



# ASSEMBLY, No. 3302

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 22, 2001

**Sponsored by:**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Enters New Jersey in Nurse Multistate Licensure Compact.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the Nurse Multistate Licensure Compact and  
2 supplementing Title 45 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. The State of New Jersey enacts and enters into the Nurse  
8 Multistate Licensure Compact with all other jurisdictions that legally  
9 join in the compact in the form substantially as follows:

10

11 Article I. Findings and Statement of Purpose.

12

13 1. The party states to this compact find that:

14 a. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;

17 b. Violations of nurse licensure and other laws relating to the  
18 practice of nursing may result in injury or harm to the public;

19 c. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;

23 d. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex; and

25 e. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant to both nurses and the  
27 states.

28

29 2. The general purposes of this compact are to:

30 a. Facilitate the states' responsibility to protect the health and  
31 safety of the public;

32 b. Ensure and encourage the cooperation of party states in the  
33 areas of nurse licensure and regulation;

34 c. Facilitate the exchange of information between party states in  
35 the areas of nurse regulation, investigation, and adverse actions;

36 d. Promote compliance with the laws governing the practice of  
37 nursing in each jurisdiction; and

38 e. Through the mutual recognition of party state licenses, authorize  
39 the party states to hold a nurse accountable for meeting all nurse  
40 practice laws in the state in which the patient is located at the time that  
41 care was rendered.

1 Article II. Definitions.

2  
3 3. For the purposes of this compact, and of any supplemental or  
4 concurring legislation enacted under this compact, except as may be  
5 otherwise required by the context:

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

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

9 c. "Compact" means this Nurse Multistate Licensing Compact.

10 d. "Coordinated licensure information system" means an integrated  
11 process for collecting, storing, and sharing information on nurse  
12 licensure and enforcement activities related to nurse licensure laws,  
13 that is administered by a nonprofit organization composed of and  
14 controlled by state nurse licensing boards.

15 e. "Current significant investigative information" means  
16 investigative information that indicates a licensee:

17 (1) has committed more than a minor infraction or

18 (2) represents an immediate threat to public health and safety.

19 f. "Home state" means the party state that is the nurse's primary  
20 state of residence.

21 g. "Home state action" means any administrative, civil, equitable,  
22 or criminal action permitted by the laws of the home state that is  
23 imposed on a nurse by the licensing board or other authority of the  
24 home state. "Home state action" includes: revocation, suspension or  
25 probation of a licensee; or any other action that affects a nurse's  
26 authorization to practice.

27 h. "Licensee" means a person licensed by the New Jersey Board of  
28 Nursing or the nurse licensing board of a party state.

29 i. "Licensing board" means a party state's regulatory agency that  
30 is responsible for licensing nurses.

31 j. "Multistate licensure privilege" means the current, official  
32 authority from a remote state permitting the practice of nursing as  
33 either a registered nurse or a licensed practical or vocational nurse in  
34 a party state.

35 k. "Nurse" means a registered nurse or a licensed practical or  
36 vocational nurse as those terms are defined by the laws of each party  
37 state.

38 l. "Party state" means any state that has adopted this compact.

39 m. "Remote state" means the party state, other than the home  
40 state:

41 (1) where the patient is located at the time nursing care is  
42 provided; or

43 (2) in the case of the practice of nursing that does not involve a  
44 patient, where the recipient of nursing practices is located.

45 n. "Remote state action" means any:

46 (1) administrative, civil, equitable, or criminal action permitted by

1 the laws of the remote state which are imposed on a nurse by the  
2 remote state's nurse licensing board or other authority, including  
3 actions against an individual's multistate licensure privilege to practice  
4 in the remote state; and

5 (2) cease and desist or other injunctive or equitable orders issued  
6 by remote states or their licensing boards.

7 o. "State" means a state, territory, or possession of the United  
8 States, the District of Columbia, or the Commonwealth of Puerto  
9 Rico.

10 p. "State practice laws" means those individual party state's laws  
11 and regulations that govern the practice of nursing, define the scope  
12 of nursing practice, and create the methods and grounds for  
13 disciplining nurses. "State practice laws" does not include the initial  
14 qualifications for licensure or the requirements necessary to obtain and  
15 retain a license, except for the qualifications and requirements of the  
16 home state.

17

18 Article III. General Provisions and Jurisdiction.

19

20 4. a. A license to practice registered nursing issued by a home state  
21 to a resident of that state shall be recognized by each party state as  
22 authorization for a multistate licensure privilege to practice as a  
23 registered nurse in a party state. A license to practice practical or  
24 vocational nursing issued by a home state to a resident in that state  
25 shall be recognized by each party state as authorization for a multistate  
26 licensure privilege to practice as a licensed practical or vocational  
27 nurse in a party state. In order to obtain or retain a license, an  
28 applicant shall meet the home state's qualifications for licensure and  
29 license renewal, as well as other applicable state laws.

30 b. Party states may, in accordance with the due process laws of  
31 that state, limit, suspend or revoke the multistate licensure privilege of  
32 any licensee to practice in the state and may take any other actions  
33 under the applicable state laws necessary to protect the health and  
34 safety of the citizens of the party state. If a party state takes an action  
35 authorized by this section, it shall promptly notify the administrator of  
36 the coordinated licensure information system. The administrator shall  
37 promptly notify the home state of any actions by remote states.

38 c. Every licensee practicing in a party state shall comply with the  
39 state practice laws of the state in which the patient is located at the  
40 time that care is rendered. The practice of nursing is not limited to  
41 patient care, but shall include all nursing practice, as defined by the  
42 practice laws of a party state. The practice of nursing in a party state  
43 shall subject a nurse to the jurisdiction of the nurse licensing board and  
44 the laws and courts of the party state.

45 d. This compact does not affect additional requirements imposed  
46 by states for advanced practice registered nursing. However, a

1 multistate licensure privilege to practice registered nursing granted by  
2 a party state shall be recognized by other party states as a license to  
3 practice registered nursing if one is required by state law as a  
4 precondition for qualifying for advanced practice registered nurse  
5 authorization.

6 e. Persons not residing in a party state may continue to apply for  
7 nurse licensure of party states as provided for under the laws of each  
8 party state. The license granted to the person shall not be recognized  
9 as granting the privilege to practice nursing in any other party state  
10 unless explicitly agreed to by that party state.

11

12 Article IV. Application for Licensure in a Party State.

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14 5. a. Upon receiving an application for a license, the licensing  
15 board in a party state shall ascertain, through the coordinated licensure  
16 information system, whether:

17 (1) the applicant holds or has ever held a license issued by any  
18 other state;

19 (2) there are any restrictions on the applicant's multistate licensure  
20 privilege; and

21 (3) any other adverse action by any state has been taken against the  
22 applicant's license.

23 b. A licensee in a party state shall hold licensure in only one party  
24 state at a time, which license shall be issued by the home state.

25 c. A licensee who intends to change his primary state of residence  
26 may apply for licensure in the new home state in advance of the  
27 change; however, a new license shall not be issued by a party state  
28 until after the licensee provides evidence of the change in primary state  
29 of residence that is satisfactory to the new home state's licensing  
30 board.

31 d. When a licensee changes his primary state of residence by  
32 moving:

33 (1) between two party states and obtains a license from the new  
34 home state, the license from the former home state is no longer valid;

35 (2) from a nonparty state to a party state and obtains a license from  
36 the new home state, the license issued by the nonparty state shall not  
37 be affected and shall remain in full force if the laws of the nonparty  
38 state so provide; and

39 (3) from a party state to a nonparty state, the license issued by the  
40 former home state converts to an individual state license that is valid  
41 only in the former home state. The license does not grant the  
42 multistate licensure privilege to practice in other party states.

43

44 Article V. Adverse Actions.

45

46 6. a. The remote state's nurse licensing board shall promptly report

1 to the administrator of the coordinated licensure information system  
2 any remote state actions, including the factual and legal basis for the  
3 actions, if known. The remote state's nurse licensing board shall also  
4 promptly report any current significant investigative information yet  
5 to result in a remote state action. The administrator shall promptly  
6 notify the home state of any such reports.

7 b. The party state's nurse licensing board may complete any  
8 pending investigation of a licensee who changes his primary state of  
9 residence during the course of an investigation. It may also take  
10 appropriate action against a licensee, and shall promptly report the  
11 conclusion of the investigation to the administrator of the coordinated  
12 licensure information system. The administrator shall promptly notify  
13 the new home state of any action taken against a licensee.

14 c. A remote state may take adverse action that affects the  
15 multistate licensure privilege to practice within that party state;  
16 however, only the home state may take adverse action that affects a  
17 license that was issued by the home state.

18 d. For purposes of taking adverse action, the home state's nurse  
19 licensing board shall give the same priority and effect to the conduct  
20 reported by a remote state that it would if the conduct had occurred  
21 in the home state. The board shall apply its own state laws to  
22 determine the appropriate action that should be taken against the  
23 licensee.

24 e. The home state may take adverse action based upon the factual  
25 findings of the remote state, if each state follows its own procedures  
26 for imposing the adverse action.

27 f. Nothing in this compact shall prohibit a party state from allowing  
28 a licensee to participate in an alternative program instead of taking  
29 adverse action against the licensee. If required by the party state's  
30 laws, the licensee's participation in an alternative program shall be  
31 confidential information. Party states shall require licensees who enter  
32 alternative programs to agree not to practice in any other party state  
33 during the term of the alternative program without prior authorization  
34 from the other party state.

35

36 Article VI. Additional Authority Invested in Party State Nurse  
37 Licensing Boards.

38

39 7. Notwithstanding any other powers, party state nurse licensing  
40 boards may:

41 a. If otherwise permitted by state law, recover from the licensee  
42 the costs of investigating and disposing of cases that result in adverse  
43 action;

44 b. Issue subpoenas for both hearings and investigations that require  
45 the attendance and testimony of witnesses, and the production of  
46 evidence. Subpoenas issued by a party state nurse licensing board for

1 the attendance and testimony of witnesses or the production of  
2 evidence from another party state, shall be enforced in the other party  
3 state by any court of competent jurisdiction, according to the practice  
4 and procedure of that court. The issuing authority shall pay any  
5 witness fees, travel expenses, mileage, and other fees required by the  
6 laws of the party state where the witnesses or the evidence are located;

7 c. Issue cease and desist orders to limit or revoke a licensee's  
8 authority to practice in the board's state; and

9 d. Adopt uniform rules and regulations that are developed by the  
10 compact administrators pursuant to Article VIII of this compact.

11

12 Article VII. Coordinated Licensure Information System.

13

14 8. a. All party states shall participate in a cooperative effort to  
15 create a coordinated database of all licensed registered nurses and  
16 licensed practical or vocational nurses. This system shall include  
17 information on the licensure and disciplinary history of each licensee,  
18 as contributed by party states, to assist in the coordination of nurse  
19 licensure and enforcement efforts.

20 b. Notwithstanding any other provision of law to the contrary, the  
21 party states' nurse licensing boards shall promptly report to the  
22 coordinated licensure information system any adverse action taken  
23 against licensees, actions against multistate licensure privileges, any  
24 current significant investigative information yet to result in adverse  
25 action, and any denials of applications for licensure, and the reasons  
26 for the denials.

27 c. Current significant investigative information shall be transmitted  
28 through the coordinated licensure information system only to the party  
29 states' nurse licensing boards.

30 d. Notwithstanding any other provision of law to the contrary, all  
31 party states' nurse licensing boards contributing information to the  
32 coordinated licensure information system may designate information  
33 that shall not be shared with nonparty states or disclosed to other  
34 individuals or entities without the express permission of the  
35 contributing party state.

36 e. Any personally identifiable information obtained by a party state  
37 nurse licensing board from the coordinated licensure information  
38 system shall not be shared with nonparty states or disclosed to other  
39 individuals or entities except to the extent permitted by the laws of the  
40 party state contributing the information.

41 f. Any information contributed to the coordinated licensure  
42 information system that is subsequently required to be expunged by the  
43 laws of the party state contributing that information shall be expunged  
44 from the coordinated licensure information system.

45 g. The compact administrators, acting jointly and in consultation  
46 with the administrator of the coordinated licensure information system,



1 shall formulate necessary and proper procedures for the identification,  
2 collection and exchange of information under this compact.

3  
4 Article VIII. Compact Administration and Interchange of  
5 Information.

6  
7 9. a. The executive director of the nurse licensing board of each  
8 party state, or the executive director's designee, shall be the  
9 administrator of this compact for that state.

10 b. In New Jersey, the administrator of this compact shall be the  
11 executive director of the New Jersey Board of Nursing.

12 c. To facilitate the administration of this compact, the compact  
13 administrator of each party state shall furnish to the compact  
14 administrators of all other party states any information and documents  
15 concerning each licensee, including a uniform data set of  
16 investigations, identifying information, licensure data, and disclosable  
17 alternative program participation information.

18 d. Compact administrators shall develop uniform rules and  
19 regulations to facilitate and coordinate implementation of this  
20 compact. These uniform rules shall be adopted by party states,  
21 pursuant to Article VI of this compact.

22  
23 Article IX. Immunity.

24  
25 10. A party state, and the officers, employees, or agents of a party  
26 state's nurse licensing board, who act in accordance with this compact  
27 shall not be liable for any good faith act or omission committed while  
28 they were engaged in the performance of their duties under this  
29 compact. Good faith shall not include willful misconduct, gross  
30 negligence or recklessness.

31  
32 Article X. Effective Date, Withdrawal and Amendment.

33  
34 11. a. This compact shall become effective as to any state when it  
35 has been enacted into the laws of that state. A party state may  
36 withdraw from the compact by enacting a statute repealing the  
37 compact, but the withdrawal shall not take effect until six months after  
38 the withdrawing state has given notice of the withdrawal to the  
39 compact administrators of all other party states.

40 b. No withdrawal shall affect the validity or applicability of any  
41 report of adverse action taken by the nurse licensing board of a state  
42 that remains a party to the compact if the adverse action occurred  
43 prior to the withdrawal.

44 c. This compact does not invalidate or prevent any nurse licensure  
45 agreement or other cooperative agreement between a party state and  
46 a nonparty state that is made in accordance with this compact.

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

4  
5 Article XI. Construction and Severability.

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

19 b. In the event party states find a need for settling disputes arising  
20 under this compact, the party states shall submit the issues in dispute  
21 to an arbitration panel that shall consist of an individual appointed by  
22 the compact administrator in the home state, an individual appointed  
23 by the compact administrator in the remote states involved, and an  
24 individual appointed by the compact administrators of all of the party  
25 states involved in the dispute. The decision of a majority of the  
26 arbitrators shall be final and binding.

27  
28 2. a. A State licensed nurse whose license is under suspension or  
29 under probation by the New Jersey Board of Nursing, or who is  
30 participating in an established treatment program which is an  
31 alternative to disciplinary action, shall not practice in any other party  
32 state during the term of the suspension, probation or participation  
33 without prior authorization from the other party state. The board may  
34 revoke the State license of a nurse under suspension, probation or  
35 participation who practices nursing in another party state without prior  
36 authorization from that state.

37 b. The multistate licensure privilege granted by this State pursuant  
38 to the compact is subject to revocation or other disciplinary action as  
39 the result of any disciplinary action imposed by a nurse's home state.

40  
41 3. This compact is intended to facilitate the regulation of the  
42 practice of nursing and does not relieve employers from complying  
43 with contractual and statutorily imposed obligations.

44  
45 4. If there is an irreconcilable conflict between this compact and  
46 chapter 11 of Title 45 of the Revised Statutes, the compact shall  
47 control.



**A3302 THOMPSON, QUIGLEY**

11

1 and the use of advanced communication technologies (telemedicine)  
2 by nurses, which requires greater coordination and cooperation among  
3 states in the areas of nurse licensure and regulation. The NMLC also  
4 is intended to facilitate the exchange of information between states in  
5 the area of nurse regulation, investigation and adverse actions.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3302**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 17, 2001

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 3302.

As amended by the committee, this bill would enter New Jersey into the Nurse Multistate Licensure Compact (NMLC). The NMLC provides for a mutual recognition model of nurse licensure (for registered professional nurses and licensed practical nurses) whereby a nurse only needs to obtain one license from the nurse's state of residence in order to be permitted to practice nursing in any other state that is a party to the compact as long as the nurse complies with the state practice laws of the state in which the patient is located at the time that care is rendered. Currently, a nurse is required to be licensed in, and by, each state in which the nurse chooses to practice.

Under the NMLC, a nurse who applies for licensure shall meet the qualifications for licensure and license renewal of the nurse's state of residence. While a nurse may be licensed in any state or states that are not parties to the NMLC, a nurse may only be licensed in one state that is a party to the NMLC. The NMLC authorizes a party state to limit, suspend or revoke the multistate licensure privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state. In New Jersey, the Compact Administrator would be the Executive Director of the New Jersey Board of Nursing.

The NMLC also establishes a coordinated licensure information system that will include a database on the licensure and disciplinary history of all nurses licensed in the party states. The party states are required to report to the coordinated system all adverse actions against nurses, including actions against multistate licensure privileges, any current significant investigative information yet to result in an adverse action, and denials of applications and the reasons for the denials. This information will be shared with party states unless the state submitting the information designates information that may not be shared or disclosed without the permission of the contributing state. The coordinated licensure information system shall be administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

The NMLC is intended to address the expanded mobility of nurses and the use of advanced communication technologies (telemedicine) by nurses, which requires greater coordination and cooperation among states in the areas of nurse licensure and regulation. The NMLC also is intended to facilitate the exchange of information between states in the area of nurse regulation, investigation and adverse actions.

The committee adopted technical amendments to: clarify the language in subsection e. of section 4 of Article III of the NMLC regarding persons not residing in a party state who apply for nurse licensure in a party state, and correct the reference to the Executive Director of the New Jersey Board of Nursing in section 9 of Article VIII.

As reported by the committee, this bill is similar to Senate Bill No. 2208 (Matheussen/Turner), which is currently pending in the Senate Health Committee.

[First Reprint]

**ASSEMBLY, No. 3302**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MARCH 22, 2001

**Sponsored by:**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

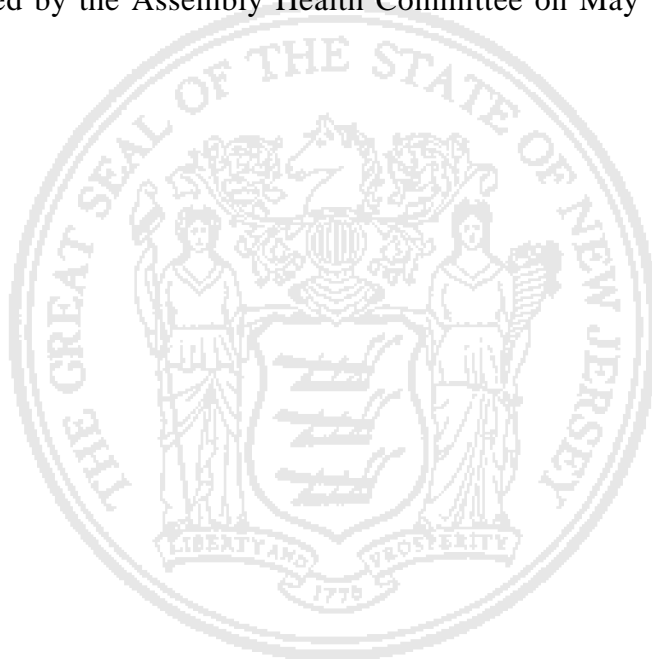
**Assemblyman Conaway and Assemblywoman Heck**

**SYNOPSIS**

Enters New Jersey in Nurse Multistate Licensure Compact.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health Committee on May 17, 2001, with amendments.



