

1 AN ACT relating to the Advanced Practice Registered Nurse Compact.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO  
4 READ AS FOLLOWS:

5 **ARTICLE I**

6 **Findings and Declaration of Purpose**

7 **(a) The party states find that:**

8 **(1) The health and safety of the public are affected by the degree of compliance**  
9 **with APRN licensure requirements and the effectiveness of enforcement**  
10 **activities related to state APRN licensure laws;**

11 **(2) Violations of APRN licensure and other laws regulating the practice of**  
12 **nursing may result in injury or harm to the public;**

13 **(3) The expanded mobility of APRNs and the use of advanced communication**  
14 **and intervention technologies as part of our nation's healthcare delivery**  
15 **system require greater coordination and cooperation among states in the**  
16 **areas of APRN licensure and regulation;**

17 **(4) New practice modalities and technology make compliance with individual**  
18 **state APRN licensure laws difficult and complex;**

19 **(5) The current system of duplicative APRN licensure for APRNs practicing in**  
20 **multiple states is cumbersome and redundant for healthcare delivery**  
21 **systems, payors, state licensing boards, regulators, and APRNs;**

22 **(6) Uniformity of APRN licensure requirements throughout the states promotes**  
23 **public safety and public health benefits as well as providing a mechanism to**  
24 **increase access to care.**

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

26 **(1) Facilitate the states' responsibility to protect the public's health and safety;**

27 **(2) Ensure and encourage the cooperation of party states in the areas of APRN**

- 1           licensure and regulation, including the promotion of uniform licensure  
2           requirements;
- 3           (3) Facilitate the exchange of information between party states in the areas of  
4           APRN regulation, investigation, and adverse actions;
- 5           (4) Promote compliance with the laws governing APRN practice in each  
6           jurisdiction;
- 7           (5) Invest all party states with the authority to hold an APRN accountable for  
8           meeting all state practice laws in the state in which the patient is located at  
9           the time care is rendered through the mutual recognition of party state  
10           privileges to practice;
- 11           (6) Decrease redundancies in the consideration and issuance of APRN  
12           licenses; and
- 13           (7) Provide opportunities for interstate practice by APRNs who meet uniform  
14           licensure requirements.

15                                   ARTICLE II

16                                   Definitions

17           As used in this compact:

- 18           (a) "Advanced practice registered nurse" or "APRN" means a registered nurse who  
19           has gained additional specialized knowledge, skills, and experience through a  
20           program of study recognized or defined by the Interstate Commission of APRN  
21           Compact Administrators ("commission"), and who is licensed to perform  
22           advanced nursing practice. An advanced practice registered nurse is licensed in  
23           an APRN role that is congruent with an APRN educational program,  
24           certification, and commission rules;
- 25           (b) "Adverse action" means any administrative, civil, equitable, or criminal action  
26           permitted by a state's laws which is imposed by a licensing board or other  
27           authority against an APRN, including actions against an individual's license or

- 1 multistate licensure privilege such as revocation, suspension, probation,  
2 monitoring of the licensee, limitation on the licensee's practice, or any other  
3 encumbrance on licensure affecting an APRN's authorization to practice,  
4 including the issuance of a cease and desist action;
- 5 (c) "Alternative program" means a nondisciplinary monitoring program approved  
6 by a licensing board;
- 7 (d) "APRN licensure" means the regulatory mechanism used by a party state to  
8 grant legal authority to practice as an APRN;
- 9 (e) "APRN uniform licensure requirements" means the minimum uniform  
10 licensure, education and examination requirements set forth in this compact;
- 11 (f) "Coordinated licensure information system" means an integrated process for  
12 collecting, storing, and sharing information on APRN licensure and enforcement  
13 activities related to APRN licensure laws that is administered by a nonprofit  
14 organization composed of and controlled by licensing boards;
- 15 (g) "Current significant investigatory information" means:
- 16 (1) Investigative information that a licensing board, after a preliminary inquiry  
17 that includes notification and an opportunity for the APRN to respond, if  
18 required by state law, has reason to believe is not groundless and, if proved  
19 true, would indicate more than a minor infraction; or
- 20 (2) Investigative information that indicates that the APRN represents an  
21 immediate threat to public health and safety regardless of whether the  
22 APRN has been notified and had an opportunity to respond;
- 23 (h) "Encumbrance" means a revocation or suspension of, or any limitation on, the  
24 full and unrestricted practice of nursing imposed by a licensing board in  
25 connection with a disciplinary proceeding;
- 26 (i) "Home state" means the party state that is the APRN's primary state of  
27 residence;

