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Place On Calendar

HOUSE FILE 784
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 251)

Passed House, Date 3-23-05 Passed Senate, Date 4-14-05
Vote: Ayes 99 Nays 0 Vote: Ayes 50 Nays 0
Approved 4-22-05

A BILL FOR

1 An Act to establish an advanced practice registered nurse compact
2 and including a future repeal.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 784

1 Section 1. Section 147.2, unnumbered paragraph 2, Code
2 2005, is amended to read as follows:

3 For purposes of this section, a person who is licensed in
4 another state and recognized for licensure in this state
5 pursuant to the nurse licensure compact contained in section
6 152E.1 or pursuant to the advanced practice registered nurse
7 compact contained in section 152E.3 shall be considered to
8 have obtained a license to practice nursing from the
9 department.

10 Sec. 2. Section 147.5, unnumbered paragraph 2, Code 2005,
11 is amended to read as follows:

12 This section shall not apply to a person who is licensed in
13 another state and recognized for licensure in this state
14 pursuant to the nurse licensure compact contained in section
15 152E.1 or pursuant to the advanced practice registered nurse
16 compact contained in section 152E.3.

17 Sec. 3. Section 147.7, unnumbered paragraph 2, Code 2005,
18 is amended to read as follows:

19 This section shall not apply to a person who is licensed in
20 another state and recognized for licensure in this state
21 pursuant to the nurse licensure compact contained in section
22 152E.1 or pursuant to the advanced practice registered nurse
23 compact contained in section 152E.3. A person licensed in
24 another state and recognized for licensure in this state
25 pursuant to the compact shall, however, maintain a copy of a
26 license issued by the person's home state available for
27 inspection when engaged in the practice of nursing in this
28 state.

29 Sec. 4. Section 152.6, Code 2005, is amended to read as
30 follows:

31 152.6 LICENSES -- PROFESSIONAL ABBREVIATIONS.

32 The board may license a natural person to practice as a
33 registered nurse or as a licensed practical nurse. However,
34 only a person currently licensed as a registered nurse in this
35 state may use that title and the abbreviation "RN" after the

1 person's name and only a person currently licensed as a
2 licensed practical nurse in this state may use that title and
3 the abbreviation "LPN" after the person's name. For purposes
4 of this section, "currently licensed" includes persons
5 licensed in another state and recognized for licensure in this
6 state pursuant to the nurse licensure compact contained in
7 section 152E.1 or pursuant to the advanced practice registered
8 nurse compact contained in section 152E.3.

9 Sec. 5. Section 152.7, unnumbered paragraph 2, Code 2005,
10 is amended to read as follows:

11 For purposes of licensure pursuant to the nurse licensure
12 compact contained in section 152E.1 or pursuant to the
13 advanced practice registered nurse compact contained in
14 section 152E.3, the compact administrator may refuse to accept
15 a change in the qualifications for licensure as a registered
16 nurse or as a licensed practical or vocational nurse by a
17 licensing authority in another state which is a party to the
18 compact which substantially modifies that state's
19 qualifications for licensure in effect on July 1, 2000. A
20 refusal to accept a change in a party state's qualifications
21 for licensure may result in submitting the issue to an
22 arbitration panel or in withdrawal from the compact, at the
23 discretion of the compact administrator.

24 Sec. 6. Section 152.8, subsections 1 and 2, Code 2005, are
25 amended to read as follows:

26 1. A license possessed by an applicant from a state which
27 has not adopted the nurse licensure compact contained in
28 section 152E.1 or the advanced practice registered nurse
29 compact contained in section 152E.3 shall be recognized by the
30 board under conditions specified which indicate that the
31 licensee meets all the qualifications required under section
32 152.7. If a foreign license is recognized, the board may
33 issue a license by endorsement without an examination being
34 required. Recognition shall be based on whether the foreign
35 licensee is qualified to practice nursing. The board may

1 issue a temporary license to a natural person who has
2 completed the requirements of and applied for licensure by
3 endorsement. The board shall determine the length of time a
4 temporary license shall remain effective.

5 2. A license possessed by an applicant and issued by a
6 state which has adopted the nurse licensure compact contained
7 in section 152E.1 or the advanced practice registered nurse
8 compact contained in section 152E.3 shall be recognized
9 pursuant to the provisions of that section.

10 Sec. 7. Section 152.10, subsection 2, paragraph d,
11 subparagraph (2), Code 2005, is amended to read as follows:

12 (2) Having a license to practice nursing as a registered
13 nurse or licensed practical nurse revoked or suspended, or
14 having other disciplinary action taken, by a licensing
15 authority in another state which has adopted the nurse
16 licensure compact contained in section 152E.1 or the advanced
17 practice registered nurse compact contained in section 152E.3
18 and which has communicated information relating to such action
19 pursuant to the coordinated licensure information system
20 established by the compact. If the action taken by the
21 licensing authority occurs in a jurisdiction which does not
22 afford the procedural protections of chapter 17A, the licensee
23 may object to the communicated information and shall be
24 afforded the procedural protections of chapter 17A.

25 Sec. 8. Section 152E.2, unnumbered paragraph 1, Code 2005,
26 is amended to read as follows:

27 The executive director of the board of nursing, as provided
28 for in section 152.2, shall serve as the compact administrator
29 identified in article VIII, section a, of the nurse licensure
30 compact contained in section 152E.1 and as the compact
31 administrator identified in article VIII, section a, of the
32 advanced practice registered nurse licensure compact contained
33 in section 152E.3.

34 Sec. 9. NEW SECTION. 152E.3 FORM OF ADVANCED PRACTICE
35 REGISTERED NURSE COMPACT.

1 The advanced practice registered nurse compact is entered
2 into and enacted into law with all jurisdictions legally
3 joining therein, in the form substantially as follows:

4 ARTICLE I -- FINDINGS AND DECLARATION OF PURPOSE

5 a. The party states find all of the following:

6 1. The health and safety of the public are affected by the
7 degree of compliance with advanced practice registered nurse
8 licensure and practice requirements and the effectiveness of
9 enforcement activities related to state advanced practice
10 registered nurse license or authority to practice laws.

11 2. Violations of advanced practice registered nurse
12 licensure and practice and other laws regulating the practice
13 of nursing may result in injury or harm to the public.

14 3. The expanded mobility of advanced practice registered
15 nurses and the use of advanced communication technologies as
16 part of our nation's health care delivery system require
17 greater coordination and cooperation among states in the areas
18 of advanced practice registered nurse licensure and practice
19 requirements.

20 4. New practice modalities and technology make compliance
21 with individual state advanced practice registered nurse
22 licensure and practice requirements difficult and complex.

23 5. The current system of duplicative advanced practice
24 registered nurse licensure and practice requirements for
25 advanced practice registered nurses practicing in multiple
26 states is cumbersome and redundant to both advanced practice
27 registered nurses and states.

28 6. Uniformity of advanced practice registered nurse
29 requirements throughout the states promotes public safety and
30 public health benefits.

31 7. Access to advanced practice registered nurse services
32 increases the public's access to health care, particularly in
33 rural and underserved areas.

34 b. The general purposes of this compact are to:

35 1. Facilitate the states' responsibilities to protect the

1 public's health and safety.

2 2. Ensure and encourage the cooperation of party states in
3 the areas of advanced practice registered nurse licensure and
4 practice requirements including promotion of uniform licensure
5 requirements.

6 3. Facilitate the exchange of information between party
7 states in the areas of advanced practice registered nurse
8 regulation, investigation, and adverse actions.

9 4. Promote compliance with the laws governing advanced
10 practice registered nurse practice in each jurisdiction.

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

16 ARTICLE II -- DEFINITIONS

17 As used in this compact:

18 a. "Advanced practice registered nurse" means a nurse
19 anesthetist, nurse practitioner, nurse midwife, or clinical
20 nurse specialist to the extent a party state licenses or
21 grants authority to practice in that advanced practice
22 registered nurse role and title.

23 b. "Advanced practice registered nurse licensure and
24 practice requirements" means the regulatory mechanism used by
25 a party state to grant legal authority to practice as an
26 advanced practice registered nurse.

27 c. "Advanced practice registered nurse uniform license or
28 authority to practice requirements" means those minimum
29 uniform licensure, education, and examination requirements as
30 agreed to by the compact administrators and adopted by
31 licensing boards for the recognized advanced practice
32 registered nurse role and title.

33 d. "Adverse action" means a home or remote state action.

34 e. "Alternative program" means a voluntary,
35 nondisciplinary monitoring program approved by a nurse

1 licensing board.

2 f. "Coordinated licensure information system" means an
3 integrated process for collecting, storing, and sharing
4 information on advanced practice registered nurse licensure or
5 authority to practice and enforcement activities related to an
6 advanced practice registered nurse license or authority to
7 practice laws, which is administered by a nonprofit
8 organization composed of and controlled by state licensing
9 boards.

