

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 17-0634.01 Yelana Love x2295

**HOUSE BILL 17-1121**

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**HOUSE SPONSORSHIP**

**Buckner,**

**SENATE SPONSORSHIP**

**Todd,**

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**House Committees**

Health, Insurance, & Environment  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING CERTAIN HEALTH CARE PROFESSIONS REGULATED BY**  
102            **THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN**  
103            **CONNECTION THEREWITH, REQUIRING CRIMINAL HISTORY**  
104            **RECORD CHECKS FOR INDIVIDUALS WITH PRESCRIPTIVE**  
105            **AUTHORITY AND CERTIFIED NURSE AIDES, REPEALING THE**  
106            **NURSE LICENSURE COMPACT, █████ ENACTING THE ENHANCED**  
107            **NURSE LICENSURE COMPACT, AND, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
May 3, 2017

HOUSE  
Amended 2nd Reading  
May 2, 2017

The bill requires applicants for initial licensure or certification, as well as current licensees and certificate holders, to submit to a fingerprint-based criminal history record check for:

- ! Podiatrists (**sections 1 and 2**);
- ! Dentists and dental hygienists (**sections 3 and 4**);
- ! Medical doctors, physician assistants, and anesthesiologists (**sections 5 and 6**);
- ! Nurses (**sections 7 and 8**);
- ! Certified nurse aides (**sections 10 and 11**);
- ! Optometrists (**sections 13 through 15**); and
- ! Veterinarians (**sections 16 through 18**).

**Section 9** of the bill eliminates the nurse alternative to discipline program.

**Section 12** of the bill requires an employer of a certified nurse aide (CNA) to report whenever a CNA is terminated from employment or resigns in lieu of termination, within 30 days after the termination or resignation. The state board of nursing is authorized to fine an employer that fails to report the termination or resignation.

**Section 19** amends the "Medical Transparency Act of 2010" to include a person applying for nurse licensure under the "Enhanced Nurse Licensure Compact" within the definition of "applicant".

**Section 20** of the bill repeals the current "Nurse Licensure Compact" and adopts the "Enhanced Nurse Licensure Compact".

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-32-104, **amend**  
3 (1) introductory portion, (1)(f), and (1)(g); and **add** (1)(h) as follows:

4 **12-32-104. Powers and duties of board.** (1) The Colorado  
5 podiatry board shall regulate the practice of podiatry. The board shall  
6 exercise, subject to ~~the provisions of this article~~ ARTICLE 32, the  
7 following powers and duties:

8 (f) Approve or refuse to approve podiatric colleges; ~~and~~

9 (g) Adopt ~~regulations~~ RULES governing advertising by licensees  
10 to prevent the use of advertising ~~which~~ THAT is misleading, deceptive, or  
11 false; AND

1 (h) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL  
2 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO  
3 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND  
4 MANNER DESCRIBED IN SECTION 12-32-108.1 UPON THE LICENSEE'S FIRST  
5 RENEWAL AFTER JULY 1, 2018.

6 SECTION 2. In Colorado Revised Statutes, add 12-32-108.1 as  
7 follows:

8 12-32-108.1. Requirement for criminal history record check  
9 for all applicants. (1) ON AND AFTER JULY 1, 2018, WITH THE  
10 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 32,  
11 EACH APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A  
12 LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY  
13 THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
14 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
15 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE  
16 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE  
17 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
18 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE  
19 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
20 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY  
21 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
22 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL  
23 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
24 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE  
26 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
27 LICENSE PURSUANT TO THIS ARTICLE 32. THE BOARD MAY VERIFY THE

1 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS  
2 OF THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE  
3 BOARD SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE  
4 LICENSING BOARDS.

5 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
6 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS  
7 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT  
8 UNDER SECTION 12-32-107 (3) OR IF THE BOARD DETERMINES,  
9 SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN  
10 SUBSECTION (1) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED  
11 OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED  
12 SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF  
13 WHETHER THE ACT WAS COMMITTED IN COLORADO:

14 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
15 16-22-102 (9);

16 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

17 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
18 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
19 CHANNEL OF DISTRIBUTION OR USE.

20 (3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT  
21 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR  
22 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO  
23 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
24 RETENTION OF ITS EMPLOYEES.

25 **SECTION 3.** In Colorado Revised Statutes, 12-35-107, **amend**  
26 (1) introductory portion; and **add** (1)(j) as follows:

27 **12-35-107. Powers and duties of board.** (1) The board shall

1 exercise, in accordance with this ~~article~~ ARTICLE 35, the following powers  
2 and duties:

3 (j) REQUIRE A LICENSEE LICENSED PURSUANT TO SECTION  
4 12-35-117, 12-35-117.5, 12-35-120, 12-35-121, 12-35-126, OR  
5 12-35-127.5 WHO DID NOT SUBMIT TO A CRIMINAL HISTORY RECORD  
6 CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO SUBMIT TO A  
7 CRIMINAL HISTORY RECORD CHECK IN THE FORM AND MANNER DESCRIBED  
8 IN SECTION 12-35-123.5 UPON THE LICENSEE'S FIRST RENEWAL AFTER JULY  
9 1, 2018.

10 SECTION 4. In Colorado Revised Statutes, add 12-35-123.5 as  
11 follows:

12 **12-35-123.5. Requirement for criminal history record check**  
13 **for certain applicants.** (1) ON AND AFTER JULY 1, 2018, WITH THE  
14 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER SECTION  
15 12-35-117, 12-35-117.5, 12-35-120, 12-35-126, OR 12-35-127.5, EACH  
16 APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW  
17 ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY THE  
18 DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
19 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
20 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE  
21 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE  
22 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
23 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE  
24 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
25 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY  
26 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
27 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL

1 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
2 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
3 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE  
4 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
5 LICENSE PURSUANT TO THIS ARTICLE 35. THE BOARD MAY VERIFY THE  
6 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF  
7 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD  
8 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE  
9 LICENSING BOARDS.

10 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
11 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS  
12 COMMITTED ANY ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER  
13 SECTION 12-35-129 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE  
14 CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (1) OF THIS  
15 SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO  
16 CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE  
17 FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS  
18 COMMITTED IN COLORADO:

19 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
20 16-22-102 (9);

21 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

22 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
23 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
24 CHANNEL OF DISTRIBUTION OR USE.

25 (3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT  
26 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR  
27 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO

1 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
2 RETENTION OF ITS EMPLOYEES.

3 **SECTION 5.** In Colorado Revised Statutes, 12-36-104, **amend**  
4 (1) introductory portion; and **add** (1)(f) as follows:

5 **12-36-104. Powers and duties of board.** (1) In addition to all  
6 other powers and duties conferred and imposed upon the board by this  
7 ~~article~~ ARTICLE 36, the board has the following powers and duties to:

8 (f) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL  
9 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO  
10 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND  
11 MANNER DESCRIBED IN SECTION 12-36-111 (3) UPON THE LICENSEE'S FIRST  
12 RENEWAL AFTER JULY 1, 2018.

13 **SECTION 6.** In Colorado Revised Statutes, 12-36-111, **add** (3),  
14 (4), and (5) as follows:

15 **12-36-111. Applications for license - criminal history record**  
16 **check required.** (3) ON AND AFTER JULY 1, 2018, WITH THE SUBMISSION  
17 OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 36, EACH  
18 APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW  
19 ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY THE  
20 DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
21 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
22 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE  
23 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE  
24 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
25 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE  
26 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
27 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY

1 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
2 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL  
3 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
4 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
5 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE  
6 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
7 LICENSE PURSUANT TO THIS ARTICLE 36. THE BOARD MAY VERIFY THE  
8 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF  
9 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD  
10 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE  
11 LICENSING BOARDS.

12 (4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
13 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS  
14 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT  
15 UNDER SECTION 12-36-117 OR IF THE BOARD DETERMINES, SUBSEQUENT  
16 TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (3)  
17 OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY  
18 OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY  
19 OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS  
20 COMMITTED IN COLORADO:

21 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
22 16-22-102 (9);

23 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

24 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
25 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
26 CHANNEL OF DISTRIBUTION OR USE.

27 (5) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT



1 SPECIFIED IN SUBSECTION (3) OF THIS SECTION DOES NOT REMOVE OR  
2 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO  
3 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
4 RETENTION OF ITS EMPLOYEES.

5 SECTION 7. In Colorado Revised Statutes, 12-38-108, add  
6 (1)(l)(I)(D), (1)(m), and (1)(n) as follows:

7 12-38-108. Powers and duties of the board - rules. (1) The  
8 board has the following powers and duties:

9 (l) (I) (D) TO REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A  
10 CRIMINAL HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE  
11 BOARD TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM  
12 AND MANNER DESCRIBED IN SECTION 12-38-115.5 UPON THE LICENSEE'S  
13 FIRST RENEWAL AFTER JULY 1, 2018.

14 (m) TO FACILITATE THE LICENSURE OF NURSES UNDER THE  
15 "ENHANCED NURSE LICENSURE COMPACT", PART 32 OF ARTICLE 60 OF  
16 TITLE 24, AS FOLLOWS:

17 (I) APPOINT A QUALIFIED DELEGATE TO SERVE ON THE INTERSTATE  
18 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS;

19 (II) PARTICIPATE IN THE COORDINATED LICENSURE INFORMATION  
20 SYSTEM;

21 (III) REQUIRE AN APPLICANT FOR LICENSURE UNDER THE COMPACT  
22 TO HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW  
23 ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY THE  
24 DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
25 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
26 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE  
27 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE

1 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
2 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE  
3 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
4 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY  
5 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
6 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL  
7 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
8 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE  
10 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
11 LICENSE PURSUANT TO THE COMPACT. THE BOARD MAY VERIFY THE  
12 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF  
13 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD  
14 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC, THE INTERSTATE  
15 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS, OR OTHER  
16 STATE LICENSING BOARDS.

