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The Interstate Commission of Nurse
Licensure Compact Administrators

Final Rules

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SECTION 100. DEFINITIONS

(1) "Commission" ~~means~~ is the Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA).

Rationale: editorial changes

(2) "Compact" ~~means~~ is the Nurse Licensure Compact that became effective on July 20, 2017 and implemented on January 19, 2018.

Rationale: editorial change

(3) "Convert" means to change a multistate license to a single-state license if a nurse changes primary state of residence by moving from a party state to a non-party state; or to change a single-state license to a multistate license once any disqualifying events are eliminated.

Rationale: consider retiring this definition. It's a verb and not a term of art. It's not needed any longer. There is clarity in statute; it doesn't require further definition in rule

(4) "Deactivate" ~~means~~ is to terminate the active status ~~change the status~~ of a multistate license or privilege to practice ~~in a party state~~.

Rationale: clarification of the definition.

(5) "Executive Director ~~Director~~" of the ICNLCA ~~means~~ is the individual approved to perform duties as delegated by the Commission ~~referred to in Article IV of the Interstate Commission of Nurse Licensure Compact Administrators Bylaws~~.

Rationale: to align the definition with the statute rather than bylaws

(6) "Disqualifying Event" ~~means~~ is an incident, which results in a person becoming disqualified or ineligible to retain or renew a multistate license. These include, but are not limited to, the following: any adverse action resulting in an encumbrance as defined in Article II e, current participation in an alternative program, a misdemeanor offense related to the practice of nursing ~~(which includes, but is not limited to, an agreed disposition)~~, or any felony offense ~~(which includes, but is not limited to, an agreed disposition)~~.

Rationale: clarification

(7) "Independent ~~credentials~~ Credentials review Review agency Agency" ~~means~~ is a non-governmental evaluation agency that verifies and certifies that foreign nurse

graduates have graduated from nursing programs that are academically equivalent to nursing programs in the United States.

Rationale: editorial changes

(8) "Licensure" includes the authority to practice nursing granted through the process of examination, endorsement, renewal, reinstatement and/or reactivation.

(9) "Prior Compact" ~~means-is~~ the Nurse Licensure Compact that was in effect until January 19, 2018.

Rationale: editorial change

(10) "Unencumbered ~~license~~License" ~~means-is~~ a license that authorizes a nurse to engage in the full and unrestricted practice of nursing.

Rationale: editorial changes

History: Adopted December 12, 2017; effective January 19, 2018.

SECTION 200. COORDINATED LICENSURE INFORMATION SYSTEM

201. UNIFORM DATA SET AND LEVELS OF ACCESS

(1) The Compact Administrator of each party state shall furnish uniform data to the Coordinated Licensure Information System, which shall consist of the following:

- (a) the nurse's name;
- (b) jurisdiction of licensure;
- (c) license expiration date;
- (d) licensure classification, license number and status;
- (e) public emergency and final disciplinary actions, as defined by the contributing state authority;
- (f) a change in the status of a disciplinary action or licensure encumbrance;
- (g) status of multistate licensure privileges;
- (h) current participation by the nurse in an alternative program;
- (i) information that is required to be expunged by the laws of a party state;
- (j) the applicant or nurse's United States social security number;

(k) the existence of current significant investigative information; and

Rationale: clarification to the public that the investigative information is not in the data system

(l) a correction to a licensee's data.

(2) The public shall have access to items (1)(a) through (g) and information about a licensee's participation in an alternative program to the extent allowed by state law.

(3) In the event a nurse asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the nurse to provide evidence in a manner determined by the party state that substantiates such claim.

(4) A party state shall report the items in the uniform data set to the Coordinated Licensure Information System within fifteen (15) calendar days of the date on which the action is taken.

(5) Information regarding current participation by the nurse in an alternative program shall remain in the nurse's uniform data set until either:

(a) the nurse successfully completes the alternative program, as determined by the board of the state in which the alternative program is located; or

(b) The nurse successfully completes the requirements of a board order and/or agreement which addresses non-compliance with the alternative program.

Rationale: The Rules Committee received a charge to draft a proposed rule related to failure to comply with Alternative to Discipline Program requirements and ineligibility for a multistate license. Article II.b. defines "Alternative program" as "a non-disciplinary monitoring program approved by a licensing board." Article III.c. provides that each party state must require the following for an applicant to obtain or retain a multistate license in the home state: "Is not currently enrolled in an alternative program" and "Is subject to self-disclosure requirements regarding current participation in an alternative program." Article V.c. states that "Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program."

