

**Interstate Commission of Nurse Licensure
Compact Administrators (ICNLCA)**

Rulemaking Handbook



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Authority: Nurse Licensure Compact (NLC) Article VIII Rulemaking

Policy: Adoption of Rules; or amendments to the rules shall be adopted by majority vote of the members of the ICNLCA (“Commission”) in the following manner:

A. Proposed New Rules and Amendments to Existing Rules

Proposed new rules and amendments to existing rules shall be submitted to the Commission Executive Committee for referral to the Rules Committee as follows:

- (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal must be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting;
- (2) Standing Committees of the Commission may propose rules or rule amendments by majority vote of that Committee;
- (3) Emergency Rules: see below and Article VIII (k).

B. Proposed New Rules Submitted to Rules Committee and Response to Comments Received

The Rules Committee shall prepare a draft and recommendations for all proposed rules related to the NLC. The reasons for the rule should be made, specifically in reference to any existing rule, why the rule is inadequate, unreasonable, unduly burdensome or otherwise not acceptable. The Rules Committee may also provide additional supporting information, rationale or other justification for the proposed rules.

The Committee shall provide the draft for approval to the Executive Committee. Upon approval from the Executive Committee, the proposed rules will be sent to the Commissioners for review and comments.

- (1) All written comments received by the Rules Committee on proposed rules shall be posted on the Commission’s website upon receipt.
- (2) Based upon the comments made, the Rules Committee shall review and document a disposition and prepare a response on the comments received for approval by the Executive Committee. The final draft of the proposed rule(s) or amendments as well as the justification, or reasons why the Rules Committee does not recommend a rule, will be provided for consideration by the Commission no later than the next meeting.

C. Publication of Proposed Rules

Prior to promulgation and adoption of a final rule by the Commission, the text of the proposed rule or amendment and a rationale shall be published on the Commission website by the Rules Committee no later than sixty (60) days prior to the meeting at which the vote is scheduled, on the official web site of each party state board of nursing or in any other official publication that may be designated by the state for the publication of its rules.

D. Proposed Rules Public Hearing

There will be a schedule of the oral proceeding on all rulemakings and publication of proposed rules. The Chair of the Commission, Chair of the Rules Committee Member or Director of the NLC shall serve as the presiding officer of the oral proceeding.

The presiding officer shall open the rule hearing by identifying the subject matter of the rules under consideration and the purpose of the proceeding. The agenda shall include:

- (1) The place, time, and date of the scheduled public hearing;
- (2) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing or provide any written comments; and
- (3) The name, position, physical and electronic mail address, telephone number of the person to whom interested persons may respond with notice of their attendance and written comments.
- (4) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment.
- (5) The meeting will be audio recorded. No transcript of the public hearing is required, unless a written request for a transcript is made. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it chooses to do so.
- (6) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission as required by this section.
- (7) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received. A response to all comments submitted will be posted on the website.

E. Final Action on the Proposed Rules by the Commission

The Commission by a majority vote of all administrators, shall take final action on the proposed rules and shall determine the effective date of the rules, if any, based on the rulemaking record and full text of the rule.

F. Emergency Rulemaking

Upon determination that an emergency exists, the Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the NLC and in this section shall be retroactively applied to the rule as soon as reasonably possible, no later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of federal or state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

G. Commission May Direct Revision Related to Typographical Errors, Grammar & Formatting Errors

Public notice of any revisions shall be posted on the website and if no challenge is made, the revision will take effect without further action or approval of the Commission.

Guidelines for Notice of NLC Proposed Rules and Notice of Public Hearing

1. Summary of Proposed Action Introduction:

Rules have been proposed for adoption by the Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA) pursuant to Article VIII of the NLC. The proposed rules are necessary to provide proper guidance and clarification to licensees and applicants of the party states that will promote compliance with the NLC.

2. Statutory Authority for Rule Adoption:

Authorizing statute: NLC: ART. VIII RULEMAKING

- (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this Compact.