- 1 (j) "Licensing board" means a party state's regulatory body responsible for  
2 regulating the practice of advanced practice registered nursing;
- 3 (k) "Multistate license" means an APRN license to practice as an APRN issued by a  
4 home state licensing board that authorizes the APRN to practice as an APRN in  
5 all party states under a multistate licensure privilege in the same role and  
6 population focus as the APRN is licensed in the home state;
- 7 (l) "Multistate licensure privilege" means a legal authorization associated with an  
8 APRN multistate license that permits an APRN to practice as an APRN in a  
9 remote state in the same role and population focus as the APRN is licensed in the  
10 home state;
- 11 (m) "Noncontrolled prescription drug" means a device or drug that is not a  
12 controlled substance and is prohibited under state or federal law from being  
13 dispensed without a prescription. The term includes a device or drug that bears or  
14 is required to bear the legend "Caution: federal law prohibits dispensing without  
15 prescription" or "prescription only" or other legend that complies with federal  
16 law;
- 17 (n) "Party state" means any state that has adopted this compact;
- 18 (o) "Population focus" means one (1) of the six (6) population foci of the family or  
19 individual across the lifespan, adult-gerontology, pediatrics, neonatal, women's  
20 health, gender-related health, psychological health, or mental health;
- 21 (p) "Prescriptive authority" means the legal authority to prescribe medications and  
22 devices as defined by party state laws;
- 23 (q) "Remote state" means a party state that is not the home state;
- 24 (r) "Role" means one of the four (4) recognized roles of certified registered nurse  
25 anesthetists (CRNA), certified nurse-midwives (CNM), clinical nurse specialists  
26 (CNS), and certified nurse practitioners (CNP);
- 27 (s) "Single-state license" means an APRN license issued by a party state that

1 authorizes practice only within the issuing state and does not include a multistate  
2 licensure privilege to practice in any other party state;

3 (t) "State" means a state, territory, or possession of the United States and the  
4 District of Columbia; and

5 (u) "State practice laws" means a party state's laws, rules, and regulations that  
6 govern APRN practice, define the scope of advanced nursing practice and create  
7 the methods and grounds for imposing discipline, except that prescriptive  
8 authority shall be treated in accordance with Article III(f) and (g) of this  
9 compact. "State practice laws" does not include:

10 (1) A party state's laws, rules, and regulations requiring supervision or  
11 collaboration with a healthcare professional, except for laws, rules, and  
12 regulations regarding prescribing controlled substances; or

13 (2) The requirements necessary to obtain and retain an APRN license, except  
14 for qualifications or requirements of the home state.

### 15 ARTICLE III

#### 16 General Provisions and Jurisdiction

17 (a) A state shall implement procedures for considering the criminal history records  
18 of applicants for initial APRN licensure or APRN licensure by endorsement.  
19 Such procedures shall include the submission of fingerprints or other biometric-  
20 based information by APRN applicants for the purpose of obtaining an  
21 applicant's criminal history record information from the Federal Bureau of  
22 Investigation and the agency responsible for retaining that state's criminal  
23 records.

24 (b) Each party state shall require an applicant to satisfy the following APRN uniform  
25 licensure requirements to obtain or retain a multistate license in the home state:

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

- 1        (2) i. Has completed an accredited graduate-level education program that  
2                    prepares the applicant for one (1) of the four (4) recognized roles and  
3                    population foci; or  
4        ii. Has completed a foreign APRN education program for one (1) of the  
5                    four (4) recognized roles and population foci that:  
6                    a. Has been approved by the authorized accrediting body in the  
7                    applicable country; and  
8                    b. Has been verified by an independent credentials review agency to  
9                    be comparable to a licensing board-approved APRN education  
10                    program;  
11        (3) If a graduate of a foreign APRN education program not taught in English  
12                    or if English is not the individual's native language, has successfully passed  
13                    an English proficiency examination that includes the components of  
14                    reading, speaking, writing, and listening;  
15        (4) Has successfully passed a national certification examination that measures  
16                    APRN role and population-focused competencies and maintains continued  
17                    competence as evidenced by recertification in the role and population focus  
18                    through the national certification program;  
19        (5) Holds an active, unencumbered license as a registered nurse and an active,  
20                    unencumbered authorization to practice as an APRN;  
21        (6) Has successfully passed an NCLEX-RN® examination or recognized  
22                    predecessor, as applicable;  
23        (7) Has practiced for at least two thousand eighty (2,080) hours as an APRN in  
24                    a role and population focus congruent with the applicant's education and  
25                    training. For purposes of this section, practice shall not include hours  
26                    obtained as part of enrollment in an APRN education program;  
27        (8) Has submitted, in connection with an application for initial licensure or

