

ADOPTED

Representatives Lott of the 122nd, Ehrhart of the 36th, and Meadows of the 5th offer the following amendment:

1 *Amend SB 109 by inserting after "severability" on line 12 the following:*

2 to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to
3 nurses, so as to enter into an interstate compact known as the "Nurse Licensure Compact";
4 to authorize the Georgia Board of Nursing to exercise certain powers with respect to the
5 compact; to provide for a short title; to provide for findings and declarations of purpose of
6 the compact; to provide for definitions; to provide for general provisions and jurisdiction; to
7 provide for applications for licensure in a party state; to provide for additional authorities
8 invested in party state licensing boards; to provide for a coordinated licensure information
9 system and exchange of information between the party states; to provide for the
10 establishment of the Interstate Commission of Nurse Licensure Compact Administrators; to
11 provide for rulemaking; to provide for oversight, dispute resolution, and enforcement; to
12 provide for an effective date, withdrawal, and amendment of the compact; to provide for
13 construction and severability;

14 *By redesignating Section 2 as Section 4 and inserting between lines 586 and 587 the
15 following:*

SECTION 2.

17 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
18 amended by revising Code Section 43-26-5, relating to general powers and responsibilities
19 of the Georgia Board of Nursing, as follows:

20 "43-26-5.

21 (a) The board shall:

- 22 (1) Be responsible for the enforcement of the provisions of this chapter and shall be
23 specifically granted all of the necessary duties, powers, and authority to carry out this
24 responsibility;
- 25 (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems
26 necessary for the administration and enforcement of this chapter in the protection of
27 public health, safety, and welfare;
- 28 (3) Enforce qualifications for licensure under this article or Article 2 or Article 4 of this
29 chapter;
- 30 (4) Develop and enforce reasonable and uniform standards for nursing education and
31 nursing practice;

- 32 (5) Periodically evaluate nursing education programs and approve such programs as meet
33 the board's requirements;
- 34 (6) Deny or withdraw approval from noncompliant nursing education programs;
- 35 (7) License duly qualified applicants under this article or Article 2 of this chapter by
36 examination, endorsement, or reinstatement;
- 37 (8) Be authorized to issue temporary permits;
- 38 (9) Renew licenses of registered professional nurses, licensed undergraduate nurses, and
39 licensed practical nurses in accordance with this article or Article 2 of this chapter;
- 40 (10) Be authorized to set standards for competency of licensees under this article or
41 Article 2 of this chapter continuing in or returning to practice;
- 42 (11) Set standards for and regulate advanced nursing practice;
- 43 (12) Be authorized to enact rules and regulations for registered professional nurses in
44 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and
45 enact rules and regulations for advanced practice registered nurses in performing acts as
46 authorized in Code Section 43-34-25;
- 47 (13) Implement the disciplinary process;
- 48 (14) Be authorized to issue orders when a license under this article or Article 2 of this
49 chapter is surrendered to the board while a complaint, investigation, or disciplinary action
50 against such license is pending;
- 51 (15) Issue a limited license to practice nursing or licensed practical nursing subject to
52 such terms and conditions as the board may impose;
- 53 (16) Provide consultation and conduct conferences, forums, studies, and research on
54 nursing education and nursing practice;
- 55 (17) Approve the selection of a qualified person to serve as executive director;
- 56 (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and
57 make recommendations to the board about issues and concerns and to facilitate
58 communication amongst the board, licensees under this article or Article 2 of this chapter,
59 and the community;
- 60 (19) Maintain membership in the national organization which develops and regulates the
61 nursing licensing examination and the practical nursing licensing examination;
- 62 (20) Be authorized to collect data regarding existing nursing and licensed practical
63 nursing resources in Georgia and coordinate planning for nursing education and nursing
64 practice;
- 65 (21) Determine fees;
- 66 (22) Adopt a seal which shall be in the care of the executive director and shall be affixed
67 only in such a manner as prescribed by the board; **and**

68 (23) Be authorized to enforce all investigative and disciplinary orders issued by the
69 former Georgia Board of Examiners of Licensed Practical Nurses;

70 (24) Issue and renew multistate licenses pursuant to Article 4 of this chapter; and

71 (25) Take any action with respect to a multistate license issued by this state pursuant to
72 Article 4 of this chapter and with respect to the privilege to practice in this state under a
73 multistate license issued by another party state pursuant to the compact in Code Section
74 43-26-61 in the same manner as is authorized with respect to a license issued pursuant
75 to this article or Article 2 of this chapter.