10 g. "Current significant investigative information" means
11 either of the following:

12 1. Investigative information that a licensing board, after
13 a preliminary inquiry that includes notification and an
14 opportunity for the advanced practice registered nurse to
15 respond if required by state law, has reason to believe is not
16 groundless and, if proved true, would indicate more than a
17 minor infraction.

18 2. Investigative information that indicates that the
19 advanced practice registered nurse represents an immediate
20 threat to public health and safety regardless of whether the
21 advanced practice registered nurse has been notified and had
22 an opportunity to respond.

23 h. "Home state" means the party state that is the advanced
24 practice registered nurse's primary state of residence.

25 i. "Home state action" means any administrative, civil,
26 equitable, criminal, or other action permitted by the home
27 state's laws which is imposed on an advanced practice
28 registered nurse by the home state's licensing board or other
29 authority, including actions against an individual's license
30 or authority to practice such as revocation, suspension,
31 probation, or any other action which affects an advanced
32 practice registered nurse's authorization to practice.

33 j. "Licensing board" means a party state's regulatory body
34 responsible for issuing advanced practice registered nurse
35 licensure or authority to practice.

1 k. "Multistate advanced practice privilege" means current
2 authority from a remote state permitting an advanced practice
3 registered nurse to practice in that state in the same role
4 and title as the advanced practice registered nurse is
5 licensed or authorized to practice in the home state to the
6 extent that the remote state laws recognize such advanced
7 practice registered nurse role and title. A party state has
8 the authority, in accordance with existing state due process
9 laws, to take action against the advanced practice registered
10 nurse's privilege, including revocation, suspension,
11 probation, or any other action that affects an advanced
12 practice registered nurse's multistate privilege to practice.

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

15 m. "Prescriptive authority" means the legal authority to
16 prescribe medications and devices as defined by party state
17 laws.

18 n. "Remote state" means a party state, other than the home
19 state, where either of the following applies:

20 1. Where the patient is located at the time advanced
21 practice registered nurse care is provided.

22 2. In the case of advanced practice registered nurse
23 practice not involving a patient, in such party state where
24 the recipient of advanced practice registered nurse care is
25 located.

26 o. "Remote state action" means either of the following:

27 1. Any administrative, civil, equitable, criminal, or
28 other action permitted by a remote state's laws which is
29 imposed on an advanced practice registered nurse by the remote
30 state's licensing board or other authority, including actions
31 against an individual's multistate advanced practice privilege
32 in the remote state.

33 2. Cease and desist and other injunctive or equitable
34 orders issued by remote states or the licensing boards of
35 remote states.

1 p. "State" means a state, territory, or possession of the
2 United States, the District of Columbia, or the Commonwealth
3 of Puerto Rico.

4 q. "State practice laws" means a party state's laws and
5 regulations that govern advanced practice registered nurse
6 practice, define the scope of advanced nursing practice,
7 including prescriptive authority, and create the methods and
8 grounds for imposing discipline. "State practice laws" does
9 not include the requirements necessary to obtain and retain
10 advanced practice registered nurse licensure or authority to
11 practice as an advanced practice registered nurse, except for
12 qualifications or requirements of the home state.

13 r. "Unencumbered" means that a state has no current
14 disciplinary action against an advanced practice registered
15 nurse's license or authority to practice.

16 ARTICLE III -- GENERAL PROVISIONS AND JURISDICTION

17 a. All party states shall participate in the nurse
18 licensure compact for registered nurses and licensed practical
19 or vocational nurses in order to enter into the advanced
20 practice registered nurse compact.

21 b. A state shall not enter the advanced practice
22 registered nurse compact until the state adopts, at a minimum,
23 the advanced practice registered nurse uniform license or
24 authority to practice requirements for each advanced practice
25 registered nurse role and title recognized by the state
26 seeking to enter the advanced practice registered nurse
27 compact.

28 c. Advanced practice registered nurse license or authority
29 to practice issued by a home state to a resident in that state
30 shall be recognized by each party state as authorizing a
31 multistate advanced practice privilege to the extent that the
32 role and title are recognized by each party state. To obtain
33 or retain advanced practice registered nurse licensure and
34 practice requirements as an advanced practice registered
35 nurse, an applicant must meet the home state's qualifications

1 for authority or renewal of authority as well as all other
2 applicable state laws.

3 d. The advanced practice registered nurse multistate
4 advanced practice privilege does not include prescriptive
5 authority, and does not affect any requirements imposed by
6 states to grant to an advanced practice registered nurse
7 initial and continuing prescriptive authority according to
8 state practice laws. However, a party state may grant
9 prescriptive authority to an individual on the basis of a
10 multistate advanced practice privilege to the extent permitted
11 by state practice laws.

12 e. A party state may, in accordance with state due process
13 laws, limit or revoke the multistate advanced practice
14 privilege in the party state and may take any other necessary
15 actions under the party state's applicable laws to protect the
16 health and safety of the party state's citizens. If a party
17 state takes action, the party state shall promptly notify the
18 administrator of the coordinated licensure information system.
19 The administrator of the coordinated licensure information
20 system shall promptly notify the home state of any such
21 actions by remote states.

22 f. An advanced practice registered nurse practicing in a
23 party state must comply with the state practice laws of the
24 state in which the patient is located at the time care is
25 provided. The advanced practice registered nurse practice
26 includes patient care and all advanced nursing practice
27 defined by the party state's practice laws. The advanced
28 practice registered nurse practice subjects an advanced
29 practice registered nurse to the jurisdiction of the licensing
30 board, the courts, and the laws of the party state.

31 g. Individuals not residing in a party state may apply for
32 an advanced practice registered nurse license or authority to
33 practice as an advanced practice registered nurse under the
34 laws of a party state. However, the authority to practice
35 granted to these individuals shall not be recognized as

1 granting the privilege to practice as an advanced practice
2 registered nurse in any other party state unless explicitly
3 agreed to by that party state.

4 ARTICLE IV -- APPLICATIONS FOR ADVANCED PRACTICE REGISTERED
5 NURSE LICENSURE OR AUTHORITY TO PRACTICE IN A PARTY STATE

6 a. Once an application for an advanced practice registered
7 nurse license or authority to practice is submitted, a party
8 state shall ascertain, through the coordinated licensure
9 information system, whether the applicant has held, or is the
10 holder of, a nursing license or authority to practice issued
11 by another state, whether the applicant has had a history of
12 previous disciplinary action by any state, whether an
13 encumbrance exists on any license or authority to practice,
14 and whether any other adverse action by any other state has
15 been taken against a license or authority to practice.

16 This information may be used in approving or denying an
17 application for an advanced practice registered nurse license
18 or authority to practice.

19 b. An advanced practice registered nurse in a party state
20 shall hold an advanced practice registered nurse license or
21 authority to practice in only one party state at a time,
22 issued by the home state.

23 c. An advanced practice registered nurse who intends to
24 change the nurse's primary state of residence may apply for an
25 advanced practice registered nurse license or authority to
26 practice in the new home state in advance of such change.
27 However, a new license or authority to practice shall not be
28 issued by a party state until after an advanced practice
29 registered nurse provides evidence of change in the nurse's
30 primary state of residence satisfactory to the new home
31 state's licensing board.

32 d. 1. If an advanced practice registered nurse changes
33 the nurse's primary state of residence by moving between two
34 party states, and obtains an advanced practice registered
35 nurse license or authority to practice from the new home

1 state, the advanced practice registered nurse license or
2 authority to practice from the former home state is no longer
3 valid.

4 2. If an advanced practice registered nurse changes the
5 nurse's primary state of residence by moving from a nonparty
6 state to a party state, and obtains an advanced practice
7 registered nurse license or authority to practice from the new
8 home state, the individual state license issued by the
9 nonparty state is not affected and shall remain in full force
10 if so provided by the laws of the nonparty state.

11 3. If an advanced practice registered nurse changes the
12 nurse's primary state of residence by moving from a party
13 state to a nonparty state, the advanced practice registered
14 nurse license or authority to practice issued by the prior
15 home state converts to an individual state license, valid only
16 in the former home state, without the multistate licensure
17 privilege to practice in other party states.

18 ARTICLE V -- ADVERSE ACTIONS

19 In addition to the general provisions described in article
20 III, the following provisions apply:

21 a. The licensing board of a remote state shall promptly
22 report to the administrator of the coordinated licensure
23 information system any remote state actions, including the
24 factual and legal basis for such action, if known. The
25 licensing board of a remote state shall also promptly report
26 any significant current investigative information yet to
27 result in a remote state action. The administrator of the
28 coordinated licensure information system shall promptly notify
29 the home state of any such reports.

30 b. The licensing board of a party state shall have the
31 authority to complete any pending investigations for an
32 advanced practice registered nurse who changes the nurse's
33 primary state of residence during the course of such
34 investigations. It shall also have the authority to take
35 appropriate action and shall promptly report the conclusions

1 of such investigations to the administrator of the coordinated
2 licensure information system. The administrator of the
3 coordinated licensure information system shall promptly notify
4 the new home state of any such actions.