- 1           licensure by endorsement, fingerprints or other biometric data for the  
2           purpose of obtaining criminal history record information from the Federal  
3           Bureau of Investigation and the agency responsible for retaining that state  
4           or, if applicable, foreign country's criminal records;
- 5           (9) Has not been convicted or found guilty, or has entered into an agreed  
6           disposition, of a felony offense under applicable state, federal, or foreign  
7           criminal law;
- 8           (10) Has not been convicted or found guilty, or has entered into an agreed  
9           disposition, of a misdemeanor offense related to the practice of nursing as  
10           determined by factors set forth in rules adopted by the commission;
- 11           (11) Is not currently enrolled in an alternative program;
- 12           (12) Is subject to self-disclosure requirements regarding current participation in  
13           an alternative program; and
- 14           (13) Has a valid United States Social Security number.
- 15           (c) An APRN issued a multistate license shall be licensed in an approved role and at  
16           least one (1) approved population focus.
- 17           (d) An APRN multistate license issued by a home state to a resident in that state will  
18           be recognized by each party state as authorizing the APRN to practice as an  
19           APRN in each party state, under a multistate licensure privilege, in the same role  
20           and population focus as the APRN is licensed in the home state.
- 21           (e) Nothing in this compact shall affect the requirements established by a party state  
22           for the issuance of a single state license, except that an individual may apply for a  
23           single state license, instead of a multistate license, even if otherwise qualified for  
24           the multistate license. However, the failure of such an individual to affirmatively  
25           opt for a single state license may result in the issuance of a multistate license.
- 26           (f) Issuance of an APRN multistate license shall include prescriptive authority for  
27           noncontrolled prescription drugs.

- 1 (g) For each state in which an APRN seeks authority to prescribe controlled  
2 substances, the APRN shall satisfy all requirements imposed by such state in  
3 granting or renewing such authority.
- 4 (h) An APRN issued a multistate license is authorized to assume responsibility and  
5 accountability for patient care independent of any supervisory or collaborative  
6 relationship. This authority may be exercised in the home state and in any remote  
7 state in which the APRN exercises a multistate licensure privilege.
- 8 (i) All party states shall be authorized in accordance with state due process laws to  
9 take adverse action against an APRN's multistate licensure privilege such as  
10 revocation, suspension, probation, or any other action that affects an APRN's  
11 authorization to practice under a multistate licensure privilege, including cease  
12 and desist actions. If a party state takes such action, it shall promptly notify the  
13 administrator of the coordinated licensure information system. The administrator  
14 of the coordinated licensure information system shall promptly notify the home  
15 state of any such actions by remote states.
- 16 (j) Except as otherwise expressly provided in this compact, an APRN practicing in a  
17 party state shall comply with the state practice laws of the state in which the client  
18 is located at the time service is provided. APRN practice is not limited to patient  
19 care, but shall include all advanced nursing practice as defined by the state  
20 practice laws of the party state in which the client is located. APRN practice in a  
21 party state under a multistate licensure privilege will subject the APRN to the  
22 jurisdiction of the licensing board, the courts, and the laws of the party state in  
23 which the client is located at the time service is provided.
- 24 (k) Except as otherwise expressly provided in this compact, this compact does not  
25 affect additional requirements imposed by states for advanced practice registered  
26 nursing. However, a multistate licensure privilege to practice registered nursing  
27 granted by a party state shall be recognized by other party states as satisfying any

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

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

#### 8 ARTICLE IV

##### 9 Applications for APRN Licensure in a Party State

10 (a) Upon application for an APRN multistate license, the licensing board in the  
11 issuing party state shall ascertain through the coordinated licensure information  
12 system whether the applicant has ever held or is the holder of a licensed practical  
13 or vocational nursing license, a registered nursing license, or an advanced  
14 practice registered nurse license issued by any other state, whether there are any  
15 encumbrances on any license or multistate licensure privilege held by the  
16 applicant, whether any adverse action has been taken against any license or  
17 multistate licensure privilege held by the applicant, and whether the applicant is  
18 currently participating in an alternative program.