**(Sponsorship Updated As Of: 6/29/2001)**

1 AN ACT concerning the Nurse Multistate Licensure Compact and  
2 supplementing Title 45 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. The State of New Jersey enacts and enters into the Nurse  
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14 a. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;

17 b. Violations of nurse licensure and other laws relating to the  
18 practice of nursing may result in injury or harm to the public;

19 c. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;

23 d. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex; and

25 e. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant to both nurses and the  
27 states.

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29 2. The general purposes of this compact are to:

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31 safety of the public;

32 b. Ensure and encourage the cooperation of party states in the  
33 areas of nurse licensure and regulation;

34 c. Facilitate the exchange of information between party states in  
35 the areas of nurse regulation, investigation, and adverse actions;

36 d. Promote compliance with the laws governing the practice of  
37 nursing in each jurisdiction; and

38 e. Through the mutual recognition of party state licenses, authorize  
39 the party states to hold a nurse accountable for meeting all nurse  
40 practice laws in the state in which the patient is located at the time that  
41 care was rendered.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AHL committee amendments adopted May 17, 2001.



1 Article II. Definitions.

2  
3 3. For the purposes of this compact, and of any supplemental or  
4 concurring legislation enacted under this compact, except as may be  
5 otherwise required by the context:

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7 b. "Alternative program" means a voluntary, nondisciplinary  
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9 c. "Compact" means this Nurse Multistate Licensing Compact.

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12 licensure and enforcement activities related to nurse licensure laws,  
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14 controlled by state nurse licensing boards.

15 e. "Current significant investigative information" means  
16 investigative information that indicates a licensee:

17 (1) has committed more than a minor infraction or

18 (2) represents an immediate threat to public health and safety.

19 f. "Home state" means the party state that is the nurse's primary  
20 state of residence.

21 g. "Home state action" means any administrative, civil, equitable,  
22 or criminal action permitted by the laws of the home state that is  
23 imposed on a nurse by the licensing board or other authority of the  
24 home state. "Home state action" includes: revocation, suspension or  
25 probation of a licensee; or any other action that affects a nurse's  
26 authorization to practice.

27 h. "Licensee" means a person licensed by the New Jersey Board of  
28 Nursing or the nurse licensing board of a party state.

29 i. "Licensing board" means a party state's regulatory agency that  
30 is responsible for licensing nurses.

31 j. "Multistate licensure privilege" means the current, official  
32 authority from a remote state permitting the practice of nursing as  
33 either a registered nurse or a licensed practical or vocational nurse in  
34 a party state.

35 k. "Nurse" means a registered nurse or a licensed practical or  
36 vocational nurse as those terms are defined by the laws of each party  
37 state.

38 l. "Party state" means any state that has adopted this compact.

39 m. "Remote state" means the party state, other than the home  
40 state:

41 (1) where the patient is located at the time nursing care is  
42 provided; or

43 (2) in the case of the practice of nursing that does not involve a  
44 patient, where the recipient of nursing practices is located.

45 n. "Remote state action" means any:

46 (1) administrative, civil, equitable, or criminal action permitted by

1 the laws of the remote state which are imposed on a nurse by the  
2 remote state's nurse licensing board or other authority, including  
3 actions against an individual's multistate licensure privilege to practice  
4 in the remote state; and

5 (2) cease and desist or other injunctive or equitable orders issued  
6 by remote states or their licensing boards.

7 o. "State" means a state, territory, or possession of the United  
8 States, the District of Columbia, or the Commonwealth of Puerto  
9 Rico.

10 p. "State practice laws" means those individual party state's laws  
11 and regulations that govern the practice of nursing, define the scope  
12 of nursing practice, and create the methods and grounds for  
13 disciplining nurses. "State practice laws" does not include the initial  
14 qualifications for licensure or the requirements necessary to obtain and  
15 retain a license, except for the qualifications and requirements of the  
16 home state.

17

18 Article III. General Provisions and Jurisdiction.

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20 4. a. A license to practice registered nursing issued by a home state  
21 to a resident of that state shall be recognized by each party state as  
22 authorization for a multistate licensure privilege to practice as a  
23 registered nurse in a party state. A license to practice practical or  
24 vocational nursing issued by a home state to a resident in that state  
25 shall be recognized by each party state as authorization for a multistate  
26 licensure privilege to practice as a licensed practical or vocational  
27 nurse in a party state. In order to obtain or retain a license, an  
28 applicant shall meet the home state's qualifications for licensure and  
29 license renewal, as well as other applicable state laws.

30 b. Party states may, in accordance with the due process laws of  
31 that state, limit, suspend or revoke the multistate licensure privilege of  
32 any licensee to practice in the state and may take any other actions  
33 under the applicable state laws necessary to protect the health and  
34 safety of the citizens of the party state. If a party state takes an action  
35 authorized by this section, it shall promptly notify the administrator of  
36 the coordinated licensure information system. The administrator shall  
37 promptly notify the home state of any actions by remote states.

38 c. Every licensee practicing in a party state shall comply with the  
39 state practice laws of the state in which the patient is located at the  
40 time that care is rendered. The practice of nursing is not limited to  
41 patient care, but shall include all nursing practice, as defined by the  
42 practice laws of a party state. The practice of nursing in a party state  
43 shall subject a nurse to the jurisdiction of the nurse licensing board and  
44 the laws and courts of the party state.

45 d. This compact does not affect additional requirements imposed  
46 by states for advanced practice registered nursing. However, a

1 multistate licensure privilege to practice registered nursing granted by  
2 a party state shall be recognized by other party states as a license to  
3 practice registered nursing if one is required by state law as a  
4 precondition for qualifying for advanced practice registered nurse  
5 authorization.

6 e. Persons not residing in a party state may continue to apply for  
7 nurse licensure <sup>1</sup>[of] in<sup>1</sup> party states as provided for under the laws  
8 of each party state. The license granted to the person shall not be  
9 recognized as granting the privilege to practice nursing in any other  
10 party state unless explicitly agreed to by that party state.

11

12 Article IV. Application for Licensure in a Party State.

13

14 5. a. Upon receiving an application for a license, the licensing  
15 board in a party state shall ascertain, through the coordinated licensure  
16 information system, whether:

17 (1) the applicant holds or has ever held a license issued by any  
18 other state;

19 (2) there are any restrictions on the applicant's multistate licensure  
20 privilege; and

21 (3) any other adverse action by any state has been taken against the  
22 applicant's license.

23 b. A licensee in a party state shall hold licensure in only one party  
24 state at a time, which license shall be issued by the home state.

25 c. A licensee who intends to change his primary state of residence  
26 may apply for licensure in the new home state in advance of the  
27 change; however, a new license shall not be issued by a party state  
28 until after the licensee provides evidence of the change in primary state  
29 of residence that is satisfactory to the new home state's licensing  
30 board.

31 d. When a licensee changes his primary state of residence by  
32 moving:

33 (1) between two party states and obtains a license from the new  
34 home state, the license from the former home state is no longer valid;

35 (2) from a nonparty state to a party state and obtains a license from  
36 the new home state, the license issued by the nonparty state shall not  
37 be affected and shall remain in full force if the laws of the nonparty  
38 state so provide; and

39 (3) from a party state to a nonparty state, the license issued by the  
40 former home state converts to an individual state license that is valid  
41 only in the former home state. The license does not grant the  
42 multistate licensure privilege to practice in other party states.

43

44 Article V. Adverse Actions.

45

46 6. a. The remote state's nurse licensing board shall promptly report

1 to the administrator of the coordinated licensure information system  
2 any remote state actions, including the factual and legal basis for the  
3 actions, if known. The remote state's nurse licensing board shall also  
4 promptly report any current significant investigative information yet  
5 to result in a remote state action. The administrator shall promptly  
6 notify the home state of any such reports.

7 b. The party state's nurse licensing board may complete any  
8 pending investigation of a licensee who changes his primary state of  
9 residence during the course of an investigation. It may also take  
10 appropriate action against a licensee, and shall promptly report the  
11 conclusion of the investigation to the administrator of the coordinated  
12 licensure information system. The administrator shall promptly notify  
13 the new home state of any action taken against a licensee.

14 c. A remote state may take adverse action that affects the  
15 multistate licensure privilege to practice within that party state;  
16 however, only the home state may take adverse action that affects a  
17 license that was issued by the home state.

18 d. For purposes of taking adverse action, the home state's nurse  
19 licensing board shall give the same priority and effect to the conduct  
20 reported by a remote state that it would if the conduct had occurred  
21 in the home state. The board shall apply its own state laws to  
22 determine the appropriate action that should be taken against the  
23 licensee.

24 e. The home state may take adverse action based upon the factual  
25 findings of the remote state, if each state follows its own procedures  
26 for imposing the adverse action.

27 f. Nothing in this compact shall prohibit a party state from allowing  
28 a licensee to participate in an alternative program instead of taking  
29 adverse action against the licensee. If required by the party state's  
30 laws, the licensee's participation in an alternative program shall be  
31 confidential information. Party states shall require licensees who enter  
32 alternative programs to agree not to practice in any other party state  
33 during the term of the alternative program without prior authorization  
34 from the other party state.

35

36 Article VI. Additional Authority Invested in Party State Nurse  
37 Licensing Boards.

38

39 7. Notwithstanding any other powers, party state nurse licensing  
40 boards may:

41 a. If otherwise permitted by state law, recover from the licensee  
42 the costs of investigating and disposing of cases that result in adverse  
43 action;

44 b. Issue subpoenas for both hearings and investigations that require  
45 the attendance and testimony of witnesses, and the production of  
46 evidence. Subpoenas issued by a party state nurse licensing board for

1 the attendance and testimony of witnesses or the production of  
2 evidence from another party state, shall be enforced in the other party  
3 state by any court of competent jurisdiction, according to the practice  
4 and procedure of that court. The issuing authority shall pay any  
5 witness fees, travel expenses, mileage, and other fees required by the  
6 laws of the party state where the witnesses or the evidence are located;

7 c. Issue cease and desist orders to limit or revoke a licensee's  
8 authority to practice in the board's state; and

9 d. Adopt uniform rules and regulations that are developed by the  
10 compact administrators pursuant to Article VIII of this compact.

11

12 Article VII. Coordinated Licensure Information System.

13

14 8. a. All party states shall participate in a cooperative effort to  
15 create a coordinated database of all licensed registered nurses and  
16 licensed practical or vocational nurses. This system shall include  
17 information on the licensure and disciplinary history of each licensee,  
18 as contributed by party states, to assist in the coordination of nurse  
19 licensure and enforcement efforts.

20 b. Notwithstanding any other provision of law to the contrary, the  
21 party states' nurse licensing boards shall promptly report to the  
22 coordinated licensure information system any adverse action taken  
23 against licensees, actions against multistate licensure privileges, any  
24 current significant investigative information yet to result in adverse  
25 action, and any denials of applications for licensure, and the reasons  
26 for the denials.

27 c. Current significant investigative information shall be transmitted  
28 through the coordinated licensure information system only to the party  
29 states' nurse licensing boards.

30 d. Notwithstanding any other provision of law to the contrary, all  
31 party states' nurse licensing boards contributing information to the  
32 coordinated licensure information system may designate information  
33 that shall not be shared with nonparty states or disclosed to other  
34 individuals or entities without the express permission of the  
35 contributing party state.

36 e. Any personally identifiable information obtained by a party state  
37 nurse licensing board from the coordinated licensure information  
38 system shall not be shared with nonparty states or disclosed to other  
39 individuals or entities except to the extent permitted by the laws of the  
40 party state contributing the information.

41 f. Any information contributed to the coordinated licensure  
42 information system that is subsequently required to be expunged by the  
43 laws of the party state contributing that information shall be expunged  
44 from the coordinated licensure information system.

45 g. The compact administrators, acting jointly and in consultation  
46 with the administrator of the coordinated licensure information system,

1 shall formulate necessary and proper procedures for the identification,  
2 collection and exchange of information under this compact.

3  
4 Article VIII. Compact Administration and Interchange of  
5 Information.

6  
7 9. a. The executive director of the nurse licensing board of each  
8 party state, or the executive director's designee, shall be the  
9 administrator of this compact for that state.

10 b. In New Jersey, the administrator of this compact shall be the  
11 <sup>1</sup>[executive director] Executive Director<sup>1</sup> of the New Jersey Board of  
12 Nursing.

13 c. To facilitate the administration of this compact, the compact  
14 administrator of each party state shall furnish to the compact  
15 administrators of all other party states any information and documents  
16 concerning each licensee, including a uniform data set of  
17 investigations, identifying information, licensure data, and disclosable  
18 alternative program participation information.

19 d. Compact administrators shall develop uniform rules and  
20 regulations to facilitate and coordinate implementation of this  
21 compact. These uniform rules shall be adopted by party states,  
22 pursuant to Article VI of this compact.

23  
24 Article IX. Immunity.

25  
26 10. A party state, and the officers, employees, or agents of a party  
27 state's nurse licensing board, who act in accordance with this compact  
28 shall not be liable for any good faith act or omission committed while  
29 they were engaged in the performance<sup>1</sup> of their duties under this  
30 compact. Good faith shall not include willful misconduct, gross  
31 negligence or recklessness.

32  
33 Article X. Effective Date, Withdrawal and Amendment.

34  
35 11. a. This compact shall become effective as to any state when it  
36 has been enacted into the laws of that state. A party state may  
37 withdraw from the compact by enacting a statute repealing the  
38 compact, but the withdrawal shall not take effect until six months after  
39 the withdrawing state has given notice of the withdrawal to the  
40 compact administrators of all other party states.

41 b. No withdrawal shall affect the validity or applicability of any  
42 report of adverse action taken by the nurse licensing board of a state  
43 that remains a party to the compact if the adverse action occurred  
44 prior to the withdrawal.

45 c. This compact does not invalidate or prevent any nurse licensure  
46 agreement or other cooperative agreement between a party state and

1 a nonparty state that is made in accordance with this compact.

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

5

6 Article XI. Construction and Severability.

7

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

20 b. In the event party states find a need for settling disputes arising  
21 under this compact, the party states shall submit the issues in dispute  
22 to an arbitration panel that shall consist of an individual appointed by  
23 the compact administrator in the home state, an individual appointed  
24 by the compact administrator in the remote states involved, and an  
25 individual appointed by the compact administrators of all of the party  
26 states involved in the dispute. The decision of a majority of the  
27 arbitrators shall be final and binding.

28

29 2. a. A State licensed nurse whose license is under suspension or  
30 under probation by the New Jersey Board of Nursing, or who is  
31 participating in an established treatment program which is an  
32 alternative to disciplinary action, shall not practice in any other party  
33 state during the term of the suspension, probation or participation  
34 without prior authorization from the other party state. The board may  
35 revoke the State license of a nurse under suspension, probation or  
36 participation who practices nursing in another party state without prior  
37 authorization from that state.

38 b. The multistate licensure privilege granted by this State pursuant  
39 to the compact is subject to revocation or other disciplinary action as  
40 the result of any disciplinary action imposed by a nurse's home state.

41

42 3. This compact is intended to facilitate the regulation of the  
43 practice of nursing and does not relieve employers from complying  
44 with contractual and statutorily imposed obligations.

45

46 4. If there is an irreconcilable conflict between this compact and  
47 chapter 11 of Title 45 of the Revised Statutes, the compact shall

1 control.

2

3 5. The provisions of this act are applicable only to nurses whose  
4 home states are determined by the New Jersey Board of Nursing to  
5 have licensure requirements that are substantially equivalent or more  
6 stringent than those of New Jersey.

7

8 6. This act shall take effect on January 1, 2002.



**FISCAL NOTE**  
[First Reprint]  
**ASSEMBLY, No. 3302**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JULY 11, 2001

**SUMMARY**

**Synopsis:** Enters New Jersey in Nurse Multistate Licensure Compact.  
**Type of Impact:** Expenditure increase. Board of Nursing.  
**Agencies Affected:** Division of Consumer Affairs, Department of Law and Public Safety.

**Executive Estimate**

| <b>Fiscal Impact</b> | <b>Year 1</b> | <b>Year 2</b> | <b>Year 3</b> |
|----------------------|---------------|---------------|---------------|
| <b>State Cost</b>    | \$74,000      | \$66,000      | \$12,500      |

- ! The Office of Legislative Services (OLS) **concurs** with this estimate.
- ! Requires nurses and LPNs to be licensed only in their state of residence while practicing nursing in other states that are party to the Nurse Multistate Licensure Compact (NMLC).
- ! Of the states that adjoin New Jersey, only Delaware is party to the NMLC.
- ! OLS does not have sufficient information to determine the impact of this bill on nursing license revenues.

**BILL DESCRIPTION**

Assembly Bill No. 3302 (1R) of 2001 enters New Jersey into the Nurse Multistate Licensure Compact (NMLC). This compact grants registered nurses and licensed practical nurses (LPN) multistate licensure privileges. Thus, nurses and LPNs will only have to be licensed in their primary state of residence, practicing nursing in another state that is party to the NMLC. Currently, nurses and LPNs are required to be licensed in each state in which they choose to practice.

Under the compact, applicants for licensure must meet the qualifications for licensure and license renewal of the nurse's state of residence. While nurses may be licensed in any state or states that are not parties to the compact, they may only be licensed in one state that is a party to the compact.

The bill establishes a coordinated licensure information system that will include a database

of the licensure and disciplinary history of all nurses and LPNs licensed in the party states. This system will be administered by a nonprofit organization composed of and controlled by state nurse licensing boards. The director of the New Jersey Board of Nursing will administer the compact in New Jersey.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Division of Consumer Affairs estimates that \$74,000 will be needed in the first year to update its nurse licensees database to include the information required under the compact. This figure includes \$43,500 for the salaries of two temporary data entry operators. The division also estimates that another \$30,500 will be required for other services including \$2,000 in travel expenses, \$500 in telephone charges, \$20,000 in Division of Law charges and \$8,000 for equipment and data processing expenses. The division estimates that \$66,000 will be needed in the second year to complete the modification of the database. The division estimates that \$12,500 will be required in the third year for additional administrative costs associated with the compact.

The division does not anticipate any substantial loss of license revenue to the Board of Nursing as a result of the NMLC. Currently, 16 percent of the total nurses licensed are comprised of out-of-state nurses. Of those out-of-state residents, 68 percent reside in New York, Pennsylvania and Florida. These three states are not members of the compact. Therefore, nurses who reside in these states and practice in New Jersey would still be required to be licensed in New Jersey.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) **concurs** with this estimate.

Section: *Law and Public Safety*

Analyst: *James F. Vari*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 3302

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3302 (1R).

This bill would enter New Jersey into the Nurse Multistate Licensure Compact (NMLC). This compact provides for a mutual recognition model of nurse licensure (for registered professional nurses and licensed practical nurses) whereby a nurse only needs to obtain one license from the nurse's state of residence in order to be permitted to practice nursing in any other state that is a party to the compact, as long as the nurse complies with the state practice laws of the state in which the patient is located at the time that care is rendered. Currently, a nurse is required to be licensed in, and by, each state in which the nurse chooses to practice.

Under the NMLC, a nurse who applies for licensure shall meet the qualifications for licensure and license renewal of the nurse's state of residence. While a nurse may be licensed in any state or states that are not parties to the compact, a nurse may only be licensed in one state that is a party to the compact. The NMLC authorizes a state that is a party to the compact to limit, suspend or revoke the multistate licensure privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state. All party states are authorized to take actions against a nurse's privileges to practice in the state, including, suspension, revocation or probation. In New Jersey the Compact Administrator shall be the Executive Director of the New Jersey Board of Nursing.