Public Hearing:

The Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA) will hold a hearing on proposed rules via teleconference at 2:00 pm (Central Standard Time) on XXX at the National Council of State Boards of Nursing headquarters:

111 E. Wacker Drive
Suite 2900
Chicago, IL 60601

Verbal Comments:

Interested parties may present verbal comments on the proposed rules by attending the public hearing or via teleconference at 2:00 pm Central on XXX.

Additional in-person and teleconference participant information is posted at www.ncsbn.org/nlcrules.

Written Comments:

Interested parties may electronically submit written comments regarding the proposed rules at www.ncsbn.org/nlcrules. Parties wishing to make a comment for consideration may do so by clicking the rule they wish to comment on and fill in the information requested along with the comment. Written comments on the proposed rules must be submitted by 2:00 pm Central on XXX.

Contact person who can answer questions about the rulemaking:

Name: Director, Nurse Licensure Compact

Address: National Council State Boards of Nursing (NCSBN)

Telephone: 312.525.3601 | **Fax:** 312.239.1032

Email: nursecompact@ncsbn.org

Website: www.nlc.gov

Guidelines for Posting “NOTICE OF PROPOSED NURSE LICENSURE COMPACT RULEMAKING” on Party State Website

Pursuant to Article VIII (c) of the NLC which reads:

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

1. On the website of the Commission; and
2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules. The date of the meeting “at which the rule will be considered and voted upon” is XXX. The Comment period shall close on XXX but comment shall remain on the webpage until the Rules are adopted by the Commission.

Therefore, as soon as you are able, please post the link below to your Board of Nursing website as “Notice of Proposed NLC Rulemaking.” The webpage link provides functionality for the public to post comments. You may post the attached PDF “Notice” as required in #2 above.

www.ncsbn.org/nlcrules.htm

Guidelines for Conducting A Rules Public Hearing (Script)

A. Today is XXX. The time is XXX. The location is XXX.

This is an Oral Proceeding conducted by the NLC Rules Committee for the purposes of obtaining public comments and answering questions regarding the proposed rules filed on XXX. My name is XXX. I am presiding during this oral proceeding being held today regarding the proposed rules. Along with us are: XXX

B. Public Members Requesting to Speak

1. Any person present today will have the opportunity to present an oral statement or ask questions pertaining to the proposed rules or amendments. You may also submit a written statement by close of the record today, XXX no later than 5:00 pm CT.
2. Speakers are asked to state their name, position, institution represented, if any. If applicable, please state your position in regards to supporting or opposing the proposed rule(s).
3. Please do not hesitate to express support or opposition to any earlier statements.
4. You are encouraged to offer alternatives to the proposed rules. If you offer alternative language, please submit the alternative language in writing and send to XXX at XXX by 5 pm today.
5. We may ask you questions while you are speaking.
6. Please limit your comments to no more than five minutes.

C. We will now proceed to take oral comments and request speakers to state your name, position, institutions represented and state your comments or questions.

D. Once all of the oral and written comments have been received, a summary of comments will be prepared by the staff, which addresses the issues and questions raised.

The Rules Committee will review statements, evaluating the arguments for and against the rules, indicate any changes between the text of the proposed rule and the text of the adopted rule providing the reasons for any changes. The summary statement will also respond to the public comments received on the proposed rules.

E. Summary statement.

The final draft of the rules as proposed, will be presented to the Executive Committee at its next meeting on XXX for adoption. Once adopted by the Commissioners, this rule package will be considered approved with an effective date of XXX.

Guidelines for a Sample Rulemaking Timeline

Date	Activity
	1. Rules Committee meets to discuss future proposed Rules
	2. Rules Committee presents initial recommendations to Executive Committee
Midyear Meeting	3. Rules Committee presents recommendations to Commission at Midyear Meeting. Commission reviews proposed rules and votes on publication of proposed rules
	4. Rules Committee meets to discuss comments received at Commission meeting
	5. Proposed rules are published and public comments received
	6. Public Comment period ends. Rules Committee meets to review and consider comments received
	7. Executive Committee reviews Rules Committee final recommendation
	8. Rules Committee final recommendations sent to Commission
Annual Meeting	9. Commission votes on final rules
	10. The effective date of rules as recommended by the Rules Committee

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