17 (IV) NOTIFY THE COMPACT COMMISSION OF ANY ADVERSE ACTION  
18 TAKEN BY THE BOARD;

19 (V) APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE COMPACT  
20 COMMISSION TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF  
21 THE COMMISSION AND ITS STAFF.

22 (n) TO FINE EMPLOYERS THAT FAIL TO REPORT AS REQUIRED BY  
23 SECTION 12-38-116.5 (3)(b)(I) NOT LESS THAN FIVE HUNDRED DOLLARS  
24 AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION.

25 **SECTION 8.** In Colorado Revised Statutes, **add** 12-38-115.5 as  
26 follows:

27 **12-38-115.5. Requirement for criminal history record check**

1     **for certain applicants.** (1) ON AND AFTER JULY 1, 2018, WITH THE  
2     SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 38,  
3     EACH APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A  
4     LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY  
5     THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
6     CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
7     SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE  
8     FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE  
9     TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
10    INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE  
11    PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
12    CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY  
13    RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
14    INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL  
15    FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
16    BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
17    FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE  
18    AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
19    LICENSE PURSUANT TO THIS ARTICLE 38. THE BOARD MAY VERIFY THE  
20    INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF  
21    THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD  
22    SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE  
23    LICENSING BOARDS.

24           (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
25    CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS  
26    COMMITTED ANY ACT THAT IS GROUNDS FOR DISCIPLINE UNDER SECTION  
27    12-38-117 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE CRIMINAL

1 HISTORY RECORD CHECK REQUIRED IN SUBSECTION (1) OF THIS SECTION,  
2 THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO  
3 CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE  
4 FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS  
5 COMMITTED IN COLORADO:

6 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
7 16-22-102 (9);

8 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

9 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
10 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
11 CHANNEL OF DISTRIBUTION OR USE.

12 (3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT  
13 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR  
14 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO  
15 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
16 RETENTION OF ITS EMPLOYEES.

17 **SECTION 9.** In Colorado Revised Statutes, 12-38-117, **amend**  
18 (1) introductory portion and (1)(j) as follows:

19 **12-38-117. Grounds for discipline.** (1) "Grounds for discipline",  
20 as used in this ~~article~~ ARTICLE 38, means any action by any person who:

21 (j) (I) ~~Has a physical or mental disability which renders him~~  
22 ~~unable to practice nursing with reasonable skill and safety to the patients~~  
23 ~~and which may endanger the health or safety of persons under his care;~~  
24 FAILS TO NOTIFY THE BOARD OF A PHYSICAL OR MENTAL ILLNESS OR  
25 CONDITION THAT AFFECTS THE PERSON'S ABILITY TO TREAT CLIENTS WITH  
26 REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR  
27 SAFETY OF PERSONS UNDER HIS OR HER CARE;

1 (II) FAILS TO ACT WITHIN THE LIMITATIONS CREATED BY A  
2 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON  
3 UNABLE TO TREAT CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT  
4 MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER  
5 CARE; OR

6 (III) FAILS TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER  
7 A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO SECTION  
8 12-38-117.5;

9 **SECTION 10.** In Colorado Revised Statutes, **add** 12-38-117.5 as  
10 follows:

11 **12-38-117.5. Confidential agreements to limit practice -**  
12 **violation grounds for discipline.** (1) IF A PROFESSIONAL NURSE,  
13 PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE SUFFERS FROM A  
14 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE  
15 LICENSEE UNABLE TO PRACTICE AS A PROFESSIONAL NURSE, PRACTICAL  
16 NURSE, OR RETIRED VOLUNTEER NURSE WITH REASONABLE SKILL AND  
17 WITH SAFETY TO PATIENTS, THE PROFESSIONAL NURSE, PRACTICAL NURSE,  
18 OR RETIRED VOLUNTEER NURSE SHALL NOTIFY THE BOARD OF THE ILLNESS  
19 OR CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED BY THE  
20 BOARD. THE BOARD MAY REQUIRE THE LICENSEE TO SUBMIT TO AN  
21 EXAMINATION OR REFER THE LICENSEE TO A PEER HEALTH ASSISTANCE  
22 PROGRAM PURSUANT TO SECTION 12-38-131 TO EVALUATE THE EXTENT OF  
23 THE ILLNESS OR CONDITION AND ITS IMPACT ON THE LICENSEE'S ABILITY TO  
24 PRACTICE WITH REASONABLE SKILL AND WITH SAFETY TO PATIENTS.

25 (2) (a) UPON DETERMINING THAT A PROFESSIONAL NURSE,  
26 PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE WITH A PHYSICAL OR  
27 MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED NURSING

1 SERVICES WITH REASONABLE SKILL AND WITH SAFETY TO PATIENTS, THE  
2 BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE  
3 PROFESSIONAL NURSE, PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE  
4 IN WHICH THE PROFESSIONAL NURSE, PRACTICAL NURSE, OR RETIRED  
5 VOLUNTEER NURSE AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE  
6 RESTRICTION IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY  
7 THE BOARD.

8 (b) AS PART OF THE AGREEMENT, THE LICENSEE SHALL BE SUBJECT  
9 TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
10 APPROPRIATE BY THE BOARD. THE BOARD MAY REFER THE LICENSEE TO  
11 THE PEER ASSISTANCE HEALTH PROGRAM FOR REEVALUATION OR  
12 MONITORING.

13 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
14 NECESSARY BASED ON THE RESULTS OF THE REEVALUATION OR OF  
15 MONITORING.

16 (3) BY ENTERING INTO THE AGREEMENT WITH THE BOARD  
17 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE LICENSEE  
18 IS NOT ENGAGING IN AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINE,  
19 AND THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND IS NOT A  
20 RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE LICENSEE  
21 FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO  
22 PURSUANT TO THIS SECTION, THE FAILURE IS GROUNDS FOR DISCIPLINE  
23 PURSUANT TO SECTION 12-38-117 (1)(j)(III), AND THE LICENSEE IS  
24 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-38-116.5.

25 (4) THIS SECTION DOES NOT APPLY TO A LICENSEE SUBJECT TO  
26 DISCIPLINE AS DESCRIBED IN SECTION 12-38-117 (1)(i).

27 **SECTION 11.** In Colorado Revised Statutes, 12-38-131, **amend**

1 (1), (2)(b), (3)(a) introductory portion, (4), and (6) as follows:

2 **12-38-131. Nursing peer health assistance - fund - rules.** (1) As  
3 a condition of licensure and for the purpose of supporting a nursing peer  
4 health assistance program, ~~or a nurse alternative to discipline program,~~  
5 every applicant for an initial license or to reinstate a license and any  
6 person renewing a license issued pursuant to this ~~article~~ ARTICLE 38 shall  
7 pay to the administering entity designated pursuant to ~~paragraph (c) of~~  
8 ~~subsection (3)~~ SUBSECTION (3)(c) of this section a AN ANNUAL fee in an  
9 amount set by the board, not to exceed twenty-five dollars; ~~per year,~~  
10 except that the board may adjust ~~such~~ THE FEE amount each January 1 to  
11 reflect changes in the United States department of labor's bureau of labor  
12 statistics consumer price index, or its successor index, for the  
13 Denver-Boulder consolidated metropolitan statistical area for the price of  
14 goods paid by urban consumers.

15 (2) (b) ~~Moneys~~ MONEY in the fund shall be used to support a  
16 nursing peer health assistance program ~~or nurse alternative to discipline~~  
17 ~~program~~ in providing assistance to licensees needing help in dealing with  
18 physical, emotional, psychiatric, psychological, drug abuse, or alcohol  
19 abuse problems that may be detrimental to their ability to practice  
20 nursing.

21 (3) (a) The board shall select one or more recognized peer health  
22 assistance organizations ~~or nurse alternative to discipline programs~~ as  
23 designated providers. For purposes of selecting designated providers, the  
24 board shall use a competitive bidding process that encourages  
25 participation from interested vendors. To be eligible for designation by  
26 the board pursuant to this section, a peer health assistance organization ~~or~~  
27 ~~nurse alternative to discipline program~~ shall:

1 (4) Notwithstanding sections 12-38-116.5 and 24-4-104, ~~C.R.S.~~,  
2 the board may immediately suspend the license of any licensee who is  
3 referred to a peer health assistance program ~~or nurse alternative to~~  
4 ~~discipline program~~ by the board and who fails to attend or to complete the  
5 program. If the licensee objects to the suspension, he or she may submit  
6 a written request to the board for a formal hearing on the suspension  
7 within ten days after receiving notice of the suspension, and the board  
8 shall grant the request. In the hearing, the licensee ~~shall bear~~ BEARS the  
9 burden of proving that his or her license should not be suspended.

10 (6) Nothing in this section ~~shall be construed to create~~ CREATES  
11 any liability of the board, members of the board, or the state of Colorado  
12 for the actions of the board in making awards to peer health assistance  
13 organizations ~~or nurse alternative to discipline programs~~ or in designating  
14 licensees to participate in the programs of such organizations. ~~No~~ A civil  
15 action may NOT be brought or maintained against the board, its members,  
16 or the state for an injury alleged to have been the result of an act or  
17 omission of a licensee participating in or referred to a program provided  
18 by a peer health assistance organization. ~~or to a nurse alternative to~~  
19 ~~discipline program~~. However, the state ~~shall remain~~ REMAINS liable under  
20 the provisions of the "Colorado Governmental Immunity Act", article 10  
21 of title 24, ~~C.R.S.~~, if an injury alleged to have been the result of an act or  
22 omission of a licensee participating in or referred to a peer health  
23 assistance diversion program ~~or nurse alternative to discipline program~~  
24 occurred while ~~such~~ THE licensee was performing duties as an employee  
25 of the state.