76 (b) The board shall be the sole professional licensing board for determining if a registered
77 professional nurse, licensed practical nurse, or any other person has engaged illegally in
78 the practice of nursing. If a registered professional nurse or licensed practical nurse is
79 charged with the unauthorized practice of any other health profession by any other board,
80 such board shall notify the Georgia Board of Nursing before conducting any hearing.
81 Nothing contained in this chapter shall be construed to limit any powers of any other board.

82 (c) Chapter 1 of this title is expressly adopted and incorporated by reference into this
83 chapter as if all the provisions of such chapter were included in this chapter."

84 SECTION 3.

85 Said chapter is further amended by adding a new article to read as follows:

86 "ARTICLE 4

87 43-26-60.

88 This article shall be known and may be cited as the 'Nurse Licensure Compact.'

89 43-26-61.

90 The Nurse Licensure Compact is enacted into law and entered into by the State of Georgia
91 with any and all other states legally joining therein in the form substantially as follows:

92 ARTICLE I

93 Findings and Declaration of Purpose

94 (a) The party states find that:

95 (1) The health and safety of the public are affected by the degree of compliance with
96 and the effectiveness of enforcement activities related to state nurse licensure laws;

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

99 (3) The expanded mobility of nurses and the use of advanced communication
100 technologies as part of our nation's health care delivery system require greater
101 coordination and cooperation among states in the areas of nurse licensure and
102 regulation;

103 (4) New practice modalities and technology make compliance with individual state
104 nurse licensure laws difficult and complex;

105 (5) The current system of duplicative licensure for nurses practicing in multiple states
106 is cumbersome and redundant for both nurses and states; and

107 (6) Uniformity of nurse licensure requirements throughout the states promotes public
108 safety and public health benefits.

109 (b) The general purposes of this Compact are to:

110 (1) Facilitate the states' responsibility to protect the public's health and safety;
111 (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure
112 and regulation;

113 (3) Facilitate the exchange of information between party states in the areas of nurse
114 regulation, investigation and adverse actions;

115 (4) Promote compliance with the laws governing the practice of nursing in each
116 jurisdiction;

117 (5) Invest all party states with the authority to hold a nurse accountable for meeting all
118 state practice laws in the state in which the patient is located at the time care is rendered
119 through the mutual recognition of party state licenses;

120 (6) Decrease redundancies in the consideration and issuance of nurse licenses; and

121 (7) Provide opportunities for interstate practice by nurses who meet uniform licensure
122 requirements.

123 ARTICLE II

124 Definitions

125 As used in this Compact:

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

132 (b) 'Alternative program' means a non-disciplinary monitoring program approved by a
133 licensing board.

134 (c) 'Coordinated licensure information system' means an integrated process for
135 collecting, storing and sharing information on nurse licensure and enforcement activities
136 related to nurse licensure laws that is administered by a nonprofit organization composed
137 of and controlled by licensing boards.

138 (d) 'Current significant investigative information' means:

139 (1) Investigative information that a licensing board, after a preliminary inquiry that
140 includes notification and an opportunity for the nurse to respond, if required by state
141 law, has reason to believe is not groundless and, if proved true, would indicate more
142 than a minor infraction, or

143 (2) Investigative information that indicates that the nurse represents an immediate
144 threat to public health and safety regardless of whether the nurse has been notified and
145 had an opportunity to respond.

146 (e) 'Encumbrance' means a revocation or suspension of, or any limitation on, the full and
147 unrestricted practice of nursing imposed by a licensing board.

148 (f) 'Home state' means the party state which is the nurse's primary state of residence.

149 (g) 'Licensing board' means a party state's regulatory body responsible for issuing nurse
150 licenses.

