

1 AN ACT concerning advanced practice registered nurses.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Advanced Practice Registered Nurse Compact Act.

6 Section 5. Ratification and approval of compact. The
7 advanced practice registered nurse compact is hereby enacted
8 into law and entered into on behalf of this State with any
9 state that legally joins therein in substantially the
10 following form:

11 ARTICLE I

12 Findings and Declaration of Purpose

13 (a) The party states find that:

14 (1) The health and safety of the public are
15 affected by the degree of compliance with APRN
16 licensure/authority to practice requirements and the
17 effectiveness of enforcement activities related to state
18 APRN licensure/authority to practice laws;

19 (2) Violations of APRN licensure/authority to
20 practice and other laws regulating the practice of
21 nursing may result in injury or harm to the public;

22 (3) The expanded mobility of APRNs and the use of
23 advanced communication technologies as part of our
24 nation's health care delivery system require greater
25 coordination and cooperation among states in the areas of
26 APRN licensure/authority to practice and regulation;

27 (4) New practice modalities and technology make
28 compliance with individual state APRN licensure/authority
29 to practice laws difficult and complex;

30 (5) The current system of duplicative APRN

1 licensure/authority to practice for APRNs practicing in
2 multiple states is cumbersome and redundant to both APRNs
3 and states;

4 (6) Uniformity of APRN requirements throughout the
5 states promotes public safety and public health benefits;
6 and

7 (7) Access to APRN services increases the public's
8 access to health care, particularly in rural and
9 underserved areas.

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

11 (1) Facilitate the states' responsibilities to
12 protect the public's health and safety;

13 (2) Ensure and encourage the cooperation of party
14 states in the areas of APRN licensure/authority to
15 practice and regulation including promotion of uniform
16 licensure requirements;

17 (3) Facilitate the exchange of information between
18 party states in the areas of APRN regulation,
19 investigation and adverse actions;

20 (4) Promote compliance with the laws governing APRN
21 practice in each jurisdiction; and

22 (5) Invest all party states with the authority to
23 hold an APRN accountable for meeting all state practice
24 laws in the state in which the patient is located at the
25 time care is rendered through the mutual recognition of
26 party state licenses.

27 ARTICLE II

28 Definitions

29 As used in this Compact:

30 (a) "Advanced Practice Registered Nurse" or "APRN" means
31 a Nurse Anesthetist; Nurse Practitioner; Nurse Midwife; or
32 Clinical Nurse Specialist to the extent a party state
33 licenses or grants authority to practice in that APRN role

1 and title.

2 (b) "Adverse Action" means a home or remote state
3 disciplinary action.

4 (c) "Alternative program" means a voluntary,
5 non-disciplinary monitoring program approved by a licensing
6 board.

7 (d) "APRN Licensure/Authority to Practice" means the
8 regulatory mechanism used by a party state to grant legal
9 authority to practice as an APRN.

10 (e) "APRN Uniform Licensure/Authority to Practice
11 Requirements" means those agreed upon minimum uniform
12 licensure, education and examination requirements adopted by
13 licensing boards for the recognized APRN role and title.

14 (f) "Coordinated licensure information system" means an
15 integrated process for collecting, storing and sharing
16 information on APRN licensure/authority to practice and
17 enforcement activities related to APRN licensure/authority to
18 practice laws, which is administered by a non-profit
19 organization composed of and controlled by state licensing
20 boards.

21 (g) "Current significant investigative information"
22 means:

23 (1) Investigative information that a licensing
24 board, after a preliminary inquiry that includes
25 notification and an opportunity for the APRN to respond
26 if required by state law, has reason to believe is not
27 groundless and, if proved true, would indicate more than
28 a minor infraction; or

29 (2) Investigative information that indicates that
30 the APRN represents an immediate threat to public health
31 and safety regardless of whether the APRN has been
32 notified and had an opportunity to respond.

33 (h) "Home state" means the party state that is the
34 APRN's primary state of residence.

1 (i) "Home state action" means any administrative, civil,
2 equitable or criminal action permitted by the home state's
3 laws which are imposed on an APRN by the home state's
4 licensing board or other authority including actions against
5 an individual's license/authority to practice such as:
6 revocation, suspension, probation or any other action which
7 affects an APRN's authorization to practice.

8 (j) "Licensing board" means a party state's regulatory
9 body responsible for issuing APRN licensure/authority to
10 practice.

11 (k) "Multistate advanced practice privilege" means
12 current, authority from a remote state permitting an APRN to
13 practice in that state in the same role and title as the APRN
14 is licensed/authorized to practice in the home state to the
15 extent that the remote state laws recognize such APRN role
16 and title. A remote state has the authority, in accordance
17 with existing state due process laws, to take actions against
18 the APRN's privilege, including revocation, suspension,
19 probation, or any other action that affects an APRN's
20 multistate privilege to practice.

