

By the Committee on Appropriations; and Senator Grimsley

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1 A bill to be entitled
2 An act relating to the Nurse Licensure Compact;
3 amending s. 456.073, F.S.; requiring the Department of
4 Health to report certain investigative information to
5 the coordinated licensure information system; amending
6 s. 456.076, F.S.; requiring an impaired practitioner
7 consultant to disclose certain information to the
8 department upon request; requiring a nurse holding a
9 multistate license to report participation in a
10 treatment program to the department; amending s.
11 464.003, F.S.; revising definitions to conform to
12 changes made by the compact; amending s. 464.004,
13 F.S.; requiring the executive director of the Board of
14 Nursing or his or her designee to serve as state
15 administrator of the Nurse Licensure Compact; amending
16 s. 464.008, F.S.; providing eligibility criteria for a
17 multistate license; requiring that multistate licenses
18 be distinguished from single-state licenses; exempting
19 certain persons from licensed practical nurse and
20 registered nurse licensure requirements; amending s.
21 464.009, F.S.; exempting certain persons from
22 requirements for licensure by endorsement; creating s.
23 464.0095, F.S.; creating the Nurse Licensure Compact;
24 providing findings and purpose; providing definitions;
25 providing for the recognition of nursing licenses in
26 party states; requiring party states to perform
27 criminal history checks of licensure applicants;
28 providing requirements for obtaining and retaining a
29 multistate license; authorizing party states to take
30 adverse action against a nurse's multistate licensure
31 privilege; requiring notification to the home
32 licensing state of an adverse action against a

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33 licensee; requiring nurses practicing in party states
34 to comply with practice laws of those states;
35 providing limitations for licensees not residing in a
36 party state; providing the effect of the act on a
37 current licensee; providing application requirements
38 for a multistate license; providing licensure
39 requirements when a licensee moves between party
40 states or to a nonparty state; providing certain
41 authority to state licensing boards of party states;
42 requiring deactivation of a nurse's multistate
43 licensure privilege under certain circumstances;
44 authorizing participation in an alternative program in
45 lieu of adverse action against a license; requiring
46 all party states to participate in a coordinated
47 licensure information system; providing for the
48 development of the system, reporting procedures, and
49 the exchange of certain information between party
50 states; establishing the Interstate Commission of
51 Nurse Licensure Compact Administrators; providing for
52 the jurisdiction and venue for court proceedings;
53 providing membership and duties; authorizing the
54 commission to adopt rules; providing rulemaking
55 procedures; providing for state enforcement of the
56 compact; providing a procedure for compact membership
57 termination; providing procedures for the resolution
58 of certain disputes; providing an effective date of
59 the compact; providing a procedure for membership
60 termination; providing compact amendment procedures;
61 authorizing nonparty states to participate in

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62 commission activities before adoption of the compact;
63 providing construction and severability; amending s.
64 464.012, F.S.; authorizing a multistate licensee under
65 the compact to be certified as an advanced registered
66 nurse practitioner if certain eligibility criteria are
67 met; amending s. 464.015, F.S.; authorizing registered
68 nurses and licensed practical nurses holding a
69 multistate license under the compact to use certain
70 titles and abbreviations; amending s. 464.018, F.S.;
71 revising the grounds for denial of a nursing license
72 or disciplinary action against a nursing licensee;
73 authorizing certain disciplinary action under the
74 compact for certain prohibited acts; amending s.
75 464.0195, F.S.; revising the information required to
76 be included in the database on nursing supply and
77 demand; requiring the Florida Center for Nursing to
78 analyze and make future projections of the supply and
79 demand for nurses; authorizing the center to request,
80 and requiring the Board of Nursing to provide, certain
81 information about licensed nurses; amending s. 768.28,
82 F.S.; designating the state administrator of the Nurse
83 Licensure Compact and other members, employees, or
84 representatives of the Interstate Commission of Nurse
85 Licensure Compact Administrators as state agents for
86 the purpose of applying sovereign immunity and waivers
87 of sovereign immunity; requiring the commission to pay
88 certain claims or judgments; authorizing the
89 commission to maintain insurance coverage to pay
90 certain claims or judgments; providing a contingent

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91 effective date.