151 (h) 'Multistate license' means a license to practice as a registered professional nurse or
152 a licensed practical nurse issued by a home state licensing board that authorizes the
153 licensed nurse to practice in all party states under a multistate licensure privilege.

154 (i) 'Multistate licensure privilege' means a legal authorization associated with a multistate
155 license permitting the practice of nursing as either a registered professional nurse or a
156 licensed practical nurse in a remote state.

157 (j) 'Nurse' means a registered professional nurse or licensed practical nurse, as those
158 terms are defined by each party state's practice laws.

159 (k) 'Party state' means any state that has adopted this Compact.

160 (l) 'Remote state' means a party state, other than the home state.

161 (m) 'Single-state license' means a nurse license issued by a party state that authorizes
162 practice only within the issuing state and does not include a multistate licensure privilege
163 to practice in any other party state.

164 (n) 'State' means a state, territory or possession of the United States and the District of
165 Columbia.

166 (o) 'State practice laws' means a party state's laws, rules and regulations that govern the
167 practice of nursing, define the scope of nursing practice, and create the methods and
168 grounds for imposing discipline. 'State practice laws' do not include requirements
169 necessary to obtain and retain a license, except for qualifications or requirements of the
170 home state.

171

ARTICLE III

172

General Provisions and Jurisdiction

173 (a) A multistate license to practice as a registered professional nurse or a licensed
174 practical nurse issued by a home state to a resident in that state will be recognized by
175 each party state as authorizing a nurse to practice as a registered professional nurse or a
176 licensed practical nurse, under a multistate licensure privilege, in each party state.

177 (b) A state must implement procedures for considering the criminal history records of
178 applicants for initial multistate license or licensure by endorsement. Such procedures
179 shall include the submission of fingerprints or other biometric-based information by
180 applicants for the purpose of obtaining an applicant's criminal history record information
181 from the Federal Bureau of Investigation and the agency responsible for retaining that
182 state's criminal records.

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

185 (1) Meets the home state's qualifications for licensure or renewal of licensure, as well
186 as, all other applicable state laws;

187 (2)(i) Has graduated or is eligible to graduate from a licensing board-approved
188 registered professional nurse or licensed practical nurse prelicensure education
189 program; or

190 (ii) Has graduated from a foreign registered professional nurse or licensed practical
191 nurse prelicensure education program that (a) has been approved by the authorized
192 accrediting body in the applicable country and (b) has been verified by an
193 independent credentials review agency to be comparable to a licensing
194 board-approved prelicensure education program;

195 (3) Has, if a graduate of a foreign prelicensure education program not taught in English
196 or if English is not the individual's native language, successfully passed an English
197 proficiency examination that includes the components of reading, speaking, writing and
198 listening;

199 (4) Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or
200 recognized predecessor, as applicable;

201 (5) Is eligible for or holds an active, unencumbered license;

202 (6) Has submitted, in connection with an application for initial licensure or licensure
203 by endorsement, fingerprints or other biometric data for the purpose of obtaining
204 criminal history record information from the Federal Bureau of Investigation and the
205 agency responsible for retaining that state's criminal records;

- 206 (7) Has not been convicted or found guilty, or has entered into an agreed disposition,
207 of a felony offense under applicable state or federal criminal law;
208 (8) Has not been convicted or found guilty, or has entered into an agreed disposition,
209 of a misdemeanor offense related to the practice of nursing as determined on a
210 case-by-case basis;
211 (9) Is not currently enrolled in an alternative program;
212 (10) Is subject to self-disclosure requirements regarding current participation in an
213 alternative program; and
214 (11) Has a valid United States Social Security number.

215 (d) All party states shall be authorized, in accordance with existing state due process law,
216 to take adverse action against a nurse's multistate licensure privilege to practice such as
217 revocation, suspension, probation or any other action that affects a nurse's authorization
218 to practice under a multistate licensure privilege, including cease and desist actions. If
219 a party state takes such action, it shall promptly notify the administrator of the
220 coordinated licensure information system. The administrator of the coordinated licensure
221 information system shall promptly notify the home state of any such actions by remote
222 states.