The NMLC also establishes a coordinated licensure information system that will include a database on the licensure and disciplinary history of all nurses licensed in the party states. The party states will be required to report to the coordinated system all adverse actions against nurses, including actions against multistate licensure privileges, any current significant investigative information yet to result in an adverse action, and denials of applications and the reasons for the

denials. This information will be shared with party states unless the state submitting the information designates information that may not be shared or disclosed without the permission of the contributing state. The coordinated licensure information system shall be administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

The NMLC is intended to address the expanded mobility of nurses and the use of advanced communication technologies (telemedicine) by nurses, which requires greater coordination and cooperation among states in the areas of nurse licensure and regulation. The NMLC also is intended to facilitate the exchange of information between states in the area of nurse regulation, investigation and adverse actions. To date, 15 states, including Maryland and Delaware, have adopted the compact.

As amended, this bill is identical to Senate Bill No. 2208 (1R) Sca, which the committee also reports this day.

#### COMMITTEE AMENDMENTS:

Committee amendments to this bill: (1) replace the Executive Director of the New Jersey Board of Nursing with the Director of the Division of Consumer Affairs as the the official designated in the compact to be compact administrator for New Jersey; (2) clarify that the terms of the compact do not abrogate statutory provisions governing the practice of nursing (as distinct from the licensing of nurses), nor any statutory or common law defense or immunity of a public entity or employee; (3) provide explicitly that omissions in the compact (matters on which it is silent) are not to be "cured" by construction, but are to be governed by other provisions of statutory law or appropriate regulation; (4) clarify that the compact does not limit the investigative or disciplinary powers conferred upon the Attorney General, director, or the board under the general enforcement provisions of New Jersey's professional and occupational regulation statute, and that the powers shall available against a remote state licensee practicing in New Jersey; (5) authorize the Governor, in certain circumstances, to withdraw the State as a party to the compact; and (6) provide that the legislation shall expire on January 1, 2007.

#### FISCAL IMPACT:

The Division of Consumer Affairs estimates that \$74,000 will be needed in the first year to update its nurse licensees database to include the information required under the compact. The division estimates that \$66,000 will be needed in the second year to complete the modification of the database, and that \$12,500 will be required in the third year for additional administrative costs associated with the compact.

The division does not anticipate any substantial loss of license revenue to the Board of Nursing as a result of the NMLC. Currently,

16 percent of the total nurses licensed are comprised of out-of-state nurses. Of those out-of-state residents, 68 percent reside in New York, Pennsylvania and Florida. These three states are not members of the compact. Therefore, nurses who reside in these states and practice in New Jersey would still be required to be licensed in New Jersey.

[Second Reprint]

**ASSEMBLY, No. 3302**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED MARCH 22, 2001

**Sponsored by:**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

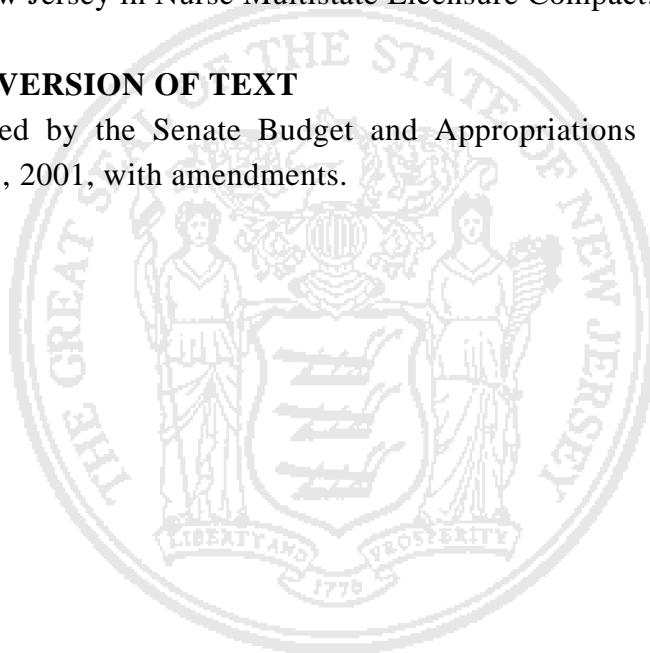
**Assemblyman Conaway, Assemblywoman Heck, Senators Matheussen,  
Turner, Allen, Assemblyman Corodemus, Assemblywoman Greenstein and  
Assemblyman Gusciora**

**SYNOPSIS**

Enters New Jersey in Nurse Multistate Licensure Compact.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on  
December 13, 2001, with amendments.



**(Sponsorship Updated As Of: 1/4/2002)**

1 AN ACT concerning the Nurse Multistate Licensure Compact and  
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Nurse  
8 Multistate Licensure Compact with all other jurisdictions that legally  
9 join in the compact in the form substantially as follows:

10

11 Article I. Findings and Statement of Purpose.

12

13 1. The party states to this compact find that:

14 a. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;

17 b. Violations of nurse licensure and other laws relating to the  
18 practice of nursing may result in injury or harm to the public;

19 c. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;

23 d. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex; and

25 e. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant to both nurses and the  
27 states.

28

29 2. The general purposes of this compact are to:

30 a. Facilitate the states' responsibility to protect the health and  
31 safety of the public;

32 b. Ensure and encourage the cooperation of party states in the  
33 areas of nurse licensure and regulation;

34 c. Facilitate the exchange of information between party states in  
35 the areas of nurse regulation, investigation, and adverse actions;

36 d. Promote compliance with the laws governing the practice of  
37 nursing in each jurisdiction; and

38 e. Through the mutual recognition of party state licenses, authorize  
39 the party states to hold a nurse accountable for meeting all nurse  
40 practice laws in the state in which the patient is located at the time that  
41 care was rendered.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AHL committee amendments adopted May 17, 2001.

<sup>2</sup> Senate SBA committee amendments adopted December 13, 2001.

1 Article II. Definitions.

2  
3 3. For the purposes of this compact, and of any supplemental or  
4 concurring legislation enacted under this compact, except as may be  
5 otherwise required by the context:

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

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

9 c. "Compact" means this Nurse Multistate Licensing Compact.

10 d. "Coordinated licensure information system" means an integrated  
11 process for collecting, storing, and sharing information on nurse  
12 licensure and enforcement activities related to nurse licensure laws,  
13 that is administered by a nonprofit organization composed of and  
14 controlled by state nurse licensing boards.

15 e. "Current significant investigative information" means  
16 investigative information that indicates a licensee:

17 (1) has committed more than a minor infraction or

18 (2) represents an immediate threat to public health and safety.

19 f. "Home state" means the party state that is the nurse's primary  
20 state of residence.

21 g. "Home state action" means any administrative, civil, equitable,  
22 or criminal action permitted by the laws of the home state that is  
23 imposed on a nurse by the licensing board or other authority of the  
24 home state. "Home state action" includes: revocation, suspension or  
25 probation of a licensee; or any other action that affects a nurse's  
26 authorization to practice.

27 h. "Licensee" means a person licensed by the New Jersey Board  
28 of Nursing or the nurse licensing board of a party state.

29 i. "Licensing board" means a party state's regulatory agency that  
30 is responsible for licensing nurses.

31 j. "Multistate licensure privilege" means the current, official  
32 authority from a remote state permitting the practice of nursing as  
33 either a registered nurse or a licensed practical or vocational nurse in  
34 a party state.

35 k. "Nurse" means a registered nurse or a licensed practical or  
36 vocational nurse as those terms are defined by the laws of each party  
37 state.

38 l. "Party state" means any state that has adopted this compact.

39 m. "Remote state" means the party state, other than the home  
40 state:

41 (1) where the patient is located at the time nursing care is  
42 provided; or

43 (2) in the case of the practice of nursing that does not involve a  
44 patient, where the recipient of nursing practices is located.

45 n. "Remote state action" means any:

46 (1) administrative, civil, equitable, or criminal action permitted by



1 the laws of the remote state which are imposed on a nurse by the  
2 remote state's nurse licensing board or other authority, including  
3 actions against an individual's multistate licensure privilege to practice  
4 in the remote state; and

5 (2) cease and desist or other injunctive or equitable orders issued  
6 by remote states or their licensing boards.

7 o. "State" means a state, territory, or possession of the United  
8 States, the District of Columbia, or the Commonwealth of Puerto  
9 Rico.

10 p. "State practice laws" means those individual party state's laws  
11 and regulations that govern the practice of nursing, define the scope  
12 of nursing practice, and create the methods and grounds for  
13 disciplining nurses. "State practice laws" does not include the initial  
14 qualifications for licensure or the requirements necessary to obtain and  
15 retain a license, except for the qualifications and requirements of the  
16 home state.

17

18 Article III. General Provisions and Jurisdiction.

19

20 4. a. A license to practice registered nursing issued by a home state  
21 to a resident of that state shall be recognized by each party state as  
22 authorization for a multistate licensure privilege to practice as a  
23 registered nurse in a party state. A license to practice practical or  
24 vocational nursing issued by a home state to a resident in that state  
25 shall be recognized by each party state as authorization for a multistate  
26 licensure privilege to practice as a licensed practical or vocational  
27 nurse in a party state. In order to obtain or retain a license, an  
28 applicant shall meet the home state's qualifications for licensure and  
29 license renewal, as well as other applicable state laws.

30 b. Party states may, in accordance with the due process laws of  
31 that state, limit, suspend or revoke the multistate licensure privilege of  
32 any licensee to practice in the state and may take any other actions  
33 under the applicable state laws necessary to protect the health and  
34 safety of the citizens of the party state. If a party state takes an action  
35 authorized by this section, it shall promptly notify the administrator of  
36 the coordinated licensure information system. The administrator shall  
37 promptly notify the home state of any actions by remote states.

38 c. Every licensee practicing in a party state shall comply with the  
39 state practice laws of the state in which the patient is located at the  
40 time that care is rendered. The practice of nursing is not limited to  
41 patient care, but shall include all nursing practice, as defined by the  
42 practice laws of a party state. The practice of nursing in a party state  
43 shall subject a nurse to the jurisdiction of the nurse licensing board and  
44 the laws and courts of the party state.

45 d. This compact does not affect additional requirements imposed  
46 by states for advanced practice registered nursing. However, a

1 multistate licensure privilege to practice registered nursing granted by  
2 a party state shall be recognized by other party states as a license to  
3 practice registered nursing if one is required by state law as a  
4 precondition for qualifying for advanced practice registered nurse  
5 authorization.

6 e. Persons not residing in a party state may continue to apply for  
7 nurse licensure <sup>1</sup>[of] in<sup>1</sup> party states as provided for under the laws  
8 of each party state. The license granted to the person shall not be  
9 recognized as granting the privilege to practice nursing in any other  
10 party state unless explicitly agreed to by that party state.

11

12 Article IV. Application for Licensure in a Party State.

13

14 5. a. Upon receiving an application for a license, the licensing  
15 board in a party state shall ascertain, through the coordinated licensure  
16 information system, whether:

17 (1) the applicant holds or has ever held a license issued by any  
18 other state;

19 (2) there are any restrictions on the applicant's multistate licensure  
20 privilege; and

21 (3) any other adverse action by any state has been taken against  
22 the applicant's license.

23 b. A licensee in a party state shall hold licensure in only one party  
24 state at a time, which license shall be issued by the home state.

25 c. A licensee who intends to change his primary state of residence  
26 may apply for licensure in the new home state in advance of the  
27 change; however, a new license shall not be issued by a party state  
28 until after the licensee provides evidence of the change in primary state  
29 of residence that is satisfactory to the new home state's licensing  
30 board.

31 d. When a licensee changes his primary state of residence by  
32 moving:

33 (1) between two party states and obtains a license from the new  
34 home state, the license from the former home state is no longer valid;

35 (2) from a nonparty state to a party state and obtains a license  
36 from the new home state, the license issued by the nonparty state shall  
37 not be affected and shall remain in full force if the laws of the nonparty  
38 state so provide; and

39 (3) from a party state to a nonparty state, the license issued by the  
40 former home state converts to an individual state license that is valid  
41 only in the former home state. The license does not grant the  
42 multistate licensure privilege to practice in other party states.

43

44 Article V. Adverse Actions.

45

46 6. a. The remote state's nurse licensing board shall promptly  
47 report to the administrator of the coordinated licensure information

1 system any remote state actions, including the factual and legal basis  
2 for the actions, if known. The remote state's nurse licensing board  
3 shall also promptly report any current significant investigative  
4 information yet to result in a remote state action. The administrator  
5 shall promptly notify the home state of any such reports.

6 b. The party state's nurse licensing board may complete any  
7 pending investigation of a licensee who changes his primary state of  
8 residence during the course of an investigation. It may also take  
9 appropriate action against a licensee, and shall promptly report the  
10 conclusion of the investigation to the administrator of the coordinated  
11 licensure information system. The administrator shall promptly notify  
12 the new home state of any action taken against a licensee.

13 c. A remote state may take adverse action that affects the  
14 multistate licensure privilege to practice within that party state;  
15 however, only the home state may take adverse action that affects a  
16 license that was issued by the home state.

17 d. For purposes of taking adverse action, the home state's nurse  
18 licensing board shall give the same priority and effect to the conduct  
19 reported by a remote state that it would if the conduct had occurred  
20 in the home state. The board shall apply its own state laws to  
21 determine the appropriate action that should be taken against the  
22 licensee.

23 e. The home state may take adverse action based upon the factual  
24 findings of the remote state, if each state follows its own procedures  
25 for imposing the adverse action.

26 f. Nothing in this compact shall prohibit a party state from  
27 allowing a licensee to participate in an alternative program instead of  
28 taking adverse action against the licensee. If required by the party  
29 state's laws, the licensee's participation in an alternative program shall  
30 be confidential information. Party states shall require licensees who  
31 enter alternative programs to agree not to practice in any other party  
32 state during the term of the alternative program without prior  
33 authorization from the other party state.

34  
35 Article VI. Additional Authority Invested in Party State Nurse  
36 Licensing Boards.  
37

38 7. Notwithstanding any other powers, party state nurse licensing  
39 boards may:

40 a. If otherwise permitted by state law, recover from the licensee  
41 the costs of investigating and disposing of cases that result in adverse  
42 action;

43 b. Issue subpoenas for both hearings and investigations that require  
44 the attendance and testimony of witnesses, and the production of  
45 evidence. Subpoenas issued by a party state nurse licensing board for  
46 the attendance and testimony of witnesses or the production of

1 evidence from another party state, shall be enforced in the other party  
2 state by any court of competent jurisdiction, according to the practice  
3 and procedure of that court. The issuing authority shall pay any  
4 witness fees, travel expenses, mileage, and other fees required by the  
5 laws of the party state where the witnesses or the evidence are located;

6 c. Issue cease and desist orders to limit or revoke a licensee's  
7 authority to practice in the board's state; and

8 d. Adopt uniform rules and regulations that are developed by the  
9 compact administrators pursuant to Article VIII of this compact.

10  
11 Article VII. Coordinated Licensure Information System.

12  
13 8. a. All party states shall participate in a cooperative effort to  
14 create a coordinated database of all licensed registered nurses and  
15 licensed practical or vocational nurses. This system shall include  
16 information on the licensure and disciplinary history of each licensee,  
17 as contributed by party states, to assist in the coordination of nurse  
18 licensure and enforcement efforts.

19 b. Notwithstanding any other provision of law to the contrary, the  
20 party states' nurse licensing boards shall promptly report to the  
21 coordinated licensure information system any adverse action taken  
22 against licensees, actions against multistate licensure privileges, any  
23 current significant investigative information yet to result in adverse  
24 action, and any denials of applications for licensure, and the reasons  
25 for the denials.

26 c. Current significant investigative information shall be transmitted  
27 through the coordinated licensure information system only to the party  
28 states' nurse licensing boards.

29 d. Notwithstanding any other provision of law to the contrary, all  
30 party states' nurse licensing boards contributing information to the  
31 coordinated licensure information system may designate information  
32 that shall not be shared with nonparty states or disclosed to other  
33 individuals or entities without the express permission of the  
34 contributing party state.

35 e. Any personally identifiable information obtained by a party state  
36 nurse licensing board from the coordinated licensure information  
37 system shall not be shared with nonparty states or disclosed to other  
38 individuals or entities except to the extent permitted by the laws of the  
39 party state contributing the information.

40 f. Any information contributed to the coordinated licensure  
41 information system that is subsequently required to be expunged by the  
42 laws of the party state contributing that information shall be expunged  
43 from the coordinated licensure information system.

44 g. The compact administrators, acting jointly and in consultation  
45 with the administrator of the coordinated licensure information system,  
46 shall formulate necessary and proper procedures for the identification,  
47 collection and exchange of information under this compact.

1 Article VIII. Compact Administration and Interchange of  
2 Information.

3  
4 9. a. The executive director of the nurse licensing board of each  
5 party state, or the executive director's designee, shall be the  
6 administrator of this compact for that state.

7 b. In New Jersey, the administrator of this compact shall be the  
8 <sup>1</sup>[executive director] <sup>2</sup>[Executive Director<sup>1</sup> of the New Jersey Board  
9 of Nursing] Director of the Division of Consumer Affairs in the  
10 Department of Law and Public Safety or the director's designee<sup>2</sup>.

11 c. To facilitate the administration of this compact, the compact  
12 administrator of each party state shall furnish to the compact  
13 administrators of all other party states any information and documents  
14 concerning each licensee, including a uniform data set of  
15 investigations, identifying information, licensure data, and disclosable  
16 alternative program participation information.

17 d. Compact administrators shall develop uniform rules and  
18 regulations to facilitate and coordinate implementation of this  
19 compact. These uniform rules shall be adopted by party states,  
20 pursuant to Article VI of this compact.

21  
22 Article IX. Immunity.

23  
24 10. A party state, and the officers, employees, or agents of a party  
25 state's nurse licensing board, who act in accordance with this compact  
26 shall not be liable for any good faith act or omission committed while  
27 they were engaged in the performance of their duties under this  
28 compact. Good faith shall not include willful misconduct, gross  
29 negligence or recklessness.

30  
31 Article X. Effective Date, Withdrawal and Amendment.

32  
33 11. a. This compact shall become effective as to any state when it  
34 has been enacted into the laws of that state. A party state may  
35 withdraw from the compact by enacting a statute repealing the  
36 compact, but the withdrawal shall not take effect until six months after  
37 the withdrawing state has given notice of the withdrawal to the  
38 compact administrators of all other party states.

39 b. No withdrawal shall affect the validity or applicability of any  
40 report of adverse action taken by the nurse licensing board of a state  
41 that remains a party to the compact if the adverse action occurred  
42 prior to the withdrawal.

43 c. This compact does not invalidate or prevent any nurse licensure  
44 agreement or other cooperative agreement between a party state and  
45 a nonparty state that is made in accordance with this compact.

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

4  
5 Article XI. Construction and Severability.

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

19 b. In the event party states find a need for settling disputes arising  
20 under this compact, the party states shall submit the issues in dispute  
21 to an arbitration panel that shall consist of an individual appointed by  
22 the compact administrator in the home state, an individual appointed  
23 by the compact administrator in the remote states involved, and an  
24 individual appointed by the compact administrators of all of the party  
25 states involved in the dispute. The decision of a majority of the  
26 arbitrators shall be final and binding.

27  
28 2. a. A State licensed nurse whose license is under suspension or  
29 under probation by the New Jersey Board of Nursing, or who is  
30 participating in an established treatment program which is an  
31 alternative to disciplinary action, shall not practice in any other party  
32 state during the term of the suspension, probation or participation  
33 without prior authorization from the other party state. The board may  
34 revoke the State license of a nurse under suspension, probation or  
35 participation who practices nursing in another party state without prior  
36 authorization from that state.