5 c. A remote state may take adverse action affecting the
6 multistate advanced practice privilege to practice within that
7 party state. However, only the home state shall have the
8 power to impose adverse action against the advanced practice
9 registered nurse license or authority to practice issued by
10 the home state.

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

17 e. The home state may take adverse action based on the
18 factual findings of the remote state, so long as each state
19 follows its own procedures for imposing such adverse action.

20 f. Nothing in this compact shall override a party state's
21 decision that participation in an alternative program may be
22 used in lieu of adverse action and that such participation
23 shall remain nonpublic if required by the party state's laws.
24 Party states must require advanced practice registered nurses
25 who enter any alternative programs to agree not to practice in
26 any other party state during the term of the alternative
27 program without prior authorization from such other party
28 state.

29 g. All home state licensing board disciplinary orders,
30 agreed to or otherwise, which limit the scope of the advanced
31 practice registered nurse's practice or require monitoring of
32 the advanced practice registered nurse as a condition of the
33 order shall include the requirements that the advanced
34 practice registered nurse will limit the nurse's practice to
35 the home state during the pendency of the order. This

1 requirement may allow the advanced practice registered nurse
2 to practice in other party states with prior written
3 authorization from both the home state and party state
4 licensing boards.

5 ARTICLE VI -- ADDITIONAL AUTHORITIES INVESTED IN
6 PARTY STATE LICENSING BOARDS

7 Notwithstanding any other powers, party state licensing
8 boards shall have the authority to do all of the following:

9 a. If otherwise permitted by state law, recover from the
10 affected advanced practice registered nurse the costs of
11 investigations and disposition of cases resulting from any
12 adverse action taken against that advanced practice registered
13 nurse.

14 b. Issue subpoenas for both hearings and investigations
15 which require the attendance and testimony of witnesses, and
16 the production of evidence. Subpoenas issued by a licensing
17 board in a party state for the attendance and testimony of
18 witnesses, or the production of evidence from another party
19 state, shall be enforced in the latter state by any court of
20 competent jurisdiction, according to the practice and
21 procedure of that court applicable to subpoenas issued in
22 proceedings pending before it. The issuing authority shall
23 pay any witness fees, travel expenses, mileage, and other fees
24 required by the service statutes of the state where the
25 witnesses or evidence is located.

26 c. Issue cease and desist orders to limit or revoke an
27 advanced practice registered nurse's privilege, license, or
28 authority to practice in the state.

29 d. Promulgate uniform rules and regulations as provided
30 for in article VIII, section c.

31 ARTICLE VII -- COORDINATED LICENSURE INFORMATION SYSTEM

32 a. All party states shall participate in a cooperative
33 effort to create a coordinated database of all advanced
34 practice registered nurses. This system shall include
35 information on the advanced practice registered nurse

1 licensure and practice requirements and disciplinary history
2 of each advanced practice registered nurse, as contributed by
3 party states, to assist in the coordination of the advanced
4 practice registered nurse licensure or authority to practice
5 and enforcement efforts.

6 b. Notwithstanding any other provision of law, all party
7 states' licensing boards shall promptly report adverse
8 actions, actions against multistate advanced practice
9 privileges, any current significant investigative information
10 yet to result in adverse action, denials of applications, and
11 the reasons for such denials, to the coordinated licensure
12 information system.

13 c. Current significant investigative information shall be
14 transmitted through the coordinated licensure information
15 system only to party state licensing boards.

16 d. Notwithstanding any other provision of law, all party
17 states' licensing boards contributing information to the
18 coordinated licensure information system may designate
19 information that shall not be shared with nonparty states or
20 disclosed to other entities or individuals without the express
21 permission of the contributing state.

22 e. Any personally identifiable information obtained by a
23 party state's licensing board from the coordinated licensure
24 information system shall not be shared with nonparty states or
25 disclosed to other entities or individuals except to the
26 extent permitted by the laws of the party state contributing
27 the information.

28 f. Any information contributed to the coordinated
29 licensure information system that is subsequently required to
30 be expunged by the laws of the party state contributing that
31 information shall also be expunged from the coordinated
32 licensure information system.

33 g. The compact administrators, acting jointly with each
34 other and in consultation with the administrator of the
35 coordinated licensure information system, shall formulate

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

3 ARTICLE VIII -- COMPACT ADMINISTRATION AND

4 INTERCHANGE OF INFORMATION

5 a. The head of the licensing board, or the head's
6 designee, of each party state shall be the administrator of
7 this compact for the head's state.

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

15 c. Compact administrators shall have the authority to
16 develop uniform rules to facilitate and coordinate
17 implementation of this compact. These uniform rules shall be
18 adopted by party states, under the authority invested under
19 article VI, section d.

20 ARTICLE IX -- IMMUNITY

21 A party state or the officers or employees or agents of a
22 party state's licensing board who acts in accordance with the
23 provisions of this compact shall not be liable on account of
24 any act or omission in good faith while engaged in the
25 performance of their duties under this compact. Good faith in
26 this article shall not include willful misconduct, gross
27 negligence, or recklessness.

28 ARTICLE X -- ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

29 a. This compact shall enter into force and become
30 effective as to any state when it has been enacted into the
31 laws of that state. Any party state may withdraw from this
32 compact by enacting a statute repealing the same, but such
33 withdrawal shall not take effect until six months after the
34 withdrawing state has given notice of the withdrawal to the
35 executive heads of all other party states.

1 b. Withdrawal shall not affect the validity or
2 applicability by the licensing boards of states remaining
3 party to the compact of any report of adverse action occurring
4 prior to the withdrawal.

5 c. This compact shall not be construed to invalidate or
6 prevent any advanced practice registered nurse licensure or
7 authority to practice agreement or other cooperative
8 arrangement between a party state and a nonparty state that is
9 made in accordance with the other provisions of this compact.

10 d. This compact may be amended by the party states. An
11 amendment to this compact shall not become effective and
12 binding upon the party states unless and until it is enacted
13 into the laws of all party states.

14 ARTICLE XI -- CONSTRUCTION AND SEVERABILITY

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

30 b. 1. In the event party states find a need for settling
31 disputes arising under this compact, the party states may
32 submit the issues in dispute to an arbitration panel which
33 shall be comprised of an individual appointed by the compact
34 administrator in the home state, an individual appointed by
35 the compact administrator in the remote state or states

1 involved, and an individual mutually agreed upon by the
2 compact administrators of all the party states involved in the
3 dispute.

4 2. The decision of a majority of the arbitrators shall be
5 final and binding.

6 Sec. 10. Section 272C.6, subsection 4, unnumbered
7 paragraph 1, Code 2005, is amended to read as follows:

8 In order to assure a free flow of information for
9 accomplishing the purposes of this section, and
10 notwithstanding section 622.10, all complaint files,
11 investigation files, other investigation reports, and other
12 investigative information in the possession of a licensing
13 board or peer review committee acting under the authority of a
14 licensing board or its employees or agents which relates to
15 licensee discipline are privileged and confidential, and are
16 not subject to discovery, subpoena, or other means of legal
17 compulsion for their release to a person other than the
18 licensee and the boards, their employees and agents involved
19 in licensee discipline, and are not admissible in evidence in
20 a judicial or administrative proceeding other than the
21 proceeding involving licensee discipline. However,
22 investigative information in the possession of a licensing
23 board or its employees or agents which relates to licensee
24 discipline may be disclosed to appropriate licensing
25 authorities within this state, the appropriate licensing
26 authority in another state, the coordinated licensure
27 information system provided for in the nurse licensure compact
28 contained in section 152E.1 or the advanced practice
29 registered nurse compact contained in section 152E.3, the
30 District of Columbia, or a territory or country in which the
31 licensee is licensed or has applied for a license. If the
32 investigative information in the possession of a licensing
33 board or its employees or agents indicates a crime has been
34 committed, the information shall be reported to the proper law
35 enforcement agency. However, a final written decision and

1 finding of fact of a licensing board in a disciplinary
2 proceeding, including a decision referred to in section
3 272C.3, subsection 4, is a public record.

4 Sec. 11. REPEAL. This Act is repealed effective July 1,
5 2008.

6 EXPLANATION

7 This bill provides for the adoption of the advanced
8 practitioner registered nurse (APRN) compact. This compact is
9 similar to the nurse license compact enacted as Iowa Code
10 chapter 152E effective July 1, 2000. These compacts are in
11 essence multistate agreements that create a type of regional
12 license. When a state joins a compact, by adding the compact
13 to its statutes, the nurses who hold a license in the member
14 state may practice in other compact states subject to each
15 state's practice law and rules. An advanced practice
16 registered nurse is a registered nurse with advanced training
17 and education that allows the nurse to practice as a nurse
18 anesthetist, nurse practitioner, nurse midwife, or clinical
19 nurse specialist.

20 The compact is divided into several articles. Article I
21 provides statements of findings and declarations of purpose.
22 The article outlines in law the reasons justifying a
23 multistate license.

