INFORMATION SYSTEM ANY REMOTE STATE ACTIONS, INCLUDING THE
21 FACTUAL AND LEGAL BASIS FOR SUCH ACTION, IF KNOWN. THE LICENSING
22 BOARD OF A REMOTE STATE SHALL ALSO PROMPTLY REPORT ANY
23 SIGNIFICANT CURRENT INVESTIGATIVE INFORMATION YET TO RESULT IN A
24 REMOTE STATE ACTION. THE ADMINISTRATOR OF THE COORDINATED
25 LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME
26 STATE OF ANY SUCH REPORTS.

27 b. THE LICENSING BOARD OF A PARTY STATE SHALL HAVE THE

1 AUTHORITY TO COMPLETE ANY PENDING INVESTIGATIONS FOR A NURSE
2 WHO CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF
3 SUCH INVESTIGATIONS. IT SHALL ALSO HAVE THE AUTHORITY TO TAKE
4 APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS
5 OF SUCH INVESTIGATIONS TO THE ADMINISTRATOR OF THE COORDINATED
6 LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR OF THE
7 COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY
8 THE NEW HOME STATE OF ANY SUCH ACTIONS.

9 c. A REMOTE STATE MAY TAKE ADVERSE ACTION AFFECTING THE
10 MULTISTATE LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY
11 STATE. HOWEVER, ONLY THE HOME STATE SHALL HAVE THE POWER TO
12 IMPOSE ADVERSE ACTION AGAINST THE LICENSE ISSUED BY THE HOME
13 STATE.

14 d. FOR PURPOSES OF IMPOSING ADVERSE ACTION, THE LICENSING
15 BOARD OF THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT
16 TO REPORTED CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF
17 SUCH CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING,
18 IT SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE
19 ACTION.

20 e. THE HOME STATE MAY TAKE ADVERSE ACTION BASED ON THE
21 FACTUAL FINDINGS OF THE REMOTE STATE, SO LONG AS EACH STATE
22 FOLLOWS ITS OWN PROCEDURES FOR IMPOSING SUCH ADVERSE ACTION.

23 f. NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S
24 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE
25 USED IN LIEU OF LICENSURE ACTION AND THAT SUCH PARTICIPATION SHALL
26 REMAIN NONPUBLIC IF REQUIRED BY THE PARTY STATE'S LAWS. PARTY
27 STATES MUST REQUIRE NURSES WHO ENTER ANY ALTERNATIVE PROGRAMS

1 TO AGREE NOT TO PRACTICE IN ANY OTHER PARTY STATE DURING THE
2 TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR AUTHORIZATION
3 FROM SUCH OTHER PARTY STATE.

4 **ARTICLE VI**

5 **Additional Authorities Invested in**
6 **Party State Nurse Licensing Boards**

7 NOTWITHSTANDING ANY OTHER POWERS, PARTY STATE NURSE
8 LICENSING BOARDS SHALL HAVE THE AUTHORITY TO:

9 a. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE
10 AFFECTED NURSE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF
11 CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT
12 NURSE;

13 b. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS
14 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE
15 PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A NURSE LICENSING
16 BOARD IN A PARTY STATE FOR THE ATTENDANCE AND TESTIMONY OF
17 WITNESSES, OR THE PRODUCTION OF EVIDENCE FROM ANOTHER PARTY
18 STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
19 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE
20 OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
21 PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS
22 FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE
23 SERVICE STATUTES OF THE STATE WHERE THE WITNESSES OR EVIDENCE
24 ARE LOCATED;

25 c. ISSUE CEASE AND DESIST ORDERS TO LIMIT OR REVOKE A
26 NURSE'S AUTHORITY TO PRACTICE IN THEIR STATE;

27 d. PROMULGATE UNIFORM RULES AND REGULATIONS AS PROVIDED

1 FOR IN ARTICLE VIII (c).

2 **ARTICLE VII**

3 **Coordinated Licensure Information System**

4 a. ALL PARTY STATES SHALL PARTICIPATE IN A COOPERATIVE
5 EFFORT TO CREATE A COORDINATED DATA BASE OF ALL LICENSED
6 REGISTERED NURSES AND LICENSED PRACTICAL/VOCATIONAL NURSES.
7 THIS SYSTEM WILL INCLUDE INFORMATION ON THE LICENSURE AND
8 DISCIPLINARY HISTORY OF EACH NURSE, AS CONTRIBUTED BY PARTY
9 STATES, TO ASSIST IN THE COORDINATION OF NURSE LICENSURE AND
10 ENFORCEMENT EFFORTS.