37 b. The multistate licensure privilege granted by this State pursuant  
38 to the compact is subject to revocation or other disciplinary action as  
39 the result of any disciplinary action imposed by a nurse's home state.

40  
41 3. This compact is intended to facilitate the regulation of the  
42 practice of nursing and does not relieve employers from complying  
43 with contractual and statutorily imposed obligations.

44  
45 4. <sup>2</sup>a. This compact shall not abrogate any provision in Title 45  
46 of the Revised Statutes or any other title applicable to the practice of  
47 nursing in this State.

1        b.<sup>2</sup> If there is an irreconcilable conflict between this compact and  
2 chapter 11 of Title 45 of the Revised Statutes, the compact shall  
3 control.

4        <sup>2</sup>c. Omissions in this compact shall not be supplied by construction.  
5 In any instance of an omission from the compact, the remaining  
6 provisions of Title 45 of the Revised Statutes or other applicable  
7 statutory law, and any regulations adopted pursuant thereto, shall  
8 control.<sup>2</sup>

9  
10        5. The provisions of this act are applicable only to nurses whose  
11 home states are determined by the New Jersey Board of Nursing to  
12 have licensure requirements that are substantially equivalent or more  
13 stringent than those of New Jersey.

14  
15        <sup>2</sup>6. Any investigative or disciplinary powers conferred on the  
16 Attorney General, the Director of the Division of Consumer Affairs in  
17 the Department of Law and Public Safety, and the New Jersey Board  
18 of Nursing under the provisions of P.L.1978, c.73 (C.45:1-14 et seq.)  
19 or other law, or under regulations adopted pursuant thereto, shall not  
20 be interpreted as limited in any way by the terms of the compact and  
21 shall be available in any investigation of the conduct of, or disciplinary  
22 action against, a remote state licensee practicing in New Jersey and of  
23 a New Jersey home state licensee.<sup>2</sup>

24  
25        <sup>2</sup>7. Nothing in Article IX of the compact shall be deemed to waive  
26 or abrogate in any way any defense or immunity of a public entity or  
27 public employee under the common law or statutory law including, but  
28 not limited to, the "New Jersey Tort Claims Act," N.J.S.59:1-1 et  
29 seq.<sup>2</sup>

30  
31        <sup>2</sup>8. The Governor may withdraw this State from the compact if the  
32 Attorney General notifies the Governor that a state that is a party to  
33 the compact has changed its licensure requirements to make them  
34 substantially lower than the requirements of this State, or that  
35 withdrawal from the compact is in the best interests of the health,  
36 safety and welfare of the citizens of this State.<sup>2</sup>

37  
38        <sup>2</sup>[6.] <sup>2</sup>9.<sup>2</sup> This act shall take effect on January 1, 2002 <sup>2</sup>and shall  
39 expire on January 1, 2007<sup>2</sup>.

**SENATE, No. 2208**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MARCH 15, 2001

**Sponsored by:**

**Senator JOHN J. MATHEUSSEN**

**District 4 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**SYNOPSIS**

Enters New Jersey in Nurse Multistate Licensure Compact.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning the Nurse Multistate Licensure Compact and  
2 supplementing Title 45 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. The State of New Jersey enacts and enters into the Nurse  
8 Multistate Licensure Compact with all other jurisdictions that legally  
9 join in the compact in the form substantially as follows:

10  
11 Article I. Findings and Statement of Purpose.

12  
13 1. The party states to this compact find that:

14 a. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;

17 b. Violations of nurse licensure and other laws relating to the  
18 practice of nursing may result in injury or harm to the public;

19 c. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;

23 d. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex; and

25 e. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant to both nurses and the  
27 states.

28  
29 2. The general purposes of this compact are to:

30 a. Facilitate the states' responsibility to protect the health and  
31 safety of the public;

32 b. Ensure and encourage the cooperation of party states in the  
33 areas of nurse licensure and regulation;

34 c. Facilitate the exchange of information between party states in  
35 the areas of nurse regulation, investigation, and adverse actions;

36 d. Promote compliance with the laws governing the practice of  
37 nursing in each jurisdiction; and

38 e. Through the mutual recognition of party state licenses, authorize  
39 the party states to hold a nurse accountable for meeting all nurse  
40 practice laws in the state in which the patient is located at the time that  
41 care was rendered.

1 Article II. Definitions.

2  
3 3. For the purposes of this compact, and of any supplemental or  
4 concurring legislation enacted under this compact, except as may be  
5 otherwise required by the context:

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

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

9 c. "Compact" means this Nurse Multistate Licensing Compact.

10 d. "Coordinated licensure information system" means an integrated  
11 process for collecting, storing, and sharing information on nurse  
12 licensure and enforcement activities related to nurse licensure laws,  
13 that is administered by a nonprofit organization composed of and  
14 controlled by state nurse licensing boards.

15 e. "Current significant investigative information" means  
16 investigative information that indicates a licensee:

17 (1) has committed more than a minor infraction or

18 (2) represents an immediate threat to public health and safety.

19 f. "Home state" means the party state that is the nurse's primary  
20 state of residence.

21 g. "Home state action" means any administrative, civil, equitable,  
22 or criminal action permitted by the laws of the home state that is  
23 imposed on a nurse by the licensing board or other authority of the  
24 home state. "Home state action" includes: revocation, suspension or  
25 probation of a licensee; or any other action that affects a nurse's  
26 authorization to practice.

27 h. "Licensee" means a person licensed by the New Jersey Board of  
28 Nursing or the nurse licensing board of a party state.

29 i. "Licensing board" means a party state's regulatory agency that  
30 is responsible for licensing nurses.

31 j. "Multistate licensure privilege" means the current, official  
32 authority from a remote state permitting the practice of nursing as  
33 either a registered nurse or a licensed practical or vocational nurse in  
34 a party state.

35 k. "Nurse" means a registered nurse or a licensed practical or  
36 vocational nurse as those terms are defined by the laws of each party  
37 state.

38 l. "Party state" means any state that has adopted this compact.

39 m. "Remote state" means the party state, other than the home  
40 state:

41 (1) where the patient is located at the time nursing care is  
42 provided; or

43 (2) in the case of the practice of nursing that does not involve a  
44 patient, where the recipient of nursing practices is located.

45 n. "Remote state action" means any:

46 (1) administrative, civil, equitable, or criminal action permitted by

1 the laws of the remote state which are imposed on a nurse by the  
2 remote state's nurse licensing board or other authority, including  
3 actions against an individual's multistate licensure privilege to practice  
4 in the remote state; and

5 (2) cease and desist or other injunctive or equitable orders issued  
6 by remote states or their licensing boards.

7 o. "State" means a state, territory, or possession of the United  
8 States, the District of Columbia, or the Commonwealth of Puerto  
9 Rico.

10 p. "State practice laws" means those individual party state's laws  
11 and regulations that govern the practice of nursing, define the scope  
12 of nursing practice, and create the methods and grounds for  
13 disciplining nurses. "State practice laws" does not include the initial  
14 qualifications for licensure or the requirements necessary to obtain and  
15 retain a license, except for the qualifications and requirements of the  
16 home state.

17

18 Article III. General Provisions and Jurisdiction.

19

20 4. a. A license to practice registered nursing issued by a home state  
21 to a resident of that state shall be recognized by each party state as  
22 authorization for a multistate licensure privilege to practice as a  
23 registered nurse in a party state. A license to practice practical or  
24 vocational nursing issued by a home state to a resident in that state  
25 shall be recognized by each party state as authorization for a multistate  
26 licensure privilege to practice as a licensed practical or vocational  
27 nurse in a party state. In order to obtain or retain a license, an  
28 applicant shall meet the home state's qualifications for licensure and  
29 license renewal, as well as other applicable state laws.

30 b. Party states may, in accordance with the due process laws of  
31 that state, limit, suspend or revoke the multistate licensure privilege of  
32 any licensee to practice in the state and may take any other actions  
33 under the applicable state laws necessary to protect the health and  
34 safety of the citizens of the party state. If a party state takes an action  
35 authorized by this section, it shall promptly notify the administrator of  
36 the coordinated licensure information system. The administrator shall  
37 promptly notify the home state of any actions by remote states.

38 c. Every licensee practicing in a party state shall comply with the  
39 state practice laws of the state in which the patient is located at the  
40 time that care is rendered. The practice of nursing is not limited to  
41 patient care, but shall include all nursing practice, as defined by the  
42 practice laws of a party state. The practice of nursing in a party state  
43 shall subject a nurse to the jurisdiction of the nurse licensing board and  
44 the laws and courts of the party state.

45 d. This compact does not affect additional requirements imposed  
46 by states for advanced practice registered nursing. However, a

1 multistate licensure privilege to practice registered nursing granted by  
2 a party state shall be recognized by other party states as a license to  
3 practice registered nursing if one is required by state law as a  
4 precondition for qualifying for advanced practice registered nurse  
5 authorization.

6 e. Persons not residing in a party state may continue to apply for  
7 nurse licensure of party states as provided for under the laws of each  
8 party state. The license granted to the person shall not be recognized  
9 as granting the privilege to practice nursing in any other party state  
10 unless explicitly agreed to by that party state.

11

12 Article IV. Application for Licensure in a Party State.

13

14 5. a. Upon receiving an application for a license, the licensing  
15 board in a party state shall ascertain, through the coordinated licensure  
16 information system, whether:

17 (1) the applicant holds or has ever held a license issued by any  
18 other state;

19 (2) there are any restrictions on the applicant's multistate licensure  
20 privilege; and

21 (3) any other adverse action by any state has been taken against the  
22 applicant's license.

23 b. A licensee in a party state shall hold licensure in only one party  
24 state at a time, which license shall be issued by the home state.

25 c. A licensee who intends to change his primary state of residence  
26 may apply for licensure in the new home state in advance of the  
27 change; however, a new license shall not be issued by a party state  
28 until after the licensee provides evidence of the change in primary state  
29 of residence that is satisfactory to the new home state's licensing  
30 board.

31 d. When a licensee changes his primary state of residence by  
32 moving:

33 (1) between two party states and obtains a license from the new  
34 home state, the license from the former home state is no longer valid;

35 (2) from a nonparty state to a party state and obtains a license from  
36 the new home state, the license issued by the nonparty state shall not  
37 be affected and shall remain in full force if the laws of the nonparty  
38 state so provide; and

39 (3) from a party state to a nonparty state, the license issued by the  
40 former home state converts to an individual state license that is valid  
41 only in the former home state. The license does not grant the  
42 multistate licensure privilege to practice in other party states.

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44 Article V. Adverse Actions.

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46 6. a. The remote state's nurse licensing board shall promptly report

1 to the administrator of the coordinated licensure information system  
2 any remote state actions, including the factual and legal basis for the  
3 actions, if known. The remote state's nurse licensing board shall also  
4 promptly report any current significant investigative information yet  
5 to result in a remote state action. The administrator shall promptly  
6 notify the home state of any such reports.

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8 pending investigation of a licensee who changes his primary state of  
9 residence during the course of an investigation. It may also take  
10 appropriate action against a licensee, and shall promptly report the  
11 conclusion of the investigation to the administrator of the coordinated  
12 licensure information system. The administrator shall promptly notify  
13 the new home state of any action taken against a licensee.

14 c. A remote state may take adverse action that affects the  
15 multistate licensure privilege to practice within that party state;  
16 however, only the home state may take adverse action that affects a  
17 license that was issued by the home state.

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19 licensing board shall give the same priority and effect to the conduct  
20 reported by a remote state that it would if the conduct had occurred  
21 in the home state. The board shall apply its own state laws to  
22 determine the appropriate action that should be taken against the  
23 licensee.

24 e. The home state may take adverse action based upon the factual  
25 findings of the remote state, if each state follows its own procedures  
26 for imposing the adverse action.

27 f. Nothing in this compact shall prohibit a party state from allowing  
28 a licensee to participate in an alternative program instead of taking  
29 adverse action against the licensee. If required by the party state's  
30 laws, the licensee's participation in an alternative program shall be  
31 confidential information. Party states shall require licensees who enter  
32 alternative programs to agree not to practice in any other party state  
33 during the term of the alternative program without prior authorization  
34 from the other party state.

35

36 Article VI. Additional Authority Invested in Party State Nurse  
37 Licensing Boards.

38

39 7. Notwithstanding any other powers, party state nurse licensing  
40 boards may:

41 a. If otherwise permitted by state law, recover from the licensee  
42 the costs of investigating and disposing of cases that result in adverse  
43 action;

44 b. Issue subpoenas for both hearings and investigations that require  
45 the attendance and testimony of witnesses, and the production of  
46 evidence. Subpoenas issued by a party state nurse licensing board for

1 the attendance and testimony of witnesses or the production of  
2 evidence from another party state, shall be enforced in the other party  
3 state by any court of competent jurisdiction, according to the practice  
4 and procedure of that court. The issuing authority shall pay any  
5 witness fees, travel expenses, mileage, and other fees required by the  
6 laws of the party state where the witnesses or the evidence are located;

7 c. Issue cease and desist orders to limit or revoke a licensee's  
8 authority to practice in the board's state; and

9 d. Adopt uniform rules and regulations that are developed by the  
10 compact administrators pursuant to Article VIII of this compact.

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14 8. a. All party states shall participate in a cooperative effort to  
15 create a coordinated database of all licensed registered nurses and  
16 licensed practical or vocational nurses. This system shall include  
17 information on the licensure and disciplinary history of each licensee,  
18 as contributed by party states, to assist in the coordination of nurse  
19 licensure and enforcement efforts.

20 b. Notwithstanding any other provision of law to the contrary, the  
21 party states' nurse licensing boards shall promptly report to the  
22 coordinated licensure information system any adverse action taken  
23 against licensees, actions against multistate licensure privileges, any  
24 current significant investigative information yet to result in adverse  
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26 for the denials.

27 c. Current significant investigative information shall be transmitted  
28 through the coordinated licensure information system only to the party  
29 states' nurse licensing boards.

30 d. Notwithstanding any other provision of law to the contrary, all  
31 party states' nurse licensing boards contributing information to the  
32 coordinated licensure information system may designate information  
33 that shall not be shared with nonparty states or disclosed to other  
34 individuals or entities without the express permission of the  
35 contributing party state.

36 e. Any personally identifiable information obtained by a party state  
37 nurse licensing board from the coordinated licensure information  
38 system shall not be shared with nonparty states or disclosed to other  
39 individuals or entities except to the extent permitted by the laws of the  
40 party state contributing the information.

41 f. Any information contributed to the coordinated licensure  
42 information system that is subsequently required to be expunged by the  
43 laws of the party state contributing that information shall be expunged  
44 from the coordinated licensure information system.

45 g. The compact administrators, acting jointly and in consultation  
46 with the administrator of the coordinated licensure information system,

1 shall formulate necessary and proper procedures for the identification,  
2 collection and exchange of information under this compact.

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4 Article VIII. Compact Administration and Interchange of  
5 Information.

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7 9. a. The executive director of the nurse licensing board of each  
8 party state, or the executive director's designee, shall be the  
9 administrator of this compact for that state.

10 b. In New Jersey, the administrator of this compact shall be the  
11 executive director of the New Jersey Board of Nursing.

12 c. To facilitate the administration of this compact, the compact  
13 administrator of each party state shall furnish to the compact  
14 administrators of all other party states any information and documents  
15 concerning each licensee, including a uniform data set of  
16 investigations, identifying information, licensure data, and disclosable  
17 alternative program participation information.

18 d. Compact administrators shall develop uniform rules and  
19 regulations to facilitate and coordinate implementation of this  
20 compact. These uniform rules shall be adopted by party states,  
21 pursuant to Article VI of this compact.

22  
23 Article IX. Immunity.

24  
25 10. A party state, and the officers, employees, or agents of a party  
26 state's nurse licensing board, who act in accordance with this compact  
27 shall not be liable for any good faith act or omission committed while  
28 they were engaged in the performance of their duties under this  
29 compact. Good faith shall not include willful misconduct, gross  
30 negligence or recklessness.

31  
32 Article X. Effective Date, Withdrawal and Amendment.

33  
34 11. a. This compact shall become effective as to any state when it  
35 has been enacted into the laws of that state. A party state may  
36 withdraw from the compact by enacting a statute repealing the  
37 compact, but the withdrawal shall not take effect until six months after  
38 the withdrawing state has given notice of the withdrawal to the  
39 compact administrators of all other party states.

40 b. No withdrawal shall affect the validity or applicability of any  
41 report of adverse action taken by the nurse licensing board of a state  
42 that remains a party to the compact if the adverse action occurred  
43 prior to the withdrawal.

44 c. This compact does not invalidate or prevent any nurse licensure  
45 agreement or other cooperative agreement between a party state and  
46 a nonparty state that is made in accordance with this compact.

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

4  
5 Article XI. Construction and Severability.

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

19 b. In the event party states find a need for settling disputes arising  
20 under this compact, the party states shall submit the issues in dispute  
21 to an arbitration panel that shall consist of an individual appointed by  
22 the compact administrator in the home state, an individual appointed  
23 by the compact administrator in the remote states involved, and an  
24 individual appointed by the compact administrators of all of the party  
25 states involved in the dispute. The decision of a majority of the  
26 arbitrators shall be final and binding.

27  
28 2. a. A State licensed nurse whose license is under suspension or  
29 under probation by the New Jersey Board of Nursing, or who is  
30 participating in an established treatment program which is an  
31 alternative to disciplinary action, shall not practice in any other party  
32 state during the term of the suspension, probation or participation  
33 without prior authorization from the other party state. The board may  
34 revoke the State license of a nurse under suspension, probation or  
35 participation who practices nursing in another party state without prior  
36 authorization from that state.

37 b. The multistate licensure privilege granted by this State pursuant  
38 to the compact is subject to revocation or other disciplinary action as  
39 the result of any disciplinary action imposed by a nurse's home state.

40  
41 3. This compact is intended to facilitate the regulation of the  
42 practice of nursing and does not relieve employers from complying  
43 with contractual and statutorily imposed obligations.

44  
45 4. If there is an irreconcilable conflict between this compact and  
46 chapter 11 of Title 45 of the Revised Statutes, the compact shall



1 control.

2

3 5. The provisions of this act are applicable only to nurses whose  
4 home states are determined by the New Jersey Board of Nursing to  
5 have licensure requirements that are substantially equivalent or more  
6 stringent than those of New Jersey.

7

8 6. This act shall take effect on January 1, 2002.

9

10

11

STATEMENT

12

13 This bill would enter New Jersey into the Nurse Multistate  
14 Licensure Compact (NMLC). This compact provides for a mutual  
15 recognition model of nurse licensure (for registered professional  
16 nurses and licensed practical nurses) whereby a nurse only needs to  
17 obtain one license from the nurse's state of residency and would be  
18 permitted to practice nursing in any other state that is a party to the  
19 compact as long as the nurse complies with the state practice laws of  
20 the state in which the patient is located at the time that care is  
21 rendered. Currently, a nurse is required to be licensed in, and by, each  
22 state in which the nurse chooses to practice.

22

23 Under the NMLC, a nurse who applies for licensure shall meet the  
24 qualifications for licensure and license renewal of the nurse's state of  
25 residence. While a nurse may be licensed in any state or states that are  
26 not parties to the compact, a nurse may only be licensed in one state  
27 that is a party to the compact. The NMLC authorizes a state that is a  
28 party to the compact to limit, suspend or revoke the multistate  
29 licensure privilege of any nurse to practice in the state and may take  
30 any other actions under the applicable state laws necessary to protect  
31 the health and safety of the citizens of the party state. All party states  
32 are authorized to take actions against a nurse's privileges to practice  
33 in the state, including, suspension, revocation or probation. In New  
34 Jersey the Compact Administrator shall be the Executive Director of  
35 the New Jersey Board of Nursing.

