

SENATE FILE NO. SF0081

Nurse Licensure Compact.

Sponsored by: Senator(s) Meier and Scott and Representative(s) Harvey and Mercer

A BILL

for

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

8

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

10

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

13

14

ARTICLE 2

15

NURSE LICENSURE COMPACT

16



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

4

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

10

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

14

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

18

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

20

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

23

1           (ii) Ensure and encourage the cooperation of  
 2 party states in the areas of nurse licensure and  
 3 regulation;

4  
 5           (iii) Facilitate the exchange of information  
 6 between party states in the areas of nurse regulation,  
 7 investigation and adverse actions;

8  
 9           (iv) Promote compliance with the laws governing  
 10 the practice of nursing in each jurisdiction;

11  
 12           (v) Invest all party states with the authority  
 13 to hold a nurse accountable for meeting all state practice  
 14 laws in the state in which the patient is located at the  
 15 time care is rendered through the mutual recognition of  
 16 party state licenses.

17  
 18                                   ARTICLE II

19                                   Definitions

20  
 21           (a) As used in this compact:

22  
 23           (i) "Adverse action" means a home or remote  
 24 state action;

1

2 (ii) "Alternative program" means a voluntary,  
3 nondisciplinary monitoring program approved by a nurse  
4 licensing board;

5

6 (iii) "Coordinated licensure information system"  
7 means an integrated process for collecting, storing and  
8 sharing information on nurse licensure and enforcement  
9 activities related to nurse licensure laws, which is  
10 administered by a nonprofit organization composed of and  
11 controlled by state nurse licensing boards;

12

13 (iv) "Current significant investigative  
14 information" means:

15

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

22

23 (B) Investigative information that  
24 indicates that the nurse represents an immediate threat to

1 public health and safety regardless of whether the nurse  
2 has been notified and had an opportunity to respond.

3

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

6

7 (vi) "Home state action" means any  
8 administrative, civil, equitable or criminal action  
9 permitted by the home state's laws that is imposed on a  
10 nurse by the home state's licensing board or other  
11 authority including actions against an individual's license  
12 such as: Revocation, suspension, probation or any other  
13 action that affects a nurse's authorization to practice;

14

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

17

18 (viii) "Multistate licensure privilege" means  
19 current, official authority from a remote state permitting  
20 the practice of nursing as either a registered nurse or a  
21 licensed practical/vocational nurse in such party state.

22 All party states have the authority, in accordance with  
23 existing state due process law, to take actions against the  
24 nurse's privilege such as: Revocation, suspension,

1 probation or any other action that affects a nurse's  
2 authorization to practice;

3

4 (ix) "Nurse" means a registered nurse or  
5 licensed practical/vocational nurse, as those terms are  
6 defined by each party's state practice laws;

7

8 (x) "Party state" means any state that has  
9 adopted this compact;

10

11 (xi) "Remote state" means a party state, other  
12 than the home state:

13

14 (A) Where the patient is located at the  
15 time nursing care is provided; or

16

17 (B) In the case of the practice of nursing  
18 not involving a patient, in such party state where the  
19 recipient of nursing practice is located.

20

21 (xii) "Remote state action" means:

22

23 (A) Any administrative, civil, equitable or  
24 criminal action permitted by a remote state's laws that is

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

5

6 (B) Cease and desist and other injunctive  
7 or equitable orders issued by remote states or the  
8 licensing boards thereof.

9

10 (xiii) "State" means a state, territory or  
11 possession of the United States, the District of Columbia  
12 or the Commonwealth of Puerto Rico;

13

14 (xiv) "State practice laws" means those  
15 individual party's state laws and regulations that govern  
16 the practice of nursing, define the scope of nursing  
17 practice and create the methods and grounds for imposing  
18 discipline;

19

20 (xv) "State practice laws" does not include the  
21 initial qualifications for licensure or requirements  
22 necessary to obtain and retain a license, except for  
23 qualifications or requirements of the home state.