19 (b) An APRN may hold a multistate APRN license issued by the home state in only  
20 one (1) party state at a time.

21 (c) If an APRN changes primary state of residence by moving between two (2) party  
22 states, the APRN shall apply for APRN licensure in the new home state, and the  
23 multistate license issued by the prior home state shall be deactivated in  
24 accordance with applicable commission rules.

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

27 (2) A multistate APRN license shall not be issued by the new home state until

1 the APRN provides satisfactory evidence of a change in primary state of  
2 residence to the new home state and satisfies all applicable requirements to  
3 obtain a multistate APRN license from the new home state.

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

7 ARTICLE V

8 Additional Authorities Invested in Party State Licensing Boards

9 (a) In addition to the other powers conferred by state law, a licensing board may:

10 (1) Take adverse action against an APRN's multistate licensure privilege to  
11 practice within that party state.

12 i. Only the home state shall have power to take adverse action against an  
13 APRN's license issued by the home state.

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

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

21 (3) Complete any pending investigations of an APRN who changes primary  
22 state of residence during the course of such investigations. The licensing  
23 board may also take appropriate actions and shall promptly report the  
24 conclusions of such investigations to the administrator of the coordinated  
25 licensure information system. The administrator of the coordinated  
26 licensure information system shall promptly notify the new home state of  
27 any such actions;

- 1        (4) Issue subpoenas for both hearings and investigations that require the  
2        attendance and testimony of witnesses as well as the production of evidence.  
3        Subpoenas issued by a party state licensing board for the attendance and  
4        testimony of witnesses and the production of evidence from another party  
5        state shall be enforced in the latter state by any court of competent  
6        jurisdiction, according to that court's practice and procedure in considering  
7        subpoenas issued in its own proceedings. The issuing licensing board shall  
8        pay any witness fees, travel expenses, mileage, and other fees required by  
9        the service statutes of the state in which the witnesses and evidence are  
10       located;
- 11       (5) Obtain and submit, for an APRN licensure applicant, fingerprints or other  
12       biometric-based information to the Federal Bureau of Investigation for  
13       criminal background checks, receive the results of the Federal Bureau of  
14       Investigation record search on criminal background checks, and use the  
15       results in making licensure decisions;
- 16       (6) If otherwise permitted by state law, recover from the affected APRN the  
17       costs of investigations and disposition of cases resulting from any adverse  
18       action taken against that APRN; and
- 19       (7) Take adverse action based on the factual findings of another party state,  
20       provided that the licensing board follows its own procedures for taking such  
21       adverse action.
- 22       (b) If adverse action is taken by a home state against an APRN's multistate  
23       licensure, the privilege to practice in all other party states under a multistate  
24       licensure privilege shall be deactivated until all encumbrances have been  
25       removed from the APRN's multistate license. All home state disciplinary orders  
26       that impose adverse action against an APRN's multistate license shall include a  
27       statement that the APRN's multistate licensure privilege is deactivated in all party

1 states during the pendency of the order.

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

7 ARTICLE VI

8 Coordinated Licensure Information System and Exchange of Information

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

14 (b) The commission, in consultation with the administrator of the coordinated  
15 licensure information system, shall formulate necessary and proper procedures  
16 for the identification, collection and exchange of information under this compact.

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

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

27 (e) Any personally identifiable information obtained from the coordinated licensure

1 information system by a party state licensing board shall not be shared with non-  
2 party states or disclosed to other entities or individuals except to the extent  
3 permitted by the laws of the party state contributing the information.

4 (f) Any information contributed to the coordinated licensure information system that  
5 is subsequently required to be expunged by the laws of the party state  
6 contributing the information shall be removed from the coordinated licensure  
7 information system.

8 (g) The compact administrator of each party state shall furnish a uniform data set to  
9 the compact administrator of each other party state, which shall include, at a  
10 minimum:

11 (1) Identifying information;

12 (2) Licensure data;

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

14 (4) Other information that may facilitate the administration of this compact, as  
15 determined by commission rules.