92

93 Be It Enacted by the Legislature of the State of Florida:

94

95 Section 1. Subsection (10) of section 456.073, Florida
96 Statutes, is amended to read:

97 456.073 Disciplinary proceedings.—Disciplinary proceedings
98 for each board shall be within the jurisdiction of the
99 department.

100 (10) The complaint and all information obtained pursuant to
101 the investigation by the department are confidential and exempt
102 from s. 119.07(1) until 10 days after probable cause has been
103 found to exist by the probable cause panel or by the department,
104 or until the regulated professional or subject of the
105 investigation waives his or her privilege of confidentiality,
106 whichever occurs first. The department shall report any
107 significant investigation information relating to a nurse
108 holding a multistate license to the coordinated licensure
109 information system pursuant to s. 464.0095. Upon completion of
110 the investigation and a recommendation by the department to find
111 probable cause, and pursuant to a written request by the subject
112 or the subject's attorney, the department shall provide the
113 subject an opportunity to inspect the investigative file or, at
114 the subject's expense, forward to the subject a copy of the
115 investigative file. Notwithstanding s. 456.057, the subject may
116 inspect or receive a copy of any expert witness report or
117 patient record connected with the investigation if the subject
118 agrees in writing to maintain the confidentiality of any
119 information received under this subsection until 10 days after

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120 probable cause is found and to maintain the confidentiality of
121 patient records pursuant to s. 456.057. The subject may file a
122 written response to the information contained in the
123 investigative file. Such response must be filed within 20 days
124 of mailing by the department, unless an extension of time has
125 been granted by the department. This subsection does not
126 prohibit the department from providing such information to any
127 law enforcement agency or to any other regulatory agency.

128 Section 2. Subsection (9) of section 456.076, Florida
129 Statutes, is amended to read:

130 456.076 Treatment programs for impaired practitioners.—

131 (9) An impaired practitioner consultant is the official
132 custodian of records relating to the referral of an impaired
133 licensee or applicant to that consultant and any other
134 interaction between the licensee or applicant and the
135 consultant. The consultant may disclose to the impaired licensee
136 or applicant or his or her designee any information that is
137 disclosed to or obtained by the consultant or that is
138 confidential under paragraph (6) (a), but only to the extent that
139 it is necessary to do so to carry out the consultant's duties
140 under this section. The department, and any other entity that
141 enters into a contract with the consultant to receive the
142 services of the consultant, has direct administrative control
143 over the consultant to the extent necessary to receive
144 disclosures from the consultant as allowed by federal law. The
145 consultant must disclose to the department, upon the
146 department's request, whether an applicant for a multistate
147 license under s. 464.0095 is participating in a treatment
148 program and must report to the department when a nurse holding a

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149 multistate license under s. 464.0095 enters a treatment program.
150 A nurse holding a multistate license pursuant to s. 464.0095
151 must report to the department within 2 business days after
152 entering a treatment program pursuant to this section. If a
153 disciplinary proceeding is pending, an impaired licensee may
154 obtain such information from the department under s. 456.073.

155 Section 3. Subsections (16) and (22) of section 464.003,
156 Florida Statutes, are amended to read:

157 464.003 Definitions.—As used in this part, the term:

158 (16) "Licensed practical nurse" means any person licensed
159 in this state or holding an active multistate license under s.
160 464.0095 to practice practical nursing.

161 (22) "Registered nurse" means any person licensed in this
162 state or holding an active multistate license under s. 464.0095
163 to practice professional nursing.

