

Senate Bill 966

Sponsored by Senator SMITH DB

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes Oregon join an agreement to let nurses from other states work in Oregon. (Flesch Readability Score: 63.6).

Enacts the interstate Nurse Licensure Compact. Permits the Oregon State Board of Nursing to disclose specified information to the Interstate Commission of Nurse Licensure Compact Administrators. Exempts individuals authorized to work as nurses under multistate licensure privilege from requirements to obtain licensure from the board and from restrictions on use of titles. Allows the board to use moneys to meet financial obligations imposed on the State of Oregon as a result of participation in the compact.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to health professional licensing interstate compacts; creating new provisions; amending ORS 676.177, 678.021 and 678.170; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The provisions of the Nurse Licensure Compact are as follows:

Nurse Licensure Compact

Approved by the May 4, 2015, Special Delegate Assembly

ARTICLE I

Findings and Declaration of Purpose

a. The party states find that:

1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

6. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

b. The general purposes of this Compact are to:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 state license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN
 2 in a remote state.

3 j. “Nurse” means RN or LPN/VN, as those terms are defined by each party state’s
 4 practice laws.

5 k. “Party state” means any state that has adopted this Compact.

6 l. “Remote state” means a party state other than the home state.

7 m. “Single-state license” means a nurse license issued by a party state that authorizes
 8 practice only within the issuing state and does not include a multistate licensure privilege
 9 to practice in any other party state.

10 n. “State” means a state, territory or possession of the United States and the District
 11 of Columbia.

12 o. 1. “State practice laws” means a party state’s laws, rules and regulations that govern
 13 the practice of nursing, define the scope of nursing practice and create the methods and
 14 grounds for imposing discipline.

15 2. “State practice laws” does not include requirements necessary to obtain and retain a
 16 license, except for qualifications or requirements of the home state.

17 **ARTICLE III**

18 **General Provisions and Jurisdiction**

19 a. A multistate license to practice registered or licensed practical/vocational nursing is-
 20 sued by a home state to a resident in that state will be recognized by each party state as
 21 authorizing a nurse to practice as a registered nurse (RN) or as a licensed
 22 practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party
 23 state.

24 b. A state must implement procedures for considering the criminal history records of
 25 applicants for initial multistate license or licensure by endorsement. Such procedures shall
 26 include the submission of fingerprints or other biometric information by applicants for the
 27 purpose of obtaining an applicant’s criminal history record information from the Federal
 28 Bureau of Investigation and the agency responsible for retaining that state’s criminal re-
 29 cords.

30 c. Each party state shall require the following for an applicant to obtain or retain a
 31 multistate license in the home state:

32 1. Meets the home state’s qualifications for licensure or renewal of licensure, as well as
 33 all other applicable state laws;

34 2. i. Has graduated or is eligible to graduate from a licensing board-approved RN or
 35 LPN/VN prelicensure education program; or

36 ii. Has graduated from a foreign RN or LPN/VN prelicensure education program that (a)
 37 has been approved by the authorized accrediting body in the applicable country and (b) has
 38 been verified by an independent credentials review agency to be comparable to a licensing
 39 board-approved prelicensure education program;

40 3. Has, if a graduate of a foreign prelicensure education program not taught in English
 41 or if English is not the individual’s native language, successfully passed an English profi-
 42 ciency examination that includes the components of reading, speaking, writing and listening;

43 4. Has successfully passed an NCLEX-RN or NCLEX-PN Examination or its recognized
 44 predecessor, as applicable;

45 5. Is eligible for or holds an active, unencumbered license;

1 a. Upon application for a multistate license, the licensing board in the issuing party state
 2 shall ascertain, through the coordinated licensure information system, whether the applicant
 3 has ever held, or is the holder of, a license issued by any other state, whether there are any
 4 encumbrances on any license or multistate licensure privilege held by the applicant, whether
 5 any adverse action has been taken against any license or multistate licensure privilege held
 6 by the applicant and whether the applicant is currently participating in an alternative pro-
 7 gram.

8 b. A nurse may hold a multistate license, issued by the home state, in only one party
 9 state at a time.