16 (h) The compact administrator of a party state shall provide all investigative  
17 documents and information requested by another party state.

## 18 ARTICLE VII

### 19 Establishment of the Interstate Commission of APRN Compact Administrators

20 (a) The party states hereby create and establish a joint public agency known as the  
21 Interstate Commission of APRN Compact Administrators.

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

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

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

3       (b) Membership, Voting, and Meetings

4       (1) Each party state shall have and be limited to one (1) administrator. The  
5           head of the state licensing board or designee shall be the administrator of  
6           this compact for each party state. Any administrator may be removed or  
7           suspended from office as provided by the law of the state from which the  
8           administrator is appointed. Any vacancy occurring in the commission shall  
9           be filled in accordance with the laws of the party state in which the vacancy  
10           exists.

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

17       (3) The commission shall meet at least once during each calendar year.  
18           Additional meetings shall be held as set forth in the bylaws or rules of the  
19           commission.

20       (4) All meetings shall be open to the public, and public notice of meetings shall  
21           be given in the same manner as required under the rulemaking provisions  
22           in Article VIII of this compact.

23       (5) The commission may convene in a closed, nonpublic meeting if the  
24           commission must discuss:

25           i. Noncompliance of a party state with its obligations under this  
26           compact;

27           ii. The employment, compensation, discipline or other personnel matters,

1                   practices or procedures related to specific employees, or other matters  
2                   related to the commission's internal personnel practices and  
3                   procedures;

4                   iii. Current, threatened, or reasonably anticipated litigation;

5                   iv. Negotiation of contracts for the purchase or sale of goods, services, or  
6                   real estate;

7                   v. Accusing any person of a crime or formally censuring any person;

8                   vi. Disclosure of trade secrets or commercial or financial information  
9                   that is privileged or confidential;

10                  vii. Disclosure of information of a personal nature where disclosure  
11                  would constitute a clearly unwarranted invasion of personal privacy;

12                  viii. Disclosure of investigatory records compiled for law enforcement  
13                  purposes;

14                  ix. Disclosure of information related to any reports prepared by or on  
15                  behalf of the commission for the purpose of investigation of  
16                  compliance with this compact; or

17                  x. Matters specifically exempted from disclosure by federal or state  
18                  statute.

19                  (6) If a meeting or portion of a meeting is closed pursuant to this provision, the  
20                  commission's legal counsel or designee shall certify that the meeting may be  
21                  closed and shall reference each relevant exempting provision. The  
22                  commission shall keep minutes that fully and clearly describe all matters  
23                  discussed in a meeting and shall provide a full and accurate summary of  
24                  actions taken, and the reasons therefor, including a description of the views  
25                  expressed. All documents considered in connection with an action shall be  
26                  identified in such minutes. All minutes and documents of a closed meeting  
27                  shall remain under seal, subject to release by a majority vote of the

- 1                   commission or order of a court of competent jurisdiction.
- 2   (c) The commission shall, by a majority vote of the administrators, prescribe bylaws  
3   or rules to govern its conduct as may be necessary or appropriate to carry out the  
4   purposes and exercise the powers of this compact, including but not limited to:
- 5   (1) Establishing the fiscal year of the commission;  
6   (2) Providing reasonable standards and procedures:
- 7                   i. For the establishment and meetings of other committees; and  
8                   ii. Governing any general or specific delegation of any authority or  
9                   function of the commission;
- 10   (3) Providing reasonable procedures for calling and conducting meetings of the  
11   commission, ensuring reasonable advance notice of all meetings, and  
12   providing an opportunity for attendance of the meetings by interested  
13   parties, with enumerated exceptions designed to protect the public's interest,  
14   the privacy of individuals, and proprietary information, including trade  
15   secrets. The commission may meet in closed session only after a majority of  
16   the administrators vote to close a meeting in whole or in part. As soon as  
17   practicable, the commission shall make public a copy of the vote to close the  
18   meeting revealing the vote of each administrator, with no proxy votes  
19   allowed;
- 20   (4) Establishing the titles, duties and authority and reasonable procedures for  
21   the election of the officers of the commission;
- 22   (5) Providing reasonable standards and procedures for the establishment of the  
23   personnel policies and programs of the commission. Notwithstanding any  
24   civil service or other similar laws of any party state, the bylaws shall  
25   exclusively govern the personnel policies and programs of the commission;  
26   and
- 27   (6) Providing a mechanism for winding up the operations of the commission

1           and the equitable disposition of any surplus funds that may exist after the  
2           termination of this compact after the payment and reserving of all of its  
3           debts and obligations.