164 Section 4. Subsection (5) is added to section 464.004,
165 Florida Statutes, to read:

166 464.004 Board of Nursing; membership; appointment; terms.—

167 (5) The executive director of the board appointed pursuant
168 to s. 456.004(2) or his or her designee shall serve as the state
169 administrator of the Nurse Licensure Compact as required under
170 s. 464.0095.

171 Section 5. Subsection (2) of section 464.008, Florida
172 Statutes, is amended, and subsection (5) is added to that
173 section, to read:

174 464.008 Licensure by examination.—

175 (2)(a) Each applicant who passes the examination and
176 provides proof of meeting the educational requirements specified
177 in subsection (1) shall, unless denied pursuant to s. 464.018,

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178 be entitled to licensure as a registered professional nurse or a
179 licensed practical nurse, whichever is applicable.

180 (b) An applicant who resides in this state, meets the
181 licensure requirements of this section, and meets the criteria
182 for multistate licensure under s. 464.0095 may request the
183 issuance of a multistate license from the department.

184 (c) A nurse who holds a single-state license in this state
185 and applies to the department for a multistate license must meet
186 the eligibility criteria for a multistate license under s.
187 464.0095 and must pay an application and licensure fee to change
188 the licensure status.

189 (d) The department shall conspicuously distinguish a
190 multistate license from a single-state license.

191 (5) A person holding an active multistate license in
192 another state pursuant to s. 464.0095 is exempt from the
193 licensure requirements of this section.

194 Section 6. Subsection (7) is added to section 464.009,
195 Florida Statutes, to read:

196 464.009 Licensure by endorsement.—

197 (7) A person holding an active multistate license in
198 another state pursuant to s. 464.0095 is exempt from the
199 requirements for licensure by endorsement in this section.

200 Section 7. Section 464.0095, Florida Statutes, is created
201 to read:

202 464.0095 Nurse Licensure Compact.—The Nurse Licensure
203 Compact is hereby enacted into law and entered into by this
204 state with all other jurisdictions legally joining therein in
205 the form substantially as follows:

206 ARTICLE I

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FINDINGS AND DECLARATION OF PURPOSE

(1) The party states find that:

(a) 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.

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

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

(d) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex.

(e) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states.

(f) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

(2) The general purposes of this compact are to:

(a) Facilitate the states' responsibility to protect the public's health and safety.

(b) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation.

(c) Facilitate the exchange of information among party states in the areas of nurse regulation, investigation, and adverse actions.

(d) Promote compliance with the laws governing the practice

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236 of nursing in each jurisdiction.

237 (e) Invest all party states with the authority to hold a
238 nurse accountable for meeting all state practice laws in the
239 state in which the patient is located at the time care is
240 rendered through the mutual recognition of party state licenses.

241 (f) Decrease redundancies in the consideration and issuance
242 of nurse licenses.

243 (g) Provide opportunities for interstate practice by nurses
244 who meet uniform licensure requirements.

245 ARTICLE II

246 DEFINITIONS

247 As used in this compact, the term:

248 (1) "Adverse action" means any administrative, civil,
249 equitable, or criminal action permitted by a state's laws which
250 is imposed by a licensing board or other authority against a
251 nurse, including actions against an individual's license or
252 multistate licensure privilege, such as revocation, suspension,
253 probation, monitoring of the licensee, limitation on the
254 licensee's practice, or any other encumbrance on licensure
255 affecting a nurse's authorization to practice, including
256 issuance of a cease and desist action.

257 (2) "Alternative program" means a nondisciplinary
258 monitoring program approved by a licensing board.

259 (3) "Commission" means the Interstate Commission of Nurse
260 Licensure Compact Administrators established by this compact.

261 (4) "Compact" means the Nurse Licensure Compact recognized,
262 established, and entered into by the state under this compact.

263 (5) "Coordinated licensure information system" means an
264 integrated process for collecting, storing, and sharing

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265 information on nurse licensure and enforcement activities
266 related to nurse licensure laws which is administered by a
267 nonprofit organization composed of and controlled by licensing
268 boards.