21 (l) "Party state" means any state that has adopted this
22 Compact.

23 (m) "Prescriptive authority" means the legal authority
24 to prescribe medications and devices as defined by party
25 state laws.

26 (n) "Remote state" means a party state, other than the
27 home state,

28 (1) Where the patient is located at the time APRN
29 care is provided, or,

30 (2) In the case of APRN practice not involving a
31 patient, in such party state where the recipient of APRN
32 practice is located.

33 (o) "Remote state action" means

34 (1) Any administrative, civil, equitable or

1 criminal action permitted by a remote state's laws which
2 are imposed on an APRN by the remote state's licensing
3 board or other authority including actions against an
4 individual's multistate advanced practice privilege in
5 the remote state, and

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

9 (p) "State" means a state, territory, or possession of
10 the United States.

11 (q) "State practice laws" means a party state's laws and
12 regulations that govern APRN practice, define the scope of
13 advanced nursing practice including prescriptive authority,
14 and create the methods and grounds for imposing discipline.
15 State practice laws do not include the requirements necessary
16 to obtain and retain APRN licensure/authority to practice as
17 an APRN, except for qualifications or requirements of the
18 home state.

19 (r) "Unencumbered" means that a state has no current
20 disciplinary action against an APRN's license/authority to
21 practice.

22 ARTICLE III

23 General Provisions and Jurisdiction

24 (a) All party states shall participate in the Nurse
25 Licensure Compact for registered nurses and licensed
26 practical/vocational nurses in order to enter into the APRN
27 Compact.

28 (b) No state shall enter the APRN Compact until the
29 state adopts, at a minimum, the APRN Uniform
30 Licensure/Authority to Practice Requirements for each APRN
31 role and title recognized by the state seeking to enter the
32 APRN Compact.

33 (c) APRN Licensure/Authority to practice issued by a

1 home state to a resident in that state will be recognized by
2 each party state as authorizing a multistate advanced
3 practice privilege to the extent that the role and title are
4 recognized by each party state. To obtain or retain APRN
5 licensure/authority to practice as an APRN, an applicant must
6 meet the home state's qualifications for authority or renewal
7 of authority as well as all other applicable state laws.

8 (d) The APRN multistate advanced practice privilege does
9 not include prescriptive authority, and does not affect any
10 requirements imposed by states to grant to an APRN initial
11 and continuing prescriptive authority according to state
12 practice laws. However, a party state may grant prescriptive
13 authority to an individual on the basis of a multistate
14 advanced practice privilege to the extent permitted by state
15 practice laws.

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

26 (f) An APRN practicing in a party state must comply with
27 the state practice laws of the state in which the patient is
28 located at the time care is provided. The APRN practice
29 includes patient care and all advanced nursing practice
30 defined by the party state's practice laws. The APRN
31 practice will subject an APRN to the jurisdiction of the
32 licensing board, the courts, and the laws of the party state.

33 (g) Individuals not residing in a party state may apply
34 for APRN licensure/authority to practice as an APRN under the

1 laws of a party state. However, the authority to practice
 2 granted to these individuals will not be recognized as
 3 granting the privilege to practice as an APRN in any other
 4 party state unless explicitly agreed to by that party state.

5 ARTICLE IV

6 Applications for APRN Licensure/Authority
 7 to Practice in a Party State

8 (a) Once an application for APRN licensure/authority to
 9 practice is submitted, a party state shall ascertain, through
 10 the Coordinated Licensure Information System, whether:

11 (1) The applicant has held or is the holder of a
 12 nursing license/authority to practice issued by another
 13 state;

14 (2) The applicant has had a history of previous
 15 disciplinary action by any state;

16 (3) An encumbrance exists on any license/authority
 17 to practice; and

18 (4) Any other adverse action by any other state has
 19 been taken against a license/authority to practice.

20 This information may be used in approving or denying an
 21 application for APRN licensure/authority to practice.

22 (b) An APRN in a party state shall hold APRN
 23 licensure/authority to practice in only one party state at a
 24 time, issued by the home state.

25 (c) An APRN who intends to change primary state of
 26 residence may apply for APRN licensure/authority to practice
 27 in the new home state in advance of such change. However,
 28 new licensure/authority to practice will not be issued by a
 29 party state until after an APRN provides evidence of change
 30 in primary state of residence satisfactory to the new home
 31 state's licensing board.