4           (d) The commission shall publish its bylaws and rules, and any amendments thereto,  
5           in a convenient form on the website of the commission.

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

8           (f) The commission shall meet and take such actions as are consistent with the  
9           provisions of this compact and the bylaws.

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

11           (1) To promulgate uniform rules to facilitate and coordinate implementation  
12           and administration of this compact. The rules shall have the force and  
13           effect of law and shall be binding in all party states;

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

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

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

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

23           (6) To hire employees, elect or appoint officers, fix compensation, define duties,  
24           grant such individuals appropriate authority to carry out the purposes of  
25           this compact, and to establish the commission's personnel policies and  
26           programs relating to conflicts of interest, qualifications of personnel, and  
27           other related personnel matters;

1        (7) To accept any and all appropriate donations, grants and gifts of money,  
2        equipment, supplies, materials, and services and to receive, utilize, and  
3        dispose of the same; provided that at all times the commission shall strive to  
4        avoid any appearance of impropriety and conflict of interest;

5        (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to  
6        own, hold, improve, or use any real, personal, or mixed property; provided  
7        that at all times the commission shall strive to avoid any appearance of  
8        impropriety;

9        (9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
10       dispose of any real, personal, or mixed property;

11       (10) To establish a budget and make expenditures;

12       (11) To borrow money;

13       (12) To appoint committees, including advisory committees composed of  
14       administrators, state nursing regulators, state legislators or their  
15       representatives, consumer representatives, and other such interested  
16       persons;

17       (13) To issue advisory opinions;

18       (14) To provide and receive information from, and to cooperate with, law  
19       enforcement agencies;

20       (15) To adopt and use an official seal; and

21       (16) To perform such other functions as may be necessary or appropriate to  
22       achieve the purposes of this compact consistent with the state regulation of  
23       APRN licensure and practice.

24       (h) Financing of the Commission

25       (1) The commission shall pay or provide for the payment of the reasonable  
26       expenses of its establishment, organization, and ongoing activities.

27       (2) The commission may also levy on and collect an annual assessment from

1 each party state to cover the cost of its operations, activities, and staff in its  
2 annual budget as approved each year. The aggregate annual assessment  
3 amount, if any, shall be allocated based upon a formula to be determined by  
4 the commission, which shall promulgate a rule that is binding upon all  
5 party states.

6 (3) The commission shall not incur obligations of any kind prior to securing  
7 the funds adequate to meet the same; nor shall the commission pledge the  
8 credit of any of the party states, except by and with the authority of such  
9 party state.

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

17 (i) Qualified Immunity, Defense, and Indemnification

18 (1) The administrators, officers, executive director, employees, and  
19 representatives of the commission shall be immune from suit and liability,  
20 either personally or in their official capacity, for any claim for damage to or  
21 loss of property or personal injury or other civil liability caused by or arising  
22 out of any actual or alleged act, error, or omission that occurred, or that the  
23 person against whom the claim is made had a reasonable basis for believing  
24 occurred, within the scope of commission employment, duties, or  
25 responsibilities; provided that nothing in this paragraph shall be construed  
26 to protect any such person from suit and liability for any damage, loss,  
27 injury, or liability caused by the intentional, willful, or wanton misconduct



1 of the commission.

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

6 (1) On the website of the commission; and

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

9 (d) The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

26 (1) Hearings shall be conducted in a manner providing each person who wishes  
27 to comment a fair and reasonable opportunity to comment orally or in

1 writing. All hearings shall be recorded, and a copy shall be made available  
2 upon request.

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

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

8 (i) Following the scheduled hearing date or by the close of business on the  
9 scheduled hearing date if the hearing was not held, the commission shall  
10 consider all written and oral comments received.

11 (j) The commission shall, by majority vote of all administrators, take final action on  
12 the proposed rule and shall determine the effective date of the rule, if any, based  
13 on the rulemaking record and the full text of the rule.