Additionally, with regard to information in the coordinated licensure information system, Article IV.a. provides that "Upon application for a multistate license the

licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, . . . whether the applicant is currently participating in an alternative program.” Further, pursuant to Article VI.c. and h. “All licensing boards shall promptly report to the coordinated licensure information system . . . nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law” and “the Compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum . . . information related to alternative program participation.”

History: Adopted December 12, 2017; effective January 19, 2018; amended August 14, 2018; effective January 1, 2019.

202. QUERYING THE COORDINATED LICENSURE INFORMATION SYSTEM

(1) Upon application for multistate licensure, with the exception of renewal by a nurse, a party state shall query the Coordinated Licensure Information System to determine ascertain the applicant’s current licensure status, previous disciplinary action(s), and member board notifications related to current participation in an alternative program, and or any current significant investigative information.

Rationale: (3rd line): to align with statute

Rationale: (4th and 5th lines): clarification that the tool being used is a member board notification which may include current participation in an ATD Program or current investigative information.

(2) Upon discovery that an applicant is under investigation in another party state, the party state in receipt of the nurse licensure application shall contact the investigating party state and may request investigative documents and information.

History: Adopted December 12, 2017; effective January 19, 2018.

NEW RULE 203: PARTICIPATION IN COORDINATED LICENSURE INFORMATION SYSTEM

All party states shall participate in a coordinated licensure information system of all licensed registered nurses and licensed practical/vocational nurses. Such participation includes participation in all of the following components:

- (1) Licensure information, which includes the Uniform Data Set as described in Rule 201(1); and
- (2) Submission of disciplinary history of each nurse, including information regarding adverse actions taken against a license, application, and/or multistate licensure privilege; and
- (3) Participation in the license verification service for endorsement.

Rationale: The Rules Committee received a charge to draft a proposed rule to define full party state participation in the coordinated licensure information system to include license verification, as a service to look up and verify nurse discipline and licensure information, and license verification service for endorsement. Article VI.a. requires all party states to “participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNS). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.” Article VI specifically requires reporting regarding adverse action, current significant investigative information, denials of applications, and nurse participation in alternative programs. Furthermore, the compact administrator of each state is required to furnish a uniform data set which includes the aforementioned data and other information as determined by compact rules.

This proposed rule would clarify what constitutes participation in the coordinated licensure information system, to ensure that the exchange of information is facilitated between the party states to promote coordination of nurse licensure and enforcement efforts, while also preventing “creep” in terms of additional requirements being imposed for Nursys participation without such participation being fully vetted through the rulemaking process.

SECTION 300. IMPLEMENTATION

301. IMPLEMENTATION ~~DATE~~

The Compact ~~shall be~~was implemented on January 19, 2018.

Rationale: editorial change

History: Adopted December 12, 2017; effective January 19, 2018.

302. LEGACY CLAUSETRANSITION

- (1) ~~(a) A nurse who held a multistate license as of July 20, 2017, whose multistate license remained unencumbered as of the January 19, 2018 implementation, and who retained that multistate license, was not required to meet the new requirements for a multistate license under this Compact. A nurse who holds a multistate license on the Compact effective date of July 20, 2017, and whose multistate license remains unencumbered on the January 19, 2018 implementation date and who maintains and renews a multistate license is not required to meet the new requirements for a multistate license under the Compact.~~

Rationale: This provision was amended to take into account the completion of the transition to the new compact while maintaining an explanation for the licenses which remain in force from the prior compact.

~~(b)2. A nurse who retained a multistate license pursuant to subsection (a) of this section and subsequently incurs a disqualifying event shall have the multistate license revoked or deactivated pursuant to the laws of the home state.~~

- (2). A nurse who retained a multistate license pursuant to subsection (a) of this section and who changes primary state of residence after January 19, 2018, must meet all applicable Article III (c) requirements to obtain a multistate license from a new primary state of residence.

Rationale: This section clarifies that the legacy clause does not pertain to a licensee who changes primary state of residence subsequent to the implementation date.

- ~~(c)~~(3). A nurse whose multistate license is revoked or deactivated may be eligible for a single state license in accordance with the laws of the party state.