269 (6) "Current significant investigative information" means:

270 (a) Investigative information that a licensing board, after
271 a preliminary inquiry that includes notification and an
272 opportunity for the nurse to respond, if required by state law,
273 has reason to believe is not groundless and, if proved true,
274 would indicate more than a minor infraction; or

275 (b) Investigative information that indicates that the nurse
276 represents an immediate threat to public health and safety
277 regardless of whether the nurse has been notified and had an
278 opportunity to respond.

279 (7) "Encumbrance" means a revocation or suspension of, or
280 any limitation on, the full and unrestricted practice of nursing
281 imposed by a licensing board.

282 (8) "Home state" means the party state that is the nurse's
283 primary state of residence.

284 (9) "Licensing board" means a party state's regulatory body
285 responsible for issuing nurse licenses.

286 (10) "Multistate license" means a license to practice as a
287 registered nurse (RN) or a licensed practical or vocational
288 nurse (LPN/VN) issued by a home state licensing board which
289 authorizes the licensed nurse to practice in all party states
290 under a multistate licensure privilege.

291 (11) "Multistate licensure privilege" means a legal
292 authorization associated with a multistate license permitting
293 the practice of nursing as either an RN or an LPN/VN in a remote

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294 state.

295 (12) "Nurse" means an RN or LPN/VN, as those terms are
296 defined by each party state's practice laws.

297 (13) "Party state" means any state that has adopted this
298 compact.

299 (14) "Remote state" means a party state other than the home
300 state.

301 (15) "Single-state license" means a nurse license issued by
302 a party state which authorizes practice only within the issuing
303 state and does not include a multistate licensure privilege to
304 practice in any other party state.

305 (16) "State" means a state, territory, or possession of the
306 United States, or the District of Columbia.

307 (17) "State practice laws" means a party state's laws,
308 rules, and regulations that govern the practice of nursing,
309 define the scope of nursing practice, and create the methods and
310 grounds for imposing discipline. The term does not include
311 requirements necessary to obtain and retain a license, except
312 for qualifications or requirements of the home state.

313 ARTICLE III

314 GENERAL PROVISIONS AND JURISDICTION

315 (1) A multistate license to practice registered or licensed
316 practical or vocational nursing issued by a home state to a
317 resident in that state is recognized by each party state as
318 authorizing a nurse to practice as an RN or as an LPN/VN under a
319 multistate licensure privilege in each party state.

320 (2) Each party state must implement procedures for
321 considering the criminal history records of applicants for
322 initial multistate licensure or licensure by endorsement. Such

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323 procedures shall include the submission of fingerprints or other
324 biometric-based information by applicants for the purpose of
325 obtaining an applicant's criminal history record information
326 from the Federal Bureau of Investigation and the agency
327 responsible for retaining that state's criminal records.

328 (3) In order for an applicant to obtain or retain a
329 multistate license in the home state, each party state must
330 require that the applicant fulfills the following criteria:

331 (a) Has met the home state's qualifications for licensure
332 or renewal of licensure, as well as all other applicable state
333 laws.

334 (b)1. Has graduated or is eligible to graduate from a
335 licensing board-approved RN or LPN/VN prelicensure education
336 program; or

337 2. Has graduated from a foreign RN or LPN/VN prelicensure
338 education program that has been approved by the authorized
339 accrediting body in the applicable country and has been verified
340 by a licensing board-approved independent credentials review
341 agency to be comparable to a licensing board-approved
342 prelicensure education program.

343 (c) If the applicant is a graduate of a foreign
344 prelicensure education program not taught in English, or if
345 English is not the applicant's native language, has successfully
346 passed a licensing board-approved English proficiency
347 examination that includes the components of reading, speaking,
348 writing, and listening.

349 (d) Has successfully passed an NCLEX-RN or NCLEX-PN
350 Examination or recognized predecessor, as applicable.