24 Article II of the compact provides a definition section.

25 Article III sets out the jurisdiction of the compact. It
26 sets out the principle that licensure to practice as an APRN
27 issued by a home state to a resident in that state will be
28 recognized by each party state as authorizing a multistate
29 APRN practice privilege, but only to the extent that the role
30 is recognized by each party state.

31 Article IV deals with applications for licensure, providing
32 that an application shall be acted upon based on information
33 collected within a coordinated licensure information system.
34 The coordinated licensure information system is defined in the
35 bill as an integrated process for collecting, storing, and

1 sharing information on APRN licensure and enforcement
2 activities related to licensure laws.

3 Article V of the compact relates to adverse actions, known
4 as disciplinary actions in Iowa licensure laws. This article
5 relates to the reporting of adverse actions impacting an
6 APRN's licensure to the coordinated licensure information
7 system.

8 Article VI relates to the authority of party state APRN
9 licensing boards with regard to adverse actions against
10 licensed nurses.

11 Article VII relates to the operation of the coordinated
12 licensure information system.

13 The remaining articles primarily relate to administrative
14 and procedural aspects of the compact's operation, and provide
15 effective and withdrawal date provisions and provisions for
16 amendment by an individual party state.

17 The bill makes conforming changes in the Code chapters
18 dealing with health profession regulation and licensure, the
19 practice of nursing, and general professional regulation and
20 licensure.

21 The provisions of this bill are repealed July 1, 2008.

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*Upmeyer
Freeman
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0784

HSB 251
HUMAN RESOURCES

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON UPMEYER)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to establish an advanced practice registered nurse compact
2 and including a future repeal.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.2, unnumbered paragraph 2, Code
2 2005, is amended to read as follows:

3 For purposes of this section, a person who is licensed in
4 another state and recognized for licensure in this state
5 pursuant to the nurse licensure compact contained in section
6 152E.1 or pursuant to the advanced practice registered nurse
7 compact contained in section 152E.3 shall be considered to
8 have obtained a license to practice nursing from the
9 department.

10 Sec. 2. Section 147.5, unnumbered paragraph 2, Code 2005,
11 is amended to read as follows:

12 This section shall not apply to a person who is licensed in
13 another state and recognized for licensure in this state
14 pursuant to the nurse licensure compact contained in section
15 152E.1 or pursuant to the advanced practice registered nurse
16 compact contained in section 152E.3.

17 Sec. 3. Section 147.7, unnumbered paragraph 2, Code 2005,
18 is amended to read as follows:

19 This section shall not apply to a person who is licensed in
20 another state and recognized for licensure in this state
21 pursuant to the nurse licensure compact contained in section
22 152E.1 or pursuant to the advanced practice registered nurse
23 compact contained in section 152E.3. A person licensed in
24 another state and recognized for licensure in this state
25 pursuant to the compact shall, however, maintain a copy of a
26 license issued by the person's home state available for
27 inspection when engaged in the practice of nursing in this
28 state.

29 Sec. 4. Section 152.6, Code 2005, is amended to read as
30 follows:

31 152.6 LICENSES -- PROFESSIONAL ABBREVIATIONS.

32 The board may license a natural person to practice as a
33 registered nurse or as a licensed practical nurse. However,
34 only a person currently licensed as a registered nurse in this
35 state may use that title and the abbreviation "RN" after the

1 person's name and only a person currently licensed as a
2 licensed practical nurse in this state may use that title and
3 the abbreviation "LPN" after the person's name. For purposes
4 of this section, "currently licensed" includes persons
5 licensed in another state and recognized for licensure in this
6 state pursuant to the nurse licensure compact contained in
7 section 152E.1 or pursuant to the advanced practice registered
8 nurse compact contained in section 152E.3.

9 Sec. 5. Section 152.7, unnumbered paragraph 2, Code 2005,
10 is amended to read as follows:

11 For purposes of licensure pursuant to the nurse licensure
12 compact contained in section 152E.1 or pursuant to the
13 advanced practice registered nurse compact contained in
14 section 152E.3, the compact administrator may refuse to accept
15 a change in the qualifications for licensure as a registered
16 nurse or as a licensed practical or vocational nurse by a
17 licensing authority in another state which is a party to the
18 compact which substantially modifies that state's
19 qualifications for licensure in effect on July 1, 2000. A
20 refusal to accept a change in a party state's qualifications
21 for licensure may result in submitting the issue to an
22 arbitration panel or in withdrawal from the compact, at the
23 discretion of the compact administrator.

24 Sec. 6. Section 152.8, subsections 1 and 2, Code 2005, are
25 amended to read as follows:

26 1. A license possessed by an applicant from a state which
27 has not adopted the nurse licensure compact contained in
28 section 152E.1 or the advanced practice registered nurse
29 compact contained in section 152E.3 shall be recognized by the
30 board under conditions specified which indicate that the
31 licensee meets all the qualifications required under section
32 152.7. If a foreign license is recognized, the board may
33 issue a license by endorsement without an examination being
34 required. Recognition shall be based on whether the foreign
35 licensee is qualified to practice nursing. The board may

1 issue a temporary license to a natural person who has
2 completed the requirements of and applied for licensure by
3 endorsement. The board shall determine the length of time a
4 temporary license shall remain effective.

5 2. A license possessed by an applicant and issued by a
6 state which has adopted the nurse licensure compact contained
7 in section 152E.1 or the advanced practice registered nurse
8 compact contained in section 152E.3 shall be recognized
9 pursuant to the provisions of that section.

10 Sec. 7. Section 152.10, subsection 2, paragraph d,
11 subparagraph (2), Code 2005, is amended to read as follows:

12 (2) Having a license to practice nursing as a registered
13 nurse or licensed practical nurse revoked or suspended, or
14 having other disciplinary action taken, by a licensing
15 authority in another state which has adopted the nurse
16 licensure compact contained in section 152E.1 or the advanced
17 practice registered nurse compact contained in section 152E.3
18 and which has communicated information relating to such action
19 pursuant to the coordinated licensure information system
20 established by the compact. If the action taken by the
21 licensing authority occurs in a jurisdiction which does not
22 afford the procedural protections of chapter 17A, the licensee
23 may object to the communicated information and shall be
24 afforded the procedural protections of chapter 17A.

25 Sec. 8. Section 152E.2, unnumbered paragraph 1, Code 2005,
26 is amended to read as follows:

27 The executive director of the board of nursing, as provided
28 for in section 152.2, shall serve as the compact administrator
29 identified in article VIII, section a, of the nurse licensure
30 compact contained in section 152E.1 and as the compact
31 administrator identified in article VIII, section a, of the
32 advanced practice registered nurse licensure compact contained
33 in section 152E.3.

34 Sec. 9. NEW SECTION. 152E.3 FORM OF ADVANCED PRACTICE
35 REGISTERED NURSE COMPACT.

1 The advanced practice registered nurse compact is entered
2 into and enacted into law with all jurisdictions legally
3 joining therein, in the form substantially as follows:

4 ARTICLE I -- FINDINGS AND DECLARATION OF PURPOSE

5 a. The party states find all of the following:

6 1. The health and safety of the public are affected by the
7 degree of compliance with advanced practice registered nurse
8 licensure and practice requirements and the effectiveness of
9 enforcement activities related to state advanced practice
10 registered nurse license or authority to practice laws.

11 2. Violations of advanced practice registered nurse
12 licensure and practice and other laws regulating the practice
13 of nursing may result in injury or harm to the public.

14 3. The expanded mobility of advanced practice registered
15 nurses and the use of advanced communication technologies as
16 part of our nation's health care delivery system require
17 greater coordination and cooperation among states in the areas
18 of advanced practice registered nurse licensure and practice
19 requirements.

20 4. New practice modalities and technology make compliance
21 with individual state advanced practice registered nurse
22 licensure and practice requirements difficult and complex.

23 5. The current system of duplicative advanced practice
24 registered nurse licensure and practice requirements for
25 advanced practice registered nurses practicing in multiple
26 states is cumbersome and redundant to both advanced practice
27 registered nurses and states.

28 6. Uniformity of advanced practice registered nurse
29 requirements throughout the states promotes public safety and
30 public health benefits.

31 7. Access to advanced practice registered nurse services
32 increases the public's access to health care, particularly in
33 rural and underserved areas.

34 b. The general purposes of this compact are to:

35 1. Facilitate the states' responsibilities to protect the

1 public's health and safety.

2 2. Ensure and encourage the cooperation of party states in
3 the areas of advanced practice registered nurse licensure and
4 practice requirements including promotion of uniform licensure
5 requirements.

6 3. Facilitate the exchange of information between party
7 states in the areas of advanced practice registered nurse
8 regulation, investigation, and adverse actions.

9 4. Promote compliance with the laws governing advanced
10 practice registered nurse practice in each jurisdiction.

