



Nurse Licensure Compact (NLC) Notice Proposed Rules & Notice of Public Hearing

1. Summary of Proposed Action

Introduction:

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

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 May 12, 2020 and at the National Council of State Boards of Nursing:

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 Time on May 12, 2020. Additional in-person and teleconference participant information is posted at www.ncsbn.org/nlcrules.

Written Comments:

Interested persons may electronically submit written comments regarding the proposed rules at www.ncsbn.org/nlcrules. Parties wishing to make a comment for consideration may do so by clicking the rule they wish to comment on and fill in the information requested along with the comment. Written comments on the proposed rules must be submitted by 2:00 p.m. Central on May 12, 2020.

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.

(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.

3. Entire Text of Proposed Rules

SECTION 400. LICENSURE

408. FEDERAL CRIMINAL RECORDS

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

409. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

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 ~~the dispute is related~~ to 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.~~ **provide the Compliance Committee with a concise statement of unresolved issue(s) and analysis including references to NLC statutes, rules and any supporting documents. After review by the Compliance Committee, its recommendations will be sent to the parties and the Executive Committee for further review.**

(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.

4. Commission meeting to Consider and Vote on Rules

The Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA) will meet to consider and vote on the Rules on August 11, 2020 in Chicago, IL.

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

Name: Jim Puente, 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/nlcrules

6. Reason for the Rule Proposal:

The ICNLC Commission justification for rules is to implement and interpret the Nurse Licensure Compact 2017 enacted laws and describe the procedures or requirements.

The ICNLC Commission proposes new requirements for Federal Criminal Records, licensing procedures for Active Military Personnel or Their Spouses and further clarification regarding Dispute Resolution regulations consistent with the Nurse Licensure Compact.

7. 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 measurable 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.