10 c. If a nurse changes primary state of residence by moving between two party states, the
 11 nurse must apply for licensure in the new home state, and the multistate license issued by
 12 the prior home state will be deactivated in accordance with applicable rules adopted by the
 13 Interstate Commission of Nurse Licensure Compact Administrators.

14 1. The nurse may apply for licensure in advance of a change in primary state of resi-
 15 dence.

16 2. A multistate license shall not be issued by the new home state until the nurse provides
 17 satisfactory evidence of a change in primary state of residence to the new home state and
 18 satisfies all applicable requirements to obtain a multistate license from the new home state.

19 d. If a nurse changes primary state of residence by moving from a party state to a non-
 20 party state, the multistate license issued by the prior home state will convert to a single-
 21 state license, valid only in the former home state.

22 **ARTICLE V**

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

24 a. In addition to the other powers conferred by state law, a licensing board shall have the
 25 authority to:

26 1. Take adverse action against a nurse's multistate licensure privilege to practice within
 27 that party state.

28 i. Only the home state shall have the power to take adverse action against a nurse's li-
 29 cense issued by the home state.

30 ii. For purposes of taking adverse action, the home state licensing board shall give the
 31 same priority and effect to reported conduct received from a remote state as it would if such
 32 conduct had occurred within the home state. In so doing, the home state shall apply its own
 33 state laws to determine appropriate action.

34 2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to
 35 practice within that party state.

36 3. Complete any pending investigations of a nurse who changes primary state of residence
 37 during the course of such investigations. The licensing board shall also have the authority
 38 to take appropriate actions and shall promptly report the conclusions of such investigations
 39 to the administrator of the coordinated licensure information system. The administrator of
 40 the coordinated licensure information system shall promptly notify the new home state of
 41 any such actions.

42 4. Issue subpoenas for both hearings and investigations that require the attendance and
 43 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing
 44 board in a party state for the attendance and testimony of witnesses or the production of
 45 evidence from another party state shall be enforced in the latter state by any court of

1 competent jurisdiction, according to the practice and procedure of that court applicable to
2 subpoenas issued in proceedings pending before it. The issuing authority shall pay any wit-
3 ness fees, travel expenses, mileage and other fees required by the service statutes of the
4 state in which the witnesses or evidence are located.

5 5. Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric
6 information to the Federal Bureau of Investigation for criminal background checks, receive
7 the results of the Federal Bureau of Investigation record search on criminal background
8 checks and use the results in making licensure decisions.

9 6. If otherwise permitted by state law, recover from the affected nurse the costs of in-
10 vestigations and disposition of cases resulting from any adverse action taken against that
11 nurse.

12 7. Take adverse action based on the factual findings of the remote state, provided that
13 the licensing board follows its own procedures for taking such adverse action.

14 b. If adverse action is taken by the home state against a nurse's multistate license, the
15 nurse's multistate licensure privilege to practice in all other party states shall be deactivated
16 until all encumbrances have been removed from the multistate license. All home state dis-
17 disciplinary orders that impose adverse action against a nurse's multistate license shall include
18 a statement that the nurse's multistate licensure privilege is deactivated in all party states
19 during the pendency of the order.

20 c. Nothing in this Compact shall override a party state's decision that participation in
21 an alternative program may be used in lieu of adverse action. The home state licensing board
22 shall deactivate the multistate licensure privilege under the multistate license of any nurse
23 for the duration of the nurse's participation in an alternative program.

24 ARTICLE VI

25 Coordinated Licensure Information System 26 and Exchange of Information

27 a. All party states shall participate in a coordinated licensure information system of all
28 licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
29 system will include information on the licensure and disciplinary history of each nurse, as
30 submitted by party states, to assist in the coordination of nurse licensure and enforcement
31 efforts.

32 b. The Interstate Commission of Nurse Licensure Compact Administrators, in consulta-
33 tion with the administrator of the coordinated licensure information system, shall formulate
34 necessary and proper procedures for the identification, collection and exchange of informa-
35 tion under this Compact.

