

Notice Enhanced NLC Proposed Rules And Notice of Public Hearing

1.Summary of Proposed Action

Introduction:

The Interstate Commission of Nurse Licensure Compact Administrators proposes uniform rules pursuant to Article VIII of the Enhanced Nurse Licensure Compact (eNLC). The proposed rules are necessary to effectuate the implementation of the eNLC and provide proper guidance and clarification to licensees and applicants of the party states that will promote compliance with the eNLC.

Public Hearing:

The Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA) will hold a hearing on proposed rules via teleconference at 2:00 P.M. (Central Standard Time) on June 29, 2018 and at the National Council of State Boards of Nursing headquarters:

111 East Wacker Drive
Suite 2900
Chicago, IL 60601-4277

Any interested person may present verbal comments on the proposed rules by attending the public hearing or via teleconference at 2:00 p.m. Central on June 29, 2018. Additional in-person and teleconference participant information is posted at www.ncsbn.org/enlcrules.

Written Comments:

Interested persons may electronically submit written comments regarding the proposed rules at www.ncsbn.org/enlcrules. Parties wishing to make a comment for consideration may do so by clicking the rule they wish to comment on and fill in the information requested along with the comment. Written comments on the proposed rules must be submitted by 2:00 p.m. Central on June 29, 2018.

If electronic submission is not possible, verbal comments will be permitted at the public hearing referenced above.

2.Statutory Authority for Rule Adoption:

Authorizing statute: ICNLC: ART. VIII RULEMAKING

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

Implementing statutes:

ART. III; GENERAL PROVISIONS AND JURISDICTION (g):

(g)A nurse who fails to satisfy the multistate licensure requirements in Article III.c. due to a disqualifying event occurring after this Compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators ("Commission").

ARTICLE VII ESTABLISHMENT OF INTERSTATE COMMISSION NURSE LICENSURE COMPACT ADMINISTRATORS (d) (g) & (h)

(d). The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the Commission.

(g)The Commission shall have the following powers:

1.To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states.

(h) The Commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based on formula to be determined by the Commission, which shall promulgate a rule that is binding upon all party states.

3. Entire text of Proposed Rules, Sections 200 through 500:

SECTION 200. COORDINATED LICENSURE INFORMATION SYSTEM

201. UNIFORM DATA SET AND LEVELS OF ACCESS (3) In the event a nurse asserts that any Coordinated Licensure Information System data is inaccurate, the burden ~~of proof~~ shall be upon the nurse to provide evidence in a manner determined by the party state that substantiates such claim.

SECTION 500. ADMINISTRATION

502. DISPUTE RESOLUTION

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

(2) The parties shall first attempt informal resolution. The Compact Administrators in the states involved shall contact each other. Each Compact Administrator shall submit a written statement describing the situation to the other Compact Administrators involved in the dispute. Each Compact Administrator may submit a response. The submission of the statement and the response shall be in a mutually agreed upon time frame. If an interpretation of the Compact is needed, the parties shall request assistance from the Executive Committee. If all issues are resolved, no further action is required and all party state Compact Administrators shall be informed of the result. If any issue remains unresolved, the parties shall notify the Commission and request mediation.

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

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

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

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

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

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

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

503.COMPLIANCE AND ENFORCEMENT.

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

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

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

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

4.The contact person who can answer questions about the rulemaking:

Name: Jim Puento, Director, Nurse Licensure Compact
Address: National Council State Boards of Nursing (NSCBN)
Telephone: 312-525-3601
Fax: 312-239-1032

E-mail: nursecompact@ncsbn.org

Web site: www.ncsbn.org/enlcrules

5. Reason for the Rule Proposal:

The ICNLC Commission justification for rules is to formulate, implement and interpret the Nurse Licensure Compact July 20, 2017 enacted laws and describe the procedures or requirements. The ICNLC Commission adopted a new Definitions, requirements for Coordinated Licensure Information System; procedures for Implementation; requirements for Licensure and Administration to further add clarity to regulations consistent with the Nurse Licensure Compact.

6. The preliminary summary of the economic, small business, and consumer impact:

The proposed rules provide additional clarity to the regulated public and are not expected to have measureable economic impact on the Commission, party state Boards of Nursing or regulated parties. The rulemaking poses no additional burden on Registered Nurses or Licensed/Vocational Nurses.