223 (e) A nurse practicing in a party state must comply with the state practice laws of the
224 state in which the client is located at the time service is provided. The practice of nursing
225 is not limited to patient care, but shall include all nursing practice as defined by the state
226 practice laws of the party state in which the client is located. The practice of nursing in
227 a party state under a multistate licensure privilege will subject a nurse to the jurisdiction
228 of the licensing board, the courts and the laws of the party state in which the client is
229 located at the time service is provided.

230 (f) Individuals not residing in a party state shall continue to be able to apply for a party
231 state's single-state license as provided under the laws of each party state. However, the
232 single-state license granted to these individuals will not be recognized as granting the
233 privilege to practice nursing in any other party state. Nothing in this Compact shall affect
234 the requirements established by a party state for the issuance of a single-state license.

235 (g) Any nurse holding a home state multistate license, on the effective date of this
236 Compact, may retain and renew the multistate license issued by the nurse's then-current
237 home state, provided that:

- 238 (1) A nurse, who changes primary state of residence after this Compact's effective date,
239 must meet all applicable Article III(c) requirements to obtain a multistate license from
240 a new home state.
241 (2) A nurse who fails to satisfy the multistate licensure requirements in Article III(c)
242 due to a disqualifying event occurring after this Compact's effective date shall be

ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators ('Commission').

ARTICLE IV

Applications for Licensure in a Party State

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

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

(c) If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the Commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

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

(d) If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V

Additional Authorities Invested in

Party State Licensing Boards

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

- 275 (1) Take adverse action against a nurse's multistate licensure privilege to practice
276 within that party state.
- 277 (i) Only the home state shall have the power to take adverse action against a nurse's
278 license issued by the home state.
- 279 (ii) For purposes of taking adverse action, the home state licensing board shall give
280 the same priority and effect to reported conduct received from a remote state as it
281 would if such conduct had occurred within the home state. In so doing, the home
282 state shall apply its own state laws to determine appropriate action.
- 283 (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to
284 practice within that party state.
- 285 (3) Complete any pending investigations of a nurse who changes primary state of
286 residence during the course of such investigations. The licensing board shall also have
287 the authority to take appropriate action(s) and shall promptly report the conclusions of
288 such investigations to the administrator of the coordinated licensure information
289 system. The administrator of the coordinated licensure information system shall
290 promptly notify the new home state of any such actions.
- 291 (4) Issue subpoenas for both hearings and investigations that require the attendance and
292 testimony of witnesses, as well as, the production of evidence. Subpoenas issued by
293 a licensing board in a party state for the attendance and testimony of witnesses or the
294 production of evidence from another party state shall be enforced in the latter state by
295 any court of competent jurisdiction, according to the practice and procedure of that
296 court applicable to subpoenas issued in proceedings pending before it. The issuing
297 authority shall pay any witness fees, travel expenses, mileage and other fees required
298 by the service statutes of the state in which the witnesses or evidence are located.
- 299 (5) Obtain and submit, for each nurse licensure applicant, fingerprint or other
300 biometric-based information to the Federal Bureau of Investigation for criminal
301 background checks, receive the results of the Federal Bureau of Investigation record
302 search on criminal background checks and use the results in making licensure decisions.
- 303 (6) If otherwise permitted by state law, recover from the affected nurse the costs of
304 investigations and disposition of cases resulting from any adverse action taken against
305 that nurse.
- 306 (7) Take adverse action based on the factual findings of the remote state, provided that
307 the licensing board follows its own procedures for taking such adverse action.
- 308 (b) If adverse action is taken by the home state against a nurse's multistate license, the
309 nurse's multistate licensure privilege to practice in all other party states shall be
310 deactivated until all encumbrances have been removed from the multistate license. All
311 home state disciplinary orders that impose adverse action against a nurse's multistate

license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

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

ARTICLE VI

Coordinated Licensure Information System and Exchange of Information

(a) All party states shall participate in a coordinated licensure information system of all registered professional nurses and licensed practical nurses. This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) The Commission, 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.