~~(2) A nurse who applies for a multistate license after July 20, 2017, shall be required to meet the requirements of Article III (c) of the Compact.~~

Rationale: Obsolete as it references a time period in the past.

~~(3) During the transition period, a licensee who holds a single state license in a Compact state that was not a member of the prior Compact and who also holds a multistate license in a party state, may retain the single state license until it lapses, expires or becomes inactive."~~

Rationale: no longer relevant

~~4) After the implementation date, party states shall not renew or reinstate a single state license if the nurse has a multistate license in another party state.~~

Rationale: Obsolete as it references a time period in the past

History: Adopted December 12, 2017; effective January 19, 2018.

303. ~~RECOGNITION OF IMPLEMENTATION BY~~ NEW PARTY STATES ~~AFTER JANUARY 19, 2018~~

Rationale: making current

(1) ~~All The Executive Director shall notify p~~party states ~~shall be notified by the Commission_~~ within fifteen (15) calendar days ~~when~~ after a new party state enacts the Compact.

Rationale: editorial changes

(2) The new party state shall establish an implementation date within six twelve (612) months from enactment, or as specified in the enabling language, and shall notify the ~~Director~~ Executive Director of the date.

Rationale: based on experience, 12 months is needed to determine an implementation date. Provides a deadline for states. Due to differences among states, it may not be possible to know an implementation date within six months. To assist states in providing more time to gather the necessary information for implementation.

(3) Upon implementation, a ~~new state~~ licensee who holds a single state license in ~~a Compact~~ the new party state ~~that was not a member of the prior Compact~~ and holds a multistate license in ~~a~~ the party home state, may retain the single state license until it lapses, expires or becomes inactive.

Rationale: editorial changes

(4) At least ninety (90) calendar days prior to the new party state implementation date, ~~all other~~ party states shall notify any active single state licensee with an address in the new party state that the licensee may only hold one multistate license in the primary state of residence. The licensee shall be advised to obtain or maintain a multistate license only from the primary state of residence.

Rationale: editorial changes

(5) Each party state shall deactivate a multistate license when a new home state issues a multistate license.

History: Adopted December 12, 2017; effective January 19, 2018.

SECTION 400. LICENSURE

401. PARTY STATE RESPONSIBILITIES

(1) On all application forms for multistate licensure, a party state shall require, at a minimum:

- (a) A declaration of a primary state of residence and
- (b) Whether the applicant is a current participant in an alternative program.

(2) (a) An applicant for licensure who is determined to be ineligible for a multistate license shall be notified by the home state of the qualifications not met.

(b) The home state may issue a single state license pursuant to its laws.

(3) A remote party state shall not issue a single state license to a nurse who holds a multistate license ~~in another party state~~.

Rationale: editorial changes

History: Adopted December 12, 2017; effective January 19, 2018.

402. MULTISTATE APPLICANT RESPONSIBILITIES

Rationale: editorial changes

(1) On all application forms for multistate licensure in a party state, an applicant shall declare a primary state of residence.

(2) A multistate licensee~~nurse~~ who changes primary state of residence to another party state shall apply for a multistate license in the new party state within 60 days~~when the nurse declares to be a resident of the state and obtains privileges not ordinarily extended to nonresidents of the state, including but not limited to, those listed in 402 (4) (a)–(e)~~.

Rationale: providing the nurse and other stakeholders direction on when the application must be submitted. Ensure there is a transition period of 60 days for a nurse to apply for a license in a new party state. States should not deactivate a license until the new license is issued or adjudicated. This should help avoid unintended practice without a license.

~~(3) A nurse shall not apply for a single state license in a party state while the nurse holds a multistate license in another party state.~~

(3) A party state may require an applicant to provide evidence of residence in the declared primary state of residence. This evidence may include, but is not limited to, a current:

- (a) driver's license with a home address;
- (b) voter registration card with a home address;
- (c) federal income tax return with a primary state of residence declaration;
- (d) military form no. 2058 (state of legal residence certificate); or
- (e) W2 form from the United States government or any bureau, division, or agency thereof, indicating residence.

(4) A nurse shall not apply for a single state license in a remote state while the nurse holds a multistate license in their primary state of residence.