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## ARTICLE III

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## General Provisions and Jurisdiction

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4 (a) A license to practice registered nursing issued  
5 by a home state to a resident in that state will be  
6 recognized by each party state as authorizing a multistate  
7 licensure privilege to practice as a registered nurse in  
8 such party state. A license to practice licensed  
9 practical/vocational nursing issued by a home state to a  
10 resident in that state will be recognized by each party  
11 state as authorizing a multistate licensure privilege to  
12 practice as a licensed practical/vocational nurse in such  
13 party state. In order to obtain or retain a license, an  
14 applicant must meet the home state's qualifications for  
15 licensure and license renewal as well as all other  
16 applicable state laws.

17

18 (b) Party states may, in accordance with state due  
19 process laws, limit or revoke the multistate licensure  
20 privilege of any nurse to practice in their state and may  
21 take any other actions under their applicable state laws  
22 necessary to protect the health and safety of their  
23 citizens. If a party state takes such action, it shall  
24 promptly notify the administrator of the coordinated

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

4  
5 (c) Every nurse practicing in a party state must  
6 comply with the state practice laws of the state in which  
7 the patient is located at the time care is rendered. In  
8 addition, the practice of nursing is not limited to patient  
9 care, but shall include all nursing practice as defined by  
10 the state practice laws of a party state. The practice of  
11 nursing will subject a nurse to the jurisdiction of the  
12 nurse licensing board and the courts, as well as the laws,  
13 in that party state.

14  
15 (d) This compact does not affect additional  
16 requirements imposed by states for advanced practice  
17 registered nursing. However, a multistate licensure  
18 privilege to practice registered nursing granted by a party  
19 state shall be recognized by other party states as a  
20 license to practice registered nursing if one is required  
21 by state law as a precondition for qualifying for advanced  
22 practice registered nurse authorization.

23

1           (e) Individuals not residing in a party state shall  
2 continue to be able to apply for nurse licensure as  
3 provided for under the laws of each party state. However,  
4 the license granted to these individuals will not be  
5 recognized as granting the privilege to practice nursing in  
6 any other party state unless explicitly agreed to by that  
7 party state.

8

9

## ARTICLE IV

## 10                   Applications for Licensure in a Party State

11

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

20

21           (b) A nurse in a party state shall hold licensure in  
22 only one (1) party state at a time, issued by the home  
23 state.

24

1           (c) A nurse who intends to change primary state of  
2 residence may apply for licensure in the new home state in  
3 advance of such change. However, new licenses will not be  
4 issued by a party state until after a nurse provides  
5 evidence of change in primary state of residence  
6 satisfactory to the new home state's licensing board.

7

8           (d) When a nurse changes primary state of residence  
9 by:

10

11           (i) Moving between two (2) party states, and  
12 obtains a license from the new home state, the license from  
13 the former home state is no longer valid;

14

15           (ii) Moving from a nonparty state to a party  
16 state, and obtains a license from the new home state, the  
17 individual state license issued by the nonparty state is  
18 not affected and will remain in full force if so provided  
19 by the laws of the nonparty state;

20

21           (iii) Moving from a party state to a nonparty  
22 state, the license issued by the prior home state converts  
23 to an individual state license, valid only in the former

1 home state, without the multistate licensure privilege to  
2 practice in other party states.

3

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#### ARTICLE V

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#### Adverse Actions

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7 In addition to the General Provisions described in Article  
8 III, the following provisions apply:

9

10 (a) The licensing board of a remote state shall  
11 promptly report to the administrator of the coordinated  
12 licensure information system any remote state actions,  
13 including the factual and legal basis for such action, if  
14 known. The licensing board of a remote state shall also  
15 promptly report any significant current investigative  
16 information yet to result in a remote state action. The  
17 administrator of the coordinated licensure information  
18 system shall promptly notify the home state of any such  
19 reports.

20

21 (b) The licensing board of a party state shall have  
22 the authority to complete any pending investigations for a  
23 nurse who changes primary state of residence during the  
24 course of such investigations. It shall also have the

1 authority to take appropriate action and shall promptly  
2 report the conclusions of such investigations to the  
3 administrator of the coordinated licensure information  
4 system. The administrator of the coordinated licensure  
5 information system shall promptly notify the new home state  
6 of any such actions.

7

8 (c) A remote state may take adverse action affecting  
9 the multistate licensure privilege to practice within that  
10 party state. However, only the home state shall have the  
11 power to impose adverse action against the license issued  
12 by the home state.