36 c. All licensing boards shall promptly report to the coordinated licensure information
37 system any adverse action, any current significant investigative information, denials of ap-
38 plications (with the reasons for such denials) and nurse participation in alternative programs
39 known to the licensing board regardless of whether such participation is deemed nonpublic
40 or confidential under state law.

41 d. Current significant investigative information and participation in nonpublic or confi-
42 dential alternative programs shall be transmitted through the coordinated licensure infor-
43 mation system only to party state licensing boards.

44 e. Notwithstanding any other provision of law, all party state licensing boards contrib-
45 uting information to the coordinated licensure information system may designate informa-

1 tion that may not be shared with nonparty states or disclosed to other entities or individuals
 2 without the express permission of the contributing state.

3 f. Any personally identifiable information obtained from the coordinated licensure infor-
 4 mation system by a party state licensing board shall not be shared with nonparty states or
 5 disclosed to other entities or individuals except to the extent permitted by the laws of the
 6 party state contributing the information.

7 g. Any information contributed to the coordinated licensure information system that is
 8 subsequently required to be expunged by the laws of the party state contributing that infor-
 9 mation shall also be expunged from the coordinated licensure information system.

10 h. The Compact administrator of each party state shall furnish a uniform data set to the
 11 Compact administrator of each other party state, which shall include, at a minimum:

12 1. Identifying information;

13 2. Licensure data;

14 3. Information related to alternative program participation; and

15 4. Other information that may facilitate the administration of this Compact, as deter-
 16 mined by Commission rules.

17 i. The Compact administrator of a party state shall provide all investigative documents
 18 and information requested by another party state.

19 **ARTICLE VII**

20 **Establishment of the Interstate Commission of**
 21 **Nurse Licensure Compact Administrators**

22 a. The party states hereby create and establish a joint public entity known as the Inter-
 23 state Commission of Nurse Licensure Compact Administrators.

24 1. The Commission is an instrumentality of the party states.

25 2. Venue is proper, and judicial proceedings by or against the Commission shall be
 26 brought solely and exclusively, in a court of competent jurisdiction where the principal office
 27 of the Commission is located. The Commission may waive venue and jurisdictional defenses
 28 to the extent it adopts or consents to participate in alternative dispute resolution pro-
 29 ceedings.

30 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

31 b. Membership, Voting and Meetings

32 1. Each party state shall have and be limited to one administrator. The head of the state
 33 licensing board or designee shall be the administrator of this Compact for each party state.
 34 Any administrator may be removed or suspended from office as provided by the law of the
 35 state from which the administrator is appointed. Any vacancy occurring in the Commission
 36 shall be filled in accordance with the laws of the party state in which the vacancy exists.

37 2. Each administrator shall be entitled to one vote with regard to the promulgation of
 38 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
 39 business and affairs of the Commission. An administrator shall vote in person or by such
 40 other means as provided in the bylaws. The bylaws may provide for an administrator's par-
 41 ticipation in meetings by telephone or other means of communication.

42 3. The Commission shall meet at least once during each calendar year. Additional
 43 meetings shall be held as set forth in the bylaws or rules of the commission.

44 4. All meetings shall be open to the public, and public notice of meetings shall be given
 45 in the same manner as required under the rulemaking provisions in Article VIII of this

1 **Compact.**

2 **5. The Commission may convene in a closed, nonpublic meeting if the Commission must**
 3 **discuss:**

- 4 **i. Noncompliance of a party state with its obligations under this Compact;**
- 5 **ii. The employment, compensation, discipline or other personnel matters, practices or**
 6 **procedures related to specific employees or other matters related to the Commission's**
 7 **internal personnel practices and procedures;**
- 8 **iii. Current, threatened or reasonably anticipated litigation;**
- 9 **iv. Negotiation of contracts for the purchase or sale of goods, services or real estate;**
- 10 **v. Accusing any person of a crime or formally censuring any person;**
- 11 **vi. Disclosure of trade secrets or commercial or financial information that is privileged**
 12 **or confidential;**
- 13 **vii. Disclosure of information of a personal nature where disclosure would constitute a**
 14 **clearly unwarranted invasion of personal privacy;**
- 15 **viii. Disclosure of investigatory records compiled for law enforcement purposes;**
- 16 **ix. Disclosure of information related to any reports prepared by or on behalf of the**
 17 **Commission for the purpose of investigation of compliance with this Compact; or**
- 18 **x. Matters specifically exempted from disclosure by federal or state statute.**