Rationale: sentence moved to a new location; editorial change

(5) An applicant who is a citizen of a foreign country, and who is lawfully present in the United States and is applying for multistate licensure in a party state may declare either the applicant's country of origin or the party state where they are living as the primary state of residence. If the applicant declares the foreign country as the primary state of residence, the party state shall not issue a multistate license, but may issue a single state license if the applicant meets the party state's licensure requirements.

(6) An applicant shall disclose current participation in an alternative program to any party state, whether upon initial application or within ten (10) calendar days of enrollment in the program.

History: Adopted December 12, 2017; effective January 19, 2018.

403. CHANGE IN PRIMARY STATE OF RESIDENCE

(1) A nurse who changes his or her primary state of residence from one party state to another party state may continue to practice under the existing multistate license while the nurse's application is processed and a multistate license is issued in the new primary state of residence.

(2) Upon issuance of a new multistate license, the former primary state of residence shall deactivate its multistate license held by the nurse and provide notice to the nurse.

(3) If a party state verifies that a licensee who holds a multistate license changes primary state of residence to a non-party state, the party state shall convert the multistate license to a single state license within fifteen (15) calendar days, and report this conversion to the Coordinated Licensure Information System.

History: Adopted December 12, 2017; effective January 19, 2018.

404. TEMPORARY PERMITS AND LICENSES

A temporary permit, license, or similar temporary authorization to practice issued by a party state to an applicant for licensure shall not grant multistate licensure privileges.

History: Adopted December 12, 2017; effective January 19, 2018.

405. IDENTIFICATION OF LICENSES

A party state shall ~~A license issued by a party state shall be~~ clearly identified~~identify a license~~ as either a single state license or a multistate license.

Rationale: editorial changes

History: Adopted December 12, 2017; effective January 19, 2018.

~~406. CREDENTIALING AND ENGLISH PROFICIENCY FOR FOREIGN NURSE GRADUATES~~

~~(1) A party state shall verify that an independent credentials review agency evaluated the credentials of graduates as set forth in Article III (c)(2)ii.~~

~~(2) The party state shall verify successful completion of an English proficiency examination for graduates as set forth in Article III (c)(3).~~

Rationale: retire, as this does not add additional substantive information to add clarity

History: Adopted December 12, 2017; effective January 19, 2018.

~~407. DEACTIVATION, DISCIPLINE AND REVOCATION~~

~~A party state shall determine whether a disqualifying event will result in adverse action or deactivation of a multistate license or privilege. Upon deactivation due to a disqualifying event, the home state may issue a single state license.~~

Rationale: retire, due to redundancy with statute. Does not clarify or add anything new

History: Adopted December 12, 2017; effective January 19, 2018.

408. FEDERAL CRIMINAL RECORDS

Communication between a party state and the Commission and communication between party states regarding verification of the nurse's eligibility for licensure pursuant to the Compact shall not include any Criminal History Record Information (CHRI) received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member board under Public Law 92-544.

History: Adopted August 11, 2020; effective January 1, 2021.

409. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSE

An active duty service member, or the member's spouse, shall designate a ~~home state~~primary state of residence where the service member or spouse has a current license in good standing. The service member or spouse may retain the ~~home state~~primary state of residence designation during the period the service member ~~or spouse~~ is on active duty. Subsequent to designating a ~~home state~~primary state of residence, the service member or spouse shall only change ~~home state~~the primary state of residence through application for licensure in the new primary state of residence.

Rationale: editorial changes

History: Adopted August 11, 2020; effective January 1, 2021.

NEW RULE 410: CURRENT ENROLLMENT AND PARTICIPATION IN ALTERNATIVE PROGRAM

For purposes of this compact, a nurse who enrolls in an alternative program will be considered currently enrolled in an alternative program and currently participating in an alternative program until either:

- (a) the nurse successfully completes the alternative program, as determined by the board of the state in which the alternative program is located; or
- (b) The nurse successfully completes the requirements of a board order and/or agreement which addresses non-compliance with the alternative program.

Rationale: The Rules Committee received a charge to draft a proposed rule related to failure to comply with Alternative to Discipline Program requirements and ineligibility for a multistate license. Article II.b. defines "Alternative program" as "a non-disciplinary monitoring program approved by a licensing board."