35

36 The NMLC also establishes a coordinated licensure information  
37 system that will include a database on the licensure and disciplinary  
38 history of all nurses licensed in the party states. The party states will  
39 be required to report to the coordinated system all adverse actions  
40 against nurses, including actions against multistate licensure privileges,  
41 any current significant investigative information yet to result in an  
42 adverse action, and denials of applications and the reasons for the  
43 denials. This information will be shared with party states unless the  
44 state submitting the information designates information that may not  
45 be shared or disclosed without the permission of the contributing state.  
46 The coordinated licensure information system shall be administered by  
a nonprofit organization composed of and controlled by state nurse

1 licensing boards.

2       The NMLC is intended to address the expanded mobility of nurses  
3 and the use of advanced communication technologies (telemedicine)  
4 by nurses, which requires greater coordination and cooperation among  
5 states in the areas of nurse licensure and regulation. The NMLC also  
6 is intended to facilitate the exchange of information between states in  
7 the area of nurse regulation, investigation and adverse actions.

# SENATE HEALTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 2208**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 31, 2001

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 2208.

As amended by committee, this bill would enter New Jersey into the Nurse Multistate Licensure Compact (NMLC). This compact provides for a mutual recognition model of nurse licensure (for registered professional nurses and licensed practical nurses) whereby a nurse only needs to obtain one license from the nurse's state of residence in order to be permitted to practice nursing in any other state that is a party to the compact as long as the nurse complies with the state practice laws of the state in which the patient is located at the time that care is rendered. Currently, a nurse is required to be licensed in, and by, each state in which the nurse chooses to practice.

Under the NMLC, a nurse who applies for licensure shall meet the qualifications for licensure and license renewal of the nurse's state of residence. While a nurse may be licensed in any state or states that are not parties to the compact, a nurse may only be licensed in one state that is a party to the compact. The NMLC authorizes a state that is a party to the compact to limit, suspend or revoke the multistate licensure privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state. All party states are authorized to take actions against a nurse's privileges to practice in the state, including, suspension, revocation or probation. In New Jersey the Compact Administrator shall be the Executive Director of the New Jersey Board of Nursing.

The NMLC also establishes a coordinated licensure information system that will include a database on the licensure and disciplinary history of all nurses licensed in the party states. The party states will be required to report to the coordinated system all adverse actions against nurses, including actions against multistate licensure privileges, any current significant investigative information yet to result in an adverse action, and denials of applications and the reasons for the denials. This information will be shared with party states unless the state submitting the information designates information that may not be shared or disclosed without the permission of the contributing state.

The coordinated licensure information system shall be administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

The NMLC is intended to address the expanded mobility of nurses and the use of advanced communication technologies (telemedicine) by nurses, which requires greater coordination and cooperation among states in the areas of nurse licensure and regulation. The NMLC also is intended to facilitate the exchange of information between states in the area of nurse regulation, investigation and adverse actions. To date, 15 states, including Maryland and Delaware, have adopted the compact.

The committee adopted technical amendments to: clarify the language in subsection e. of section 4 of Article III of the NMLC regarding persons not residing in a party state who apply for nurse licensure in a party state, and correct the reference to the Executive Director of the New Jersey Board of Nursing in section 9 of Article VIII.

As reported, this bill is identical to Assembly Bill No. 3302 (1R) (Thompson/Quigley), which is on second reading in the General Assembly.

[First Reprint]

**SENATE, No. 2208**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED MARCH 15, 2001

**Sponsored by:**

**Senator JOHN J. MATHEUSSEN**

**District 4 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Co-Sponsored by:**

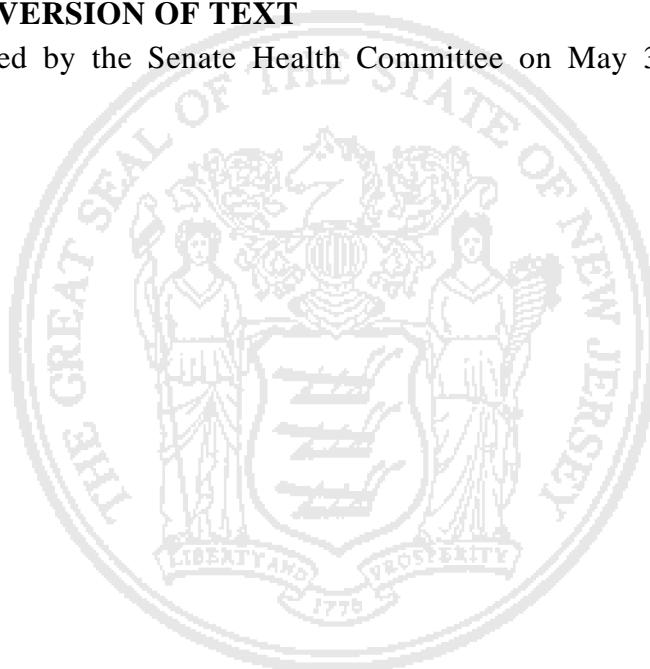
**Senator Allen**

**SYNOPSIS**

Enters New Jersey in Nurse Multistate Licensure Compact.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health Committee on May 31, 2001, with amendments.



**(Sponsorship Updated As Of: 12/18/2001)**

1 AN ACT concerning the Nurse Multistate Licensure Compact and  
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Nurse  
8 Multistate Licensure Compact with all other jurisdictions that legally  
9 join in the compact in the form substantially as follows:

10

11 Article I. Findings and Statement of Purpose.

12

13 1. The party states to this compact find that:

14 a. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;

17 b. Violations of nurse licensure and other laws relating to the  
18 practice of nursing may result in injury or harm to the public;

19 c. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;

23 d. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex; and

25 e. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant to both nurses and the  
27 states.

28

29 2. The general purposes of this compact are to:

30 a. Facilitate the states' responsibility to protect the health and  
31 safety of the public;

32 b. Ensure and encourage the cooperation of party states in the  
33 areas of nurse licensure and regulation;

34 c. Facilitate the exchange of information between party states in  
35 the areas of nurse regulation, investigation, and adverse actions;

36 d. Promote compliance with the laws governing the practice of  
37 nursing in each jurisdiction; and

38 e. Through the mutual recognition of party state licenses, authorize  
39 the party states to hold a nurse accountable for meeting all nurse  
40 practice laws in the state in which the patient is located at the time that  
41 care was rendered.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SHH committee amendments adopted May 31, 2001.**

1 Article II. Definitions.

2  
3 3. For the purposes of this compact, and of any supplemental or  
4 concurring legislation enacted under this compact, except as may be  
5 otherwise required by the context:

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

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

9 c. "Compact" means this Nurse Multistate Licensing Compact.

10 d. "Coordinated licensure information system" means an integrated  
11 process for collecting, storing, and sharing information on nurse  
12 licensure and enforcement activities related to nurse licensure laws,  
13 that is administered by a nonprofit organization composed of and  
14 controlled by state nurse licensing boards.

15 e. "Current significant investigative information" means  
16 investigative information that indicates a licensee:

17 (1) has committed more than a minor infraction or

18 (2) represents an immediate threat to public health and safety.

19 f. "Home state" means the party state that is the nurse's primary  
20 state of residence.

21 g. "Home state action" means any administrative, civil, equitable,  
22 or criminal action permitted by the laws of the home state that is  
23 imposed on a nurse by the licensing board or other authority of the  
24 home state. "Home state action" includes: revocation, suspension or  
25 probation of a licensee; or any other action that affects a nurse's  
26 authorization to practice.

27 h. "Licensee" means a person licensed by the New Jersey Board of  
28 Nursing or the nurse licensing board of a party state.

29 i. "Licensing board" means a party state's regulatory agency that  
30 is responsible for licensing nurses.

31 j. "Multistate licensure privilege" means the current, official  
32 authority from a remote state permitting the practice of nursing as  
33 either a registered nurse or a licensed practical or vocational nurse in  
34 a party state.

35 k. "Nurse" means a registered nurse or a licensed practical or  
36 vocational nurse as those terms are defined by the laws of each party  
37 state.

38 l. "Party state" means any state that has adopted this compact.

39 m. "Remote state" means the party state, other than the home  
40 state:

41 (1) where the patient is located at the time nursing care is  
42 provided; or

43 (2) in the case of the practice of nursing that does not involve a  
44 patient, where the recipient of nursing practices is located.

45 n. "Remote state action" means any:

46 (1) administrative, civil, equitable, or criminal action permitted by

1 the laws of the remote state which are imposed on a nurse by the  
2 remote state's nurse licensing board or other authority, including  
3 actions against an individual's multistate licensure privilege to practice  
4 in the remote state; and

5 (2) cease and desist or other injunctive or equitable orders issued  
6 by remote states or their licensing boards.

7 o. "State" means a state, territory, or possession of the United  
8 States, the District of Columbia, or the Commonwealth of Puerto  
9 Rico.

10 p. "State practice laws" means those individual party state's laws  
11 and regulations that govern the practice of nursing, define the scope  
12 of nursing practice, and create the methods and grounds for  
13 disciplining nurses. "State practice laws" does not include the initial  
14 qualifications for licensure or the requirements necessary to obtain and  
15 retain a license, except for the qualifications and requirements of the  
16 home state.

17

18 Article III. General Provisions and Jurisdiction.

19

20 4. a. A license to practice registered nursing issued by a home state  
21 to a resident of that state shall be recognized by each party state as  
22 authorization for a multistate licensure privilege to practice as a  
23 registered nurse in a party state. A license to practice practical or  
24 vocational nursing issued by a home state to a resident in that state  
25 shall be recognized by each party state as authorization for a multistate  
26 licensure privilege to practice as a licensed practical or vocational  
27 nurse in a party state. In order to obtain or retain a license, an  
28 applicant shall meet the home state's qualifications for licensure and  
29 license renewal, as well as other applicable state laws.

30 b. Party states may, in accordance with the due process laws of  
31 that state, limit, suspend or revoke the multistate licensure privilege of  
32 any licensee to practice in the state and may take any other actions  
33 under the applicable state laws necessary to protect the health and  
34 safety of the citizens of the party state. If a party state takes an action  
35 authorized by this section, it shall promptly notify the administrator of  
36 the coordinated licensure information system. The administrator shall  
37 promptly notify the home state of any actions by remote states.

38 c. Every licensee practicing in a party state shall comply with the  
39 state practice laws of the state in which the patient is located at the  
40 time that care is rendered. The practice of nursing is not limited to  
41 patient care, but shall include all nursing practice, as defined by the  
42 practice laws of a party state. The practice of nursing in a party state  
43 shall subject a nurse to the jurisdiction of the nurse licensing board and  
44 the laws and courts of the party state.

45 d. This compact does not affect additional requirements imposed  
46 by states for advanced practice registered nursing. However, a



1 multistate licensure privilege to practice registered nursing granted by  
2 a party state shall be recognized by other party states as a license to  
3 practice registered nursing if one is required by state law as a  
4 precondition for qualifying for advanced practice registered nurse  
5 authorization.

6 e. Persons not residing in a party state may continue to apply for  
7 nurse licensure <sup>1</sup>[of] in<sup>1</sup> party states as provided for under the laws  
8 of each party state. The license granted to the person shall not be  
9 recognized as granting the privilege to practice nursing in any other  
10 party state unless explicitly agreed to by that party state.

11

12 Article IV. Application for Licensure in a Party State.

13

14 5. a. Upon receiving an application for a license, the licensing  
15 board in a party state shall ascertain, through the coordinated licensure  
16 information system, whether:

17 (1) the applicant holds or has ever held a license issued by any  
18 other state;

19 (2) there are any restrictions on the applicant's multistate licensure  
20 privilege; and

21 (3) any other adverse action by any state has been taken against the  
22 applicant's license.

23 b. A licensee in a party state shall hold licensure in only one party  
24 state at a time, which license shall be issued by the home state.

25 c. A licensee who intends to change his primary state of residence  
26 may apply for licensure in the new home state in advance of the  
27 change; however, a new license shall not be issued by a party state  
28 until after the licensee provides evidence of the change in primary state  
29 of residence that is satisfactory to the new home state's licensing  
30 board.

31 d. When a licensee changes his primary state of residence by  
32 moving:

33 (1) between two party states and obtains a license from the new  
34 home state, the license from the former home state is no longer valid;

35 (2) from a nonparty state to a party state and obtains a license from  
36 the new home state, the license issued by the nonparty state shall not  
37 be affected and shall remain in full force if the laws of the nonparty  
38 state so provide; and

39 (3) from a party state to a nonparty state, the license issued by the  
40 former home state converts to an individual state license that is valid  
41 only in the former home state. The license does not grant the  
42 multistate licensure privilege to practice in other party states.

43

44 Article V. Adverse Actions.

45

46 6. a. The remote state's nurse licensing board shall promptly report  
47 to the administrator of the coordinated licensure information system

1 any remote state actions, including the factual and legal basis for the  
2 actions, if known. The remote state's nurse licensing board shall also  
3 promptly report any current significant investigative information yet  
4 to result in a remote state action. The administrator shall promptly  
5 notify the home state of any such reports.

6 b. The party state's nurse licensing board may complete any  
7 pending investigation of a licensee who changes his primary state of  
8 residence during the course of an investigation. It may also take  
9 appropriate action against a licensee, and shall promptly report the  
10 conclusion of the investigation to the administrator of the coordinated  
11 licensure information system. The administrator shall promptly notify  
12 the new home state of any action taken against a licensee.

13 c. A remote state may take adverse action that affects the  
14 multistate licensure privilege to practice within that party state;  
15 however, only the home state may take adverse action that affects a  
16 license that was issued by the home state.

17 d. For purposes of taking adverse action, the home state's nurse  
18 licensing board shall give the same priority and effect to the conduct  
19 reported by a remote state that it would if the conduct had occurred  
20 in the home state. The board shall apply its own state laws to  
21 determine the appropriate action that should be taken against the  
22 licensee.

23 e. The home state may take adverse action based upon the factual  
24 findings of the remote state, if each state follows its own procedures  
25 for imposing the adverse action.

26 f. Nothing in this compact shall prohibit a party state from allowing  
27 a licensee to participate in an alternative program instead of taking  
28 adverse action against the licensee. If required by the party state's  
29 laws, the licensee's participation in an alternative program shall be  
30 confidential information. Party states shall require licensees who enter  
31 alternative programs to agree not to practice in any other party state  
32 during the term of the alternative program without prior authorization  
33 from the other party state.

34  
35 Article VI. Additional Authority Invested in Party State Nurse  
36 Licensing Boards.  
37

38 7. Notwithstanding any other powers, party state nurse licensing  
39 boards may:

40 a. If otherwise permitted by state law, recover from the licensee  
41 the costs of investigating and disposing of cases that result in adverse  
42 action;

43 b. Issue subpoenas for both hearings and investigations that require  
44 the attendance and testimony of witnesses, and the production of  
45 evidence. Subpoenas issued by a party state nurse licensing board for  
46 the attendance and testimony of witnesses or the production of

1 evidence from another party state, shall be enforced in the other party  
2 state by any court of competent jurisdiction, according to the practice  
3 and procedure of that court. The issuing authority shall pay any  
4 witness fees, travel expenses, mileage, and other fees required by the  
5 laws of the party state where the witnesses or the evidence are located;

6 c. Issue cease and desist orders to limit or revoke a licensee's  
7 authority to practice in the board's state; and

8 d. Adopt uniform rules and regulations that are developed by the  
9 compact administrators pursuant to Article VIII of this compact.

10

11 Article VII. Coordinated Licensure Information System.

12

13 8. a. All party states shall participate in a cooperative effort to  
14 create a coordinated database of all licensed registered nurses and  
15 licensed practical or vocational nurses. This system shall include  
16 information on the licensure and disciplinary history of each licensee,  
17 as contributed by party states, to assist in the coordination of nurse  
18 licensure and enforcement efforts.

19 b. Notwithstanding any other provision of law to the contrary, the  
20 party states' nurse licensing boards shall promptly report to the  
21 coordinated licensure information system any adverse action taken  
22 against licensees, actions against multistate licensure privileges, any  
23 current significant investigative information yet to result in adverse  
24 action, and any denials of applications for licensure, and the reasons  
25 for the denials.

26 c. Current significant investigative information shall be transmitted  
27 through the coordinated licensure information system only to the party  
28 states' nurse licensing boards.

29 d. Notwithstanding any other provision of law to the contrary, all  
30 party states' nurse licensing boards contributing information to the  
31 coordinated licensure information system may designate information  
32 that shall not be shared with nonparty states or disclosed to other  
33 individuals or entities without the express permission of the  
34 contributing party state.

35 e. Any personally identifiable information obtained by a party state  
36 nurse licensing board from the coordinated licensure information  
37 system shall not be shared with nonparty states or disclosed to other  
38 individuals or entities except to the extent permitted by the laws of the  
39 party state contributing the information.

40 f. Any information contributed to the coordinated licensure  
41 information system that is subsequently required to be expunged by the  
42 laws of the party state contributing that information shall be expunged  
43 from the coordinated licensure information system.

44 g. The compact administrators, acting jointly and in consultation  
45 with the administrator of the coordinated licensure information system,  
46 shall formulate necessary and proper procedures for the identification,  
47 collection and exchange of information under this compact.

1 Article VIII. Compact Administration and Interchange of  
2 Information.

3  
4 9. a. The executive director of the nurse licensing board of each  
5 party state, or the executive director's designee, shall be the  
6 administrator of this compact for that state.

7 b. In New Jersey, the administrator of this compact shall be the  
8 <sup>1</sup>[executive director] Executive Director<sup>1</sup> of the New Jersey Board of  
9 Nursing.

10 c. To facilitate the administration of this compact, the compact  
11 administrator of each party state shall furnish to the compact  
12 administrators of all other party states any information and documents  
13 concerning each licensee, including a uniform data set of  
14 investigations, identifying information, licensure data, and disclosable  
15 alternative program participation information.

16 d. Compact administrators shall develop uniform rules and  
17 regulations to facilitate and coordinate implementation of this  
18 compact. These uniform rules shall be adopted by party states,  
19 pursuant to Article VI of this compact.

20

21 Article IX. Immunity.

22

23 10. A party state, and the officers, employees, or agents of a party  
24 state's nurse licensing board, who act in accordance with this compact  
25 shall not be liable for any good faith act or omission committed while  
26 they were engaged in the performance of their duties under this  
27 compact. Good faith shall not include willful misconduct, gross  
28 negligence or recklessness.

29

30 Article X. Effective Date, Withdrawal and Amendment.

31

32 11. a. This compact shall become effective as to any state when it  
33 has been enacted into the laws of that state. A party state may  
34 withdraw from the compact by enacting a statute repealing the  
35 compact, but the withdrawal shall not take effect until six months after  
36 the withdrawing state has given notice of the withdrawal to the  
37 compact administrators of all other party states.

38 b. No withdrawal shall affect the validity or applicability of any  
39 report of adverse action taken by the nurse licensing board of a state  
40 that remains a party to the compact if the adverse action occurred  
41 prior to the withdrawal.

42 c. This compact does not invalidate or prevent any nurse licensure  
43 agreement or other cooperative agreement between a party state and  
44 a nonparty state that is made in accordance with this compact.

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

1 Article XI. Construction and Severability.

2

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

15 b. In the event party states find a need for settling disputes arising  
16 under this compact, the party states shall submit the issues in dispute  
17 to an arbitration panel that shall consist of an individual appointed by  
18 the compact administrator in the home state, an individual appointed  
19 by the compact administrator in the remote states involved, and an  
20 individual appointed by the compact administrators of all of the party  
21 states involved in the dispute. The decision of a majority of the  
22 arbitrators shall be final and binding.