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

16 ARTICLE II -- DEFINITIONS

17 As used in this compact:

18 a. "Advanced practice registered nurse" means a nurse
19 anesthetist, nurse practitioner, nurse midwife, or clinical
20 nurse specialist to the extent a party state licenses or
21 grants authority to practice in that advanced practice
22 registered nurse role and title.

23 b. "Advanced practice registered nurse licensure and
24 practice requirements" means the regulatory mechanism used by
25 a party state to grant legal authority to practice as an
26 advanced practice registered nurse.

27 c. "Advanced practice registered nurse uniform license or
28 authority to practice requirements" means those minimum
29 uniform licensure, education, and examination requirements as
30 agreed to by the compact administrators and adopted by
31 licensing boards for the recognized advanced practice
32 registered nurse role and title.

33 d. "Adverse action" means a home or remote state action.

34 e. "Alternative program" means a voluntary,
35 nondisciplinary monitoring program approved by a nurse

1 licensing board.

2 f. "Coordinated licensure information system" means an
3 integrated process for collecting, storing, and sharing
4 information on advanced practice registered nurse licensure
5 and practice requirements and enforcement activities related
6 to an advanced practice registered nurse license or authority
7 to practice laws, which is administered by a nonprofit
8 organization composed of and controlled by state licensing
9 boards.

10 g. "Current significant investigative information" means
11 either of the following:

12 1. Investigative information that a licensing board, after
13 a preliminary inquiry that includes notification and an
14 opportunity for the advanced practice registered nurse to
15 respond if required by state law, has reason to believe is not
16 groundless and, if proved true, would indicate more than a
17 minor infraction.

18 2. Investigative information that indicates that the
19 advanced practice registered nurse represents an immediate
20 threat to public health and safety regardless of whether the
21 advanced practice registered nurse has been notified and had
22 an opportunity to respond.

23 h. "Home state" means the party state that is the advanced
24 practice registered nurse's primary state of residence.

25 i. "Home state action" means any administrative, civil,
26 equitable, equitable, criminal, or other action permitted by
27 the home state's laws which is imposed on an advanced practice
28 registered nurse by the home state's licensing board or other
29 authority, including actions against an individual's license
30 or authority to practice such as revocation, suspension,
31 probation, or any other action which affects an advanced
32 practice registered nurse's authorization to practice.

33 j. "Licensing board" means a party state's regulatory body
34 responsible for issuing advanced practice registered nurse
35 licensure and practice requirements.

1 k. "Multistate advanced practice privilege" means current
2 authority from a remote state permitting an advanced practice
3 registered nurse to practice in that state in the same role
4 and title as the advanced practice registered nurse is
5 licensed and authorized to practice in the home state to the
6 extent that the remote state laws recognize such advanced
7 practice registered nurse role and title. A party state has
8 the authority, in accordance with existing state due process
9 laws, to take actions against the advanced practice registered
10 nurse's privilege, including revocation, suspension,
11 probation, or any other action that affects an advanced
12 practice registered nurse's multistate privilege to practice.

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

15 m. "Prescriptive authority" means the legal authority to
16 prescribe medications and devices as defined by party state
17 laws.

18 n. "Remote state" means a party state, other than the home
19 state, where either of the following applies:

20 1. Where the patient is located at the time advanced
21 practice registered nurse care is provided.

22 2. In the case of advanced practice registered nurse
23 practice not involving a patient, in such party state where
24 the recipient of advanced practice registered nurse care is
25 located.

26 o. "Remote state action" means either of the following:

27 1. Any administrative, civil, equitable, criminal, or
28 other action permitted by a remote state's laws which is
29 imposed on an advanced practice registered nurse by the remote
30 state's licensing board or other authority, including actions
31 against an individual's multistate advanced practice privilege
32 in the remote state.

33 2. Cease and desist and other injunctive or equitable
34 orders issued by remote states or the licensing boards of
35 remote states.

1 p. "State" means a state, territory, or possession of the
2 United States, the District of Columbia, or the Commonwealth
3 of Puerto Rico.

4 q. "State practice laws" means a party state's laws and
5 regulations that govern advanced practice registered nurse
6 practice, define the scope of advanced nursing practice,
7 including prescriptive authority, and create the methods and
8 grounds for imposing discipline. "State practice laws" does
9 not include the requirements necessary to obtain and retain
10 advanced practice registered nurse licensure and practice
11 requirements as an advanced practice registered nurse, except
12 for qualifications or requirements of the home state.

13 r. "Unencumbered" means that a state has no current
14 disciplinary action against an advanced practice registered
15 nurse's license or authority to practice.

16 ARTICLE III -- GENERAL PROVISIONS AND JURISDICTION

17 a. All party states shall participate in the nurse
18 licensure compact for registered nurses and licensed practical
19 or vocational nurses in order to enter into the advanced
20 practice registered nurse compact.

21 b. A state shall not enter the advanced practice
22 registered nurse compact until the state adopts, at a minimum,
23 the advanced practice registered nurse uniform license or
24 authority to practice requirements for each advanced practice
25 registered nurse role and title recognized by the state
26 seeking to enter the advanced practice registered nurse
27 compact.

28 c. Advanced practice registered nurse license or authority
29 to practice issued by a home state to a resident in that state
30 shall be recognized by each party state as authorizing a
31 multistate advanced practice privilege to the extent that the
32 role and title are recognized by each party state. To obtain
33 or retain advanced practice registered nurse licensure and
34 practice requirements as an advanced practice registered
35 nurse, an applicant must meet the home state's qualifications

1 for authority or renewal of authority as well as all other
2 applicable state laws.

3 d. The advanced practice registered nurse multistate
4 advanced practice privilege does not include prescriptive
5 authority, and does not affect any requirements imposed by
6 states to grant to an advanced practice registered nurse
7 initial and continuing prescriptive authority according to
8 state practice laws. However, a party state may grant
9 prescriptive authority to an individual on the basis of a
10 multistate advanced practice privilege to the extent permitted
11 by state practice laws.

12 e. A party state may, in accordance with state due process
13 laws, limit or revoke the multistate advanced practice
14 privilege in the party state and may take any other necessary
15 actions under the party state's applicable laws to protect the
16 health and safety of the party state's citizens. If a party
17 state takes action, the party state shall promptly notify the
18 administrator of the coordinated licensure information system.
19 The administrator of the coordinated licensure information
20 system shall promptly notify the home state of any such
21 actions by remote states.

22 f. An advanced practice registered nurse practicing in a
23 party state must comply with the state practice laws of the
24 state in which the patient is located at the time care is
25 provided. The advanced practice registered nurse practice
26 includes patient care and all advanced nursing practice
27 defined by the party state's practice laws. The advanced
28 practice registered nurse practice subjects an advanced
29 practice registered nurse to the jurisdiction of the licensing
30 board, the courts, and the laws of the party state.

31 g. Individuals not residing in a party state may apply for
32 an advanced practice registered nurse license or authority to
33 practice as an advanced practice registered nurse under the
34 laws of a party state. However, the authority to practice
35 granted to these individuals shall not be recognized as

1 granting the privilege to practice as an advanced practice
2 registered nurse in any other party state unless explicitly
3 agreed to by that party state.

4 ARTICLE IV -- APPLICATIONS FOR ADVANCED PRACTICE REGISTERED
5 NURSE LICENSURE OR AUTHORITY TO PRACTICE IN A PARTY STATE

6 a. Once an application for an advanced practice registered
7 nurse license or authority to practice is submitted, a party
8 state shall ascertain, through the coordinated licensure
9 information system, whether the applicant has held, or is the
10 holder of, a nursing license or authority to practice issued
11 by another state, whether the applicant has had a history of
12 previous disciplinary action by any state, whether an
13 encumbrance exists on any license or authority to practice,
14 and whether any other adverse action by any other state has
15 been taken against a license or authority to practice.

16 This information may be used in approving or denying an
17 application for an advanced practice registered nurse license
18 or authority to practice.

19 b. An advanced practice registered nurse in a party state
20 shall hold an advanced practice registered nurse license or
21 authority to practice in only one party state at a time,
22 issued by the home state.

23 c. An advanced practice registered nurse who intends to
24 change the nurse's primary state of residence may apply for an
25 advanced practice registered nurse license or authority to
26 practice in the new home state in advance of such change.
27 However, a new license or authority to practice shall not be
28 issued by a party state until after an advanced practice
29 registered nurse provides evidence of change in the nurse's
30 primary state of residence satisfactory to the new home
31 state's licensing board.

32 d. 1. If an advanced practice registered nurse changes
33 the nurse's primary state of residence by moving between two
34 party states, and obtains an advanced practice registered
35 nurse license or authority to practice from the new home

1 state, the advanced practice registered nurse license or
2 authority to practice from the former home state is no longer
3 valid.

4 2. If an advanced practice registered nurse changes the
5 nurse's primary state of residence by moving from a nonparty
6 state to a party state, and obtains an advanced practice
7 registered nurse license or authority to practice from the new
8 home state, the individual state license issued by the
9 nonparty state is not affected and shall remain in full force
10 if so provided by the laws of the nonparty state.