14 (k) Upon determination that an emergency exists, the commission may consider and  
15 adopt an emergency rule without prior notice, opportunity for comment, or  
16 hearing, provided that the usual rulemaking procedures provided in this compact  
17 and in this section shall be retroactively applied to the rule as soon as reasonably  
18 possible, no later than ninety (90) days after the effective date of the rule. For the  
19 purposes of this provision, an emergency rule is one that shall be adopted  
20 immediately in order to:

21 (1) Meet an imminent threat to public health, safety, or welfare;

22 (2) Prevent a loss of commission or party state funds; or

23 (3) Meet a deadline for the promulgation of an administrative rule that is  
24 established by federal law or rule.

25 (l) The commission may direct revisions to a previously adopted rule or amendment  
26 for purposes of correcting typographical errors, errors in format, errors in  
27 consistency, or grammatical errors. Public notice of any revisions shall be posted

1 on the website of the commission. The revision shall be subject to challenge by  
2 any person for a period of thirty (30) days after posting. The revision may be  
3 challenged only on grounds that the revision results in a material change to a  
4 rule. A challenge shall be made in writing and delivered to the commission prior  
5 to the end of the notice period. If no challenge is made, the revision shall take  
6 effect without further action. If the revision is challenged, the revision may not  
7 take effect without the approval of the commission.

## 8 ARTICLE IX

### 9 Oversight, Dispute Resolution, and Enforcement

#### 10 (a) Oversight

11 (1) Each party state shall enforce this compact and take all actions necessary  
12 and appropriate to effectuate this compact's purposes and intent.

13 (2) The commission shall be entitled to receive service of process in any  
14 proceeding that may affect the powers, responsibilities, or actions of the  
15 commission and shall have standing to intervene in such a proceeding for  
16 all purposes. Failure to provide service of process to the commission shall  
17 render a judgment or order void as to the commission, this compact, or  
18 promulgated rules.

#### 19 (b) Default, Technical Assistance, and Termination

20 (1) If the commission determines that a party state has defaulted in the  
21 performance of its obligations or responsibilities under this compact or the  
22 promulgated rules, the commission shall:

23 i. Provide written notice to the defaulting state and other party states of  
24 the nature of the default, the proposed means of curing the default,  
25 and any other action to be taken by the commission; and

26 ii. Provide remedial training and specific technical assistance regarding  
27 the default.

1       (2) If a state in default fails to cure the default, the defaulting state's  
2       membership in this compact may be terminated upon an affirmative vote of  
3       a majority of the administrators, and all rights, privileges, and benefits  
4       conferred by this compact may be terminated on the effective date of  
5       termination. A cure of the default does not relieve the offending state of  
6       obligations or liabilities incurred during the period of default.

7       (3) Termination of membership in this compact shall be imposed only after all  
8       other means of securing compliance have been exhausted. Notice of intent  
9       to suspend or terminate shall be given by the commission to the Governor of  
10       the defaulting state and to the executive officer of the defaulting state's  
11       licensing board, the defaulting state's licensing board, and each of the party  
12       states.

13       (4) A state whose membership in this compact has been terminated is  
14       responsible for all assessments, obligations, and liabilities incurred through  
15       the effective date of termination, including obligations that extend beyond  
16       the effective date of termination.

17       (5) The commission shall not bear any costs related to a state that is found to be  
18       in default or whose membership in this compact has been terminated,  
19       unless agreed upon in writing between the commission and the defaulting  
20       state.

21       (6) The defaulting state may appeal the action of the commission by petitioning  
22       the United States District Court for the District of Columbia or the federal  
23       district in which the commission has its principal offices. The prevailing  
24       party shall be awarded all costs of such litigation, including reasonable  
25       attorneys' fees.

26       (c) Dispute Resolution

27       (1) Upon request by a party state, the commission shall attempt to resolve

1 disputes related to the compact that arise among party states and between  
2 party and non-party states.

3 (2) The commission shall promulgate a rule providing for both mediation and  
4 binding dispute resolution for disputes, as appropriate.

5 (3) In the event the commission cannot resolve disputes among party states  
6 arising under this compact:

7 i. The party states may submit the issues in dispute to an arbitration  
8 panel, which shall be composed of individuals appointed by the  
9 compact administrator in each of the affected party states and an  
10 individual mutually agreed upon by the compact administrators of all  
11 the party states involved in the dispute.

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

13 (d) Enforcement

14 (1) The commission, in the reasonable exercise of its discretion, shall enforce  
15 the provisions and rules of this compact.