19 **6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the**
 20 **Commission's legal counsel or designee shall certify that the meeting may be closed and shall**
 21 **reference each relevant exempting provision. The Commission shall keep minutes that fully**
 22 **and clearly describe all matters discussed in a meeting and shall provide a full and accurate**
 23 **summary of actions taken, and the reasons therefor, including a description of the views**
 24 **expressed. All documents considered in connection with an action shall be identified in such**
 25 **minutes. All minutes and documents of a closed meeting shall remain under seal, subject to**
 26 **release by a majority vote of the Commission or order of a court of competent jurisdiction.**

27 **c. The Commission shall, by a majority vote of the administrators, prescribe bylaws or**
 28 **rules to govern its conduct as may be necessary or appropriate to carry out the purposes**
 29 **and exercise the powers of this Compact, including but not limited to:**

- 30 **1. Establishing the fiscal year of the Commission;**
- 31 **2. Providing reasonable standards and procedures:**
 - 32 **i. For the establishment and meetings of other committees; and**
 - 33 **ii. Governing any general or specific delegation of any authority or function of the Com-**
 34 **mission;**
- 35 **3. Providing reasonable procedures for calling and conducting meetings of the Commis-**
 36 **sion, ensuring reasonable advance notice of all meetings and providing an opportunity for**
 37 **attendance of such meetings by interested parties, with enumerated exceptions designed to**
 38 **protect the public's interest, the privacy of individuals and proprietary information, including**
 39 **trade secrets. The Commission may meet in closed session only after a majority of the ad-**
 40 **ministrators vote to close a meeting in whole or in part. As soon as practicable, the Com-**
 41 **mission must make public a copy of the vote to close the meeting revealing the vote of each**
 42 **administrator, with no proxy votes allowed;**
- 43 **4. Establishing the titles, duties and authority and reasonable procedures for the election**
 44 **of the officers of the Commission;**
- 45 **5. Providing reasonable standards and procedures for the establishment of the personnel**

1 policies and programs of the Commission. Notwithstanding any civil service or other similar
 2 laws of any party state, the bylaws shall exclusively govern the personnel policies and pro-
 3 grams of the Commission; and

4 6. Providing a mechanism for winding up the operations of the Commission and the eq-
 5 uitable disposition of any surplus funds that may exist after the termination of this Compact
 6 after the payment or reserving of all of its debts and obligations.

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

9 e. The Commission shall maintain its financial records in accordance with the bylaws.

10 f. The Commission shall meet and take such actions as are consistent with the provisions
 11 of this Compact and the bylaws.

12 g.1.i. The Commission shall have the powers to promulgate uniform rules to facilitate and
 13 coordinate implementation and administration of this Compact. The rules shall have the
 14 force and effect of law and shall be binding in all party states.

15 ii. Notwithstanding Article VII g.1.i. of this Compact, the Oregon State Board of Nursing
 16 shall review the rules of the Commission. The board may approve and adopt the rules of the
 17 Commission as rules of the board. The State of Oregon is subject to a rule of the Commission
 18 only if the rule of the Commission is adopted by the board;

19 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
 20 provided that the standing of any licensing board to sue or be sued under applicable law shall
 21 not be affected;

22 3. To purchase and maintain insurance and bonds;

23 4. To borrow, accept or contract for services of personnel, including, but not limited to,
 24 employees of a party state or nonprofit organizations;

25 5. To cooperate with other organizations that administer state compacts related to the
 26 regulation of nursing, including, but not limited to, sharing administrative or staff expenses,
 27 office space or other resources;

28 6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such
 29 individuals appropriate authority to carry out the purposes of this Compact, and establish
 30 the Commission's personnel policies and programs relating to conflicts of interest, quali-
 31 fications of personnel and other related personnel matters;

32 7. To accept any and all appropriate donations, grants and gifts of money, equipment,
 33 supplies, materials and services, and to receive, utilize and dispose of the same, provided that
 34 at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