26 **SECTION 12.** In Colorado Revised Statutes, 12-38.1-103, **add**  
27 (4.5)   as follows:



1           **12-38.1-103. Certification - state board of nursing - rules.**

2           (4.5) THE BOARD MAY REQUIRE A CERTIFICATE HOLDER WHO DID NOT  
3           SUBMIT TO A CRIMINAL HISTORY RECORD CHECK THROUGH INITIAL  
4           APPLICATION TO THE BOARD TO SUBMIT TO A CRIMINAL HISTORY RECORD  
5           CHECK IN THE FORM AND MANNER DESCRIBED IN SECTION 12-38.1-106.5  
6           UPON THE CERTIFICATE HOLDER'S FIRST RENEWAL AFTER JULY 1, 2018.

7           **SECTION 13.** In Colorado Revised Statutes, **add** 12-38.1-106.5  
8           as follows:

9           **12-38.1-106.5. Requirement for criminal history record check.**

10          (1) ON AND AFTER JULY 1, 2018, IN ADDITION TO ALL OTHER  
11          REQUIREMENTS SET FORTH IN THIS ARTICLE 38.1, WITH THE SUBMISSION OF  
12          AN APPLICATION FOR A CERTIFICATE UNDER THIS ARTICLE 38.1, EACH  
13          APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW  
14          ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY THE  
15          DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
16          CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
17          SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE  
18          FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE  
19          TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
20          INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE  
21          PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
22          CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY  
23          RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
24          INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL  
25          FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
26          BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
27          FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE

1 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
2 LICENSE PURSUANT TO THIS ARTICLE 38.1. THE BOARD MAY VERIFY THE  
3 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF  
4 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD  
5 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE  
6 LICENSING BOARDS.

7 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
8 CONTRARY, THE BOARD MAY DENY A CERTIFICATE IF THE APPLICANT HAS  
9 COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINE UNDER  
10 SECTION 12-38.1-111 OR IF THE BOARD DETERMINES, SUBSEQUENT TO THE  
11 CRIMINAL HISTORY RECORD CHECK SPECIFIED IN SUBSECTION (1) OF THIS  
12 SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY OR NOLO  
13 CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY OF THE  
14 FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS  
15 COMMITTED IN COLORADO:

16 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
17 16-22-102 (9);

18 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

19 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
20 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
21 CHANNEL OF DISTRIBUTION OR USE.

22 (3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT  
23 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR  
24 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO  
25 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
26 RETENTION OF ITS EMPLOYEES.

27 **SECTION 14.** In Colorado Revised Statutes, 12-38.1-114, **repeal**

1 (12) as follows:

2 **12-38.1-114. Disciplinary proceedings - hearing officers.**

3 ~~(12) An employer of a nurse aide shall report to the board any~~  
4 ~~disciplinary action taken against the nurse aide or any resignation in lieu~~  
5 ~~of a disciplinary action for conduct which constitutes a violation of this~~  
6 ~~article.~~

7 **SECTION 15.** In Colorado Revised Statutes, 12-38.1-111, **add**  
8 (5) as follows:

9 **12-38.1-111. Grounds for discipline.** (5) AN EMPLOYER SHALL  
10 REPORT ANY VIOLATION OF THIS ARTICLE 38.1 THAT RESULTS IN A NURSE  
11 AIDE BEING TERMINATED FROM EMPLOYMENT, INCLUDING RESIGNATION  
12 IN LIEU OF TERMINATION, WITHIN THIRTY DAYS AFTER THE TERMINATION  
13 OR RESIGNATION. THE BOARD MAY FINE AN EMPLOYER THAT FAILS TO  
14 REPORT AS REQUIRED BY THIS SUBSECTION (5) NOT LESS THAN FIVE  
15 HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR  
16 EACH VIOLATION.

17 **SECTION 16.** In Colorado Revised Statutes, 12-40-107, **amend**  
18 (1) introductory portion; and **add** (1)(o) as follows:

19 **12-40-107. Powers and duties of the board - rules.** (1) In  
20 addition to all other powers and duties conferred upon the board by this  
21 ~~article~~ ARTICLE 40, the board has the following powers and duties:

22 (o) TO REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL  
23 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO  
24 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND  
25 MANNER DESCRIBED IN SECTION 12-40-107.2 (2)(b)(V) OR 12-40-108 (4),  
26 AS APPLICABLE, UPON THE LICENSEE'S FIRST RENEWAL AFTER JULY 1,  
27 2018.

1           **SECTION 17.** In Colorado Revised Statutes, 12-40-107.2,  
2   **amend** (2)(b)(III) and (2)(b)(IV); and **add** (2)(b)(V), (7), and (8) as  
3 follows:

4           **12-40-107.2. Volunteer optometrist license.** (2) A person  
5 applying for a license under this section:

6           (b) Shall:

7           (III) Maintain liability insurance as provided in section 12-40-126;  
8 **and**

9           (IV) Comply with the continuing education requirements  
10 established in section 12-40-113 (1)(f); except that the board may  
11 establish lesser continuing education requirements for volunteer  
12 licensees; AND

13           (V) ON AND AFTER JULY 1, 2018, HAVE HIS OR HER FINGERPRINTS  
14 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY  
15 DESIGNATED BY THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A  
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT  
17 IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER  
18 FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD  
19 CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE  
20 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS  
21 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF  
22 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL  
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING  
24 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
25 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS  
26 OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE BOARD  
27 SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE  
2 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO  
3 THIS ARTICLE 40. THE BOARD MAY VERIFY THE INFORMATION AN  
4 APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL  
5 HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT  
6 RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING  
7 BOARDS.

8 (7) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
9 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS  
10 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT  
11 UNDER SECTION 12-40-118 OR IF THE BOARD DETERMINES, SUBSEQUENT  
12 TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION  
13 (2)(b)(V) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF,  
14 PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED  
15 SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF  
16 WHETHER THE ACT WAS COMMITTED IN COLORADO:

17 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
18 16-22-102 (9);

19 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

20 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
21 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
22 CHANNEL OF DISTRIBUTION OR USE.

23 (8) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT  
24 SPECIFIED IN SUBSECTION (2)(b)(V) OF THIS SECTION DOES NOT REMOVE  
25 OR ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO  
26 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
27 RETENTION OF ITS EMPLOYEES.

1           **SECTION 18.** In Colorado Revised Statutes, 12-40-108, add (4),  
2 (5), and (6) as follows:

3           **12-40-108. Application for license - licensure by endorsement.**

4 (4) ON AND AFTER JULY 1, 2018, WITH THE SUBMISSION OF AN  
5 APPLICATION FOR A LICENSE UNDER THIS SECTION, EACH APPLICANT SHALL  
6 HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT  
7 AGENCY OR ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE  
8 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
9 CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED  
10 CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL  
11 COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE  
12 SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT  
13 OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE  
14 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND  
15 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
16 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND  
17 THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE  
18 RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE  
19 BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE  
21 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
22 LICENSE PURSUANT TO THIS ARTICLE 40. THE BOARD MAY VERIFY THE  
23 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF  
24 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD  
25 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE  
26 LICENSING BOARDS.

27 (5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE APPLICANT HAS  
2 COMMITTED ANY ACT THAT IS DEFINED AS UNPROFESSIONAL CONDUCT  
3 UNDER SECTION 12-40-118 OR IF THE BOARD DETERMINES, SUBSEQUENT  
4 TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN SUBSECTION (4)  
5 OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED OF, PLED GUILTY  
6 OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE TO ANY  
7 OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT WAS  
8 COMMITTED IN COLORADO:

9 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
10 16-22-102 (9);

11 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

12 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
13 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
14 CHANNEL OF DISTRIBUTION OR USE.

15 (6) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT  
16 SPECIFIED IN SUBSECTION (4) OF THIS SECTION DOES NOT REMOVE OR  
17 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO  
18 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
19 RETENTION OF ITS EMPLOYEES.

20 **SECTION 19.** In Colorado Revised Statutes, 12-64-105, **add**  
21 (9)(n) as follows:

22 **12-64-105. Board of veterinary medicine - creation - powers.**

23 (9) The board has the power to:

24 (n) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL  
25 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO  
26 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND  
27 MANNER DESCRIBED IN SECTION 12-64-110.3 UPON THE LICENSEE'S FIRST

1 RENEWAL AFTER JULY 1, 2018.

2 SECTION 20. In Colorado Revised Statutes, 12-64-107.5, add  
3 (6) as follows:

4 12-64-107.5. Academic license. (6) NOTWITHSTANDING ANY  
5 PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY DENY A LICENSE  
6 IF THE APPLICANT HAS COMMITTED ANY ACT THAT IS DEFINED AS GROUNDS  
7 FOR DISCIPLINE UNDER SECTION 12-64-111 OR IF THE BOARD DETERMINES,  
8 SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN  
9 SECTION 12-64-110.3, THAT THE APPLICANT WAS CONVICTED OF, PLED  
10 GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE  
11 TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF WHETHER THE ACT  
12 WAS COMMITTED IN COLORADO:

13 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
14 16-22-102 (9);

15 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

16 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
17 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
18 CHANNEL OF DISTRIBUTION OR USE.

19 SECTION 21. In Colorado Revised Statutes, add 12-64-110.3 as  
20 follows:

21 12-64-110.3. Requirement for criminal history record check  
22 for all applicants. (1) ON AND AFTER JULY 1, 2018, WITH THE  
23 SUBMISSION OF AN APPLICATION FOR A LICENSE UNDER THIS ARTICLE 64,  
24 EACH APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A  
25 LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY  
26 THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
27 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO



1 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE  
2 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE  
3 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
4 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE  
5 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
6 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY  
7 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
8 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL  
9 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
10 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE  
11 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE  
12 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A  
13 LICENSE PURSUANT TO THIS ARTICLE 64. THE BOARD MAY VERIFY THE  
14 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF  
15 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD  
16 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE  
17 LICENSING BOARDS. ■■■

18 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
19 CONTRARY, THE BOARD MAY DENY A LICENSE IF THE BOARD DETERMINES,  
20 SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN  
21 SUBSECTION (1) OF THIS SECTION, THAT THE APPLICANT WAS CONVICTED  
22 OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED  
23 SENTENCE TO ANY OF THE FOLLOWING CHARGES, REGARDLESS OF  
24 WHETHER THE ACT WAS COMMITTED IN COLORADO:

25 (a) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
26 16-22-102 (9);

27 (b) DIVERSION, AS DEFINED IN SECTION 18-18-309 (1); OR

1 (c) THE TRANSFER OF A SUBSTANCE WITH EFFECTS SIMILAR TO THE  
2 EFFECTS OF A CONTROLLED SUBSTANCE FROM A LICIT TO AN ILLICIT  
3 CHANNEL OF DISTRIBUTION OR USE.