23

24 2. a. A State licensed nurse whose license is under suspension or  
25 under probation by the New Jersey Board of Nursing, or who is  
26 participating in an established treatment program which is an  
27 alternative to disciplinary action, shall not practice in any other party  
28 state during the term of the suspension, probation or participation  
29 without prior authorization from the other party state. The board may  
30 revoke the State license of a nurse under suspension, probation or  
31 participation who practices nursing in another party state without prior  
32 authorization from that state.

33 b. The multistate licensure privilege granted by this State pursuant  
34 to the compact is subject to revocation or other disciplinary action as  
35 the result of any disciplinary action imposed by a nurse's home state.

36

37 3. This compact is intended to facilitate the regulation of the  
38 practice of nursing and does not relieve employers from complying  
39 with contractual and statutorily imposed obligations.

40

41 4. If there is an irreconcilable conflict between this compact and  
42 chapter 11 of Title 45 of the Revised Statutes, the compact shall  
43 control.

44

45 5. The provisions of this act are applicable only to nurses whose  
46 home states are determined by the New Jersey Board of Nursing to

- 1 have licensure requirements that are substantially equivalent or more
- 2 stringent than those of New Jersey.
- 3
- 4 6. This act shall take effect on January 1, 2002.

**FISCAL NOTE**  
[First Reprint]  
**SENATE, No. 2208**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JULY 18, 2001

**SUMMARY**

**Synopsis:** Enters New Jersey in Nurse Multistate Licensure Compact.  
**Type of Impact:** Expenditure increase. Board of Nursing.  
**Agencies Affected:** Division of Consumer Affairs, Department of Law and Public Safety.

**Executive Estimate**

| <b>Fiscal Impact</b> | <b><u>Year 1</u></b> | <b><u>Year 2</u></b> | <b><u>Year 3</u></b> |
|----------------------|----------------------|----------------------|----------------------|
| <b>State Cost</b>    | \$74,000             | \$66,000             | \$12,500             |

- ! The Office of Legislative Services (OLS) **concurs** with this estimate.
- ! Requires nurses and LPNs to be licensed only in their state of residence while practicing nursing in other states that are party to the Nurse Multistate Licensure Compact (NMLC).
- ! Of the states that adjoin New Jersey, only Delaware is party to the NMLC.
- ! OLS does not have sufficient information to determine the impact of this bill on nursing license revenues.

**BILL DESCRIPTION**

Senate Bill No. 2208 (1R) of 2001 enters New Jersey into the Nurse Multistate Licensure Compact (NMLC). This compact grants registered nurses and licensed practical nurses (LPN) multistate licensure privileges. Thus, nurses and LPNs will only have to be licensed in their primary state of residence, while practicing nursing in another state that is party to the NMLC. Currently, nurses and LPNs are required to be licensed in each state in which they choose to practice.

Under the compact, applicants for licensure must meet the qualifications for licensure and license renewal of the nurse's state of residence. While nurses may be licensed in any state or states that are not parties to the compact, they may only be licensed in one state that is a party to the compact.

The bill establishes a coordinated licensure information system that will include a database of the licensure and disciplinary history of all nurses and LPNs licensed in the party states. This

system will be administered by a nonprofit organization composed of and controlled by state nurse licensing boards. The director of the New Jersey Board of Nursing will administer the compact in New Jersey.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Division of Consumer Affairs estimates that \$74,000 will be needed in the first year to update its nurse licensees database to include the information required under the compact. This figure includes \$43,500 for the salaries of two temporary data entry operators. The division also estimates that another \$30,500 will be required for other services including \$2,000 in travel expenses, \$500 in telephone charges, \$20,000 in Division of Law charges and \$8,000 for equipment and data processing expenses. The division estimates that \$66,000 will be needed in the second year to complete the modification of the database. The division estimates that \$12,500 will be required in the third year for additional administrative costs associated with the compact.

The division does not anticipate any substantial loss of license revenue to the Board of Nursing as a result of the NMLC. Currently, 16 percent of the total nurses licensed are comprised of out-of-state nurses. Of those out-of-state residents, 68 percent reside in New York, Pennsylvania and Florida. These three states are not members of the compact. Therefore, nurses who reside in these states and practice in New Jersey would still be required to be licensed in New Jersey.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) concurs with this estimate.

Section: *Law and Public Safety*

Analyst: *James F. Vari*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 2208**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2208 (1R).

This bill would enter New Jersey into the Nurse Multistate Licensure Compact (NMLC). This compact provides for a mutual recognition model of nurse licensure (for registered professional nurses and licensed practical nurses) whereby a nurse only needs to obtain one license from the nurse's state of residence in order to be permitted to practice nursing in any other state that is a party to the compact, as long as the nurse complies with the state practice laws of the state in which the patient is located at the time that care is rendered. Currently, a nurse is required to be licensed in, and by, each state in which the nurse chooses to practice.

Under the NMLC, a nurse who applies for licensure shall meet the qualifications for licensure and license renewal of the nurse's state of residence. While a nurse may be licensed in any state or states that are not parties to the compact, a nurse may only be licensed in one state that is a party to the compact. The NMLC authorizes a state that is a party to the compact to limit, suspend or revoke the multistate licensure privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state. All party states are authorized to take actions against a nurse's privileges to practice in the state, including, suspension, revocation or probation. In New Jersey, the Compact Administrator shall be the Director of the Division of Consumer Affairs.

The NMLC also establishes a coordinated licensure information system that will include a database on the licensure and disciplinary history of all nurses licensed in the party states. The party states will be required to report to the coordinated system all adverse actions against nurses, including actions against multistate licensure privileges, any current significant investigative information yet to result in an adverse action, and denials of applications and the reasons for the denials. This information will be shared with party states unless the

state submitting the information designates information that may not be shared or disclosed without the permission of the contributing state. The coordinated licensure information system shall be administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

The NMLC is intended to address the expanded mobility of nurses and the use of advanced communication technologies (telemedicine) by nurses, which requires greater coordination and cooperation among states in the areas of nurse licensure and regulation. The NMLC also is intended to facilitate the exchange of information between states in the area of nurse regulation, investigation and adverse actions. To date, 15 states, including Maryland and Delaware, have adopted the compact.

As amended, this bill is identical to Assembly Bill No. 3302 (1R) Sca, which the committee also reports this day.

#### COMMITTEE AMENDMENTS

Committee amendments to this bill: (1) replace the Executive Director of the New Jersey Board of Nursing with the Director of the Division of Consumer Affairs as the the official designated in the compact to be compact administrator for New Jersey; (2) clarify that the terms of the compact do not abrogate statutory provisions governing the practice of nursing (as distinct from the licensing of nurses), nor any statutory or common law defense or immunity of a public entity or employee; (3) provide explicitly that omissions in the compact (matters on which it is silent) are not to be "cured" by construction, but are to be governed by other provisions of statutory law or appropriate regulation; (4) clarify that the compact does not limit the investigative or disciplinary powers conferred upon the Attorney General, director, or the board under the general enforcement provisions of New Jersey's professional and occupational regulation statute, and that the powers shall available against a remote state licensee practicing in New Jersey; (5) authorize the Governor, in certain circumstances, to withdraw the State as a party to the compact; and (6) provide that the legislation shall expire on January 1, 2007.

#### FISCAL IMPACT

The Division of Consumer Affairs estimates that \$74,000 will be needed in the first year to update its nurse licensees database to include the information required under the compact. The division estimates that \$66,000 will be needed in the second year to complete the modification of the database, and that \$12,500 will be required in the third year for additional administrative costs associated with the compact.

The division does not anticipate any substantial loss of license revenue to the Board of Nursing as a result of the NMLC. Currently, 16 percent of the total nurses licensed are comprised of out-of-state nurses. Of those out-of-state residents, 68 percent reside in New

York, Pennsylvania and Florida. These three states are not members of the compact. Therefore, nurses who reside in these states and practice in New Jersey would still be required to be licensed in New Jersey.

[Second Reprint]  
**SENATE, No. 2208**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MARCH 15, 2001

**Sponsored by:**

**Senator JOHN J. MATHEUSSEN**

**District 4 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Co-Sponsored by:**

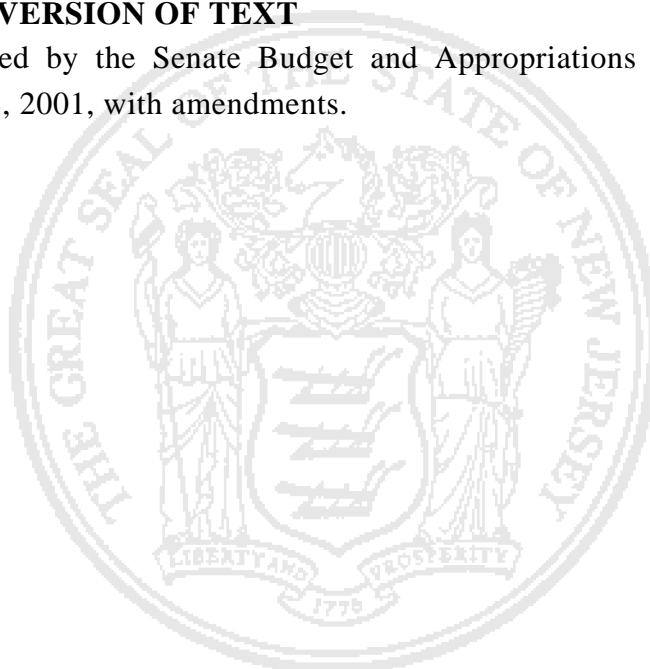
**Senator Allen**

**SYNOPSIS**

Enters New Jersey in Nurse Multistate Licensure Compact.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on December 13, 2001, with amendments.



**(Sponsorship Updated As Of: 12/18/2001)**

1 AN ACT concerning the Nurse Multistate Licensure Compact and  
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Nurse  
8 Multistate Licensure Compact with all other jurisdictions that legally  
9 join in the compact in the form substantially as follows:

10

11 Article I. Findings and Statement of Purpose.

12

13 1. The party states to this compact find that:

14 a. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;

17 b. Violations of nurse licensure and other laws relating to the  
18 practice of nursing may result in injury or harm to the public;

19 c. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;

23 d. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex; and

25 e. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant to both nurses and the  
27 states.

28

29 2. The general purposes of this compact are to:

30 a. Facilitate the states' responsibility to protect the health and  
31 safety of the public;

32 b. Ensure and encourage the cooperation of party states in the  
33 areas of nurse licensure and regulation;

34 c. Facilitate the exchange of information between party states in  
35 the areas of nurse regulation, investigation, and adverse actions;

36 d. Promote compliance with the laws governing the practice of  
37 nursing in each jurisdiction; and

38 e. Through the mutual recognition of party state licenses, authorize  
39 the party states to hold a nurse accountable for meeting all nurse  
40 practice laws in the state in which the patient is located at the time that  
41 care was rendered.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SHH committee amendments adopted May 31, 2001.

<sup>2</sup> Senate SBA committee amendments adopted December 13, 2001.

1 Article II. Definitions.

2  
3 3. For the purposes of this compact, and of any supplemental or  
4 concurring legislation enacted under this compact, except as may be  
5 otherwise required by the context:

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

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

9 c. "Compact" means this Nurse Multistate Licensing Compact.

10 d. "Coordinated licensure information system" means an integrated  
11 process for collecting, storing, and sharing information on nurse  
12 licensure and enforcement activities related to nurse licensure laws,  
13 that is administered by a nonprofit organization composed of and  
14 controlled by state nurse licensing boards.

15 e. "Current significant investigative information" means  
16 investigative information that indicates a licensee:

17 (1) has committed more than a minor infraction or

18 (2) represents an immediate threat to public health and safety.

19 f. "Home state" means the party state that is the nurse's primary  
20 state of residence.

21 g. "Home state action" means any administrative, civil, equitable,  
22 or criminal action permitted by the laws of the home state that is  
23 imposed on a nurse by the licensing board or other authority of the  
24 home state. "Home state action" includes: revocation, suspension or  
25 probation of a licensee; or any other action that affects a nurse's  
26 authorization to practice.

27 h. "Licensee" means a person licensed by the New Jersey Board of  
28 Nursing or the nurse licensing board of a party state.

29 i. "Licensing board" means a party state's regulatory agency that  
30 is responsible for licensing nurses.

31 j. "Multistate licensure privilege" means the current, official  
32 authority from a remote state permitting the practice of nursing as  
33 either a registered nurse or a licensed practical or vocational nurse in  
34 a party state.

35 k. "Nurse" means a registered nurse or a licensed practical or  
36 vocational nurse as those terms are defined by the laws of each party  
37 state.

38 l. "Party state" means any state that has adopted this compact.

39 m. "Remote state" means the party state, other than the home  
40 state:

41 (1) where the patient is located at the time nursing care is  
42 provided; or

43 (2) in the case of the practice of nursing that does not involve a  
44 patient, where the recipient of nursing practices is located.

45 n. "Remote state action" means any:

1 (1) administrative, civil, equitable, or criminal action permitted by  
2 the laws of the remote state which are imposed on a nurse by the  
3 remote state's nurse licensing board or other authority, including  
4 actions against an individual's multistate licensure privilege to practice  
5 in the remote state; and

6 (2) cease and desist or other injunctive or equitable orders issued  
7 by remote states or their licensing boards.

8 o. "State" means a state, territory, or possession of the United  
9 States, the District of Columbia, or the Commonwealth of Puerto  
10 Rico.

11 p. "State practice laws" means those individual party state's laws  
12 and regulations that govern the practice of nursing, define the scope  
13 of nursing practice, and create the methods and grounds for  
14 disciplining nurses. "State practice laws" does not include the initial  
15 qualifications for licensure or the requirements necessary to obtain and  
16 retain a license, except for the qualifications and requirements of the  
17 home state.

18  
19 Article III. General Provisions and Jurisdiction.  
20

21 4. a. A license to practice registered nursing issued by a home state  
22 to a resident of that state shall be recognized by each party state as  
23 authorization for a multistate licensure privilege to practice as a  
24 registered nurse in a party state. A license to practice practical or  
25 vocational nursing issued by a home state to a resident in that state  
26 shall be recognized by each party state as authorization for a multistate  
27 licensure privilege to practice as a licensed practical or vocational  
28 nurse in a party state. In order to obtain or retain a license, an  
29 applicant shall meet the home state's qualifications for licensure and  
30 license renewal, as well as other applicable state laws.

31 b. Party states may, in accordance with the due process laws of  
32 that state, limit, suspend or revoke the multistate licensure privilege of  
33 any licensee to practice in the state and may take any other actions  
34 under the applicable state laws necessary to protect the health and  
35 safety of the citizens of the party state. If a party state takes an action  
36 authorized by this section, it shall promptly notify the administrator of  
37 the coordinated licensure information system. The administrator shall  
38 promptly notify the home state of any actions by remote states.

39 c. Every licensee practicing in a party state shall comply with the  
40 state practice laws of the state in which the patient is located at the  
41 time that care is rendered. The practice of nursing is not limited to  
42 patient care, but shall include all nursing practice, as defined by the  
43 practice laws of a party state. The practice of nursing in a party state  
44 shall subject a nurse to the jurisdiction of the nurse licensing board and  
45 the laws and courts of the party state.

46 d. This compact does not affect additional requirements imposed

1 by states for advanced practice registered nursing. However, a  
2 multistate licensure privilege to practice registered nursing granted by  
3 a party state shall be recognized by other party states as a license to  
4 practice registered nursing if one is required by state law as a  
5 precondition for qualifying for advanced practice registered nurse  
6 authorization.

7 e. Persons not residing in a party state may continue to apply for  
8 nurse licensure <sup>1</sup>[of] in<sup>1</sup> party states as provided for under the laws  
9 of each party state. The license granted to the person shall not be  
10 recognized as granting the privilege to practice nursing in any other  
11 party state unless explicitly agreed to by that party state.

12  
13 Article IV. Application for Licensure in a Party State.

14  
15 5. a. Upon receiving an application for a license, the licensing  
16 board in a party state shall ascertain, through the coordinated licensure  
17 information system, whether:

18 (1) the applicant holds or has ever held a license issued by any  
19 other state;

20 (2) there are any restrictions on the applicant's multistate licensure  
21 privilege; and

22 (3) any other adverse action by any state has been taken against the  
23 applicant's license.

24 b. A licensee in a party state shall hold licensure in only one party  
25 state at a time, which license shall be issued by the home state.

26 c. A licensee who intends to change his primary state of residence  
27 may apply for licensure in the new home state in advance of the  
28 change; however, a new license shall not be issued by a party state  
29 until after the licensee provides evidence of the change in primary state  
30 of residence that is satisfactory to the new home state's licensing  
31 board.

32 d. When a licensee changes his primary state of residence by  
33 moving:

34 (1) between two party states and obtains a license from the new  
35 home state, the license from the former home state is no longer valid;

36 (2) from a nonparty state to a party state and obtains a license from  
37 the new home state, the license issued by the nonparty state shall not  
38 be affected and shall remain in full force if the laws of the nonparty  
39 state so provide; and

40 (3) from a party state to a nonparty state, the license issued by the  
41 former home state converts to an individual state license that is valid  
42 only in the former home state. The license does not grant the  
43 multistate licensure privilege to practice in other party states.

44  
45 Article V. Adverse Actions.

46  
47 6. a. The remote state's nurse licensing board shall promptly report



1 to the administrator of the coordinated licensure information system  
2 any remote state actions, including the factual and legal basis for the  
3 actions, if known. The remote state's nurse licensing board shall also  
4 promptly report any current significant investigative information yet  
5 to result in a remote state action. The administrator shall promptly  
6 notify the home state of any such reports.

7 b. The party state's nurse licensing board may complete any  
8 pending investigation of a licensee who changes his primary state of  
9 residence during the course of an investigation. It may also take  
10 appropriate action against a licensee, and shall promptly report the  
11 conclusion of the investigation to the administrator of the coordinated  
12 licensure information system. The administrator shall promptly notify  
13 the new home state of any action taken against a licensee.

14 c. A remote state may take adverse action that affects the  
15 multistate licensure privilege to practice within that party state;  
16 however, only the home state may take adverse action that affects a  
17 license that was issued by the home state.

18 d. For purposes of taking adverse action, the home state's nurse  
19 licensing board shall give the same priority and effect to the conduct  
20 reported by a remote state that it would if the conduct had occurred  
21 in the home state. The board shall apply its own state laws to  
22 determine the appropriate action that should be taken against the  
23 licensee.

24 e. The home state may take adverse action based upon the factual  
25 findings of the remote state, if each state follows its own procedures  
26 for imposing the adverse action.

27 f. Nothing in this compact shall prohibit a party state from allowing  
28 a licensee to participate in an alternative program instead of taking  
29 adverse action against the licensee. If required by the party state's  
30 laws, the licensee's participation in an alternative program shall be  
31 confidential information. Party states shall require licensees who enter  
32 alternative programs to agree not to practice in any other party state  
33 during the term of the alternative program without prior authorization  
34 from the other party state.