35 8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
 36 improve or use, any property, whether real, personal or mixed, provided that at all times the
 37 Commission shall avoid any appearance of impropriety;

38 9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any
 39 property, whether real, personal or mixed;

40 10. To establish a budget and make expenditures;

41 11. To borrow money;

42 12. To appoint committees, including advisory committees comprised of administrators,
 43 state nursing regulators, state legislators or their representatives, consumer representatives
 44 and other such interested persons;

45 13. To provide and receive information from, and to cooperate with, law enforcement

1 agencies;

2 14. To adopt and use an official seal; and

3 15. To perform such other functions as may be necessary or appropriate to achieve the
4 purposes of this Compact consistent with the state regulation of nurse licensure and prac-
5 tice.

6 h. Financing of the Commission

7 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of
8 its establishment, organization and ongoing activities.

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

14 ii. An assessment levied, or any other financial obligation imposed, under this Compact
15 is effective against the State of Oregon only to the extent that moneys necessary to pay the
16 assessment or meet the financial obligation have been deposited in the Oregon State Board
17 of Nursing Account established under ORS 678.170.

18 3. The Commission shall not incur obligations of any kind prior to securing the funds
19 adequate to meet the same, nor shall the Commission pledge the credit of any of the party
20 states, except by, and with the authority of, such party state.

21 4. The Commission shall keep accurate accounts of all receipts and disbursements. The
22 receipts and disbursements of the Commission shall be subject to the audit and accounting
23 procedures established under its bylaws. However, all receipts and disbursements of funds
24 handled by the Commission shall be audited yearly by a certified or licensed public account-
25 ant, and the report of the audit shall be included in and become part of the annual report
26 of the Commission.

27 i. Qualified Immunity, Defense and Indemnification

28 1. The administrators, officers, executive director, employees and representatives of the
29 Commission shall be immune from suit and liability, either personally or in their official ca-
30 pacity, for any claim for damage to or loss of property or personal injury or other civil li-
31 ability caused by or arising out of any actual or alleged act, error or omission that occurred,
32 or that the person against whom the claim is made had a reasonable basis for believing oc-
33 curred, within the scope of Commission employment, duties or responsibilities, provided that
34 nothing in this paragraph shall be construed to protect any such person from suit or liability
35 for any damage, loss, injury or liability caused by the intentional, willful or wanton miscon-
36 duct of that person.

37 2. The Commission shall defend any administrator, officer, executive director, employee
38 or representative of the Commission in any civil action seeking to impose liability arising out
39 of any actual or alleged act, error or omission that occurred within the scope of Commission
40 employment, duties or responsibilities, or that the person against whom the claim is made
41 had a reasonable basis for believing occurred within the scope of Commission employment,
42 duties or responsibilities, provided that nothing herein shall be construed to prohibit that
43 person from retaining his or her own counsel, and provided further that the actual or alleged
44 act, error or omission did not result from that person's intentional, willful or wanton mis-
45 conduct.

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

4 k. Upon determination that an emergency exists, the Commission may consider and
5 adopt an emergency rule without prior notice, opportunity for comment or hearing, provided
6 that the usual rulemaking procedures provided in this Compact and in this section shall be
7 retroactively applied to the rule as soon as reasonably possible, but in no event later than
8 90 days after the effective date of the rule. For the purposes of this provision, an emergency
9 rule is one that must be adopted immediately in order to:

10 1. Meet an imminent threat to public health, safety or welfare;

11 2. Prevent a loss of Commission or party state funds; or

12 3. Meet a deadline for the promulgation of an administrative rule that is required by
13 federal law or rule.

14 l. The Commission may direct revisions to a previously adopted rule or amendment for
15 purposes of correcting typographical errors, errors in format, errors in consistency or
16 grammatical errors. Public notice of any revisions shall be posted on the website of the
17 Commission. The revision shall be subject to challenge by any person for a period of 30 days
18 after posting. The revision may be challenged only on grounds that the revision results in a
19 material change to a rule. A challenge shall be made in writing, and delivered to the Com-
20 mission, prior to the end of the notice period. If no challenge is made, the revision will take
21 effect without further action. If the revision is challenged, the revision may not take effect
22 without the approval of the Commission.