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

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

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

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

(g) 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 also be expunged from the coordinated licensure information system.

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

(1) Identifying information;

(2) Licensure data:

(3) Information related to alternative program participation; and

(4) Other information that may facilitate the administration of this Compact, as determined by Commission rules.

(i) The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.

ARTICLE VII

Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

(a) The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.

(1) The Commission is an instrumentality of the party states.

(2) Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting and Meetings

(1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this Compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the Administrator is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

(2) Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

- 381 (3) The Commission shall meet at least once during each calendar year. Additional
382 meetings shall be held as set forth in the bylaws or rules of the commission.
- 383 (4) All meetings shall be open to the public, and public notice of meetings shall be
384 given in the same manner as required under the rulemaking provisions in Article VIII.
- 385 (5) The Commission may convene in a closed, nonpublic meeting if the Commission
386 must discuss:
- 387 (i) Noncompliance of a party state with its obligations under this Compact;
388 (ii) The employment, compensation, discipline or other personnel matters, practices
389 or procedures related to specific employees or other matters related to the
390 Commission's internal personnel practices and procedures;
391 (iii) Current, threatened or reasonably anticipated litigation;
392 (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;
393 (v) Accusing any person of a crime or formally censuring any person;
394 (vi) Disclosure of trade secrets or commercial or financial information that is
395 privileged or confidential;
396 (vii) Disclosure of information of a personal nature where disclosure would constitute
397 a clearly unwarranted invasion of personal privacy;
398 (viii) Disclosure of investigatory records compiled for law enforcement purposes;
399 (ix) Disclosure of information related to any reports prepared by or on behalf of the
400 Commission for the purpose of investigation of compliance with this Compact; or
401 (x) Matters specifically exempted from disclosure by federal or state statute.
- 402 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
403 Commission's legal counsel or designee shall certify that the meeting may be closed and
404 shall reference each relevant exempting provision. The Commission shall keep minutes
405 that fully and clearly describe all matters discussed in a meeting and shall provide a full
406 and accurate summary of actions taken, and the reasons therefor, including a
407 description of the views expressed. All documents considered in connection with an
408 action shall be identified in such minutes. All minutes and documents of a closed
409 meeting shall remain under seal, subject to release by a majority vote of the
410 Commission or order of a court of competent jurisdiction.
- 411 (c) The Commission shall, by a majority vote of the administrators, prescribe bylaws or
412 rules to govern its conduct as may be necessary or appropriate to carry out the purposes
413 and exercise the powers of this Compact, including but not limited to:
- 414 (1) Establishing the fiscal year of the Commission;
415 (2) Providing reasonable standards and procedures:
- 416 (i) For the establishment and meetings of other committees, and

417 (ii) Governing any general or specific delegation of any authority or function of the
418 Commission;

419 (3) Providing reasonable procedures for calling and conducting meetings of the
420 Commission, ensuring reasonable advance notice of all meetings and providing an
421 opportunity for attendance of such meetings by interested parties, with enumerated
422 exceptions designed to protect the public's interest, the privacy of individuals, and
423 proprietary information, including trade secrets. The Commission may meet in closed
424 session only after a majority of the administrators vote to close a meeting in whole or
425 in part. As soon as practicable, the Commission must make public a copy of the vote
426 to close the meeting revealing the vote of each administrator, with no proxy votes
427 allowed;

428 (4) Establishing the titles, duties and authority and reasonable procedures for the
429 election of the officers of the Commission;

430 (5) Providing reasonable standards and procedures for the establishment of the
431 personnel policies and programs of the Commission. Notwithstanding any civil service
432 or other similar laws of any party state, the bylaws shall exclusively govern the
433 personnel policies and programs of the Commission; and

434 (6) Providing a mechanism for winding up the operations of the Commission and the
435 equitable disposition of any surplus funds that may exist after the termination of this
436 Compact after the payment or reserving of all of its debts and obligations;

437 (d) The Commission shall publish its bylaws and rules, and any amendments thereto, in
438 a convenient form on the website of the Commission.

439 (e) The Commission shall maintain its financial records in accordance with the bylaws.