11 b. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY
12 STATES' LICENSING BOARDS SHALL PROMPTLY REPORT ADVERSE ACTIONS,
13 ACTIONS AGAINST MULTISTATE LICENSURE PRIVILEGES, ANY CURRENT
14 SIGNIFICANT INVESTIGATIVE INFORMATION YET TO RESULT IN ADVERSE
15 ACTION, DENIALS OF APPLICATIONS, AND THE REASONS FOR SUCH DENIALS
16 TO THE COORDINATED LICENSURE INFORMATION SYSTEM.

17 c. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION SHALL BE
18 TRANSMITTED THROUGH THE COORDINATED LICENSURE INFORMATION
19 SYSTEM ONLY TO PARTY STATE LICENSING BOARDS.

20 d. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY
21 STATES' LICENSING BOARDS CONTRIBUTING INFORMATION TO THE
22 COORDINATED LICENSURE INFORMATION SYSTEM MAY DESIGNATE
23 INFORMATION THAT MAY NOT BE SHARED WITH NONPARTY STATES OR
24 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT THE EXPRESS
25 PERMISSION OF THE CONTRIBUTING STATE.

26 e. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED BY A
27 PARTY STATE'S LICENSING BOARD FROM THE COORDINATED LICENSURE

1 INFORMATION SYSTEM MAY NOT BE SHARED WITH NONPARTY STATES OR
2 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS EXCEPT TO THE EXTENT
3 PERMITTED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THE
4 INFORMATION.

5 f. ANY INFORMATION CONTRIBUTED TO THE COORDINATED
6 LICENSURE INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO
7 BE EXPUNGED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THAT
8 INFORMATION, SHALL ALSO BE EXPUNGED FROM THE COORDINATED
9 LICENSURE INFORMATION SYSTEM.

10 g. THE COMPACT ADMINISTRATORS, ACTING JOINTLY WITH EACH
11 OTHER AND IN CONSULTATION WITH THE ADMINISTRATOR OF THE
12 COORDINATED LICENSURE INFORMATION SYSTEM, SHALL FORMULATE
13 NECESSARY AND PROPER PROCEDURES FOR THE IDENTIFICATION,
14 COLLECTION, AND EXCHANGE OF INFORMATION UNDER THIS COMPACT.

15 **ARTICLE VIII**

16 **Compact Administration and Interchange of Information**

17 a. THE HEAD OF THE NURSE LICENSING BOARD, OR HIS OR HER
18 DESIGNEE, OF EACH PARTY STATE SHALL BE THE ADMINISTRATOR OF THIS
19 COMPACT FOR HIS OR HER STATE.

20 b. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL
21 FURNISH TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE
22 ANY INFORMATION AND DOCUMENTS INCLUDING, BUT NOT LIMITED TO, A
23 UNIFORM DATA SET OF INVESTIGATIONS, IDENTIFYING INFORMATION,
24 LICENSURE DATA, AND DISCLOSABLE ALTERNATIVE PROGRAM
25 PARTICIPATION INFORMATION TO FACILITATE THE ADMINISTRATION OF
26 THIS COMPACT.

27 c. COMPACT ADMINISTRATORS SHALL HAVE THE AUTHORITY TO

1 DEVELOP UNIFORM RULES TO FACILITATE AND COORDINATE
2 IMPLEMENTATION OF THIS COMPACT. THESE UNIFORM RULES SHALL BE
3 ADOPTED BY PARTY STATES, UNDER THE AUTHORITY INVESTED UNDER
4 ARTICLE VI (d).