11 3. If an advanced practice registered nurse changes the
12 nurse's primary state of residence by moving from a party
13 state to a nonparty state, the advanced practice registered
14 nurse license or authority to practice issued by the prior
15 home state converts to an individual state license, valid only
16 in the former home state, without the multistate licensure
17 privilege to practice in other party states.

18 ARTICLE V -- ADVERSE ACTIONS

19 In addition to the general provisions described in article
20 III, the following provisions apply:

21 a. The licensing board of a remote state shall promptly
22 report to the administrator of the coordinated licensure
23 information system any remote state actions, including the
24 factual and legal basis for such action, if known. The
25 licensing board of a remote state shall also promptly report
26 any significant current investigative information yet to
27 result in a remote state action. The administrator of the
28 coordinated licensure information system shall promptly notify
29 the home state of any such reports.

30 b. The licensing board of a party state shall have the
31 authority to complete any pending investigations for an
32 advanced practice registered nurse who changes the nurse's
33 primary state of residence during the course of such
34 investigations. It shall also have the authority to take
35 appropriate action and shall promptly report the conclusions

1 of such investigations to the administrator of the coordinated
2 licensure information system. The administrator of the
3 coordinated licensure information system shall promptly notify
4 the new home state of any such actions.

5 c. A remote state may take adverse action affecting the
6 multistate advanced practice privilege to practice within that
7 party state. However, only the home state shall have the
8 power to impose adverse action against the advanced practice
9 registered nurse license or authority to practice issued by
10 the home state.

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

17 e. The home state may take adverse action based on the
18 factual findings of the remote state, so long as each state
19 follows its own procedures for imposing such adverse action.

20 f. Nothing in this compact shall override a party state's
21 decision that participation in an alternative program may be
22 used in lieu of adverse action and that such participation
23 shall remain nonpublic if required by the party state's laws.
24 Party states must require advanced practice registered nurses
25 who enter any alternative programs to agree not to practice in
26 any other party state during the term of the alternative
27 program without prior authorization from such other party
28 state.

29 g. All home state licensing board disciplinary orders,
30 agreed to or otherwise, which limit the scope of the advanced
31 practice registered nurse's practice or require monitoring of
32 the advanced practice registered nurse as a condition of the
33 order shall include the requirements that the advanced
34 practice registered nurse will limit the nurse's practice to
35 the home state during the pendency of the order. This

1 requirement may allow the advanced practice registered nurse
2 to practice in other party states with prior written
3 authorization from both the home state and party state
4 licensing boards.

5 ARTICLE VI -- ADDITIONAL AUTHORITIES INVESTED IN
6 PARTY STATE LICENSING BOARDS

7 Notwithstanding any other powers, party state licensing
8 boards shall have the authority to do all of the following:

9 a. If otherwise permitted by state law, recover from the
10 affected advanced practice registered nurse the costs of
11 investigations and disposition of cases resulting from any
12 adverse action taken against that advanced practice registered
13 nurse.

14 b. Issue subpoenas for both hearings and investigations
15 which require the attendance and testimony of witnesses, and
16 the production of evidence. Subpoenas issued by a licensing
17 board in a party state for the attendance and testimony of
18 witnesses, or the production of evidence from another party
19 state, shall be enforced in the latter state by any court of
20 competent jurisdiction, according to the practice and
21 procedure of that court applicable to subpoenas issued in
22 proceedings pending before it. The issuing authority shall
23 pay any witness fees, travel expenses, mileage, and other fees
24 required by the service statutes of the state where the
25 witnesses or evidence is located.

26 c. Issue cease and desist orders to limit or revoke an
27 advanced practice registered nurse's privilege, license, or
28 authority to practice in the state.

29 d. Promulgate uniform rules and regulations as provided
30 for in article VIII, section c.

31 ARTICLE VII -- COORDINATED LICENSURE INFORMATION SYSTEM

32 a. All party states shall participate in a cooperative
33 effort to create a coordinated database of all advanced
34 practice registered nurses. This system shall include
35 information on the advanced practice registered nurse

1 licensure and practice requirements and disciplinary history
2 of each advanced practice registered nurse, as contributed by
3 party states, to assist in the coordination of the advanced
4 practice registered nurse licensure or authority to practice
5 and enforcement efforts.

6 b. Notwithstanding any other provision of law, all party
7 states' licensing boards shall promptly report adverse
8 actions, actions against multistate advanced practice
9 privileges, any current significant investigative information
10 yet to result in adverse action, denials of applications, and
11 the reasons for such denials, to the coordinated licensure
12 information system.

13 c. Current significant investigative information shall be
14 transmitted through the coordinated licensure information
15 system only to party state licensing boards.

16 d. Notwithstanding any other provision of law, all party
17 states' licensing boards contributing information to the
18 coordinated licensure information system may designate
19 information that shall not be shared with nonparty states or
20 disclosed to other entities or individuals without the express
21 permission of the contributing state.

22 e. Any personally identifiable information obtained by a
23 party state's licensing board from the coordinated licensure
24 information system shall not be shared with nonparty states or
25 disclosed to other entities or individuals except to the
26 extent permitted by the laws of the party state contributing
27 the information.

28 f. Any information contributed to the coordinated
29 licensure information system that is subsequently required to
30 be expunged by the laws of the party state contributing that
31 information shall also be expunged from the coordinated
32 licensure information system.

33 g. The compact administrators, acting jointly with each
34 other and in consultation with the administrator of the
35 coordinated licensure information system, shall formulate

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

3 ARTICLE VIII -- COMPACT ADMINISTRATION AND
4 INTERCHANGE OF INFORMATION

5 a. The head of the licensing board, or the head's
6 designee, of each party state shall be the administrator of
7 this compact for the head's state.

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

15 c. Compact administrators shall have the authority to
16 develop uniform rules to facilitate and coordinate
17 implementation of this compact. These uniform rules shall be
18 adopted by party states, under the authority invested under
19 article VI, section d.

20 ARTICLE IX -- IMMUNITY

21 A party state or the officers or employees or agents of a
22 party state's licensing board who acts in accordance with the
23 provisions of this compact shall not be liable on account of
24 any act or omission in good faith while engaged in the
25 performance of their duties under this compact. Good faith in
26 this article shall not include willful misconduct, gross
27 negligence, or recklessness.

28 ARTICLE X -- ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

29 a. This compact shall enter into force and become
30 effective as to any state when it has been enacted into the
31 laws of that state. Any party state may withdraw from this
32 compact by enacting a statute repealing the same, but such
33 withdrawal shall not take effect until six months after the
34 withdrawing state has given notice of the withdrawal to the
35 executive heads of all other party states.

1 b. Withdrawal shall not affect the validity or
2 applicability by the licensing boards of states remaining
3 party to the compact of any report of adverse action occurring
4 prior to the withdrawal.

5 c. This compact shall not be construed to invalidate or
6 prevent any advanced practice registered nurse licensure or
7 authority to practice agreement or other cooperative
8 arrangement between a party state and a nonparty state that is
9 made in accordance with the other provisions of this compact.

10 d. This compact may be amended by the party states. An
11 amendment to this compact shall not become effective and
12 binding upon the party states unless and until it is enacted
13 into the laws of all party states.

14 ARTICLE XI -- CONSTRUCTION AND SEVERABILITY

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

30 b. 1. In the event party states find a need for settling
31 disputes arising under this compact, the party states may
32 submit the issues in dispute to an arbitration panel which
33 shall be comprised of an individual appointed by the compact
34 administrator in the home state, an individual appointed by
35 the compact administrator in the remote state or states

1 involved, and an individual mutually agreed upon by the
2 compact administrators of all the party states involved in the
3 dispute.

4 2. The decision of a majority of the arbitrators shall be
5 final and binding.

6 Sec. 10. Section 272C.6, subsection 4, unnumbered
7 paragraph 1, Code 2005, is amended to read as follows:

8 In order to assure a free flow of information for
9 accomplishing the purposes of this section, and
10 notwithstanding section 622.10, all complaint files,
11 investigation files, other investigation reports, and other
12 investigative information in the possession of a licensing
13 board or peer review committee acting under the authority of a
14 licensing board or its employees or agents which relates to
15 licensee discipline are privileged and confidential, and are
16 not subject to discovery, subpoena, or other means of legal
17 compulsion for their release to a person other than the
18 licensee and the boards, their employees and agents involved
19 in licensee discipline, and are not admissible in evidence in
20 a judicial or administrative proceeding other than the
21 proceeding involving licensee discipline. However,
22 investigative information in the possession of a licensing
23 board or its employees or agents which relates to licensee
24 discipline may be disclosed to appropriate licensing
25 authorities within this state, the appropriate licensing
26 authority in another state, the coordinated licensure
27 information system provided for in the nurse licensure compact
28 contained in section 152E.1 or the advanced practice
29 registered nurse compact contained in section 152E.3, the
30 District of Columbia, or a territory or country in which the
31 licensee is licensed or has applied for a license. If the
32 investigative information in the possession of a licensing
33 board or its employees or agents indicates a crime has been
34 committed, the information shall be reported to the proper law
35 enforcement agency. However, a final written decision and

1 finding of fact of a licensing board in a disciplinary
2 proceeding, including a decision referred to in section
3 272C.3, subsection 4, is a public record.