Article III.c. provides that each party state must require the following for an applicant to obtain or retain a multistate license in the home state: “Is not currently enrolled in an alternative program” and “Is subject to self-disclosure requirements regarding current participation in an alternative program.” Article V.c. states that “Nothing in this Compact shall override a party state’s decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse’s participation in an alternative program.”

Additionally, with regard to information in the coordinated licensure information system, Article IV.a. provides that “Upon application for a multistate license the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, . . . whether the applicant is currently participating in an alternative program.” Further, pursuant to Article VI.c. and h. “All licensing boards shall promptly report to the coordinated licensure information system . . . nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law” and “the Compact administrator of each party state shall furnish a uniform data set to the Compact administrator of each other party state, which shall include, at a minimum . . . information related to alternative program participation.”

This proposed rule would clarify what “current enrollment” and “current participation” in an alternative program means, would provide direction to party states regarding how to analyze the eligibility of applicants for multistate licenses, and would ensure that boards querying the system have complete information regarding the applicant’s status with an alternative program.

SECTION 500. ADMINISTRATION

501. DUES ASSESSMENT

(1) The Commission shall determine the annual assessment to be paid by party states. The assessment formula is a flat fee per party state. The Commission shall provide public notice of any proposed revision to the annual assessment fee at least ninety (90) calendar days prior to the Commission meeting to consider the proposed revision.

(2) The annual assessment shall be due within the Commission’s first fiscal year after ~~the~~ a new party state’s implementation date and annually thereafter.

Rationale: editorial change

History: Adopted December 12, 2017; effective January 19, 2018.

502. DISPUTE RESOLUTION.

(1) In the event that two or more party states have a dispute, the parties shall attempt resolution following the steps set out in this rule.

(2) The parties shall first attempt informal resolution. The Compact Administrators in the states involved shall contact each other. Each Compact Administrator shall submit a written statement describing the situation to the other Compact Administrators involved in the dispute. Each Compact Administrator may submit a response. The submission of the statement and the response shall be in a mutually agreed upon time. If the dispute is related to an interpretation of the Compact, the parties shall ~~request~~ contact the Executive Director to request assistance from the Executive Committee. If all issues are resolved, no further action is required ~~and all party state Compact Administrators shall be informed of the result.~~ If any issue remains unresolved, the parties shall notify the Executive Committee, through the Executive Director, to request mediation and provide the Executive Committee with a concise statement of unresolved issue(s) and analysis including references to NLC statutes, rules and any supporting documents. The Executive Committee may refer the matter to the Compliance Committee. After review by the Compliance Committee, its recommendations will be sent to the parties and the Executive Committee for further review.

Rationale: editorial changes

Amended August 11, 2020; effective January 1, 2021

(3)(a) A party state that has a dispute with one or more other party states, and informal resolution was unsuccessful, shall attempt mediation. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators or as agreed to by all parties. If all issues are resolved through mediation, no further action is required. If mediation is unsuccessful, the parties shall submit to binding dispute resolution.

(b) The costs of mediation shall be shared by all party states involved.

(c) All party state Compact Administrators shall be notified of all issues and disputes that rise to the mediation stage in order to comment on those matters and disputes that may impact all party states.

(4)(a) In the event of a dispute between party states that was not resolved through informal resolution or mediation, the party states shall submit to binding dispute resolution. The parties may choose binding dispute resolution either by submitting the question in dispute to the Commission for final action or by arbitration.

Rationale: editorial change

(b) All party states involved shall agree in order to proceed with arbitration. In the absence of agreement, the matter shall be referred to the Commission for final determination.

(c) Each party state involved shall be responsible for its own respective expenses, including attorney fees.

(d) The party state Compact Administrators involved in the dispute shall recuse themselves from consideration or voting by the full Commission.

History: Adopted August 14, 2018; effective January 1, 2019.

503. COMPLIANCE AND ENFORCEMENT.

(1) Compliance and enforcement issues shall be initiated by the Executive Committee.

(2) The Executive Committee, through the ~~Director~~Executive Director, shall send a written statement to the Compact Administrator in the party state with the alleged non-compliance issue. That Compact Administrator shall respond to the written statement within thirty calendar days.

Rationale: editorial change

(3) The Compact Administrator may appear before the Executive Committee at a time and place as designated by the Executive Committee.

(4) The Executive Committee shall make a recommendation to the Commission concerning the issue of non-compliance.

History: Adopted August 14, 2018; effective January 1, 2019.