4 (3) THE CRIMINAL HISTORY BACKGROUND CHECK REQUIREMENT  
5 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR  
6 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO  
7 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND  
8 RETENTION OF ITS EMPLOYEES.

9 **SECTION 22.** In Colorado Revised Statutes, 24-34-110, **amend**  
10 (3)(a)(XI) as follows:

11 **24-34-110. Medical transparency act of 2010 - disclosure of**  
12 **information about health care licensees - fines - rules - short title -**  
13 **legislative declaration - repeal.** (3) (a) As used in this section,  
14 "applicant" means a person applying for a new, active license,  
15 certification, or registration or to renew, reinstate, or reactivate an active  
16 license, certification, or registration to practice:

17 (XI) Practical nursing, professional nursing, or advanced practice  
18 nursing pursuant to article 38 of title 12 ~~C.R.S.~~ OR PART 32 OF ARTICLE 60  
19 OF TITLE 24;

20 **SECTION 23.** In Colorado Revised Statutes, **repeal and reenact,**  
21 **with amendments,** part 32 of article 60 of title 24 as follows:

22 PART 32

23 ENHANCED NURSE LICENSURE COMPACT

24 **24-60-3201. Short title.** THE SHORT TITLE OF THIS PART 32 IS THE  
25 "ENHANCED NURSE LICENSURE COMPACT".

26 **24-60-3202. Compact approved and ratified.** THE GENERAL  
27 ASSEMBLY HEREBY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL

1 ENTER INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH  
2 ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING  
3 THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

4 **ARTICLE I**

5 **Findings and Declaration of Purpose**

6 a. THE PARTY STATES FIND THAT:

7 1. THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE  
8 DEGREE OF COMPLIANCE WITH AND THE EFFECTIVENESS OF ENFORCEMENT  
9 ACTIVITIES RELATED TO STATE NURSE LICENSURE LAWS;

10 2. VIOLATIONS OF NURSE LICENSURE AND OTHER LAWS  
11 REGULATING THE PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM  
12 TO THE PUBLIC;

13 3. THE EXPANDED MOBILITY OF NURSES AND THE USE OF  
14 ADVANCED COMMUNICATION TECHNOLOGIES AS PART OF OUR NATION'S  
15 HEALTH CARE DELIVERY SYSTEM REQUIRE GREATER COORDINATION AND  
16 COOPERATION AMONG STATES IN THE AREAS OF NURSE LICENSURE AND  
17 REGULATION;

18 4. NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE  
19 COMPLIANCE WITH INDIVIDUAL STATE NURSE LICENSURE LAWS DIFFICULT  
20 AND COMPLEX;

21 5. THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES  
22 PRACTICING IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT FOR  
23 BOTH NURSES AND STATES; AND

24 6. UNIFORMITY OF NURSE LICENSURE REQUIREMENTS  
25 THROUGHOUT THE STATES PROMOTES PUBLIC SAFETY AND PUBLIC HEALTH  
26 BENEFITS.

27 b. THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

- 1           1. FACILITATE THE STATES' RESPONSIBILITY TO PROTECT THE  
2 PUBLIC'S HEALTH AND SAFETY;
- 3           2. ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES  
4 IN THE AREAS OF NURSE LICENSURE AND REGULATION;
- 5           3. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN PARTY  
6 STATES IN THE AREAS OF NURSE REGULATION, INVESTIGATION AND  
7 ADVERSE ACTIONS;
- 8           4. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING THE  
9 PRACTICE OF NURSING IN EACH JURISDICTION;
- 10          5. INVEST ALL PARTY STATES WITH THE AUTHORITY TO HOLD A  
11 NURSE ACCOUNTABLE FOR MEETING ALL STATE PRACTICE LAWS IN THE  
12 STATE IN WHICH THE PATIENT IS LOCATED AT THE TIME CARE IS RENDERED  
13 THROUGH THE MUTUAL RECOGNITION OF PARTY STATE LICENSES;
- 14          6. DECREASE REDUNDANCIES IN THE CONSIDERATION AND  
15 ISSUANCE OF NURSE LICENSES; AND
- 16          7. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY NURSES  
17 WHO MEET UNIFORM LICENSURE REQUIREMENTS.

## 18                                   **ARTICLE II**

### 19                                   **Definitions**

20           AS USED IN THIS COMPACT:

- 21          a. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,  
22 EQUITABLE OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS WHICH  
23 IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY AGAINST A  
24 NURSE, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR  
25 MULTISTATE LICENSURE PRIVILEGE SUCH AS REVOCATION, SUSPENSION,  
26 PROBATION, MONITORING OF THE LICENSEE, LIMITATION OF THE LICENSEE'S  
27 PRACTICE, OR ANY OTHER ENCUMBRANCE ON LICENSURE AFFECTING A

1 NURSE'S AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A CEASE  
2 AND DESIST ACTION.

3 b. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY  
4 MONITORING PROGRAM APPROVED BY A LICENSING BOARD.

5 c. "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN  
6 INTEGRATED PROCESS FOR COLLECTING, STORING AND SHARING  
7 INFORMATION ON NURSE LICENSURE AND ENFORCEMENT ACTIVITIES  
8 RELATED TO NURSE LICENSURE LAWS THAT IS ADMINISTERED BY A  
9 NONPROFIT ORGANIZATION COMPOSED OF AND CONTROLLED BY LICENSING  
10 BOARDS.

11 d. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

12 1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER  
13 A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN  
14 OPPORTUNITY FOR THE NURSE TO RESPOND IF REQUIRED BY STATE LAW,  
15 HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE,  
16 WOULD INDICATE MORE THAN A MINOR INFRACTION; OR

17 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE NURSE  
18 REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY  
19 REGARDLESS OF WHETHER THE NURSE HAS BEEN NOTIFIED AND HAD AN  
20 OPPORTUNITY TO RESPOND.

21 e. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR  
22 ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF NURSING  
23 IMPOSED BY A LICENSING BOARD.

24 f. "HOME STATE" MEANS THE PARTY STATE WHICH IS THE NURSE'S  
25 PRIMARY STATE OF RESIDENCE.

26 g. "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY  
27 BODY RESPONSIBLE FOR ISSUING NURSE LICENSES.

1           h. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A  
2 REGISTERED OR A LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN)  
3 ISSUED BY A HOME STATE LICENSING BOARD THAT AUTHORIZES THE  
4 LICENSED NURSE TO PRACTICE IN ALL PARTY STATES UNDER A MULTISTATE  
5 LICENSURE PRIVILEGE.

6           i. "MULTISTATE LICENSURE PRIVILEGE" MEANS A LEGAL  
7 AUTHORIZATION ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING  
8 THE PRACTICE OF NURSING AS EITHER A REGISTERED NURSE (RN) OR  
9 LPN/VN IN A REMOTE STATE.

10          j. "NURSE" MEANS RN OR LPN/VN, AS THOSE TERMS ARE DEFINED  
11 BY EACH PARTY STATE'S PRACTICE LAWS.

12          k. "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS  
13 COMPACT.

14          l. "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE  
15 HOME STATE.

16          m. "SINGLE-STATE LICENSE" MEANS A NURSE LICENSE ISSUED BY  
17 A PARTY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING  
18 STATE AND DOES NOT INCLUDE A MULTISTATE LICENSURE PRIVILEGE TO  
19 PRACTICE IN ANY OTHER PARTY STATE.

20          n. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE  
21 UNITED STATES AND THE DISTRICT OF COLUMBIA.

22          o. "STATE PRACTICE LAWS" MEANS A PARTY STATE'S LAWS, RULES  
23 AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE  
24 SCOPE OF NURSING PRACTICE, AND CREATE THE METHODS AND GROUNDS  
25 FOR IMPOSING DISCIPLINE. "STATE PRACTICE LAWS" DO NOT INCLUDE  
26 REQUIREMENTS NECESSARY TO OBTAIN AND RETAIN A LICENSE, EXCEPT  
27 FOR QUALIFICATIONS OR REQUIREMENTS OF THE HOME STATE.

1 **ARTICLE III**

2 **General Provisions and Jurisdiction**

3 a. A MULTISTATE LICENSE TO PRACTICE REGISTERED OR LICENSED  
4 PRACTICAL/VOCATIONAL NURSING ISSUED BY A HOME STATE TO A  
5 RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS  
6 AUTHORIZING A NURSE TO PRACTICE AS A REGISTERED NURSE (RN) OR AS  
7 A LICENSED PRACTICAL/VOCATIONAL NURSE (LPN/VN), UNDER A  
8 MULTISTATE LICENSURE PRIVILEGE, IN EACH PARTY STATE.

9 b. A STATE MUST IMPLEMENT PROCEDURES FOR CONSIDERING THE  
10 CRIMINAL HISTORY RECORDS OF APPLICANTS FOR INITIAL MULTISTATE  
11 LICENSE OR LICENSURE BY ENDORSEMENT. SUCH PROCEDURES SHALL  
12 INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED  
13 INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN  
14 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE  
15 FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR  
16 RETAINING THAT STATE'S CRIMINAL RECORDS.