351 (e) Is eligible for or holds an active, unencumbered

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352 license.

353 (f) Has submitted, in connection with an application for
354 initial licensure or licensure by endorsement, fingerprints or
355 other biometric data for the purpose of obtaining criminal
356 history record information from the Federal Bureau of
357 Investigation and the agency responsible for retaining that
358 state's criminal records.

359 (g) Has not been convicted or found guilty, or has entered
360 into an agreed disposition other than a disposition that results
361 in nolle prosequi, of a felony offense under applicable state or
362 federal criminal law.

363 (h) Has not been convicted or found guilty, or has entered
364 into an agreed disposition other than a disposition that results
365 in nolle prosequi, of a misdemeanor offense related to the
366 practice of nursing as determined on a case-by-case basis.

367 (i) Is not currently enrolled in an alternative program.

368 (j) Is subject to self-disclosure requirements regarding
369 current participation in an alternative program.

370 (k) Has a valid social security number.

371 (4) All party states may, in accordance with existing state
372 due process law, take adverse action against a nurse's
373 multistate licensure privilege, such as revocation, suspension,
374 probation, or any other action that affects the nurse's
375 authorization to practice under a multistate licensure
376 privilege, including cease and desist actions. If a party state
377 takes such action, it shall promptly notify the administrator of
378 the coordinated licensure information system. The administrator
379 of the coordinated licensure information system shall promptly
380 notify the home state of any such actions by remote states.

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381 (5) A nurse practicing in a party state shall comply with
382 the state practice laws of the state in which the patient is
383 located at the time service is provided. The practice of nursing
384 is not limited to patient care but includes all nursing practice
385 as defined by the state practice laws of the party state in
386 which the patient is located. The practice of nursing in a party
387 state under a multistate licensure privilege subjects a nurse to
388 the jurisdiction of the licensing board, the courts, and the
389 laws of the party state in which the patient is located at the
390 time service is provided.

391 (6) A person not residing in a party state shall continue
392 to be able to apply for a party state's single-state license as
393 provided under the laws of each party state. The single-state
394 license granted to such a person does not grant the privilege to
395 practice nursing in any other party state. This compact does not
396 affect the requirements established by a party state for the
397 issuance of a single-state license.

398 (7) A nurse holding a home state multistate license, on the
399 effective date of this compact, may retain and renew the
400 multistate license issued by the nurse's then-current home
401 state, provided that the nurse who changes his or her primary
402 state of residence after the effective date meets all applicable
403 requirements under subsection (3) to obtain a multistate license
404 from a new home state. A nurse who fails to satisfy the
405 multistate licensure requirements under subsection (3) due to a
406 disqualifying event occurring after the effective date is
407 ineligible to retain or renew a multistate license, and the
408 nurse's multistate license shall be revoked or deactivated in
409 accordance with applicable rules adopted by the commission.

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ARTICLE IV

APPLICATIONS FOR LICENSURE IN A PARTY STATE

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

(2) A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

(3) If a nurse changes his or her primary state of residence by moving from one party state to another party state, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state must be deactivated in accordance with applicable rules adopted by the commission.

(a) The nurse may apply for licensure in advance of a change in his or her primary state of residence.

(b) A multistate license may not be issued by the new home state until the nurse provides satisfactory evidence of a change in his or her primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

(4) If a nurse changes his or her primary state of residence by moving from a party state to a nonparty state, the

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439 multistate license issued by the prior home state must convert
440 to a single-state license valid only in the former home state.

441 ARTICLE V

442 ADDITIONAL AUTHORITY VESTED IN PARTY STATE LICENSING BOARDS

443 (1) In addition to the other powers conferred by state law,
444 a licensing board or state agency may:

445 (a) Take adverse action against a nurse's multistate
446 licensure privilege to practice within that party state.

447 1. Only the home state has the power to take adverse action
448 against a nurse's license issued by the home state.