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

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

27 ARTICLE X

1 Effective Date, Withdrawal, and Amendment

- 2 (a) This compact shall come into limited effect at such time as this compact has been  
3 enacted into law in seven (7) party states for the sole purpose of establishing and  
4 convening the commission to adopt rules relating to its operation.
- 5 (b) Any state that joins this compact subsequent to the commission's initial adoption  
6 of the APRN uniform licensure requirements shall be subject to all rules that  
7 have been previously adopted by the commission.
- 8 (c) Any party state may withdraw from this compact by enacting a statute repealing  
9 the same. A party state's withdrawal shall not take effect until six (6) months  
10 after enactment of the repealing statute.
- 11 (d) A party state's withdrawal or termination shall not affect the continuing  
12 requirement of the withdrawing or terminated state's licensing board to report  
13 adverse actions and significant investigations occurring prior to the effective date  
14 of such withdrawal or termination.
- 15 (e) Nothing contained in this compact shall be construed to invalidate or prevent any  
16 APRN licensure agreement or other cooperative arrangement between a party  
17 state and a non-party state that does not conflict with the provisions of this  
18 compact.
- 19 (f) This compact may be amended by the party states. No amendment to this compact  
20 shall become effective and binding upon any party state until it is enacted into the  
21 laws of all party states.
- 22 (g) Representatives of non-party states to this compact shall be invited to participate  
23 in the activities of the commission, on a nonvoting basis, prior to the adoption of  
24 this compact by all states.

25 ARTICLE XI

26 Construction and Severability

27 This compact shall be liberally construed so as to effectuate the purposes thereof. The

1 provisions of this compact shall be severable, and if any phrase, clause, sentence, or  
2 provision of this compact is declared to be contrary to the constitution of any party  
3 state or of the United States, or if the applicability thereof to any government, agency,  
4 person, or circumstance is held invalid, the validity of the remainder of this compact  
5 and the applicability thereof to any government, agency, person, or circumstance shall  
6 not be affected thereby. If this compact shall be held to be contrary to the constitution  
7 of any party state, this compact shall remain in full force and effect as to the remaining  
8 party states and in full force and effect as to the party state affected as to all severable  
9 matters.

## 10 ARTICLE XII

### 11 APPLICABILITY TO KENTUCKY STATE GOVERNMENT

12 In order to clarify the effect of certain provisions of this compact and to ensure that the  
13 rights and responsibilities of the various branches of government are maintained, the  
14 following shall be in effect in this state:

15 (a) By entering into this compact, this state authorizes the state licensing board as  
16 defined in Article II of this compact and as created by KRS Chapter 314 to  
17 implement the provisions of this compact.

18 (b) Notwithstanding any provision of this compact to the contrary:

19 (1) When a rule is adopted pursuant to Article VIII of this compact, the  
20 licensing board as defined by Article II of this compact shall have sixty (60)  
21 days to review the rule for the purpose of filing the rule as an emergency  
22 administrative regulation pursuant to KRS 13A.190 and for filing the rule  
23 as an accompanying ordinary administrative regulation, following the  
24 requirements of KRS Chapter 13A. Failure by the licensing board as  
25 defined by Article II of this compact to promulgate a rule adopted by the  
26 Interstate Commission of APRN Compact Administrators as an  
27 administrative regulation pursuant to KRS Chapter 13A shall result in the

1 initiation of the process for withdrawal as set forth in Article X of this  
2 compact. Nothing in these provisions shall negate the applicability and  
3 effect of Article VIII of this compact to this state.

4 (2) If the proposed administrative regulation is found deficient and the  
5 deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the  
6 provisions of Article IX of this compact shall apply. If the procedures under  
7 Article IX of this compact fail to resolve an issue, the provisions of Article X  
8 of this compact shall apply.

9 (3) If the Interstate Commission of APRN Compact Administrators created by  
10 Article VII of this compact exercises its rulemaking authority in a manner  
11 that is beyond the scope of the purposes of this compact, or the powers  
12 granted under this compact, then such an action by the commission shall be  
13 invalid and have no force or effect.

14 (c) Article VII of this compact pertaining to the financing of the commission shall  
15 not be interpreted to obligate the general fund of this state. Any funds used to  
16 finance this compact shall be from money collected pursuant to KRS 314.161.

17 (d) This compact shall apply only to those advanced practice registered nurses who  
18 practice or work under a compact privilege.