17 c. EACH PARTY STATE SHALL REQUIRE THE FOLLOWING FOR AN  
18 APPLICANT TO OBTAIN OR RETAIN A MULTISTATE LICENSE IN THE HOME  
19 STATE:

20 1. MEETS THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR  
21 RENEWAL OF LICENSURE, AS WELL AS, ALL OTHER APPLICABLE STATE  
22 LAWS;

23 2. i. HAS GRADUATED OR IS ELIGIBLE TO GRADUATE FROM A  
24 LICENSING BOARD-APPROVED RN OR LPN/VN PRELICENSURE EDUCATION  
25 PROGRAM; OR

26 ii. HAS GRADUATED FROM A FOREIGN RN OR LPN/VN  
27 PRELICENSURE EDUCATION PROGRAM THAT (a) HAS BEEN APPROVED BY

1 THE AUTHORIZED ACCREDITING BODY IN THE APPLICABLE COUNTRY AND  
2 (b) HAS BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW  
3 AGENCY TO BE COMPARABLE TO A LICENSING BOARD-APPROVED  
4 PRELICENSURE EDUCATION PROGRAM;

5 3. HAS, IF A GRADUATE OF A FOREIGN PRELICENSURE EDUCATION  
6 PROGRAM NOT TAUGHT IN ENGLISH OR IF ENGLISH IS NOT THE  
7 INDIVIDUAL'S NATIVE LANGUAGE, SUCCESSFULLY PASSED AN ENGLISH  
8 PROFICIENCY EXAMINATION THAT INCLUDES THE COMPONENTS OF  
9 READING, SPEAKING, WRITING, AND LISTENING;

10 4. HAS SUCCESSFULLY PASSED AN NCLEX-RN® OR NCLEX-PN®  
11 EXAMINATION OR RECOGNIZED PREDECESSOR, AS APPLICABLE;

12 5. IS ELIGIBLE FOR OR HOLDS AN ACTIVE, UNENCUMBERED  
13 LICENSE;

14 6. HAS SUBMITTED, IN CONNECTION WITH AN APPLICATION FOR  
15 INITIAL LICENSURE OR LICENSURE BY ENDORSEMENT, FINGERPRINTS OR  
16 OTHER BIOMETRIC DATA FOR THE PURPOSE OF OBTAINING CRIMINAL  
17 HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF  
18 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT  
19 STATE'S CRIMINAL RECORDS;

20 7. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED  
21 INTO AN AGREED DISPOSITION, OF A FELONY OFFENSE UNDER APPLICABLE  
22 STATE OR FEDERAL CRIMINAL LAW;

23 8. HAS NOT BEEN CONVICTED OR FOUND GUILTY, OR HAS ENTERED  
24 INTO AN AGREED DISPOSITION, OF A MISDEMEANOR OFFENSE RELATED TO  
25 THE PRACTICE OF NURSING AS DETERMINED ON A CASE-BY-CASE BASIS;

26 9. IS NOT CURRENTLY ENROLLED IN AN ALTERNATIVE PROGRAM;

27 10. IS SUBJECT TO SELF-DISCLOSURE REQUIREMENTS REGARDING



1 CURRENT PARTICIPATION IN AN ALTERNATIVE PROGRAM; AND

2 11. HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER.

3 d. ALL PARTY STATES SHALL BE AUTHORIZED, IN ACCORDANCE  
4 WITH EXISTING STATE DUE PROCESS LAW, TO TAKE ADVERSE ACTION  
5 AGAINST A NURSE'S MULTISTATE LICENSURE PRIVILEGE SUCH AS  
6 REVOCATION, SUSPENSION, PROBATION OR ANY OTHER ACTION THAT  
7 AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE UNDER A MULTISTATE  
8 LICENSURE PRIVILEGE, INCLUDING CEASE AND DESIST ACTIONS. IF A PARTY  
9 STATE TAKES SUCH ACTION, IT SHALL PROMPTLY NOTIFY THE  
10 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM.  
11 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION  
12 SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH ACTIONS  
13 BY REMOTE STATES.

14 e. A NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH  
15 THE STATE PRACTICE LAWS OF THE STATE IN WHICH THE CLIENT IS  
16 LOCATED AT THE TIME SERVICE IS PROVIDED. THE PRACTICE OF NURSING  
17 IS NOT LIMITED TO PATIENT CARE, BUT SHALL INCLUDE ALL NURSING  
18 PRACTICE AS DEFINED BY THE STATE PRACTICE LAWS OF THE PARTY STATE  
19 IN WHICH THE CLIENT IS LOCATED. THE PRACTICE OF NURSING IN A PARTY  
20 STATE UNDER A MULTISTATE LICENSURE PRIVILEGE WILL SUBJECT A NURSE  
21 TO THE JURISDICTION OF THE LICENSING BOARD, THE COURTS AND THE  
22 LAWS OF THE PARTY STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME  
23 SERVICE IS PROVIDED.

24 f. INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE  
25 TO BE ABLE TO APPLY FOR A PARTY STATE'S SINGLE-STATE LICENSE AS  
26 PROVIDED UNDER THE LAWS OF EACH PARTY STATE. HOWEVER, THE  
27 SINGLE-STATE LICENSE GRANTED TO THESE INDIVIDUALS WILL NOT BE

1 RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE NURSING IN ANY  
2 OTHER PARTY STATE. NOTHING IN THIS COMPACT SHALL AFFECT THE  
3 REQUIREMENTS ESTABLISHED BY A PARTY STATE FOR THE ISSUANCE OF A  
4 SINGLE-STATE LICENSE.

5 g. ANY NURSE HOLDING A HOME STATE MULTISTATE LICENSE, ON  
6 THE EFFECTIVE DATE OF THIS COMPACT, MAY RETAIN AND RENEW THE  
7 MULTISTATE LICENSE ISSUED BY THE NURSE'S THEN-CURRENT HOME  
8 STATE, PROVIDED THAT:

9 1. A NURSE, WHO CHANGES PRIMARY STATE OF RESIDENCE AFTER  
10 THIS COMPACT'S EFFECTIVE DATE, MUST MEET ALL APPLICABLE ARTICLE  
11 III.c. REQUIREMENTS TO OBTAIN A MULTISTATE LICENSE FROM A NEW  
12 HOME STATE.

13 2. A NURSE WHO FAILS TO SATISFY THE MULTISTATE LICENSURE  
14 REQUIREMENTS IN ARTICLE III.c. DUE TO A DISQUALIFYING EVENT  
15 OCCURRING AFTER THIS COMPACT'S EFFECTIVE DATE SHALL BE INELIGIBLE  
16 TO RETAIN OR RENEW A MULTISTATE LICENSE, AND THE NURSE'S  
17 MULTISTATE LICENSE SHALL BE REVOKED OR DEACTIVATED IN  
18 ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE INTERSTATE  
19 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS  
20 ("COMMISSION").

## 21 **ARTICLE IV**

### 22 **Applications for Licensure in a Party State**

23 a. UPON APPLICATION FOR A MULTISTATE LICENSE, THE LICENSING  
24 BOARD IN THE ISSUING PARTY STATE SHALL ASCERTAIN, THROUGH THE  
25 COORDINATED LICENSURE INFORMATION SYSTEM, WHETHER THE  
26 APPLICANT HAS EVER HELD, OR IS THE HOLDER OF, A LICENSE ISSUED BY  
27 ANY OTHER STATE, WHETHER THERE ARE ANY ENCUMBRANCES ON ANY

1 LICENSE OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT,  
2 WHETHER ANY ADVERSE ACTION HAS BEEN TAKEN AGAINST ANY LICENSE  
3 OR MULTISTATE LICENSURE PRIVILEGE HELD BY THE APPLICANT AND  
4 WHETHER THE APPLICANT IS CURRENTLY IN AN ALTERNATIVE PROGRAM.

5 b. A NURSE MAY HOLD A MULTISTATE LICENSE, ISSUED BY THE  
6 HOME STATE, IN ONLY ONE PARTY STATE AT A TIME.

7 c. IF A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY MOVING  
8 BETWEEN TWO PARTY STATES, THE NURSE MUST APPLY FOR LICENSURE IN  
9 THE NEW HOME STATE AND THE MULTISTATE LICENSE ISSUED BY THE  
10 PRIOR HOME STATE WILL BE DEACTIVATED IN ACCORDANCE WITH  
11 APPLICABLE RULES ADOPTED BY THE COMMISSION.

12 1. THE NURSE MAY APPLY FOR LICENSURE IN ADVANCE OF A  
13 CHANGE IN PRIMARY STATE OF RESIDENCE.

14 2. A MULTISTATE LICENSE SHALL NOT BE ISSUED BY THE NEW  
15 HOME STATE UNTIL THE NURSE PROVIDES SATISFACTORY EVIDENCE OF A  
16 CHANGE IN PRIMARY STATE OF RESIDENCE TO THE NEW HOME STATE AND  
17 SATISFIES ALL APPLICABLE REQUIREMENTS TO OBTAIN A MULTISTATE  
18 LICENSE FROM THE NEW HOME STATE.

19 d. IF A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY MOVING  
20 FROM A PARTY STATE TO A NON-PARTY STATE, THE MULTISTATE LICENSE  
21 ISSUED BY THE PRIOR HOME STATE WILL CONVERT TO A SINGLE-STATE  
22 LICENSE, VALID ONLY IN THE FORMER HOME STATE.

23 **ARTICLE V**

24 **Additional Authorities Invested in Party State Licensing Boards**

25 a. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW,  
26 A LICENSING BOARD SHALL HAVE THE AUTHORITY TO:

27 1. TAKE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE

1 LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE.

2 i. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE  
3 ADVERSE ACTION AGAINST A NURSE'S LICENSE ISSUED BY THE HOME  
4 STATE.