35

36 Article VI. Additional Authority Invested in Party State Nurse  
37 Licensing Boards.

38

39 7. Notwithstanding any other powers, party state nurse licensing  
40 boards may:

41 a. If otherwise permitted by state law, recover from the licensee  
42 the costs of investigating and disposing of cases that result in adverse  
43 action;

44 b. Issue subpoenas for both hearings and investigations that require  
45 the attendance and testimony of witnesses, and the production of  
46 evidence. Subpoenas issued by a party state nurse licensing board for

1 the attendance and testimony of witnesses or the production of  
2 evidence from another party state, shall be enforced in the other party  
3 state by any court of competent jurisdiction, according to the practice  
4 and procedure of that court. The issuing authority shall pay any  
5 witness fees, travel expenses, mileage, and other fees required by the  
6 laws of the party state where the witnesses or the evidence are located;

7 c. Issue cease and desist orders to limit or revoke a licensee's  
8 authority to practice in the board's state; and

9 d. Adopt uniform rules and regulations that are developed by the  
10 compact administrators pursuant to Article VIII of this compact.

11

12 Article VII. Coordinated Licensure Information System.

13

14 8. a. All party states shall participate in a cooperative effort to  
15 create a coordinated database of all licensed registered nurses and  
16 licensed practical or vocational nurses. This system shall include  
17 information on the licensure and disciplinary history of each licensee,  
18 as contributed by party states, to assist in the coordination of nurse  
19 licensure and enforcement efforts.

20 b. Notwithstanding any other provision of law to the contrary, the  
21 party states' nurse licensing boards shall promptly report to the  
22 coordinated licensure information system any adverse action taken  
23 against licensees, actions against multistate licensure privileges, any  
24 current significant investigative information yet to result in adverse  
25 action, and any denials of applications for licensure, and the reasons  
26 for the denials.

27 c. Current significant investigative information shall be transmitted  
28 through the coordinated licensure information system only to the party  
29 states' nurse licensing boards.

30 d. Notwithstanding any other provision of law to the contrary, all  
31 party states' nurse licensing boards contributing information to the  
32 coordinated licensure information system may designate information  
33 that shall not be shared with nonparty states or disclosed to other  
34 individuals or entities without the express permission of the  
35 contributing party state.

36 e. Any personally identifiable information obtained by a party state  
37 nurse licensing board from the coordinated licensure information  
38 system shall not be shared with nonparty states or disclosed to other  
39 individuals or entities except to the extent permitted by the laws of the  
40 party state contributing the information.

41 f. Any information contributed to the coordinated licensure  
42 information system that is subsequently required to be expunged by the  
43 laws of the party state contributing that information shall be expunged  
44 from the coordinated licensure information system.

45 g. The compact administrators, acting jointly and in consultation  
46 with the administrator of the coordinated licensure information system,  
47 shall formulate necessary and proper procedures for the identification,

1 collection and exchange of information under this compact.

2

3 Article VIII. Compact Administration and Interchange of  
4 Information.

5

6 9. a. The executive director of the nurse licensing board of each  
7 party state, or the executive director's designee, shall be the  
8 administrator of this compact for that state.

9 b. In New Jersey, the administrator of this compact shall be the  
10 <sup>1</sup>[executive director] <sup>2</sup>[Executive Director<sup>1</sup> of the New Jersey Board  
11 of Nursing] Director of the Division of Consumer Affairs in the  
12 Department of Law and Public Safety or the director's designee<sup>2</sup>.

13 c. To facilitate the administration of this compact, the compact  
14 administrator of each party state shall furnish to the compact  
15 administrators of all other party states any information and documents  
16 concerning each licensee, including a uniform data set of  
17 investigations, identifying information, licensure data, and disclosable  
18 alternative program participation information.

19 d. Compact administrators shall develop uniform rules and  
20 regulations to facilitate and coordinate implementation of this  
21 compact. These uniform rules shall be adopted by party states,  
22 pursuant to Article VI of this compact.

23

24 Article IX. Immunity.

25

26 10. A party state, and the officers, employees, or agents of a party  
27 state's nurse licensing board, who act in accordance with this compact  
28 shall not be liable for any good faith act or omission committed while  
29 they were engaged in the performance of their duties under this  
30 compact. Good faith shall not include willful misconduct, gross  
31 negligence or recklessness.

32

33 Article X. Effective Date, Withdrawal and Amendment.

34

35 11. a. This compact shall become effective as to any state when it  
36 has been enacted into the laws of that state. A party state may  
37 withdraw from the compact by enacting a statute repealing the  
38 compact, but the withdrawal shall not take effect until six months after  
39 the withdrawing state has given notice of the withdrawal to the  
40 compact administrators of all other party states.

41 b. No withdrawal shall affect the validity or applicability of any  
42 report of adverse action taken by the nurse licensing board of a state  
43 that remains a party to the compact if the adverse action occurred  
44 prior to the withdrawal.

45 c. This compact does not invalidate or prevent any nurse licensure  
46 agreement or other cooperative agreement between a party state and  
47 a nonparty state that is made in accordance with this compact.

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

4  
5 Article XI. Construction and Severability.

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

19 b. In the event party states find a need for settling disputes arising  
20 under this compact, the party states shall submit the issues in dispute  
21 to an arbitration panel that shall consist of an individual appointed by  
22 the compact administrator in the home state, an individual appointed  
23 by the compact administrator in the remote states involved, and an  
24 individual appointed by the compact administrators of all of the party  
25 states involved in the dispute. The decision of a majority of the  
26 arbitrators shall be final and binding.

27  
28 2. a. A State licensed nurse whose license is under suspension or  
29 under probation by the New Jersey Board of Nursing, or who is  
30 participating in an established treatment program which is an  
31 alternative to disciplinary action, shall not practice in any other party  
32 state during the term of the suspension, probation or participation  
33 without prior authorization from the other party state. The board may  
34 revoke the State license of a nurse under suspension, probation or  
35 participation who practices nursing in another party state without prior  
36 authorization from that state.

37 b. The multistate licensure privilege granted by this State pursuant  
38 to the compact is subject to revocation or other disciplinary action as  
39 the result of any disciplinary action imposed by a nurse's home state.

40  
41 3. This compact is intended to facilitate the regulation of the  
42 practice of nursing and does not relieve employers from complying  
43 with contractual and statutorily imposed obligations.

44  
45 4. 2a. This compact shall not abrogate any provision in Title 45  
46 of the Revised Statutes or any other title applicable to the practice of

1 nursing in this State.

2 b.<sup>2</sup> If there is an irreconcilable conflict between this compact and  
3 chapter 11 of Title 45 of the Revised Statutes, the compact shall  
4 control.

5 <sup>2</sup>c. Omissions in this compact shall not be supplied by  
6 construction. In any instance of an omission from the compact, the  
7 remaining provisions of Title 45 of the Revised Statutes or other  
8 applicable statutory law, and any regulations adopted pursuant thereto,  
9 shall control.<sup>2</sup>

10

11 5. The provisions of this act are applicable only to nurses whose  
12 home states are determined by the New Jersey Board of Nursing to  
13 have licensure requirements that are substantially equivalent or more  
14 stringent than those of New Jersey.

15

16 <sup>2</sup>6. Any investigative or disciplinary powers conferred on the  
17 Attorney General, the Director of the Division of Consumer Affairs in  
18 the Department of Law and Public Safety, and the New Jersey Board  
19 of Nursing under the provisions of P.L.1978, c.73 (C.45:1-14 et seq.)  
20 or other law, or under regulations adopted pursuant thereto, shall not  
21 be interpreted as limited in any way by the terms of the compact and  
22 shall be available in any investigation of the conduct of, or disciplinary  
23 action against, a remote state licensee practicing in New Jersey and of  
24 a New Jersey home state licensee.<sup>2</sup>

25

26 <sup>2</sup>7. Nothing in Article IX of the compact shall be deemed to waive  
27 or abrogate in any way any defense or immunity of a public entity or  
28 public employee under the common law or statutory law including, but  
29 not limited to, the "New Jersey Tort Claims Act," N.J.S.59:1-1 et  
30 seq.<sup>2</sup>

31

32 <sup>2</sup>8. The Governor may withdraw this State from the compact if the  
33 Attorney General notifies the Governor that a state that is a party to  
34 the compact has changed its licensure requirements to make them  
35 substantially lower than the requirements of this State, or that  
36 withdrawal from the compact is in the best interests of the health,  
37 safety and welfare of the citizens of this State.<sup>2</sup>

38

39 <sup>2</sup>[6.] <sup>2</sup>9. This act shall take effect on January 1, 2002 <sup>2</sup>and shall  
40 expire on January 1, 2007.<sup>2</sup>

Title 45.  
Chapter 11A. (New)  
Nurse Multistate  
Licensure Compact.  
§§1-8 - C.45:11A-1  
to 45:11A-8  
§9 - Note to §§1-8

P.L. 2001, CHAPTER 340, *approved January 5, 2002*  
Assembly, No. 3302 (*Second Reprint*)

1 **AN ACT** concerning the Nurse Multistate Licensure Compact and  
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Nurse  
8 Multistate Licensure Compact with all other jurisdictions that legally  
9 join in the compact in the form substantially as follows:

10

11 Article I. Findings and Statement of Purpose.

12

13 1. The party states to this compact find that:

14 a. The health and safety of the public are affected by the degree of  
15 compliance with and the effectiveness of enforcement activities related  
16 to state nurse licensure laws;

17 b. Violations of nurse licensure and other laws relating to the  
18 practice of nursing may result in injury or harm to the public;

19 c. The expanded mobility of nurses and the use of advanced  
20 communication technologies as part of our nation's health care delivery  
21 system require greater coordination and cooperation among states in  
22 the areas of nurse licensure and regulation;

23 d. New practice modalities and technology make compliance with  
24 individual state nurse licensure laws difficult and complex; and

25 e. The current system of duplicative licensure for nurses practicing  
26 in multiple states is cumbersome and redundant to both nurses and the  
27 states.

28

29 2. The general purposes of this compact are to:

30 a. Facilitate the states' responsibility to protect the health and  
31 safety of the public;

32 b. Ensure and encourage the cooperation of party states in the  
33 areas of nurse licensure and regulation;

34 c. Facilitate the exchange of information between party states in

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AHL committee amendments adopted May 17, 2001.

<sup>2</sup> Senate SBA committee amendments adopted December 13, 2001.

1 the areas of nurse regulation, investigation, and adverse actions;

2 d. Promote compliance with the laws governing the practice of  
3 nursing in each jurisdiction; and

4 e. Through the mutual recognition of party state licenses, authorize  
5 the party states to hold a nurse accountable for meeting all nurse  
6 practice laws in the state in which the patient is located at the time that  
7 care was rendered.

8 Article II. Definitions.

9

10 3. For the purposes of this compact, and of any supplemental or  
11 concurring legislation enacted under this compact, except as may be  
12 otherwise required by the context:

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

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

16 c. "Compact" means this Nurse Multistate Licensing Compact.

17 d. "Coordinated licensure information system" means an integrated  
18 process for collecting, storing, and sharing information on nurse  
19 licensure and enforcement activities related to nurse licensure laws,  
20 that is administered by a nonprofit organization composed of and  
21 controlled by state nurse licensing boards.

22 e. "Current significant investigative information" means  
23 investigative information that indicates a licensee:

24 (1) has committed more than a minor infraction or

25 (2) represents an immediate threat to public health and safety.

26 f. "Home state" means the party state that is the nurse's primary  
27 state of residence.

28 g. "Home state action" means any administrative, civil, equitable,  
29 or criminal action permitted by the laws of the home state that is  
30 imposed on a nurse by the licensing board or other authority of the  
31 home state. "Home state action" includes: revocation, suspension or  
32 probation of a licensee; or any other action that affects a nurse's  
33 authorization to practice.

34 h. "Licensee" means a person licensed by the New Jersey Board  
35 of Nursing or the nurse licensing board of a party state.

36 i. "Licensing board" means a party state's regulatory agency that  
37 is responsible for licensing nurses.

38 j. "Multistate licensure privilege" means the current, official  
39 authority from a remote state permitting the practice of nursing as  
40 either a registered nurse or a licensed practical or vocational nurse in  
41 a party state.

42 k. "Nurse" means a registered nurse or a licensed practical or  
43 vocational nurse as those terms are defined by the laws of each party  
44 state.

45 l. "Party state" means any state that has adopted this compact.

46 m. "Remote state" means the party state, other than the home

1 state:

2 (1) where the patient is located at the time nursing care is  
3 provided; or

4 (2) in the case of the practice of nursing that does not involve a  
5 patient, where the recipient of nursing practices is located.

6 n. "Remote state action" means any:

7 (1) administrative, civil, equitable, or criminal action permitted by  
8 the laws of the remote state which are imposed on a nurse by the  
9 remote state's nurse licensing board or other authority, including  
10 actions against an individual's multistate licensure privilege to practice  
11 in the remote state; and

12 (2) cease and desist or other injunctive or equitable orders issued  
13 by remote states or their licensing boards.

14 o. "State" means a state, territory, or possession of the United  
15 States, the District of Columbia, or the Commonwealth of Puerto  
16 Rico.

17 p. "State practice laws" means those individual party state's laws  
18 and regulations that govern the practice of nursing, define the scope  
19 of nursing practice, and create the methods and grounds for  
20 disciplining nurses. "State practice laws" does not include the initial  
21 qualifications for licensure or the requirements necessary to obtain and  
22 retain a license, except for the qualifications and requirements of the  
23 home state.

24

### 25 Article III. General Provisions and Jurisdiction.

26

27 4. a. A license to practice registered nursing issued by a home state  
28 to a resident of that state shall be recognized by each party state as  
29 authorization for a multistate licensure privilege to practice as a  
30 registered nurse in a party state. A license to practice practical or  
31 vocational nursing issued by a home state to a resident in that state  
32 shall be recognized by each party state as authorization for a multistate  
33 licensure privilege to practice as a licensed practical or vocational  
34 nurse in a party state. In order to obtain or retain a license, an  
35 applicant shall meet the home state's qualifications for licensure and  
36 license renewal, as well as other applicable state laws.

37 b. Party states may, in accordance with the due process laws of  
38 that state, limit, suspend or revoke the multistate licensure privilege of  
39 any licensee to practice in the state and may take any other actions  
40 under the applicable state laws necessary to protect the health and  
41 safety of the citizens of the party state. If a party state takes an action  
42 authorized by this section, it shall promptly notify the administrator of  
43 the coordinated licensure information system. The administrator shall  
44 promptly notify the home state of any actions by remote states.

45 c. Every licensee practicing in a party state shall comply with the  
46 state practice laws of the state in which the patient is located at the



1 time that care is rendered. The practice of nursing is not limited to  
2 patient care, but shall include all nursing practice, as defined by the  
3 practice laws of a party state. The practice of nursing in a party state  
4 shall subject a nurse to the jurisdiction of the nurse licensing board and  
5 the laws and courts of the party state.

6 d. This compact does not affect additional requirements imposed  
7 by states for advanced practice registered nursing. However, a  
8 multistate licensure privilege to practice registered nursing granted by  
9 a party state shall be recognized by other party states as a license to  
10 practice registered nursing if one is required by state law as a  
11 precondition for qualifying for advanced practice registered nurse  
12 authorization.

13 e. Persons not residing in a party state may continue to apply for  
14 nurse licensure <sup>1</sup>[of] in<sup>1</sup> party states as provided for under the laws  
15 of each party state. The license granted to the person shall not be  
16 recognized as granting the privilege to practice nursing in any other  
17 party state unless explicitly agreed to by that party state.

18

#### 19 Article IV. Application for Licensure in a Party State.

20

21 5. a. Upon receiving an application for a license, the licensing  
22 board in a party state shall ascertain, through the coordinated licensure  
23 information system, whether:

24 (1) the applicant holds or has ever held a license issued by any  
25 other state;

26 (2) there are any restrictions on the applicant's multistate licensure  
27 privilege; and

28 (3) any other adverse action by any state has been taken against  
29 the applicant's license.

30 b. A licensee in a party state shall hold licensure in only one party  
31 state at a time, which license shall be issued by the home state.

32 c. A licensee who intends to change his primary state of residence  
33 may apply for licensure in the new home state in advance of the  
34 change; however, a new license shall not be issued by a party state  
35 until after the licensee provides evidence of the change in primary state  
36 of residence that is satisfactory to the new home state's licensing  
37 board.

38 d. When a licensee changes his primary state of residence by  
39 moving:

40 (1) between two party states and obtains a license from the new  
41 home state, the license from the former home state is no longer valid;

42 (2) from a nonparty state to a party state and obtains a license  
43 from the new home state, the license issued by the nonparty state shall  
44 not be affected and shall remain in full force if the laws of the nonparty  
45 state so provide; and

46 (3) from a party state to a nonparty state, the license issued by the  
47 former home state converts to an individual state license that is valid

1 only in the former home state. The license does not grant the  
2 multistate licensure privilege to practice in other party states.

3  
4 Article V. Adverse Actions.

5  
6 6. a. The remote state's nurse licensing board shall promptly  
7 report to the administrator of the coordinated licensure information  
8 system any remote state actions, including the factual and legal basis  
9 for the actions, if known. The remote state's nurse licensing board  
10 shall also promptly report any current significant investigative  
11 information yet to result in a remote state action. The administrator  
12 shall promptly notify the home state of any such reports.

13 b. The party state's nurse licensing board may complete any  
14 pending investigation of a licensee who changes his primary state of  
15 residence during the course of an investigation. It may also take  
16 appropriate action against a licensee, and shall promptly report the  
17 conclusion of the investigation to the administrator of the coordinated  
18 licensure information system. The administrator shall promptly notify  
19 the new home state of any action taken against a licensee.

20 c. A remote state may take adverse action that affects the  
21 multistate licensure privilege to practice within that party state;  
22 however, only the home state may take adverse action that affects a  
23 license that was issued by the home state.

24 d. For purposes of taking adverse action, the home state's nurse  
25 licensing board shall give the same priority and effect to the conduct  
26 reported by a remote state that it would if the conduct had occurred  
27 in the home state. The board shall apply its own state laws to  
28 determine the appropriate action that should be taken against the  
29 licensee.

30 e. The home state may take adverse action based upon the factual  
31 findings of the remote state, if each state follows its own procedures  
32 for imposing the adverse action.

33 f. Nothing in this compact shall prohibit a party state from  
34 allowing a licensee to participate in an alternative program instead of  
35 taking adverse action against the licensee. If required by the party  
36 state's laws, the licensee's participation in an alternative program shall  
37 be confidential information. Party states shall require licensees who  
38 enter alternative programs to agree not to practice in any other party  
39 state during the term of the alternative program without prior  
40 authorization from the other party state.

41  
42 Article VI. Additional Authority Invested in Party State Nurse  
43 Licensing Boards.

44  
45 7. Notwithstanding any other powers, party state nurse licensing  
46 boards may:

1 a. If otherwise permitted by state law, recover from the licensee  
2 the costs of investigating and disposing of cases that result in adverse  
3 action;

4 b. Issue subpoenas for both hearings and investigations that require  
5 the attendance and testimony of witnesses, and the production of  
6 evidence. Subpoenas issued by a party state nurse licensing board for  
7 the attendance and testimony of witnesses or the production of  
8 evidence from another party state, shall be enforced in the other party  
9 state by any court of competent jurisdiction, according to the practice  
10 and procedure of that court. The issuing authority shall pay any  
11 witness fees, travel expenses, mileage, and other fees required by the  
12 laws of the party state where the witnesses or the evidence are located;

13 c. Issue cease and desist orders to limit or revoke a licensee's  
14 authority to practice in the board's state; and

15 d. Adopt uniform rules and regulations that are developed by the  
16 compact administrators pursuant to Article VIII of this compact.

17  
18 Article VII. Coordinated Licensure Information System.

19  
20 8. a. All party states shall participate in a cooperative effort to  
21 create a coordinated database of all licensed registered nurses and  
22 licensed practical or vocational nurses. This system shall include  
23 information on the licensure and disciplinary history of each licensee,  
24 as contributed by party states, to assist in the coordination of nurse  
25 licensure and enforcement efforts.