13

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

20

21 (e) The home state may take adverse action based on  
22 the factual findings of the remote state, so long as each  
23 state follows its own procedures for imposing such adverse  
24 action.

1

2 (f) Nothing in this compact shall override a party  
3 state's decision that participation in an alternative  
4 program may be used in lieu of licensure action and that  
5 such participation shall remain nonpublic if required by  
6 the party state's laws. Party states must require nurses  
7 who enter any alternative programs to agree not to practice  
8 in any other party state during the term of the alternative  
9 program without prior authorization from such other party  
10 state.

11

12

## ARTICLE VI

13

## Additional Authorities Invested in Party State Nurse

14

## Licensing Boards

15

16 (a) Notwithstanding any other powers, party state  
17 nurse licensing boards shall have the authority to:

18

19 (i) If otherwise permitted by state law, recover  
20 from the affected nurse the costs of investigations and  
21 disposition of cases resulting from any adverse action  
22 taken against that nurse;

23

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

14

15           (iii) Issue cease and desist orders to limit or  
16 revoke a nurse's authority to practice in their state;

17

18           (iv) Promulgate uniform rules and regulations as  
19 provided for in Article VIII (c).

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21

## ARTICLE VII

22

### Coordinated Licensure Information System

23

1           (a) All party states shall participate in a  
2 cooperative effort to create a coordinated data base of all  
3 licensed registered nurses and licensed  
4 practical/vocational nurses. This system will include  
5 information on the licensure and disciplinary history of  
6 each nurse, as contributed by party states, to assist in  
7 the coordination of nurse licensure and enforcement  
8 efforts.

9

10           (b) Notwithstanding any other provision of law, all  
11 party states' licensing boards shall promptly report  
12 adverse actions, actions against multistate licensure  
13 privileges, any current significant investigative  
14 information yet to result in adverse action, denials of  
15 applications and the reasons for such denials to the  
16 coordinated licensure information system.

17

18           (c) Current significant investigative information  
19 shall be transmitted through the coordinated licensure  
20 information system only to party state licensing boards.

21

22           (d) Notwithstanding any other provision of law, all  
23 party states' licensing boards contributing information to  
24 the coordinated licensure information system may designate

1 information that may not be shared with nonparty states or  
2 disclosed to other entities or individuals without the  
3 express permission of the contributing state.

4

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

11

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

17

18 (g) The compact administrators, acting jointly with  
19 each other and in consultation with the administrator of  
20 the coordinated licensure information system, shall  
21 formulate necessary and proper procedures for the  
22 identification, collection and exchange of information  
23 under this compact.

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## ARTICLE VIII

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## Compact Administration and Interchange of Information

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(a) The head of the nurse licensing board, or his designee, of each party state shall be the administrator of this compact for his state.

7

8

(b) The compact administrator of each party state shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data and disclosable alternative program participation information to facilitate the administration of this compact.

15

16

(c) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, under the authority invested under Article VI(a)(iv).

21

22

## ARTICLE IX

23

## Immunity

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1 No party state or the officers, employees or agents of a  
2 party state's nurse licensing board who act in accordance  
3 with the provisions of this compact shall be liable on  
4 account of any act or omission in good faith while engaged  
5 in the performance of their duties under this compact. Good  
6 faith in this article shall not include willful misconduct,  
7 gross negligence or recklessness.

8

9

#### ARTICLE X

10 Entry into Force, Withdrawal and Amendment

11

12 (a) This compact shall enter into force and become  
13 effective as to any state when it has been enacted into the  
14 laws of that state. Any party state may withdraw from this  
15 compact by enacting a statute repealing the same, but no  
16 such withdrawal shall take effect until six (6) months  
17 after the withdrawing state has given notice of the  
18 withdrawal to the executive heads of all other party  
19 states.

20

21 (b) No withdrawal shall affect the validity or  
22 applicability by the licensing boards of states remaining  
23 party to the compact of any report of adverse action  
24 occurring prior to the withdrawal.