5 ii. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE  
6 LICENSING BOARD SHALL GIVE THE SAME PRIORITY AND EFFECT TO  
7 REPORTED CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF  
8 SUCH CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING,  
9 THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE  
10 APPROPRIATE ACTION.

11 2. ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE  
12 ON A NURSE'S AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE.

13 3. COMPLETE ANY PENDING INVESTIGATIONS OF A NURSE WHO  
14 CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF SUCH  
15 INVESTIGATIONS. THE LICENSING BOARD SHALL ALSO HAVE THE  
16 AUTHORITY TO TAKE APPROPRIATE ACTION(S) AND SHALL PROMPTLY  
17 REPORT THE CONCLUSIONS OF SUCH INVESTIGATIONS TO THE  
18 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM.  
19 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION  
20 SYSTEM SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH  
21 ACTIONS.

22 4. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS  
23 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AS WELL  
24 AS, THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING  
25 BOARD IN A PARTY STATE FOR THE ATTENDANCE AND TESTIMONY OF  
26 WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER PARTY  
27 STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF

1     COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE  
2     OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS  
3     PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS  
4     FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE  
5     SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE  
6     ARE LOCATED.

7             5. OBTAIN AND SUBMIT, FOR EACH NURSE LICENSURE APPLICANT,  
8     FINGERPRINT OR OTHER BIOMETRIC-BASED INFORMATION TO THE FEDERAL  
9     BUREAU OF INVESTIGATION FOR CRIMINAL BACKGROUND CHECKS,  
10    RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION  
11    RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE  
12    RESULTS IN MAKING LICENSURE DECISIONS.

13            6. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE  
14    AFFECTED NURSE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF  
15    CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT  
16    NURSE.

17            7. TAKE ADVERSE ACTION BASED ON THE FACTUAL FINDINGS OF  
18    THE REMOTE STATE, PROVIDED THAT THE LICENSING BOARD FOLLOWS ITS  
19    OWN PROCEDURES FOR TAKING SUCH ADVERSE ACTION.

20            b. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A  
21    NURSE'S MULTISTATE LICENSE, THE NURSE'S MULTISTATE LICENSURE  
22    PRIVILEGE TO PRACTICE IN ALL OTHER PARTY STATES SHALL BE  
23    DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE  
24    MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT  
25    IMPOSE ADVERSE ACTION AGAINST A NURSE'S MULTISTATE LICENSE SHALL  
26    INCLUDE A STATEMENT THAT THE NURSE'S MULTISTATE LICENSURE  
27    PRIVILEGE IS DEACTIVATED IN ALL PARTY STATES DURING THE PENDENCY

1 OF THE ORDER.

2 c. NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S  
3 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE  
4 USED IN LIEU OF ADVERSE ACTION. THE HOME STATE LICENSING BOARD  
5 SHALL DEACTIVATE THE MULTISTATE LICENSURE PRIVILEGE UNDER THE  
6 MULTISTATE LICENSE OF ANY NURSE FOR THE DURATION OF THE NURSE'S  
7 PARTICIPATION IN AN ALTERNATIVE PROGRAM.

8 **ARTICLE VI**

9 **Coordinated Licensure Information**

10 **System and Exchange of Information**

11 a. ALL PARTY STATES SHALL PARTICIPATE IN A COORDINATED  
12 LICENSURE INFORMATION SYSTEM OF ALL LICENSED REGISTERED NURSES  
13 (RNs) AND LICENSED PRACTICAL/VOCATIONAL NURSES (LPNs/VNs). THIS  
14 SYSTEM WILL INCLUDE INFORMATION ON THE LICENSURE AND  
15 DISCIPLINARY HISTORY OF EACH NURSE, AS SUBMITTED BY PARTY STATES,  
16 TO ASSIST IN THE COORDINATION OF NURSE LICENSURE AND ENFORCEMENT  
17 EFFORTS.

18 b. THE COMMISSION, IN CONSULTATION WITH THE ADMINISTRATOR  
19 OF THE COORDINATED LICENSURE INFORMATION SYSTEM, SHALL  
20 FORMULATE NECESSARY AND PROPER PROCEDURES FOR THE  
21 IDENTIFICATION, COLLECTION AND EXCHANGE OF INFORMATION UNDER  
22 THIS COMPACT.

23 c. ALL LICENSING BOARDS SHALL PROMPTLY REPORT TO THE  
24 COORDINATED LICENSURE INFORMATION SYSTEM ANY ADVERSE ACTION,  
25 ANY CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION, DENIALS OF  
26 APPLICATIONS (WITH THE REASONS FOR SUCH DENIALS) AND NURSE  
27 PARTICIPATION IN ALTERNATIVE PROGRAMS KNOWN TO THE LICENSING

1 BOARD REGARDLESS OF WHETHER SUCH PARTICIPATION IS DEEMED  
2 NONPUBLIC OR CONFIDENTIAL UNDER STATE LAW.

3 d. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION AND  
4 PARTICIPATION IN NONPUBLIC OR CONFIDENTIAL ALTERNATIVE PROGRAMS  
5 SHALL BE TRANSMITTED THROUGH THE COORDINATED LICENSURE  
6 INFORMATION SYSTEM ONLY TO PARTY STATE LICENSING BOARDS.

7 e. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY  
8 STATE LICENSING BOARDS CONTRIBUTING INFORMATION TO THE  
9 COORDINATED LICENSURE INFORMATION SYSTEM MAY DESIGNATE  
10 INFORMATION THAT MAY NOT BE SHARED WITH NONPARTY STATES OR  
11 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT THE EXPRESS  
12 PERMISSION OF THE CONTRIBUTING STATE.

13 f. ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED FROM  
14 THE COORDINATED LICENSURE INFORMATION SYSTEM BY A PARTY STATE  
15 LICENSING BOARD SHALL NOT BE SHARED WITH NONPARTY STATES OR  
16 DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS EXCEPT TO THE EXTENT  
17 PERMITTED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THE  
18 INFORMATION.

19 g. ANY INFORMATION CONTRIBUTED TO THE COORDINATED  
20 LICENSURE INFORMATION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO  
21 BE EXPUNGED BY THE LAWS OF THE PARTY STATE CONTRIBUTING THAT  
22 INFORMATION, SHALL ALSO BE EXPUNGED FROM THE COORDINATED  
23 LICENSURE INFORMATION SYSTEM.

24 h. THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL  
25 FURNISH A UNIFORM DATA SET TO THE COMPACT ADMINISTRATOR OF EACH  
26 OTHER PARTY STATE, WHICH SHALL INCLUDE, AT A MINIMUM:

27 1. IDENTIFYING INFORMATION;

- 1           2. LICENSURE DATA;
- 2           3. INFORMATION RELATED TO ALTERNATIVE PROGRAM
- 3 PARTICIPATION; AND
- 4           4. OTHER INFORMATION THAT MAY FACILITATE THE
- 5 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY COMMISSION
- 6 RULES.
- 7           i. THE COMPACT ADMINISTRATOR OF A PARTY STATE SHALL
- 8 PROVIDE ALL INVESTIGATIVE DOCUMENTS AND INFORMATION REQUESTED
- 9 BY ANOTHER PARTY STATE.

## 10   **ARTICLE VII**

### 11                           **Establishment of the Interstate Commission** 12                           **of Nurse Licensure Compact Administrators**

13           a. THE PARTY STATES HEREBY CREATE AND ESTABLISH A JOINT  
14 PUBLIC ENTITY KNOWN AS THE INTERSTATE COMMISSION OF NURSE  
15 LICENSURE COMPACT ADMINISTRATORS.

16           1. THE COMMISSION IS AN INSTRUMENTALITY OF THE PARTY  
17 STATES.

18           2. VENUE IS PROPER, AND JUDICIAL PROCEEDINGS BY OR AGAINST  
19 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY, IN A  
20 COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE  
21 COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND  
22 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO  
23 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

24           3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A  
25 WAIVER OF SOVEREIGN IMMUNITY.

### 26           b. MEMBERSHIP, VOTING AND MEETINGS

27           1. EACH PARTY STATE SHALL HAVE AND BE LIMITED TO ONE



1 ADMINISTRATOR. THE HEAD OF THE STATE LICENSING BOARD OR DESIGNEE  
2 SHALL BE THE ADMINISTRATOR OF THIS COMPACT FOR EACH PARTY STATE.  
3 ANY ADMINISTRATOR MAY BE REMOVED OR SUSPENDED FROM OFFICE AS  
4 PROVIDED BY THE LAW OF THE STATE FROM WHICH THE ADMINISTRATOR  
5 IS APPOINTED. ANY VACANCY OCCURRING IN THE COMMISSION SHALL BE  
6 FILLED IN ACCORDANCE WITH THE LAWS OF THE PARTY STATE IN WHICH  
7 THE VACANCY EXISTS.

8 2. EACH ADMINISTRATOR SHALL BE ENTITLED TO ONE (1) VOTE  
9 WITH REGARD TO THE PROMULGATION OF RULES AND CREATION OF  
10 BYLAWS AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE  
11 IN THE BUSINESS AND AFFAIRS OF THE COMMISSION. AN ADMINISTRATOR  
12 SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE  
13 BYLAWS. THE BYLAWS MAY PROVIDE FOR AN ADMINISTRATOR'S  
14 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF  
15 COMMUNICATION.

16 3. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH  
17 CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN  
18 THE BYLAWS OR RULES OF THE COMMISSION.

19 4. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC  
20 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED  
21 UNDER THE RULEMAKING PROVISIONS IN ARTICLE VIII.