23 ARTICLE IX

24 Oversight, Dispute Resolution and Enforcement

25 a. Oversight

26 1. Each party state shall enforce this Compact and take all actions necessary and ap-
27 propriate to effectuate this Compact's purposes and intent.

28 2. The Interstate Commission of Nurse Licensure Compact Administrators shall be enti-
29 tled to receive service of process in any proceeding that may affect the powers, responsibil-
30 ities or actions of the Commission, and shall have standing to intervene in such a proceeding
31 for all purposes. Failure to provide service of process in such proceeding to the Commission
32 shall render a judgment or order void as to the Commission, this Compact or promulgated
33 rules.

34 b. Default, Technical Assistance and Termination

35 1. If the Commission determines that a party state has defaulted in the performance of
36 its obligations or responsibilities under this Compact or the promulgated rules, the Com-
37 mission shall:

38 i. Provide written notice to the defaulting state and other party states of the nature of
39 the default, the proposed means of curing the default or any other action to be taken by the
40 Commission; and

41 ii. Provide remedial training and specific technical assistance regarding the default.

42 2. If a state in default fails to cure the default, the defaulting state's membership in this
43 Compact may be terminated upon an affirmative vote of a majority of the administrators,
44 and all rights, privileges and benefits conferred by this Compact may be terminated on the
45 effective date of termination. A cure of the default does not relieve the offending state of

1 obligations or liabilities incurred during the period of default.

2 3. Termination of membership in this Compact shall be imposed only after all other
3 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
4 shall be given by the Commission to the governor of the defaulting state and to the head of
5 the defaulting state's licensing board and each of the party states.

6 4. A state whose membership in this Compact has been terminated is responsible for all
7 assessments, obligations and liabilities incurred through the effective date of termination,
8 including obligations that extend beyond the effective date of termination.

9 5. The Commission shall not bear any costs related to a state that is found to be in de-
10 fault or whose membership in this Compact has been terminated unless agreed upon in
11 writing between the Commission and the defaulting state.

12 6. The defaulting state may appeal the action of the Commission by petitioning the U.S.
13 District Court for the District of Columbia or the federal district in which the Commission
14 has its principal offices. The prevailing party shall be awarded all costs of such litigation,
15 including reasonable attorney fees.

16 c. Dispute Resolution

17 1. Upon request by a party state, the Commission shall attempt to resolve disputes re-
18 lated to the Compact that arise among party states and between party and nonparty states.

19 2. The Commission shall promulgate a rule providing for both mediation and binding
20 dispute resolution for disputes, as appropriate.

21 3. In the event the Commission cannot resolve disputes among party states arising under
22 this Compact:

23 i. The party states may submit the issues in dispute to an arbitration panel, which will
24 be comprised of individuals appointed by the Compact administrator in each of the affected
25 party states and an individual mutually agreed upon by the Compact administrators of all the
26 party states involved in the dispute.

27 ii. The decision of a majority of the arbitrators shall be final and binding.

28 d. Enforcement

29 1. The Commission, in the reasonable exercise of its discretion, shall enforce the pro-
30 visions and rules of this Compact.

31 2. By majority vote, the Commission may initiate legal action in the U.S. District Court
32 for the District of Columbia or the federal district in which the Commission has its principal
33 offices against a party state that is in default to enforce compliance with the provisions of
34 this Compact and its promulgated rules and bylaws. The relief sought may include both
35 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
36 party shall be awarded all costs of such litigation, including reasonable attorney fees.

37 3. The remedies herein shall not be the exclusive remedies of the Commission. The
38 Commission may pursue any other remedies available under federal or state law.

39 ARTICLE X

40 Effective Date, Withdrawal and Amendment

41 a. This Compact shall become effective and binding on the earlier of the date of legisla-
42 tive enactment of this Compact into law by no less than 26 states or December 31, 2018. All
43 party states to this Compact that also were parties to the prior Nurse Licensure Compact,
44 superseded by this Compact (Prior Compact), shall be deemed to have withdrawn from said
45 Prior Compact within six months after the effective date of this Compact.