1

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

7

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

12

13

## ARTICLE XI

14

## Construction and Severability

15

16 (a) This compact shall be liberally construed so as  
17 to effectuate the purposes thereof. The provisions of this  
18 compact shall be severable and if any phrase, clause,  
19 sentence or provision of this compact is declared to be  
20 contrary to the constitution of any party state or of the  
21 United States or the applicability thereof to any  
22 government, agency, person or circumstance is held invalid,  
23 the validity of the remainder of this compact and the  
24 applicability thereof to any government, agency, person or

1 circumstance shall not be affected thereby. If this compact  
2 shall be held contrary to the constitution of any state  
3 party, the compact shall remain in full force and effect as  
4 to the remaining party states and in full force and effect  
5 as to the party state affected as to all severable matters.

6

7 (b) In the event party states find a need for  
8 settling disputes arising under this compact:

9

10 (i) The party states may submit the issues in  
11 dispute to an arbitration panel that will be comprised of  
12 an individual appointed by the compact administrator in the  
13 home state; an individual appointed by the compact  
14 administrator in the remote state or states involved; and  
15 an individual mutually agreed upon by the compact  
16 administrators of all the party states involved in the  
17 dispute;

18

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

21

22 **Section 2.** W.S. 33-21-122 by creating a new  
23 subsection (f), 33-21-134(a), 33-21-135, 33-21-145(a)(i)

1 and (iii), 33-21-146(a)(vii) and 33-21-154(a) by creating a  
2 new paragraph (x) are amended to read:

3

4 **33-21-122. Board of nursing; powers and duties.**

5

6 (f) The board shall administer the provisions of the  
7 Nurse Licensure Compact pursuant to W.S. 33-21-202. Before  
8 recognizing a nurse license from another state that is  
9 party to the Nurse Licensure Compact, the board shall  
10 determine that the qualifications for a nursing license in  
11 the remote state are substantially equivalent to, or more  
12 stringent than, the minimum qualifications for issuance of  
13 a Wyoming license under this act.

14

15 **33-21-134. Registered professional nurse; use of**  
16 **R.N.; advanced practice registered nurse; use of A.P.R.N.**

17

18 (a) Any person who holds a license to practice as a  
19 registered professional nurse in this state, or who holds a  
20 license in another state and is practicing in this state  
21 pursuant to W.S. 33-21-202, shall have the right to use the  
22 title "Registered Nurse" and the abbreviation "R.N." No  
23 other person shall assume this title or use this  
24 abbreviation or any words, letters, signs or devices to

1 indicate that the person using same is a registered  
2 professional nurse.

3

4 **33-21-135. Licensed practical nurse; use of L.P.N.**

5

6 Any person who holds a license to practice as a licensed  
7 practical nurse in this state, or who holds a license in  
8 another state and is practicing in this state pursuant to  
9 W.S. 33-21-202, shall have the right to use the title  
10 "Licensed Practical Nurse" and the abbreviation "L.P.N." No  
11 other person shall assume this title or use this  
12 abbreviation or any words, letters, signs or devices to  
13 indicate that the person using same is a licensed practical  
14 nurse.

15

16 **33-21-145. Violations; penalties.**

17

18 (a) No person shall:

19

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

24

1           (iii) Use any words, abbreviations, figures,  
2 letters, titles, signs, cards or devices tending to imply  
3 that the person is a registered nurse, licensed practical  
4 nurse or advanced practice registered nurse unless the  
5 person is duly licensed as a registered nurse, licensed  
6 practical nurse, or recognized as an advanced practice  
7 registered nurse under this act, or holds a license in  
8 another state and is practicing in this state pursuant to  
9 W.S. 33-21-202;

10  
11           **33-21-146. Disciplining licensees; grounds.**

12  
13           (a) The board of nursing may refuse to issue or  
14 renew, or may suspend or revoke the license, certificate or  
15 temporary permit of any person, or to otherwise discipline  
16 a licensee, upon proof that the person:

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

22  
23           **33-21-154. Exemptions.**

1           (a) No provisions in this act prohibit:

2

3                   (x) The practice of any nurse who holds a  
4 license in another state and is practicing in this state  
5 pursuant to W.S. 33-21-202.

6

7           **Section 3.** This act is effective July 1, 2007.

8

9

(END)