440 (f) The Commission shall meet and take such actions as are consistent with the
441 provisions of this Compact and the bylaws.

442 (g) The Commission shall have the following powers:

443 (1) To promulgate uniform rules to facilitate and coordinate implementation and
444 administration of this Compact. The rules shall have the force and effect of law and
445 shall be binding in all party states;

446 (2) To bring and prosecute legal proceedings or actions in the name of the
447 Commission, provided that the standing of any licensing board to sue or be sued under
448 applicable law shall not be affected;

449 (3) To purchase and maintain insurance and bonds;

450 (4) To borrow, accept or contract for services of personnel, including, but not limited
451 to, employees of a party state or nonprofit organizations;

- 452 (5) To cooperate with other organizations that administer state compacts related to the
453 regulation of nursing, including but not limited to sharing administrative or staff
454 expenses, office space or other resources;
- 455 (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant
456 such individuals appropriate authority to carry out the purposes of this Compact, and
457 to establish the Commission's personnel policies and programs relating to conflicts of
458 interest, qualifications of personnel and other related personnel matters;
- 459 (7) To accept any and all appropriate donations, grants and gifts of money, equipment,
460 supplies, materials and services, and to receive, utilize and dispose of the same;
461 provided that at all times the Commission shall avoid any appearance of impropriety
462 or conflict of interest;
- 463 (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
464 hold, improve or use, any property, whether real, personal or mixed; provided that at
465 all times the Commission shall avoid any appearance of impropriety;
- 466 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose
467 of any property, whether real, personal or mixed;
- 468 (10) To establish a budget and make expenditures;
- 469 (11) To borrow money;
- 470 (12) To appoint committees, including advisory committees comprised of
471 administrators, state nursing regulators, state legislators or their representatives, and
472 consumer representatives, and other such interested persons;
- 473 (13) To provide and receive information from, and to cooperate with, law enforcement
474 agencies;
- 475 (14) To adopt and use an official seal; and
- 476 (15) To perform such other functions as may be necessary or appropriate to achieve the
477 purposes of this Compact consistent with the state regulation of nurse licensure and
478 practice.

479 (h) Financing of the Commission

- 480 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses
481 of its establishment, organization and ongoing activities.
- 482 (2) The Commission may also levy on and collect an annual assessment from each
483 party state to cover the cost of its operations, activities and staff in its annual budget as
484 approved each year. The aggregate annual assessment amount, if any, shall be
485 allocated based upon a formula to be determined by the Commission, which shall
486 promulgate a rule that is binding upon all party states.

487 (3) The Commission shall not incur obligations of any kind prior to securing the funds
488 adequate to meet the same; nor shall the Commission pledge the credit of any of the
489 party states, except by, and with the authority of, such party state.

490 (4) The Commission shall keep accurate accounts of all receipts and disbursements.
491 The receipts and disbursements of the Commission shall be subject to the audit and
492 accounting procedures established under its bylaws. However, all receipts and
493 disbursements of funds handled by the Commission shall be audited yearly by a
494 certified or licensed public accountant, and the report of the audit shall be included in
495 and become part of the annual report of the Commission.

496 (i) Qualified Immunity, Defense and Indemnification

497 (1) The administrators, officers, executive director, employees and representatives of
498 the Commission shall be immune from suit and liability, either personally or in their
499 official capacity, for any claim for damage to or loss of property or personal injury or
500 other civil liability caused by or arising out of any actual or alleged act, error or
501 omission that occurred, or that the person against whom the claim is made had a
502 reasonable basis for believing occurred, within the scope of Commission employment,
503 duties or responsibilities, provided that nothing in this paragraph shall be construed to
504 protect any such person from suit or liability for any damage, loss, injury or liability
505 caused by the intentional, willful or wanton misconduct of that person.

506 (2) The Commission shall defend any administrator, officer, executive director,
507 employee or representative of the Commission in any civil action seeking to impose
508 liability arising out of any actual or alleged act, error or omission that occurred within
509 the scope of Commission employment, duties or responsibilities, or that the person
510 against whom the claim is made had a reasonable basis for believing occurred within
511 the scope of Commission employment, duties or responsibilities; provided that nothing
512 herein shall be construed to prohibit that person from retaining his or her own counsel;
513 and provided further that the actual or alleged act, error or omission did not result from
514 that person's intentional, willful or wanton misconduct.