22 5. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC  
23 MEETING IF THE COMMISSION MUST DISCUSS:

24 i. NONCOMPLIANCE OF A PARTY STATE WITH ITS OBLIGATIONS  
25 UNDER THIS COMPACT;

26 ii. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER  
27 PERSONNEL MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC

1 EMPLOYEES OR OTHER MATTERS RELATED TO THE COMMISSION'S  
2 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

3       iii. CURRENT, THREATENED OR REASONABLY ANTICIPATED  
4 LITIGATION;

5       iv. NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF  
6 GOODS, SERVICES OR REAL ESTATE;

7       v. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING  
8 ANY PERSON;

9       vi. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
10 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

11       vii. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE  
12 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF  
13 PERSONAL PRIVACY;

14       viii. DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW  
15 ENFORCEMENT PURPOSES;

16       ix. DISCLOSURE OF INFORMATION RELATED TO ANY REPORTS  
17 PREPARED BY OR ON BEHALF OF THE COMMISSION FOR THE PURPOSE OF  
18 INVESTIGATION OF COMPLIANCE WITH THIS COMPACT; OR

19       x. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY  
20 FEDERAL OR STATE STATUTE.

21       6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT  
22 TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE  
23 SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL  
24 REFERENCE EACH RELEVANT EXEMPTING PROVISION. THE COMMISSION  
25 SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS  
26 DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE  
27 SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFOR, INCLUDING

1 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED  
2 IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.  
3 ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN  
4 UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE  
5 COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.

6 c. THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE  
7 ADMINISTRATORS, PRESCRIBE BYLAWS OR RULES TO GOVERN ITS CONDUCT  
8 AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES  
9 AND EXERCISE THE POWERS OF THIS COMPACT, INCLUDING BUT NOT  
10 LIMITED TO:

11 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;

12 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:

13 i. FOR THE ESTABLISHMENT AND MEETINGS OF OTHER  
14 COMMITTEES; AND

15 ii. GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY  
16 AUTHORITY OR FUNCTION OF THE COMMISSION;

17 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND  
18 CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE  
19 ADVANCE NOTICE OF ALL MEETINGS AND PROVIDING AN OPPORTUNITY FOR  
20 ATTENDANCE OF SUCH MEETINGS BY INTERESTED PARTIES, WITH  
21 ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S INTEREST,  
22 THE PRIVACY OF INDIVIDUALS, AND PROPRIETARY INFORMATION,  
23 INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED  
24 SESSION ONLY AFTER A MAJORITY OF THE ADMINISTRATORS VOTE TO  
25 CLOSE A MEETING IN WHOLE OR IN PART. AS SOON AS PRACTICABLE, THE  
26 COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE TO CLOSE THE  
27 MEETING REVEALING THE VOTE OF EACH ADMINISTRATOR, WITH NO PROXY

1 VOTES ALLOWED;

2 4. ESTABLISHING THE TITLES, DUTIES AND AUTHORITY AND  
3 REASONABLE PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE  
4 COMMISSION;

5 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR  
6 THE ESTABLISHMENT OF THE PERSONNEL POLICIES AND PROGRAMS OF THE  
7 COMMISSION. NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR  
8 LAWS OF ANY PARTY STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN  
9 THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION; AND

10 6. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF  
11 THE COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS  
12 FUNDS THAT MAY EXIST AFTER THE TERMINATION OF THIS COMPACT  
13 AFTER THE PAYMENT OR RESERVING OF ALL OF ITS DEBTS AND  
14 OBLIGATIONS;

15 d. THE COMMISSION SHALL PUBLISH ITS BYLAWS AND RULES, AND  
16 ANY AMENDMENTS THERETO, IN A CONVENIENT FORM ON THE WEBSITE OF  
17 THE COMMISSION.

18 e. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN  
19 ACCORDANCE WITH THE BYLAWS.

20 f. THE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS ARE  
21 CONSISTENT WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

22 g. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

23 1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND  
24 COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.  
25 THE RULES SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE  
26 BINDING IN ALL PARTY STATES;

27 2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN

1 THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY  
2 LICENSING BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT  
3 BE AFFECTED;

4 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

5 4. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF  
6 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A PARTY  
7 STATE OR NONPROFIT ORGANIZATIONS;

8 5. TO COOPERATE WITH OTHER ORGANIZATIONS THAT ADMINISTER  
9 STATE COMPACTS RELATED TO THE REGULATION OF NURSING, INCLUDING  
10 BUT NOT LIMITED TO SHARING ADMINISTRATIVE OR STAFF EXPENSES,  
11 OFFICE SPACE OR OTHER RESOURCES;

12 6. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX  
13 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE  
14 AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT, AND TO  
15 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS  
16 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL  
17 AND OTHER RELATED PERSONNEL MATTERS;

18 7. TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS, GRANTS  
19 AND GIFTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES,  
20 AND TO RECEIVE, UTILIZE AND DISPOSE OF THE SAME; PROVIDED THAT AT  
21 ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF  
22 IMPROPRIETY OR CONFLICT OF INTEREST;

23 8. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR  
24 DONATIONS OF, OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY  
25 PROPERTY, WHETHER REAL, PERSONAL OR MIXED; PROVIDED THAT AT ALL  
26 TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;

27 9. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,

1 ABANDON OR OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL,  
2 PERSONAL OR MIXED;

3 10. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

4 11. TO BORROW MONEY;

5 12. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES  
6 COMPRISED OF ADMINISTRATORS, STATE NURSING REGULATORS, STATE  
7 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER  
8 REPRESENTATIVES, AND OTHER SUCH INTERESTED PERSONS;

9 13. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO  
10 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

11 14. TO ADOPT AND USE AN OFFICIAL SEAL; AND

12 15. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY  
13 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT  
14 CONSISTENT WITH THE STATE REGULATION OF NURSE LICENSURE AND  
15 PRACTICE.

16 h. FINANCING OF THE COMMISSION

17 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT  
18 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION  
19 AND ONGOING ACTIVITIES.

20 2. THE COMMISSION MAY ALSO LEVY ON AND COLLECT AN ANNUAL  
21 ASSESSMENT FROM EACH PARTY STATE TO COVER THE COST OF ITS  
22 OPERATIONS, ACTIVITIES AND STAFF IN ITS ANNUAL BUDGET AS APPROVED  
23 EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT, IF ANY,  
24 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE  
25 COMMISSION, WHICH SHALL PROMULGATE A RULE THAT IS BINDING UPON  
26 ALL PARTY STATES.

27 3. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND

1 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL  
2 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE PARTY STATES,  
3 EXCEPT BY, AND WITH THE AUTHORITY OF, SUCH PARTY STATE.

4 4. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
5 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF  
6 THE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING  
7 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS  
8 AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE  
9 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND  
10 THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF  
11 THE ANNUAL REPORT OF THE COMMISSION.

12 i. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION

13 1. THE ADMINISTRATORS, OFFICERS, EXECUTIVE DIRECTOR,  
14 EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION SHALL BE  
15 IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR  
16 OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF  
17 PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR  
18 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
19 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD  
20 A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF  
21 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES; PROVIDED THAT  
22 NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY  
23 SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR  
24 LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR WANTON  
25 MISCONDUCT OF THAT PERSON.

26 2. THE COMMISSION SHALL DEFEND ANY ADMINISTRATOR,  
27 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE

1 COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING  
2 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
3 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR  
4 RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS  
5 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE  
6 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES;  
7 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT  
8 PERSON FROM RETAINING HIS OR HER OWN COUNSEL; AND PROVIDED  
9 FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID  
10 NOT RESULT FROM THAT PERSON'S INTENTIONAL, WILLFUL OR WANTON  
11 MISCONDUCT.

12 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY  
13 ADMINISTRATOR, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR  
14 REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY  
15 SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING  
16 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
17 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR  
18 RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR  
19 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,  
20 DUTIES OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED  
21 ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL,  
22 WILLFUL, OR WANTON MISCONDUCT OF THAT PERSON.

23 **ARTICLE VIII**

24 **Rulemaking**

25 a. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS  
26 PURSUANT TO THE CRITERIA SET FORTH IN THIS ARTICLE AND THE RULES  
27 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME



1 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT AND  
2 SHALL HAVE THE SAME FORCE AND EFFECT AS PROVISIONS OF THIS  
3 COMPACT.

4 b. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT  
5 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

6 c. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR  
7 RULES BY THE COMMISSION, AND AT LEAST SIXTY (60) DAYS IN ADVANCE  
8 OF THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED  
9 UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING:

- 10 1. ON THE WEBSITE OF THE COMMISSION; AND
- 11 2. ON THE WEBSITE OF EACH LICENSING BOARD OR THE  
12 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH  
13 PROPOSED RULES.

14 d. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

- 15 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN  
16 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;
- 17 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT, AND THE  
18 REASON FOR THE PROPOSED RULE;
- 19 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY  
20 INTERESTED PERSON; AND
- 21 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT  
22 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC  
23 HEARING AND ANY WRITTEN COMMENTS.

24 e. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION  
25 SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND  
26 ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

27 f. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC

1 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT.

2 g. THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE  
3 OF THE SCHEDULED PUBLIC HEARING.

4 1. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH  
5 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE  
6 OPPORTUNITY TO COMMENT ORALLY OR IN WRITING. ALL HEARINGS WILL  
7 BE RECORDED, AND A COPY WILL BE MADE AVAILABLE UPON REQUEST.

8 2. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING  
9 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE  
10 CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS  
11 SECTION.

12 h. IF NO ONE APPEARS AT THE PUBLIC HEARING, THE COMMISSION  
13 MAY PROCEED WITH PROMULGATION OF THE PROPOSED RULE.

14 i. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE  
15 OF BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT  
16 HELD, THE COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL  
17 COMMENTS RECEIVED.