1 (a) A board or agency of this state, or a board or agency of another state with regulatory or
2 enforcement functions similar to the functions of a health professional regulatory board of this state;

3 (b) A district attorney;

4 (c) The Department of Justice;

5 (d) A state or local public body of this state that licenses, franchises or provides emergency
6 medical services; or

7 (e) A law enforcement agency of this state, another state or the federal government.

8 (4) Notwithstanding subsections (1) to (3) of this section[,]:

9 (a) The Oregon Board of Physical Therapy may disclose information described in subsection (1)
10 of this section to the Physical Therapy Compact Commission established in ORS 688.240.

11 (b) **The Oregon State Board of Nursing may disclose information described in subsection
12 (1) of this section to the Interstate Commission of Nurse Licensure Compact Administrators
13 described in section 1 of this 2025 Act.**

14 (5) A health professional regulatory board may not disclose the information described in sub-
15 section (1) of this section to another public entity if the information relates to the provision of or
16 referral for reproductive or gender-affirming health care services.

17 **SECTION 4.** ORS 678.021 is amended to read:

18 678.021. (1) Except as provided in ORS 676.347, it is unlawful for any person to practice nursing
19 or offer to practice nursing in this state or to use any title or abbreviation, sign, card or device to
20 indicate the person is practicing either practical or registered nursing unless the person is licensed
21 under ORS 678.010 to 678.410 at the level for which the indication of practice is made and the li-
22 cense is valid and in effect.

23 (2) **Subsection (1) of this section does not apply to an individual who is authorized to work
24 as a nurse by multistate licensure privilege as defined in section 1 of this 2025 Act.**

25 **SECTION 5.** ORS 678.170 is amended to read:

26 678.170. (1) All money received by the Oregon State Board of Nursing under ORS 678.010 to
27 678.448 shall be paid into the General Fund in the State Treasury and placed to the credit of the
28 Oregon State Board of Nursing Account. Such moneys are appropriated continuously **to the board**
29 and shall be used only for the administration and enforcement of ORS 676.850, 676.860 and 678.010
30 to 678.448 **and for the purpose of meeting the financial obligations imposed on the State of**
31 **Oregon as a result of this state's participation in the Nurse Licensure Compact described in**
32 **section 1 of this 2025 Act.**

33 (2) The board shall keep a record of all moneys deposited in the Oregon State Board of Nursing
34 Account. This record shall indicate by separate cumulative accounts the source from which the
35 moneys are derived and the individual activity or program against which each withdrawal is
36 charged.

37 (3) The board may maintain a petty cash fund in compliance with ORS 293.180 in the amount
38 of \$1,000.

39 **SECTION 6.** (1) **The amendments to ORS 676.177 by section 3 of this 2025 Act apply to**
40 **information disclosed on and after the operative date specified in section 7 of this 2025 Act.**

41 (2) **The amendments to ORS 687.021 by section 4 of this 2025 Act apply to individuals au-**
42 **thorized to work as nurses by multistate licensure privilege on and after the operative date**
43 **specified in section 7 of this 2025 Act.**

44 (3) **The amendments to ORS 678.170 by section 5 of this 2025 Act apply to moneys received**
45 **by the Oregon State Board of Nursing on and after the operative date specified in section 7**

1 of this 2025 Act.

2 **SECTION 7.** (1) Sections 1 and 2 of this 2025 Act and the amendments to ORS 676.177,
3 678.021 and 678.170 by sections 3 to 5 of this 2025 Act become operative on January 1, 2026.

4 (2) The Oregon State Board of Nursing may take any action before the operative date
5 specified in subsection (1) of this section that is necessary to enable the board to exercise,
6 on and after the operative date specified in subsection (1) of this section, all of the duties,
7 functions and powers conferred on the board by sections 1 and 2 of this 2025 Act and the
8 amendments to ORS 676.177, 678.021 and 678.170 by sections 3 to 5 of this 2025 Act.

9 **SECTION 8.** This 2025 Act takes effect on the 91st day after the date on which the 2025
10 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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