515 (3) The Commission shall indemnify and hold harmless any administrator, officer,
516 executive director, employee or representative of the Commission for the amount of any
517 settlement or judgment obtained against that person arising out of any actual or alleged
518 act, error or omission that occurred within the scope of Commission employment,
519 duties or responsibilities, or that such person had a reasonable basis for believing
520 occurred within the scope of Commission employment, duties or responsibilities,
521 provided that the actual or alleged act, error or omission did not result from the
522 intentional, willful or wanton misconduct of that person.

523

ARTICLE VIII

524

Rulemaking

525

(a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this Compact.

529

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

531

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

534

(1) On the website of the Commission; and

535

(2) On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

537

(d) The notice of proposed rulemaking shall include:

538

(1) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

539

(2) The text of the proposed rule or amendment, and the reason for the proposed rule;

540

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

541

(4) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

542

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

543

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

544

(g) The Commission shall publish the place, time and date of the scheduled public hearing.

545

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

546

(2) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

547

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

558 (i) Following the scheduled hearing date, or by the close of business on the scheduled
559 hearing date if the hearing was not held, the Commission shall consider all written and
560 oral comments received.

561 (j) The Commission shall, by majority vote of all administrators, take final action on the
562 proposed rule and shall determine the effective date of the rule, if any, based on the
563 rulemaking record and the full text of the rule.

564 (k) Upon determination that an emergency exists, the Commission may consider and
565 adopt an emergency rule without prior notice, opportunity for comment or hearing,
566 provided that the usual rulemaking procedures provided in this Compact and in this
567 section shall be retroactively applied to the rule as soon as reasonably possible, in no
568 event later than ninety (90) days after the effective date of the rule. For the purposes of
569 this provision, an emergency rule is one that must be adopted immediately in order to:

- 570 (1) Meet an imminent threat to public health, safety or welfare;
- 571 (2) Prevent a loss of Commission or party state funds; or
- 572 (3) Meet a deadline for the promulgation of an administrative rule that is required by
573 federal law or rule.

574 (l) The Commission may direct revisions to a previously adopted rule or amendment for
575 purposes of correcting typographical errors, errors in format, errors in consistency or
576 grammatical errors. Public notice of any revisions shall be posted on the website of the
577 Commission. The revision shall be subject to challenge by any person for a period of
578 thirty (30) days after posting. The revision may be challenged only on grounds that the
579 revision results in a material change to a rule. A challenge shall be made in writing, and
580 delivered to the Commission, prior to the end of the notice period. If no challenge is
581 made, the revision will take effect without further action. If the revision is challenged,
582 the revision may not take effect without the approval of the Commission.

583 ARTICLE IX

584 Oversight, Dispute Resolution and Enforcement

585 (a) Oversight

- 586 (1) Each party state shall enforce this Compact and take all actions necessary and
587 appropriate to effectuate this Compact's purposes and intent.
- 588 (2) The Commission shall be entitled to receive service of process in any proceeding
589 that may affect the powers, responsibilities or actions of the Commission, and shall
590 have standing to intervene in such a proceeding for all purposes. Failure to provide
591 service of process in such proceeding to the Commission shall render a judgment or
592 order void as to the Commission, this Compact or promulgated rules.

593 (b) Default, Technical Assistance and Termination

594 (1) If the Commission determines that a party state has defaulted in the performance
595 of its obligations or responsibilities under this Compact or the promulgated rules, the
596 Commission shall:

597 (i) Provide written notice to the defaulting state and other party states of the nature
598 of the default, the proposed means of curing the default or any other action to be taken
599 by the Commission; and

600 (ii) Provide remedial training and specific technical assistance regarding the default.

601 (2) If a state in default fails to cure the default, the defaulting state's membership in this
602 Compact may be terminated upon an affirmative vote of a majority of the
603 administrators, and all rights, privileges and benefits conferred by this Compact may
604 be terminated on the effective date of termination. A cure of the default does not
605 relieve the offending state of obligations or liabilities incurred during the period of
606 default.