32 (d) When an APRN changes primary state of residence by:

33 (1) Moving between two party states, and obtains

1 APRN licensure/authority to practice from the new home
2 state, the APRN licensure/authority to practice from the
3 former home state is no longer valid;

4 (2) Moving from a non-party state to a party state,
5 and obtains APRN licensure/authority to practice from the
6 new home state, the individual state license issued by
7 the nonparty state is not affected and will remain in
8 full force if so provided by the laws of the non-party
9 state;

10 (3) Moving from a party state to a non-party state,
11 the APRN licensure/authority to practice issued by the
12 prior home state converts to an individual state license,
13 valid only in the former home state, without the
14 multistate licensure privilege to practice in other party
15 states.

16 ARTICLE V

17 Adverse Actions

18 In addition to the General Provisions described in
19 Article III, the following provisions apply:

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

29 (b) The licensing board of a party state shall have the
30 authority to complete any pending investigations for an APRN
31 who changes primary state of residence during the course of
32 such investigations. It shall also have the authority to take
33 appropriate action(s), and shall promptly report the

1 conclusions of such investigations to the administrator of
2 the coordinated licensure information system. The
3 administrator of the coordinated licensure information system
4 shall promptly notify 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
7 that party state. However, only the home state shall have the
8 power to impose adverse action against the APRN
9 licensure/authority to practice issued by the home state.

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

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

19 (f) Nothing in this Compact shall override a party
20 state's decision that participation in an alternative program
21 may be used in lieu of adverse action and that such
22 participation shall remain non-public if required by the
23 party state's laws. Party states must require APRNs who enter
24 any alternative programs to agree not to practice in any
25 other party state during the term of the alternative program
26 without prior authorization from such other party state.

27 (g) All home state licensing board disciplinary orders,
28 agreed or otherwise, which limit the scope of the APRN's
29 practice or require monitoring of the APRN as a condition of
30 the order shall include the requirements that the APRN will
31 limit her or his practice to the home state during the
32 pendency of the order. This requirement may allow the APRN to
33 practice in other party states with prior written
34 authorization from both the home state and party state

1 licensing boards.

2 ARTICLE VI

3 Additional Authorities Invested in Party State

4 Licensing Boards

5 Notwithstanding any other powers, party state licensing
6 boards shall have the authority to:

7 (a) If otherwise permitted by state law, recover from
8 the affected APRN the costs of investigations and disposition
9 of cases resulting from any adverse action taken against that
10 APRN;

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

24 (c) Issue cease and desist orders to limit or revoke an
25 APRN's privilege or licensure/authority to practice in their
26 state; and

27 (d) Promulgate uniform rules and regulations as provided
28 for in Article VIII(c).

29 ARTICLE VII

30 Coordinated Licensure Information System

31 (a) All party states shall participate in a cooperative

1 effort to create a coordinated database of all APRNs. This
2 system will include information on the APRN
3 licensure/authority to practice and disciplinary history of
4 each APRN, as contributed by party states, to assist in the
5 coordination of APRN licensure/authority to practice and
6 enforcement efforts.

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

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

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

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

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

34 (g) The Compact administrators, acting jointly with each

1 other and in consultation with the administrator of the
2 coordinated licensure information system, shall formulate
3 necessary and proper procedures for the identification,
4 collection and exchange of information under this Compact.

5 ARTICLE VIII

6 Compact Administration and Interchange of Information

7 (a) The head of the licensing board, or his/her
8 designee, of each party state shall be the administrator of
9 this Compact for his/her state.

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

17 (c) Compact administrators shall have the authority to
18 develop uniform rules to facilitate and coordinate
19 implementation of this Compact. These uniform rules shall be
20 adopted by party states, under the authority invested under
21 Article VI (d).

22 ARTICLE IX

23 Immunity

24 No party state or the officers or employees or agents of
25 a party state's licensing board who acts in accordance with
26 the provisions of this Compact shall be liable on account of
27 any act or omission in good faith while engaged in the
28 performance of their duties under this Compact. Good faith in
29 this article shall not include willful misconduct, gross
30 negligence, or recklessness.

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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 no such withdrawal shall 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) No withdrawal shall 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) Nothing contained in this Compact shall be construed to invalidate or prevent any APRN licensure/authority to practice agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this Compact.

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

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ARTICLE XI

Construction and Severability

(a) This Compact shall be liberally construed so as to effectuate the purposes thereof. 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 thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability

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

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

9 (1) The party states may submit the issues in
10 dispute to an arbitration panel which will be comprised
11 of an individual appointed by the Compact administrator
12 in the home state; an individual appointed by the Compact
13 administrator in the remote state(s) involved; and an
14 individual mutually agreed upon by the Compact
15 administrators of all the party states involved in the
16 dispute.

17 (2) The decision of a majority of the arbitrators
18 shall be final and binding.

19 Section 10. Compact administrator; expenses. The
20 Director of Professional Regulation shall serve as the
21 compact administrator for this State and any expenses he or
22 she incurs in so serving shall be paid from the appropriation
23 for the ordinary and contingent expenses of the Department of
24 Professional Regulation.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.