4 Sec. 11. REPEAL. This Act is repealed effective July 1,
5 2008.

6 EXPLANATION

7 This bill provides for the adoption of the advanced
8 practitioner registered nurse (APRN) compact. This compact is
9 similar to the nurse license compact enacted as Iowa Code
10 chapter 152E effective July 1, 2000. These compacts are in
11 essence multistate agreements that create a type of regional
12 license. When a state joins a compact, by adding the compact
13 to its statutes, the nurses who hold a license in the member
14 state may practice in other compact states subject to each
15 state's practice law and rules. An advanced practice
16 registered nurse is a registered nurse with advanced training
17 and education that allows the nurse to practice as a nurse
18 anesthetist, nurse practitioner, nurse midwife, or clinical
19 nurse specialist.

20 The compact is divided into several articles. Article I
21 provides statements of findings and declarations of purpose.
22 The article outlines in law the reasons justifying a
23 multistate license.

24 Article II of the compact provides a definition section.

25 Article III sets out the jurisdiction of the compact. It
26 sets out the principle that licensure to practice as an APRN
27 issued by a home state to a resident in that state will be
28 recognized by each party state as authorizing a multistate
29 APRN practice privilege, but only to the extent that the role
30 is recognized by each party state.

31 Article IV deals with applications for licensure, providing
32 that an application shall be acted upon based on information
33 collected within a coordinated licensure information system.
34 The coordinated licensure information system is defined in the
35 bill as an integrated process for collecting, storing, and

1 sharing information on APRN licensure and enforcement
2 activities related to licensure laws.

3 Article V of the compact relates to adverse actions, known
4 as disciplinary actions in Iowa licensure laws. This article
5 relates to the reporting of adverse actions impacting an
6 APRN's licensure to the coordinated licensure information
7 system.

8 Article VI relates to the authority of party state APRN
9 licensing boards with regard to adverse actions against
10 licensed nurses.

11 Article VII relates to the operation of the coordinated
12 licensure information system.

13 The remaining articles primarily relate to administrative
14 and procedural aspects of the compact's operation, and provide
15 effective and withdrawal date provisions and provisions for
16 amendment by an individual party state.

17 The bill makes conforming changes in the Code chapters
18 dealing with health profession regulation and licensure, the
19 practice of nursing, and general professional regulation and
20 licensure.

21 The provisions of this bill are repealed July 1, 2008.

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HOUSE FILE 784

AN ACT

TO ESTABLISH AN ADVANCED PRACTICE REGISTERED NURSE COMPACT
AND INCLUDING A FUTURE REPEAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 147.2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

For purposes of this section, a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3 shall be considered to have obtained a license to practice nursing from the department.

Sec. 2. Section 147.5, unnumbered paragraph 2, Code 2005, is amended to read as follows:

This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3.

Sec. 3. Section 147.7, unnumbered paragraph 2, Code 2005, is amended to read as follows:

This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3. A person licensed in

another state and recognized for licensure in this state pursuant to the compact shall, however, maintain a copy of a license issued by the person's home state available for inspection when engaged in the practice of nursing in this state.

Sec. 4. Section 152.6, Code 2005, is amended to read as follows:

152.6 LICENSES -- PROFESSIONAL ABBREVIATIONS.

The board may license a natural person to practice as a registered nurse or as a licensed practical nurse. However, only a person currently licensed as a registered nurse in this state may use that title and the abbreviation "RN" after the person's name and only a person currently licensed as a licensed practical nurse in this state may use that title and the abbreviation "LPN" after the person's name. For purposes of this section, "currently licensed" includes persons licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3.

Sec. 5. Section 152.7, unnumbered paragraph 2, Code 2005, is amended to read as follows:

For purposes of licensure pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3, the compact administrator may refuse to accept a change in the qualifications for licensure as a registered nurse or as a licensed practical or vocational nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2000. A refusal to accept a change in a party state's qualifications for licensure may result in submitting the issue to an arbitration panel or in withdrawal from the compact, at the discretion of the compact administrator.

Sec. 6. Section 152.8, subsections 1 and 2, Code 2005, are amended to read as follows:

1. A license possessed by an applicant from a state which has not adopted the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3 shall be recognized by the board under conditions specified which indicate that the licensee meets all the qualifications required under section 152.7. If a foreign license is recognized, the board may issue a license by endorsement without an examination being required. Recognition shall be based on whether the foreign licensee is qualified to practice nursing. The board may issue a temporary license to a natural person who has completed the requirements of and applied for licensure by endorsement. The board shall determine the length of time a temporary license shall remain effective.

2. A license possessed by an applicant and issued by a state which has adopted the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3 shall be recognized pursuant to the provisions of that section.

Sec. 7. Section 152.10, subsection 2, paragraph d, subparagraph (2), Code 2005, is amended to read as follows:

(2) Having a license to practice nursing as a registered nurse or licensed practical nurse revoked or suspended, or having other disciplinary action taken, by a licensing authority in another state which has adopted the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3 and which has communicated information relating to such action pursuant to the coordinated licensure information system established by the compact. If the action taken by the licensing authority occurs in a jurisdiction which does not afford the procedural protections of chapter 17A, the licensee may object to the communicated information and shall be afforded the procedural protections of chapter 17A.

Sec. 8. Section 152E.2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The executive director of the board of nursing, as provided for in section 152.2, shall serve as the compact administrator identified in article VIII, section a, of the nurse licensure compact contained in section 152E.1 and as the compact administrator identified in article VIII, section a, of the advanced practice registered nurse licensure compact contained in section 152E.3.

Sec. 9. NEW SECTION. 152E.3 FORM OF ADVANCED PRACTICE REGISTERED NURSE COMPACT.

The advanced practice registered nurse compact is entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I -- FINDINGS AND DECLARATION OF PURPOSE

a. The party states find all of the following:

1. The health and safety of the public are affected by the degree of compliance with advanced practice registered nurse licensure and practice requirements and the effectiveness of enforcement activities related to state advanced practice registered nurse license or authority to practice laws.

2. Violations of advanced practice registered nurse licensure and practice and other laws regulating the practice of nursing may result in injury or harm to the public.

3. The expanded mobility of advanced practice registered nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of advanced practice registered nurse licensure and practice requirements.

4. New practice modalities and technology make compliance with individual state advanced practice registered nurse licensure and practice requirements difficult and complex.

5. The current system of duplicative advanced practice registered nurse licensure and practice requirements for advanced practice registered nurses practicing in multiple

states is cumbersome and redundant to both advanced practice registered nurses and states.

6. Uniformity of advanced practice registered nurse requirements throughout the states promotes public safety and public health benefits.

7. Access to advanced practice registered nurse services increases the public's access to health care, particularly in rural and underserved areas.

b. The general purposes of this compact are to:

1. Facilitate the states' responsibilities to protect the public's health and safety.

2. Ensure and encourage the cooperation of party states in the areas of advanced practice registered nurse licensure and practice requirements including promotion of uniform licensure requirements.

3. Facilitate the exchange of information between party states in the areas of advanced practice registered nurse regulation, investigation, and adverse actions.

4. Promote compliance with the laws governing advanced practice registered nurse practice in each jurisdiction.

5. Invest all party states with the authority to hold an advanced practice registered nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.

ARTICLE II -- DEFINITIONS

As used in this compact:

a. "Advanced practice registered nurse" means a nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist to the extent a party state licenses or grants authority to practice in that advanced practice registered nurse role and title.

b. "Advanced practice registered nurse licensure and practice requirements" means the regulatory mechanism used by a party state to grant legal authority to practice as an advanced practice registered nurse.

c. "Advanced practice registered nurse uniform license or authority to practice requirements" means those minimum uniform licensure, education, and examination requirements as agreed to by the compact administrators and adopted by licensing boards for the recognized advanced practice registered nurse role and title.

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

e. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

f. "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on advanced practice registered nurse licensure or authority to practice and enforcement activities related to an advanced practice registered nurse license or authority to practice laws, which is administered by a nonprofit organization composed of and controlled by state licensing boards.

g. "Current significant investigative information" means either of the following:

1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the advanced practice registered nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

2. Investigative information that indicates that the advanced practice registered nurse represents an immediate threat to public health and safety regardless of whether the advanced practice registered nurse has been notified and had an opportunity to respond.

h. "Home state" means the party state that is the advanced practice registered nurse's primary state of residence.

i. "Home state action" means any administrative, civil, equitable, criminal, or other action permitted by the home state's laws which is imposed on an advanced practice

registered nurse by the home state's licensing board or other authority, including actions against an individual's license or authority to practice such as revocation, suspension, probation, or any other action which affects an advanced practice registered nurse's authorization to practice.

j. "Licensing board" means a party state's regulatory body responsible for issuing advanced practice registered nurse licensure or authority to practice.

k. "Multistate advanced practice privilege" means current authority from a remote state permitting an advanced practice registered nurse to practice in that state in the same role and title as the advanced practice registered nurse is licensed or authorized to practice in the home state to the extent that the remote state laws recognize such advanced practice registered nurse role and title. A party state has the authority, in accordance with existing state due process laws, to take action against the advanced practice registered nurse's privilege, including revocation, suspension, probation, or any other action that affects an advanced practice registered nurse's multistate privilege to practice.