449 2. For purposes of taking adverse action, the home state
450 licensing board or state agency shall give the same priority and
451 effect to conduct reported by a remote state as it would if such
452 conduct had occurred within the home state. In so doing, the
453 home state shall apply its own state laws to determine
454 appropriate action.

455 (b) Issue cease and desist orders or impose an encumbrance
456 on a nurse's authority to practice within that party state.

457 (c) Complete any pending investigation of a nurse who
458 changes his or her primary state of residence during the course
459 of such investigation. The licensing board or state agency may
460 also take appropriate action and shall promptly report the
461 conclusions of such investigation to the administrator of the
462 coordinated licensure information system. The administrator of
463 the coordinated licensure information system shall promptly
464 notify the new home state of any such action.

465 (d) Issue subpoenas for both hearings and investigations
466 that require the attendance and testimony of witnesses or the
467 production of evidence. Subpoenas issued by a licensing board or

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468 state agency in a party state for the attendance and testimony
469 of witnesses or the production of evidence from another party
470 state shall be enforced in the latter state by any court of
471 competent jurisdiction according to the practice and procedure
472 of that court applicable to subpoenas issued in proceedings
473 pending before it. The issuing authority shall pay any witness
474 fees, travel expenses, and mileage and other fees required by
475 the service statutes of the state in which the witnesses or
476 evidence is located.

477 (e) Obtain and submit, for each nurse licensure applicant,
478 fingerprint or other biometric-based information to the Federal
479 Bureau of Investigation for criminal background checks, receive
480 the results of the Federal Bureau of Investigation record search
481 on criminal background checks, and use the results in making
482 licensure decisions.

483 (f) If otherwise permitted by state law, recover from the
484 affected nurse the costs of investigations and disposition of
485 cases resulting from any adverse action taken against that
486 nurse.

487 (g) Take adverse action based on the factual findings of
488 the remote state, provided that the licensing board or state
489 agency follows its own procedures for taking such adverse
490 action.

491 (2) If adverse action is taken by the home state against a
492 nurse's multistate license, the nurse's multistate licensure
493 privilege to practice in all other party states shall be
494 deactivated until all encumbrances are removed from the
495 multistate license. All home state disciplinary orders that
496 impose adverse action against a nurse's multistate license shall

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497 include a statement that the nurse's multistate licensure
498 privilege is deactivated in all party states during the pendency
499 of the order.

500 (3) This compact does not override a party state's decision
501 that participation in an alternative program may be used in lieu
502 of adverse action. The home state licensing board shall
503 deactivate the multistate licensure privilege under the
504 multistate license of any nurse for the duration of the nurse's
505 participation in an alternative program.

506 ARTICLE VI

507 COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE

508 INFORMATION

509 (1) All party states shall participate in a coordinated
510 licensure information system relating to all licensed RNs and
511 LPNs/VNs. This system shall include information on the licensure
512 and disciplinary history of each nurse, as submitted by party
513 states, to assist in the coordination of nurse licensure and
514 enforcement efforts.

515 (2) The commission, in consultation with the administrator
516 of the coordinated licensure information system, shall formulate
517 necessary and proper procedures for the identification,
518 collection, and exchange of information under this compact.

519 (3) All licensing boards shall promptly report to the
520 coordinated licensure information system any adverse action, any
521 current significant investigative information, denials of
522 applications, the reasons for application denials, and nurse
523 participation in alternative programs known to the licensing
524 board regardless of whether such participation is deemed
525 nonpublic or confidential under state law.

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526 (4) Current significant investigative information and
527 participation in nonpublic or confidential alternative programs
528 shall be transmitted through the coordinated licensure
529 information system only to party state licensing boards.

530 (5) Notwithstanding any other provision of law, all party
531 state licensing boards contributing information to the
532 coordinated licensure information system may designate
533 information that may not be shared with nonparty states or
534 disclosed to other entities or individuals without the express
535 permission of the contributing state.