18 j. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL  
19 ADMINISTRATORS, TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL  
20 DETERMINE THE EFFECTIVE DATE OF THE RULE, IF ANY, BASED ON THE  
21 RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

22 k. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE  
23 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT  
24 PRIOR NOTICE, OPPORTUNITY FOR COMMENT OR HEARING, PROVIDED THAT  
25 THE USUAL RULEMAKING PROCEDURES PROVIDED IN THIS COMPACT AND  
26 IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON  
27 AS REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS

1 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS  
2 PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED  
3 IMMEDIATELY IN ORDER TO:

4 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR  
5 WELFARE;

6 2. PREVENT A LOSS OF COMMISSION OR PARTY STATE FUNDS; OR

7 3. MEET A DEADLINE FOR THE PROMULGATION OF AN  
8 ADMINISTRATIVE RULE THAT IS REQUIRED BY FEDERAL LAW OR RULE.

9 1. THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY  
10 ADOPTED RULE OR AMENDMENT FOR PURPOSES OF CORRECTING  
11 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR  
12 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE  
13 POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE  
14 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY (30)  
15 DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON  
16 GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE.  
17 A CHALLENGE SHALL BE MADE IN WRITING, AND DELIVERED TO THE  
18 COMMISSION, PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE  
19 IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF  
20 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT  
21 WITHOUT THE APPROVAL OF THE COMMISSION.

## 22 **ARTICLE IX**

### 23 **Oversight, Dispute Resolution and Enforcement**

#### 24 a. OVERSIGHT

25 1. EACH PARTY STATE SHALL ENFORCE THIS COMPACT AND TAKE  
26 ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS  
27 COMPACT'S PURPOSES AND INTENT.

1           2. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF  
2           PROCESS IN ANY PROCEEDING THAT MAY AFFECT THE POWERS,  
3           RESPONSIBILITIES OR ACTIONS OF THE COMMISSION, AND SHALL HAVE  
4           STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES.  
5           FAILURE TO PROVIDE SERVICE OF PROCESS IN SUCH PROCEEDING TO THE  
6           COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE  
7           COMMISSION, THIS COMPACT OR PROMULGATED RULES.

8           b. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION

9           1. IF THE COMMISSION DETERMINES THAT A PARTY STATE HAS  
10          DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR  
11          RESPONSIBILITIES UNDER THIS COMPACT OR THE PROMULGATED RULES,  
12          THE COMMISSION SHALL:

13          i. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND  
14          OTHER PARTY STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED  
15          MEANS OF CURING THE DEFAULT OR ANY OTHER ACTION TO BE TAKEN BY  
16          THE COMMISSION; AND

17          ii. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL  
18          ASSISTANCE REGARDING THE DEFAULT.

19          2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE  
20          DEFAULTING STATE'S MEMBERSHIP IN THIS COMPACT MAY BE TERMINATED  
21          UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ADMINISTRATORS,  
22          AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY THIS  
23          COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF TERMINATION.  
24          A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF  
25          OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

26          3. TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE  
27          IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE

1 BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL  
2 BE GIVEN BY THE COMMISSION TO THE GOVERNOR OF THE DEFAULTING  
3 STATE AND TO THE EXECUTIVE OFFICER OF THE DEFAULTING STATE'S  
4 LICENSING BOARD AND EACH OF THE PARTY STATES.

5 4. A STATE WHOSE MEMBERSHIP IN THIS COMPACT HAS BEEN  
6 TERMINATED IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS AND  
7 LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION,  
8 INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE DATE OF  
9 TERMINATION.

10 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A  
11 STATE THAT IS FOUND TO BE IN DEFAULT OR WHOSE MEMBERSHIP IN THIS  
12 COMPACT HAS BEEN TERMINATED UNLESS AGREED UPON IN WRITING  
13 BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

14 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE  
15 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE DISTRICT  
16 OF COLUMBIA OR THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS  
17 ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL  
18 COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS' FEES.

19 c. DISPUTE RESOLUTION

20 1. UPON REQUEST BY A PARTY STATE, THE COMMISSION SHALL  
21 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE  
22 AMONG PARTY STATES AND BETWEEN PARTY AND NON-PARTY STATES.

23 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR  
24 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES, AS  
25 APPROPRIATE.

26 3. IN THE EVENT THE COMMISSION CANNOT RESOLVE DISPUTES  
27 AMONG PARTY STATES ARISING UNDER THIS COMPACT:

1 i. THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN  
2 ARBITRATION PANEL, WHICH WILL BE COMPRISED OF INDIVIDUALS  
3 APPOINTED BY THE COMPACT ADMINISTRATOR IN EACH OF THE AFFECTED  
4 PARTY STATES AND AN INDIVIDUAL MUTUALLY AGREED UPON BY THE  
5 COMPACT ADMINISTRATORS OF ALL THE PARTY STATES INVOLVED IN THE  
6 DISPUTE.

7 ii. THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE  
8 FINAL AND BINDING.

9 d. ENFORCEMENT

10 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS  
11 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS  
12 COMPACT.

13 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL  
14 ACTION IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR  
15 THE FEDERAL DISTRICT IN WHICH THE COMMISSION HAS ITS PRINCIPAL  
16 OFFICES AGAINST A PARTY STATE THAT IS IN DEFAULT TO ENFORCE  
17 COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND ITS  
18 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE  
19 BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL  
20 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED  
21 ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEYS'  
22 FEES.

23 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES  
24 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER  
25 REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.

26 **ARTICLE X**

27 **Effective Date, Withdrawal and Amendment**

1           a. THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING ON THE  
2 EARLIER OF THE DATE OF LEGISLATIVE ENACTMENT OF THIS COMPACT  
3 INTO LAW BY NO LESS THAN TWENTY-SIX (26) STATES OR DECEMBER 31,  
4 2018. ALL PARTY STATES TO THIS COMPACT, THAT ALSO WERE PARTIES TO  
5 THE PRIOR NURSE LICENSURE COMPACT, SUPERSEDED BY THIS COMPACT,  
6 ("PRIOR COMPACT"), SHALL BE DEEMED TO HAVE WITHDRAWN FROM SAID  
7 PRIOR COMPACT WITHIN SIX (6) MONTHS AFTER THE EFFECTIVE DATE OF  
8 THIS COMPACT.

9           b. EACH PARTY STATE TO THIS COMPACT SHALL CONTINUE TO  
10 RECOGNIZE A NURSE'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN  
11 THAT PARTY STATE ISSUED UNDER THE PRIOR COMPACT UNTIL SUCH  
12 PARTY STATE HAS WITHDRAWN FROM THE PRIOR COMPACT.

13           c. ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY  
14 ENACTING A STATUTE REPEALING THE SAME. A PARTY STATE'S  
15 WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL SIX (6) MONTHS AFTER  
16 ENACTMENT OF THE REPEALING STATUTE.

17           d. A PARTY STATE'S WITHDRAWAL OR TERMINATION SHALL NOT  
18 AFFECT THE CONTINUING REQUIREMENT OF THE WITHDRAWING OR  
19 TERMINATED STATE'S LICENSING BOARD TO REPORT ADVERSE ACTIONS  
20 AND SIGNIFICANT INVESTIGATIONS OCCURRING PRIOR TO THE EFFECTIVE  
21 DATE OF SUCH WITHDRAWAL OR TERMINATION.

22           e. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED  
23 TO INVALIDATE OR PREVENT ANY NURSE LICENSURE AGREEMENT OR  
24 OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A  
25 NONPARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER  
26 PROVISIONS OF THIS COMPACT.

27           f. THIS COMPACT MAY BE AMENDED BY THE PARTY STATES. NO

1 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING  
2 UPON THE PARTY STATES UNLESS AND UNTIL IT IS ENACTED INTO THE LAWS  
3 OF ALL PARTY STATES.

4 g. REPRESENTATIVES OF NONPARTY STATES TO THIS COMPACT  
5 SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE  
6 COMMISSION, ON A NONVOTING BASIS, PRIOR TO THE ADOPTION OF THIS  
7 COMPACT BY ALL STATES.

8 **ARTICLE XI**

9 **Construction and Severability**

10 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO  
11 EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT  
12 SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR  
13 PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE  
14 CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES, OR IF THE  
15 APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR  
16 CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF  
17 THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,  
18 AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.  
19 IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION  
20 OF ANY PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE AND  
21 EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND  
22 EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE  
23 MATTERS.

24 **24-60-3203. Effective date - notification to the revisor of**  
25 **statutes.** THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY  
26 AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE  
27 CONDITION SPECIFIED IN ARTICLE X a. OF THIS PART 32 HAS OCCURRED BY



1 E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THE  
2 REPEAL AND REENACTMENT OF THIS PART 32 TAKES EFFECT UPON THE  
3 NOTICE THAT THE COMPACT HAS BEEN ENACTED BY TWENTY-SIX STATES  
4 OR DECEMBER 31, 2018, WHICHEVER OCCURS FIRST.

5 **SECTION 24. Appropriation.** (1) For the 2017-18 state fiscal  
6 year, \$576,126 is appropriated to the department of public safety. This  
7 appropriation is from the Colorado bureau of investigation identification  
8 unit fund created in section 24-33.5-426, C.R.S. To implement this act,  
9 the department may use this appropriation as follows:

10 (a) \$279,144 for use by the biometric identification and records  
11 unit for criminal history record checks, which amount is based on an  
12 assumption that the unit will require an additional 0.9 FTE; and

13 (b) \$296,982 for use by executive director's office for leased space.

14 (2) For the 2017-18 state fiscal year, \$50,000 is appropriated to  
15 the department of regulatory agencies. This appropriation is from the  
16 division of professions and occupations cash fund created in section  
17 24-34-105 (2)(b)(I), C.R.S. To implement this act, the department may  
18 use this appropriation for the purchase of information technology  
19 services.

20 (3) For the 2017-18 state fiscal year, \$50,000 is appropriated to  
21 the office of the governor for use by the office of information technology.  
22 This appropriation is from reappropriated funds received from the  
23 department of regulatory agencies under subsection (2) of this section. To  
24 implement this act, the office may use this appropriation to provide  
25 information technology services for the department of regulatory  
26 agencies.

27 **SECTION 25. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.