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

m. "Prescriptive authority" means the legal authority to prescribe medications and devices as defined by party state laws.

n. "Remote state" means a party state, other than the home state, where either of the following applies:

1. Where the patient is located at the time advanced practice registered nurse care is provided.

2. In the case of advanced practice registered nurse practice not involving a patient, in such party state where the recipient of advanced practice registered nurse care is located.

o. "Remote state action" means either of the following:

1. Any administrative, civil, equitable, criminal, or other action permitted by a remote state's laws which is

imposed on an advanced practice registered nurse by the remote state's licensing board or other authority, including actions against an individual's multistate advanced practice privilege in the remote state.

2. Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards of remote states.

p. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

q. "State practice laws" means a party state's laws and regulations that govern advanced practice registered nurse practice, define the scope of advanced nursing practice, including prescriptive authority, and create the methods and grounds for imposing discipline. "State practice laws" does not include the requirements necessary to obtain and retain advanced practice registered nurse licensure or authority to practice as an advanced practice registered nurse, except for qualifications or requirements of the home state.

r. "Unencumbered" means that a state has no current disciplinary action against an advanced practice registered nurse's license or authority to practice.

ARTICLE III -- GENERAL PROVISIONS AND JURISDICTION

a. All party states shall participate in the nurse licensure compact for registered nurses and licensed practical or vocational nurses in order to enter into the advanced practice registered nurse compact.

b. A state shall not enter the advanced practice registered nurse compact until the state adopts, at a minimum, the advanced practice registered nurse uniform license or authority to practice requirements for each advanced practice registered nurse role and title recognized by the state seeking to enter the advanced practice registered nurse compact.

c. Advanced practice registered nurse license or authority to practice issued by a home state to a resident in that state

shall be recognized by each party state as authorizing a multistate advanced practice privilege to the extent that the role and title are recognized by each party state. To obtain or retain advanced practice registered nurse licensure and practice requirements as an advanced practice registered nurse, an applicant must meet the home state's qualifications for authority or renewal of authority as well as all other applicable state laws.

d. The advanced practice registered nurse multistate advanced practice privilege does not include prescriptive authority, and does not affect any requirements imposed by states to grant to an advanced practice registered nurse initial and continuing prescriptive authority according to state practice laws. However, a party state may grant prescriptive authority to an individual on the basis of a multistate advanced practice privilege to the extent permitted by state practice laws.

e. A party state may, in accordance with state due process laws, limit or revoke the multistate advanced practice privilege in the party state and may take any other necessary actions under the party state's applicable laws to protect the health and safety of the party state's citizens. If a party state takes action, the party state shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

f. An advanced practice registered nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is provided. The advanced practice registered nurse practice includes patient care and all advanced nursing practice defined by the party state's practice laws. The advanced practice registered nurse practice subjects an advanced practice registered nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state.

g. Individuals not residing in a party state may apply for an advanced practice registered nurse license or authority to practice as an advanced practice registered nurse under the laws of a party state. However, the authority to practice granted to these individuals shall not be recognized as granting the privilege to practice as an advanced practice registered nurse in any other party state unless explicitly agreed to by that party state.

ARTICLE IV -- APPLICATIONS FOR ADVANCED PRACTICE REGISTERED NURSE LICENSURE OR AUTHORITY TO PRACTICE IN A PARTY STATE

a. Once an application for an advanced practice registered nurse license or authority to practice is submitted, a party state shall ascertain, through the coordinated licensure information system, whether the applicant has held, or is the holder of, a nursing license or authority to practice issued by another state, whether the applicant has had a history of previous disciplinary action by any state, whether an encumbrance exists on any license or authority to practice, and whether any other adverse action by any other state has been taken against a license or authority to practice.

This information may be used in approving or denying an application for an advanced practice registered nurse license or authority to practice.

b. An advanced practice registered nurse in a party state shall hold an advanced practice registered nurse license or authority to practice in only one party state at a time, issued by the home state.

c. An advanced practice registered nurse who intends to change the nurse's primary state of residence may apply for an advanced practice registered nurse license or authority to practice in the new home state in advance of such change. However, a new license or authority to practice shall not be issued by a party state until after an advanced practice registered nurse provides evidence of change in the nurse's primary state of residence satisfactory to the new home state's licensing board.

d. 1. If an advanced practice registered nurse changes the nurse's primary state of residence by moving between two party states, and obtains an advanced practice registered nurse license or authority to practice from the new home state, the advanced practice registered nurse license or authority to practice from the former home state is no longer valid.

2. If an advanced practice registered nurse changes the nurse's primary state of residence by moving from a nonparty state to a party state, and obtains an advanced practice registered nurse license or authority to practice from the new home state, the individual state license issued by the nonparty state is not affected and shall remain in full force if so provided by the laws of the nonparty state.

3. If an advanced practice registered nurse changes the nurse's primary state of residence by moving from a party state to a nonparty state, the advanced practice registered nurse license or authority to practice issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

ARTICLE V -- ADVERSE ACTIONS

In addition to the general provisions described in article III, the following provisions apply:

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

b. The licensing board of a party state shall have the authority to complete any pending investigations for an advanced practice registered nurse who changes the nurse's

primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

c. A remote state may take adverse action affecting the multistate advanced practice privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the advanced practice registered nurse license or authority to practice issued by the home state.

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

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

f. 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 and that such participation shall remain nonpublic if required by the party state's laws. Party states must require advanced practice registered nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.

g. All home state licensing board disciplinary orders, agreed to or otherwise, which limit the scope of the advanced practice registered nurse's practice or require monitoring of the advanced practice registered nurse as a condition of the order shall include the requirements that the advanced

practice registered nurse will limit the nurse's practice to the home state during the pendency of the order. This requirement may allow the advanced practice registered nurse to practice in other party states with prior written authorization from both the home state and party state licensing boards.

ARTICLE VI -- ADDITIONAL AUTHORITIES INVESTED IN
PARTY STATE LICENSING BOARDS

Notwithstanding any other powers, party state licensing boards shall have the authority to do all of the following:

a. If otherwise permitted by state law, recover from the affected advanced practice registered nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that advanced practice registered nurse.

b. Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses, or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence is located.

c. Issue cease and desist orders to limit or revoke an advanced practice registered nurse's privilege, license, or authority to practice in the state.

d. Promulgate uniform rules and regulations as provided for in article VIII, section c.

ARTICLE VII -- COORDINATED LICENSURE INFORMATION SYSTEM

a. All party states shall participate in a cooperative effort to create a coordinated database of all advanced practice registered nurses. This system shall include

information on the advanced practice registered nurse licensure and practice requirements and disciplinary history of each advanced practice registered nurse, as contributed by party states, to assist in the coordination of the advanced practice registered nurse licensure or authority to practice and enforcement efforts.

b. Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate advanced practice privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.

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

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

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

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

g. The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate

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

ARTICLE VIII -- COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

a. The head of the licensing board, or the head's designee, of each party state shall be the administrator of this compact for the head's state.

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.

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, section d.

ARTICLE IX -- IMMUNITY

A party state or the officers or employees or agents of a party state's licensing board who acts in accordance with the provisions of this compact shall not be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE X -- ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

a. This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but such withdrawal shall not take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

b. Withdrawal shall not affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

c. This compact shall not be construed to invalidate or prevent any advanced practice registered nurse licensure or authority to practice agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.

d. This compact may be amended by the party states. An amendment to this compact shall not become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

ARTICLE XI -- CONSTRUCTION AND SEVERABILITY

a. This compact shall be liberally construed so as to effectuate the purposes of the compact. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or the applicability of the compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of the compact to any government, agency, person, or circumstance shall not be affected by that action. If this compact shall be held contrary to the constitution of any state which is party to the compact, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

b. 1. In the event party states find a need for settling disputes arising under this compact, the party states may submit the issues in dispute to an arbitration panel which shall be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote state or states involved, and an individual mutually agreed upon by the

compact administrators of all the party states involved in the dispute.

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

Sec. 10. Section 272C.6, subsection 4, unnumbered paragraph 1, Code 2005, is amended to read as follows:

In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section 622.10, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the coordinated licensure information system provided for in the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in section 272C.3, subsection 4, is a public record.

Sec. 11. REPEAL. This Act is repealed effective July 1, 2008.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 784, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/22/, 2005

THOMAS J. VILSACK
Governor