536 (6) Any personal identifying information obtained from the
537 coordinated licensure information system by a party state
538 licensing board may not be shared with nonparty states or
539 disclosed to other entities or individuals except to the extent
540 permitted by the laws of the party state contributing the
541 information.

542 (7) Any information contributed to the coordinated
543 licensure information system which is subsequently required to
544 be expunged by the laws of the party state contributing that
545 information is also expunged from the coordinated licensure
546 information system.

547 (8) The compact administrator of each party state shall
548 furnish a uniform data set to the compact administrator of each
549 other party state, which shall include, at a minimum:

550 (a) Identifying information.

551 (b) Licensure data.

552 (c) Information related to alternative program
553 participation.

554 (d) Other information that may facilitate the

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555 administration of this compact, as determined by commission
556 rules.

557 (9) The compact administrator of a party state shall
558 provide all investigative documents and information requested by
559 another party state.

560 ARTICLE VII

561 ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE

562 COMPACT ADMINISTRATORS

563 (1) The party states hereby create and establish a joint
564 public entity known as the Interstate Commission of Nurse
565 Licensure Compact Administrators.

566 (a) The commission is an instrumentality of the party
567 states.

568 (b) Venue is proper, and judicial proceedings by or against
569 the commission shall be brought solely and exclusively, in a
570 court of competent jurisdiction where the commission's principal
571 office is located. The commission may waive venue and
572 jurisdictional defenses to the extent it adopts or consents to
573 participate in alternative dispute resolution proceedings.

574 (c) This compact does not waive sovereign immunity except
575 to the extent sovereign immunity is waived in the party states.

576 (2) (a) Each party state shall have and be limited to one
577 administrator. The executive director of the state licensing
578 board or his or her designee shall be the administrator of this
579 compact for each party state. Any administrator may be removed
580 or suspended from office as provided by the law of the state
581 from which the administrator is appointed. Any vacancy occurring
582 on the commission shall be filled in accordance with the laws of
583 the party state in which the vacancy exists.

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584 (b) Each administrator is entitled to one vote with regard
585 to the adoption of rules and the creation of bylaws and shall
586 otherwise have an opportunity to participate in the business and
587 affairs of the commission. An administrator shall vote in person
588 or by such other means as provided in the bylaws. The bylaws may
589 provide for an administrator's participation in meetings by
590 telephone or other means of communication.

591 (c) The commission shall meet at least once during each
592 calendar year. Additional meetings shall be held as set forth in
593 the commission's bylaws or rules.

594 (d) All meetings shall be open to the public, and public
595 notice of meetings shall be given in the same manner as required
596 under Article VIII of this compact.

597 (e) The commission may convene in a closed, nonpublic
598 meeting if the commission must discuss:

599 1. Failure of a party state to comply with its obligations
600 under this compact;

601 2. The employment, compensation, discipline, or other
602 personnel matters, practices, or procedures related to specific
603 employees or other matters related to the commission's internal
604 personnel practices and procedures;

605 3. Current, threatened, or reasonably anticipated
606 litigation;

607 4. Negotiation of contracts for the purchase or sale of
608 goods, services, or real estate;

609 5. Accusing any person of a crime or formally censuring any
610 person;

611 6. Disclosure of trade secrets or commercial or financial
612 information that is privileged or confidential;

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613 7. Disclosure of information of a personal nature where
614 disclosure would constitute a clearly unwarranted invasion of
615 personal privacy;

616 8. Disclosure of investigatory records compiled for law
617 enforcement purposes;

618 9. Disclosure of information related to any reports
619 prepared by or on behalf of the commission for the purpose of
620 investigation of compliance with this compact; or

621 10. Matters specifically exempted from disclosure by
622 federal or state statute.