5 **ARTICLE IX**

6 **Immunity**

7 NO PARTY STATE OR THE OFFICERS, EMPLOYEES, OR AGENTS OF A
8 PARTY STATE'S NURSE LICENSING BOARD WHO ACT IN ACCORDANCE WITH
9 THE PROVISIONS OF THIS COMPACT SHALL BE LIABLE ON ACCOUNT OF ANY
10 ACT OR OMISSION IN GOOD FAITH WHILE ENGAGED IN THE PERFORMANCE
11 OF THEIR DUTIES UNDER THIS COMPACT. GOOD FAITH IN THIS ARTICLE
12 SHALL NOT INCLUDE WILLFUL MISCONDUCT, GROSS NEGLIGENCE, OR
13 RECKLESSNESS.

14 **ARTICLE X**

15 **Entry into Force, Withdrawal and Amendment**

16 a. THIS COMPACT SHALL ENTER INTO FORCE AND BECOME
17 EFFECTIVE AS TO ANY STATE WHEN IT HAS BEEN ENACTED INTO THE LAWS
18 OF THAT STATE. ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT
19 BY ENACTING A STATUTE REPEALING THE SAME, BUT NO SUCH
20 WITHDRAWAL SHALL TAKE EFFECT UNTIL SIX MONTHS AFTER THE
21 WITHDRAWING STATE HAS GIVEN NOTICE OF THE WITHDRAWAL TO THE
22 EXECUTIVE HEADS OF ALL OTHER PARTY STATES.

23 b. NO WITHDRAWAL SHALL AFFECT THE VALIDITY OR
24 APPLICABILITY BY THE LICENSING BOARDS OF STATES REMAINING PARTY
25 TO THE COMPACT OF ANY REPORT OF ADVERSE ACTION OCCURRING PRIOR
26 TO THE WITHDRAWAL.

27 c. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED

1 TO INVALIDATE OR PREVENT ANY NURSE LICENSURE AGREEMENT OR
2 OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A
3 NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER
4 PROVISIONS OF THIS COMPACT.

5 d. THIS COMPACT MAY BE AMENDED BY THE PARTY STATES. NO
6 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING
7 UPON THE PARTY STATES UNLESS AND UNTIL IT IS ENACTED INTO THE LAWS
8 OF ALL PARTY STATES.

9 **ARTICLE XI**

10 **Construction and Severability**

11 a. THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
12 EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT
13 SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE, OR
14 PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE
15 CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES OR THE
16 APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR
17 CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF
18 THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
19 AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.
20 IF THIS COMPACT SHALL BE HELD CONTRARY TO THE CONSTITUTION OF
21 ANY STATE PARTY, THE COMPACT SHALL REMAIN IN FULL FORCE AND
22 EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND
23 EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE
24 MATTERS.

25 b. IN THE EVENT PARTY STATES FIND A NEED FOR SETTLING
26 DISPUTES ARISING UNDER THIS COMPACT:

27 1. THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN

1 ARBITRATION PANEL THAT WILL BE COMPRISED OF AN INDIVIDUAL
2 APPOINTED BY THE COMPACT ADMINISTRATOR IN THE HOME STATE; AN
3 INDIVIDUAL APPOINTED BY THE COMPACT ADMINISTRATOR IN THE REMOTE
4 STATE OR STATES INVOLVED; AND AN INDIVIDUAL MUTUALLY AGREED
5 UPON BY THE COMPACT ADMINISTRATORS OF ALL THE PARTY STATES
6 INVOLVED IN THE DISPUTE.

7 2. THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE
8 FINAL AND BINDING.

9 **SECTION 4. Appropriation.** (1) In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 division of registrations cash fund created in section 24-34-105 (2) (b)
12 (II), Colorado Revised Statutes, not otherwise appropriated, to the
13 department of regulatory agencies, for allocation to the division of
14 registrations, for the board of nursing, for the fiscal year beginning July
15 1, 2006, the sum of three hundred twenty-seven thousand four hundred
16 sixty-one dollars (\$327,461) and 2.0 FTE, or so much thereof as may be
17 necessary, for the implementation of this act.

18 (2) In addition to any other appropriation, there is hereby
19 appropriated to the department of law, for the fiscal year beginning July
20 1, 2006, the sum of ten thousand three hundred twelve dollars (\$10,312),
21 or so much thereof as may be necessary, for the provision of legal
22 services to the department of regulatory agencies related to the
23 implementation of this act. Said sum shall be from cash funds exempt
24 received from the division of registrations out of the appropriation made
25 in subsection (1) of this section.

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.