607 (3) Termination of membership in this Compact shall be imposed only after all other
608 means of securing compliance have been exhausted. Notice of intent to suspend or
609 terminate shall be given by the Commission to the governor of the defaulting state and
610 to the executive officer of the defaulting state's licensing board and each of the party
611 states.

612 (4) A state whose membership in this Compact has been terminated is responsible for
613 all assessments, obligations and liabilities incurred through the effective date of
614 termination, including obligations that extend beyond the effective date of termination.

615 (5) The Commission shall not bear any costs related to a state that is found to be in
616 default or whose membership in this Compact has been terminated unless agreed upon
617 in writing between the Commission and the defaulting state.

618 (6) The defaulting state may appeal the action of the Commission by petitioning the
619 U.S. District Court for the District of Columbia or the federal district in which the
620 Commission has its principal offices. The prevailing party shall be awarded all costs
621 of such litigation, including reasonable attorneys' fees.

622 (c) Dispute Resolution

623 (1) Upon request by a party state, the Commission shall attempt to resolve disputes
624 related to the Compact that arise among party states and between party and non-party
625 states.

626 (2) The Commission shall promulgate a rule providing for both mediation and binding
627 dispute resolution for disputes, as appropriate.

628 (3) In the event the Commission cannot resolve disputes among party states arising
629 under this Compact:

(i) The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

(ii) The decision of a majority of the arbitrators shall be final and binding.

(d) Enforcement

(1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(2) By majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE X

Effective Date, Withdrawal and Amendment

(a) This Compact shall become effective and binding on the earlier of the date of legislative enactment of this Compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this Compact, that also were parties to the prior Nurse Licensure Compact, superseded by this Compact, ('Prior Compact'), shall be deemed to have withdrawn from said Prior Compact within six (6) months after the effective date of this Compact.

(b) Each party state to this Compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the Prior Compact until such party state has withdrawn from the Prior Compact.

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

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

665 (e) Nothing contained in this Compact shall be construed to invalidate or prevent any
666 nurse licensure agreement or other cooperative arrangement between a party state and a
667 non-party state that is made in accordance with the other provisions of this Compact.

668 (f) This Compact may be amended by the party states. No amendment to this Compact
669 shall become effective and binding upon the party states unless and until it is enacted into
670 the laws of all party states.

671 (g) Representatives of non-party states to this Compact shall be invited to participate in
672 the activities of the Commission, on a nonvoting basis, prior to the adoption of this
673 Compact by all states.

674 ARTICLE XI

675 Construction and Severability

676 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
677 provisions of this Compact shall be severable, and if any phrase, clause, sentence or
678 provision of this Compact is declared to be contrary to the constitution of any party state
679 or of the United States, or if the applicability thereof to any government, agency, person
680 or circumstance is held invalid, the validity of the remainder of this Compact and the
681 applicability thereof to any government, agency, person or circumstance shall not be
682 affected thereby. If this Compact shall be held to be contrary to the constitution of any
683 party state, this Compact shall remain in full force and effect as to the remaining party
684 states and in full force and effect as to the party state affected as to all severable matters.

685 43-26-62.

686 The Georgia Board of Nursing shall be authorized to promulgate rules and regulations to
687 implement the provisions of this article.

688 43-26-63.

689 The executive director of the Georgia Board of Nursing shall serve as the Nurse Licensure
690 Compact administrator for this state.

691 43-26-64.

692 A registered professional nurse or licensed practical nurse practicing in this state under a
693 multistate license issued by another party state shall be subject to all requirements and
694 duties applicable to registered professional nurses or licensed practical nurses who are
695 licensed pursuant to Article 1 or Article 2 of this chapter, respectively.

696 43-26-65.

697 This article shall only be applicable to registered professional nurses and licensed practical
698 nurses whose home states are determined by the Georgia Board of Nursing to have
699 licensure requirements that are substantially equivalent to or more stringent than those of
700 this state."