

**Consideration of Proposed Amendment 22 Tex.Admin. Code, Section 220, Pertaining to
the Nurse Licensure Compact**

Summary of Request

Tx. Occ. Code, Chapter 304, Nurse Licensure Compact, Article 6, gives party state nurse licensing boards authority to adopt uniform rules as provided under Article 8(c) of this compact. Article 8 (c) gives Compact administrators the authority to develop uniform rules to facilitate and coordinate implementation of this compact. The uniform rules shall be adopted by party states under Article 6(a)(4) of this compact.

Uniform rules are necessary to facilitate the mobility of nurses and cooperation among party states.

The Nurse Licensure Compact Administrators have reviewed the model rules and made recommendations for amendments which incorporate current policies that have evolved over time. Rules will be published and adopted in all Compact States. Attached hereto as Attachment A is the NLCA's recommended amendments approved August 4, 2008.

Rationale

220.2 (b) Issuance of a License by a Compact Party State

- Additional forms of documentation of a nurse's primary state of residence which are appropriate to establish domicile.

220.2 (c) Issuance of a License by a Compact Party State

- Foreign applicants residence should be issued a single state license if their home is not Texas

220/2 (d) and (e) Issuance of a License by a Compact Party State

- Compact Administrators have agreed to mark those licenses (paper licenses or website verification) that are limited to the state of licensure as "single state licenses".

220.3 (b) Limitations on Multistate Licensure Privilege – Discipline

- States encounter nurses who have lost their prior home state license but cannot seek to reinstate that license because the state is no longer their home state. Compact Administrators agreed that if the new home state wishes to issue a license, only a single state license can be issued until such time as the nurse is either eligible for a unrestricted license in the prior home state.

Staff Recommendation:

Move to propose an amendment to Rule 220, attached hereto as Attachment B, pertaining to the Nurse Licensure Compact and authorize staff to publish the amendment in the Texas Register with a comment period of 30 days. If no negative comments are received, adopt and publish the amendment in the Texas Register.



Final Amendments 8-4-08

NURSE LICENSURE COMPACT MODEL RULES AND REGULATIONS

Article 6D and 8C of the Nurse Licensure Compact grant authority to the Compact Administrators to develop uniform rules to facilitate and coordinate implementation of the Compact.

1. Definition of terms in the Compact.

For the Purpose of the Compact:

- a. "Board" means party state's regulatory body responsible for issuing nurse licenses.
- b. "Information system" means the coordinated licensure information system.
- c. "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
- d. "Public" means any individual or entity other than designated staff or representatives of party state Boards or the National Council of State Boards of Nursing, Inc.

Other terms used in these rules are to be defined as in the Interstate Compact.

2. Issuance of a license by a Compact party state.

For the purpose of this Compact:

- a. As of July 1, 2005, no applicant for initial licensure will be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or any predecessor examination used for licensure.
- b. A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:
 - i. Driver's license with a home address;
 - ii. Voter registration card displaying a home address; ~~or~~
 - iii. Federal income tax return declaring the primary state of residence
 - iv. Military Form No. 2058 – state of legal residence certificate; or
 - v. W2 from US Government or any bureau, division or agency thereof indicating the declared state of residence.
(Statutory basis: Articles 2E, 4C, and 4D)
- c. A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.
(Statutory basis: Article 3E)

- d. A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license. (Statutory basis: Article 3A and 3B)
- e. When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance. (Statutory basis: Article 3A, 3B, and 3E)
- f. A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days. (Statutory basis: Articles 4B, 4C, and 4D[1])
- g. The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty-(30) day period in section 2b shall be stayed until resolution of the pending investigation. (Statutory basis: Article 5[B])
- h. The former home state license shall no longer be valid upon the issuance of a new home state license. (Statutory basis: Article 4D[1])
- i. If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.

3. Limitations on multi-state licensure privilege - Discipline.

- a. Home state Boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state Boards. (Statutory basis: State statute)
- b. An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued.

4. Information System.

- a. Levels of access
 - i. The Public shall have access to nurse licensure information limited to:
 - (a) the nurse's name,
 - (b) jurisdiction(s) of licensure,
 - (c) license expiration date(s),
 - (d) licensure classification(s) and status(es),
 - (e) public emergency and final disciplinary actions, as defined by contributing state authority, and
 - (f) the status of multi-state licensure privileges.
 - ii. Non-party state Boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.
 - iii. Party state Boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority. (Statutory basis: 7G)

- b. The licensee may request in writing to the home state Board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System. *(Statutory basis: 7G)*

- c. The Board shall report to the Information System within ten (10) business days
 - i. disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority),
 - ii. dismissal of complaint, and
 - iii. changes in status of disciplinary action, or licensure encumbrance. *(Statutory basis: 7B)*

- iv. Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint. *(Statutory basis: 7B, 7F)*

- v. Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a Board. *(Statutory basis: 7B, 7F)*

CHAPTER 220. NURSE LICENSURE COMPACT

§220.1. Definitions.

For the purpose of the Compact, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) Board—party state’s regulatory body responsible for issuing nurse licenses.
- (2) Information system—the coordinated licensure information system.
- (3) Primary state of residence—the state of a person’s declared fixed permanent and principal home for legal purposes;domicile.
- (4) Public—any individual or entity other than designated staff or representatives of party state Boards or the National Council of State Boards of Nursing, Inc.

§220.2. Issuance of a License by a Compact Party State.

(a) As of July 1, 2005, no applicant for initial licensure will be issued a license granting a multistate privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or its predecessor examinations used for licensure.

(b) A nurse applying for a license in a home party state shall produce evidence of the nurse’s primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but are not limited to:

- (1) a driver’s license with a home address;
- (2) voter registration card displaying a home address; or
- (3) federal income tax return declaring the primary state of residence;
- (4) Military Form No. 2058 – state of legal residence certificate; or
- (5) W2 from US Government or any bureau, division or agency thereof indicating the

declared state of residence.

(c) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.

(d) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.

(e) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.

~~(e)~~ (f) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse’s licensure application in the new home state for a period not to exceed thirty days.

~~(d)~~ (g) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty day period stated in subsection (c) of this section shall be stayed until resolution of the pending investigation.

~~(e)~~ (h) The former home state license shall no longer be valid upon the issuance of a new home state license.

~~(f)~~ (l) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten business days and the former home state may take action in accordance with that state's laws and rules.

§220.3. Limitations on Multistate Licensure Privilege - Discipline.

(a) All home state Board disciplinary orders, agreed or otherwise, which limit the scope of licensee's practice or require monitoring of the licensee as a condition of the order shall include the requirement that the licensee will limit his or her practice to the home state during the pendency of the order. This requirement may allow the licensee to practice in other party states with prior written authorization from both the home state and party state Boards.

(b) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued.

§220.4. Information System.

(a) Levels of access.

(1) The public shall have access to nurse licensure information limited to:

- (A) the nurse's name,
- (B) jurisdiction(s) of licensure,
- (C) license expiration date(s),
- (D) licensure classification(s) and status(es),
- (E) public emergency and final disciplinary actions, as defined by contributing state authority, and
- (F) the status of multistate licensure privileges.

(2) Non-party state Boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.

(3) Party State Boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority.

(b) The licensee may request in writing to the home state Board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten business days correct inaccurate data to the Information System.

(c) The Board shall report to the Information System within 10 business days, a disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority), dismissal of complaint, and changes in status of disciplinary action, or licensure encumbrance.

(d) Current significant investigative information shall be deleted from the Information System within ten business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

(e) Changes to licensure information in the Information System shall be completed within ten business days upon notification by a Board.