26 b. Notwithstanding any other provision of law to the contrary, the  
27 party states' nurse licensing boards shall promptly report to the  
28 coordinated licensure information system any adverse action taken  
29 against licensees, actions against multistate licensure privileges, any  
30 current significant investigative information yet to result in adverse  
31 action, and any denials of applications for licensure, and the reasons  
32 for the denials.

33 c. Current significant investigative information shall be transmitted  
34 through the coordinated licensure information system only to the party  
35 states' nurse licensing boards.

36 d. Notwithstanding any other provision of law to the contrary, all  
37 party states' nurse licensing boards contributing information to the  
38 coordinated licensure information system may designate information  
39 that shall not be shared with nonparty states or disclosed to other  
40 individuals or entities without the express permission of the  
41 contributing party state.

42 e. Any personally identifiable information obtained by a party state  
43 nurse licensing board from the coordinated licensure information  
44 system shall not be shared with nonparty states or disclosed to other  
45 individuals or entities except to the extent permitted by the laws of the  
46 party state contributing the information.

47 f. Any information contributed to the coordinated licensure

1 information system that is subsequently required to be expunged by the  
2 laws of the party state contributing that information shall be expunged  
3 from the coordinated licensure information system.

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

8  
9 Article VIII. Compact Administration and Interchange of  
10 Information.

11  
12 9. a. The executive director of the nurse licensing board of each  
13 party state, or the executive director's designee, shall be the  
14 administrator of this compact for that state.

15 b. In New Jersey, the administrator of this compact shall be the  
16 <sup>1</sup>[executive director] <sup>2</sup>[Executive Director<sup>1</sup> of the New Jersey Board  
17 of Nursing] Director of the Division of Consumer Affairs in the  
18 Department of Law and Public Safety or the director's designee<sup>2</sup>.

19 c. To facilitate the administration of this compact, the compact  
20 administrator of each party state shall furnish to the compact  
21 administrators of all other party states any information and documents  
22 concerning each licensee, including a uniform data set of  
23 investigations, identifying information, licensure data, and disclosable  
24 alternative program participation information.

25 d. Compact administrators shall develop uniform rules and  
26 regulations to facilitate and coordinate implementation of this  
27 compact. These uniform rules shall be adopted by party states,  
28 pursuant to Article VI of this compact.

29  
30 Article IX. Immunity.

31  
32 10. A party state, and the officers, employees, or agents of a party  
33 state's nurse licensing board, who act in accordance with this compact  
34 shall not be liable for any good faith act or omission committed while  
35 they were engaged in the performance of their duties under this  
36 compact. Good faith shall not include willful misconduct, gross  
37 negligence or recklessness.

38  
39 Article X. Effective Date, Withdrawal and Amendment.

40  
41 11. a. This compact shall become effective as to any state when it  
42 has been enacted into the laws of that state. A party state may  
43 withdraw from the compact by enacting a statute repealing the  
44 compact, but the withdrawal shall not take effect until six months after  
45 the withdrawing state has given notice of the withdrawal to the  
46 compact administrators of all other party states.

47 b. No withdrawal shall affect the validity or applicability of any

1 report of adverse action taken by the nurse licensing board of a state  
2 that remains a party to the compact if the adverse action occurred  
3 prior to the withdrawal.

4 c. This compact does not invalidate or prevent any nurse licensure  
5 agreement or other cooperative agreement between a party state and  
6 a nonparty state that is made in accordance with this compact.

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

10

#### 11 Article XI. Construction and Severability.

12

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

25 b. In the event party states find a need for settling disputes arising  
26 under this compact, the party states shall submit the issues in dispute  
27 to an arbitration panel that shall consist of an individual appointed by  
28 the compact administrator in the home state, an individual appointed  
29 by the compact administrator in the remote states involved, and an  
30 individual appointed by the compact administrators of all of the party  
31 states involved in the dispute. The decision of a majority of the  
32 arbitrators shall be final and binding.

33

34 2. a. A State licensed nurse whose license is under suspension or  
35 under probation by the New Jersey Board of Nursing, or who is  
36 participating in an established treatment program which is an  
37 alternative to disciplinary action, shall not practice in any other party  
38 state during the term of the suspension, probation or participation  
39 without prior authorization from the other party state. The board may  
40 revoke the State license of a nurse under suspension, probation or  
41 participation who practices nursing in another party state without prior  
42 authorization from that state.

43 b. The multistate licensure privilege granted by this State pursuant  
44 to the compact is subject to revocation or other disciplinary action as  
45 the result of any disciplinary action imposed by a nurse's home state.

1       3. This compact is intended to facilitate the regulation of the  
2 practice of nursing and does not relieve employers from complying  
3 with contractual and statutorily imposed obligations.

4  
5       4. <sup>2</sup>a. This compact shall not abrogate any provision in Title 45  
6 of the Revised Statutes or any other title applicable to the practice of  
7 nursing in this State.

8       b. <sup>2</sup>If there is an irreconcilable conflict between this compact and  
9 chapter 11 of Title 45 of the Revised Statutes, the compact shall  
10 control.

11       <sup>2</sup>c. Omissions in this compact shall not be supplied by construction.  
12 In any instance of an omission from the compact, the remaining  
13 provisions of Title 45 of the Revised Statutes or other applicable  
14 statutory law, and any regulations adopted pursuant thereto, shall  
15 control.<sup>2</sup>

16  
17       5. The provisions of this act are applicable only to nurses whose  
18 home states are determined by the New Jersey Board of Nursing to  
19 have licensure requirements that are substantially equivalent or more  
20 stringent than those of New Jersey.

21  
22       <sup>2</sup>6. Any investigative or disciplinary powers conferred on the  
23 Attorney General, the Director of the Division of Consumer Affairs in  
24 the Department of Law and Public Safety, and the New Jersey Board  
25 of Nursing under the provisions of P.L.1978, c.73 (C.45:1-14 et seq.)  
26 or other law, or under regulations adopted pursuant thereto, shall not  
27 be interpreted as limited in any way by the terms of the compact and  
28 shall be available in any investigation of the conduct of, or disciplinary  
29 action against, a remote state licensee practicing in New Jersey and of  
30 a New Jersey home state licensee.<sup>2</sup>

31  
32       <sup>2</sup>7. Nothing in Article IX of the compact shall be deemed to waive  
33 or abrogate in any way any defense or immunity of a public entity or  
34 public employee under the common law or statutory law including, but  
35 not limited to, the "New Jersey Tort Claims Act," N.J.S.59:1-1 et  
36 seq.<sup>2</sup>

37  
38       <sup>2</sup>8. The Governor may withdraw this State from the compact if the  
39 Attorney General notifies the Governor that a state that is a party to  
40 the compact has changed its licensure requirements to make them  
41 substantially lower than the requirements of this State, or that  
42 withdrawal from the compact is in the best interests of the health,  
43 safety and welfare of the citizens of this State.<sup>2</sup>

44  
45       <sup>2</sup>[6.] <sup>2</sup>9. This act shall take effect on January 1, 2002 <sup>2</sup>and shall  
46 expire on January 1, 2007<sup>2</sup>.

- 1 \_\_\_\_\_
- 2
- 3 Enters New Jersey in Nurse Multistate Licensure Compact.

## CHAPTER 340

AN ACT concerning the Nurse Multistate Licensure Compact and supplementing Title 45 of the Revised Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

C.45:11A-1 Nurse Multistate Licensure Compact.

1. The State of New Jersey enacts and enters into the Nurse Multistate Licensure Compact with all other jurisdictions that legally join in the compact in the form substantially as follows:

### Article I. Findings and Statement of Purpose.

1. The party states to this compact find that:
  - a. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;
  - b. Violations of nurse licensure and other laws relating to the practice of nursing may result in injury or harm to the public;
  - c. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
  - d. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex; and
  - e. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and the states.
  
2. The general purposes of this compact are to:
  - a. Facilitate the states' responsibility to protect the health and safety of the public;
  - b. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
  - c. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;
  - d. Promote compliance with the laws governing the practice of nursing in each jurisdiction; and
  - e. Through the mutual recognition of party state licenses, authorize the party states to hold a nurse accountable for meeting all nurse practice laws in the state in which the patient is located at the time that care was rendered.

### Article II. Definitions.

3. For the purposes of this compact, and of any supplemental or concurring legislation enacted under this compact, except as may be otherwise required by the context:
  - a. "Adverse action" means a home or remote state action.
  - b. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.
  - c. "Compact" means this Nurse Multistate Licensing Compact.
  - d. "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, that is administered by a nonprofit organization composed of and controlled by state nurse licensing boards.
  - e. "Current significant investigative information" means investigative information that indicates a licensee:
    - (1) has committed more than a minor infraction; or
    - (2) represents an immediate threat to public health and safety.
  - f. "Home state" means the party state that is the nurse's primary state of residence.
  - g. "Home state action" means any administrative, civil, equitable, or criminal action permitted by the laws of the home state that is imposed on a nurse by the licensing board or other authority of the home state. "Home state action" includes: revocation, suspension or probation of a licensee; or any other action that affects a nurse's authorization to practice.



h. "Licensee" means a person licensed by the New Jersey Board of Nursing or the nurse licensing board of a party state.

i. "Licensing board" means a party state's regulatory agency that is responsible for licensing nurses.

j. "Multistate licensure privilege" means the current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical or vocational nurse in a party state.

k. "Nurse" means a registered nurse or a licensed practical or vocational nurse as those terms are defined by the laws of each party state.

l. "Party state" means any state that has adopted this compact.

m. "Remote state" means the party state, other than the home state:

(1) where the patient is located at the time nursing care is provided; or

(2) in the case of the practice of nursing that does not involve a patient, where the recipient of nursing practices is located.

n. "Remote state action" means any:

(1) administrative, civil, equitable, or criminal action permitted by the laws of the remote state which are imposed on a nurse by the remote state's nurse licensing board or other authority, including actions against an individual's multistate licensure privilege to practice in the remote state; and

(2) cease and desist or other injunctive or equitable orders issued by remote states or their licensing boards.

o. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

p. "State practice laws" means those individual party state's laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for disciplining nurses. "State practice laws" does not include the initial qualifications for licensure or the requirements necessary to obtain and retain a license, except for the qualifications and requirements of the home state.

### Article III. General Provisions and Jurisdiction.

4. a. A license to practice registered nursing issued by a home state to a resident of that state shall be recognized by each party state as authorization for a multistate licensure privilege to practice as a registered nurse in a party state. A license to practice practical or vocational nursing issued by a home state to a resident in that state shall be recognized by each party state as authorization for a multistate licensure privilege to practice as a licensed practical or vocational nurse in a party state. In order to obtain or retain a license, an applicant shall meet the home state's qualifications for licensure and license renewal, as well as other applicable state laws.

b. Party states may, in accordance with the due process laws of that state, limit, suspend or revoke the multistate licensure privilege of any licensee to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state. If a party state takes an action authorized by this section, it shall promptly notify the administrator of the coordinated licensure information system. The administrator shall promptly notify the home state of any actions by remote states.

c. Every licensee practicing in a party state shall comply with the state practice laws of the state in which the patient is located at the time that care is rendered. The practice of nursing is not limited to patient care, but shall include all nursing practice, as defined by the practice laws of a party state. The practice of nursing in a party state shall subject a nurse to the jurisdiction of the nurse licensing board and the laws and courts of the party state.

d. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

e. Persons not residing in a party state may continue to apply for nurse licensure in party states as provided for under the laws of each party state. The license granted to the person shall not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

#### Article IV. Application for Licensure in a Party State.

5. a. Upon receiving an application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether:

- (1) the applicant holds or has ever held a license issued by any other state;
- (2) there are any restrictions on the applicant's multistate licensure privilege; and
- (3) any other adverse action by any state has been taken against the applicant's license.

b. A licensee in a party state shall hold licensure in only one party state at a time, which license shall be issued by the home state.

c. A licensee who intends to change his primary state of residence may apply for licensure in the new home state in advance of the change; however, a new license shall not be issued by a party state until after the licensee provides evidence of the change in the primary state of residence that is satisfactory to the new home state's licensing board.

d. When a licensee changes his primary state of residence by moving:

(1) between two party states and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) from a nonparty state to a party state and obtains a license from the new home state, the license issued by the nonparty state shall not be affected and shall remain in full force if the laws of the nonparty state so provide; and

(3) from a party state to a nonparty state, the license issued by the former home state converts to an individual state license that is valid only in the former home state. The license does not grant the multistate licensure privilege to practice in other party states.

#### Article V. Adverse Actions.

6. a. The remote state's nurse licensing board shall promptly report to the administrator of the coordinated licensure information system any remote state actions, including the factual and legal basis for the actions, if known. The remote state's nurse licensing board shall also promptly report any current significant investigative information yet to result in a remote state action. The administrator shall promptly notify the home state of any such reports.

b. The party state's nurse licensing board may complete any pending investigation of a licensee who changes his primary state of residence during the course of an investigation. It may also take appropriate action against a licensee, and shall promptly report the conclusion of the investigation to the administrator of the coordinated licensure information system. The administrator shall promptly notify the new home state of any action taken against a licensee.

c. A remote state may take adverse action that affects the multistate licensure privilege to practice within that party state; however, only the home state may take adverse action that affects a license that was issued by the home state.

d. For purposes of taking adverse action, the home state's nurse licensing board shall give the same priority and effect to the conduct reported by a remote state that it would if the conduct had occurred in the home state. The board shall apply its own state laws to determine the appropriate action that should be taken against the licensee.

e. The home state may take adverse action based upon the factual findings of the remote state, if each state follows its own procedures for imposing the adverse action.

f. Nothing in this compact shall prohibit a party state from allowing a licensee to participate in an alternative program instead of taking adverse action against the licensee. If required by the party state's laws, the licensee's participation in an alternative program shall be confidential information. Party states shall require licensees who enter alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from the other party state.

Article VI. Additional Authority Invested in Party State Nurse Licensing Boards.

7. Notwithstanding any other powers, party state nurse licensing boards may:
  - a. If otherwise permitted by state law, recover from the licensee the costs of investigating and disposing of cases that result in adverse action;
  - b. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a party state nurse licensing board for the attendance and testimony of witnesses or the production of evidence from another party state, shall be enforced in the other party state by any court of competent jurisdiction, according to the practice and procedure of that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the laws of the party state where the witnesses or the evidence are located;
  - c. Issue cease and desist orders to limit or revoke a licensee's authority to practice in the board's state; and
  - d. Adopt uniform rules and regulations that are developed by the compact administrators pursuant to Article VIII of this compact.

Article VII. Coordinated Licensure Information System.

8. a. All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical or vocational nurses. This system shall include information on the licensure and disciplinary history of each licensee, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.
  - b. Notwithstanding any other provision of law to the contrary, the party states' nurse licensing boards shall promptly report to the coordinated licensure information system any adverse action taken against licensees, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, and any denials of applications for licensure, and the reasons for the denials.
  - c. Current significant investigative information shall be transmitted through the coordinated licensure information system only to the party states' nurse licensing boards.
  - d. Notwithstanding any other provision of law to the contrary, all party states' nurse licensing boards contributing information to the coordinated licensure information system may designate information that shall not be shared with nonparty states or disclosed to other individuals or entities without the express permission of the contributing party state.
  - e. Any personally identifiable information obtained by a party state nurse licensing board from the coordinated licensure information system shall not be shared with nonparty states or disclosed to other individuals or entities except to the extent permitted by the laws of the party state contributing the information.
  - f. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall be expunged from the coordinated licensure information system.
  - g. The compact administrators, acting jointly and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

Article VIII. Compact Administration and Interchange of Information.

9. a. The executive director of the nurse licensing board of each party state, or the executive director's designee, shall be the administrator of this compact for that state.
  - b. In New Jersey, the administrator of this compact shall be the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or the director's designee.
  - c. To facilitate the administration of this compact, the compact administrator of each party state shall furnish to the compact administrators of all other party states any information and documents concerning each licensee, including a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information.

d. Compact administrators shall develop uniform rules and regulations to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, pursuant to Article VI of this compact.

Article IX. Immunity.

10. A party state, and the officers, employees, or agents of a party state's nurse licensing board, who act in accordance with this compact shall not be liable for any good faith act or omission committed while they were engaged in the performance of their duties under this compact. Good faith shall not include willful misconduct, gross negligence or recklessness.

Article X. Effective Date, Withdrawal and Amendment.

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

b. No withdrawal shall affect the validity or applicability of any report of adverse action taken by the nurse licensing board of a state that remains a party to the compact if the adverse action occurred prior to the withdrawal.

c. This compact does not invalidate or prevent any nurse licensure agreement or other cooperative agreement between a party state and a nonparty state that is made in accordance with this compact.

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

Article XI. Construction and Severability.

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

b. In the event party states find a need for settling disputes arising under this compact, the party states shall submit the issues in dispute to an arbitration panel that shall consist of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote states involved, and an individual appointed by the compact administrators of all of the party states involved in the dispute. The decision of a majority of the arbitrators shall be final and binding.

C.45:11A-2 Suspended, probationary nurse prohibited to practice in party state.

2. a. A State licensed nurse whose license is under suspension or under probation by the New Jersey Board of Nursing, or who is participating in an established treatment program which is an alternative to disciplinary action, shall not practice in any other party state during the term of the suspension, probation or participation without prior authorization from the other party state. The board may revoke the State license of a nurse under suspension, probation or participation who practices nursing in another party state without prior authorization from that state.

b. The multistate licensure privilege granted by this State pursuant to the compact is subject to revocation or other disciplinary action as the result of any disciplinary action imposed by a

nurse's home state.

C.45:11A-3 Purpose of compact.

3. This compact is intended to facilitate the regulation of the practice of nursing and does not relieve employers from complying with contractual and statutorily imposed obligations.

C.45:11A-4 Provisions not abrogated, irreconcilable conflicts; omissions.

4. a. This compact shall not abrogate any provision in Title 45 of the Revised Statutes or any other title applicable to the practice of nursing in this State.

b. If there is an irreconcilable conflict between this compact and chapter 11 of Title 45 of the Revised Statutes, the compact shall control.

c. Omissions in this compact shall not be supplied by construction. In any instance of an omission from the compact, the remaining provisions of Title 45 of the Revised Statutes or other applicable statutory law, and any regulations adopted pursuant thereto, shall control.

C.45:11A-5 Applicability of compact.

5. The provisions of this act are applicable only to nurses whose home states are determined by the New Jersey Board of Nursing to have licensure requirements that are substantially equivalent or more stringent than those of New Jersey.

C.45:11A-6 Investigative, disciplinary powers unaffected.

6. Any investigative or disciplinary powers conferred on the Attorney General, the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, and the New Jersey Board of Nursing under the provisions of P.L.1978, c.73 (C.45:1-14 et seq.) or other law, or under regulations adopted pursuant thereto, shall not be interpreted as limited in any way by the terms of the compact and shall be available in any investigation of the conduct of, or disciplinary action against, a remote state licensee practicing in New Jersey and of a New Jersey home state licensee.

C.45:11A-7 Tort claims defenses, immunity not waived.

7. Nothing in Article IX of the compact shall be deemed to waive or abrogate in any way any defense or immunity of a public entity or public employee under the common law or statutory law including, but not limited to, the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq.

C.45:11A-8 Withdrawal from compact.

8. The Governor may withdraw this State from the compact if the Attorney General notifies the Governor that a state that is a party to the compact has changed its licensure requirements to make them substantially lower than the requirements of this State, or that withdrawal from the compact is in the best interests of the health, safety and welfare of the citizens of this State.

9. This act shall take effect on January 1, 2002 and shall expire on January 1, 2007

Approved January 5, 2002.