623 (f) If a meeting, or portion of a meeting, is closed
624 pursuant to this subsection, the commission's legal counsel or
625 designee shall certify that the meeting, or portion of the
626 meeting, is closed and shall reference each relevant exempting
627 provision. The commission shall keep minutes that fully and
628 clearly describe all matters discussed in a meeting and shall
629 provide a full and accurate summary of actions taken, and the
630 reasons therefor, including a description of the views
631 expressed. All documents considered in connection with an action
632 shall be identified in such minutes. All minutes and documents
633 of a closed meeting shall remain under seal, subject to release
634 by a majority vote of the commission or order of a court of
635 competent jurisdiction.

636 (3) The commission shall, by a majority vote of the
637 administrators, prescribe bylaws or rules to govern its conduct
638 as may be necessary or appropriate to carry out the purposes and
639 exercise the powers of this compact, including, but not limited
640 to:

641 (a) Establishing the commission's fiscal year.

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642 (b) Providing reasonable standards and procedures:

643 1. For the establishment and meetings of other committees.

644 2. Governing any general or specific delegation of any
645 authority or function of the commission.

646 (c) Providing reasonable procedures for calling and
647 conducting meetings of the commission, ensuring reasonable
648 advance notice of all meetings, and providing an opportunity for
649 attendance of such meetings by interested parties, with
650 enumerated exceptions designed to protect the public's interest,
651 the privacy of individuals, and proprietary information,
652 including trade secrets. The commission may meet in closed
653 session only after a majority of the administrators vote to
654 close a meeting in whole or in part. As soon as practicable, the
655 commission must make public a copy of the vote to close the
656 meeting revealing the vote of each administrator, with no proxy
657 votes allowed.

658 (d) Establishing the titles, duties and authority, and
659 reasonable procedures for the election of the commission's
660 officers.

661 (e) Providing reasonable standards and procedures for the
662 establishment of the commission's personnel policies and
663 programs. Notwithstanding any civil service or other similar
664 laws of any party state, the bylaws shall exclusively govern the
665 commission's personnel policies and programs.

666 (f) Providing a mechanism for winding up the commission's
667 operations and the equitable disposition of any surplus funds
668 that may exist after the termination of this compact after the
669 payment or reserving of all of its debts and obligations.

670 (4) The commission shall publish its bylaws and rules, and

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671 any amendments thereto, in a convenient form on the commission's
672 website.

673 (5) The commission shall maintain its financial records in
674 accordance with the bylaws.

675 (6) The commission shall meet and take such actions as are
676 consistent with this compact and the bylaws.

677 (7) The commission may:

678 (a) Adopt uniform rules to facilitate and coordinate
679 implementation and administration of this compact. The rules
680 shall have the force and effect of law and are binding in all
681 party states.

682 (b) Bring and prosecute legal proceedings or actions in the
683 name of the commission, provided that the standing of any
684 licensing board to sue or be sued under applicable law is not
685 affected.

686 (c) Purchase and maintain insurance and bonds.

687 (d) Borrow, accept, or contract for services of personnel,
688 including employees of a party state or nonprofit organizations.

689 (e) Cooperate with other organizations that administer
690 state compacts related to the regulation of nursing, including
691 sharing administrative or staff expenses, office space, or other
692 resources.

693 (f) Hire employees, elect or appoint officers, fix
694 compensation, define duties, grant such individuals appropriate
695 authority to carry out the purposes of this compact, and
696 establish the commission's personnel policies and programs
697 relating to conflicts of interest, qualifications of personnel,
698 and other related personnel matters.

699 (g) Accept any and all appropriate donations, grants, and

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700 gifts of money, equipment, supplies, materials, and services and
701 receive, use, and dispose of the same, provided that, at all
702 times, the commission avoids any appearance of impropriety or
703 conflict of interest.

704 (h) Lease, purchase, accept appropriate gifts or donations
705 of, or otherwise own, hold, improve, or use any property,
706 whether real, personal, or mixed, provided that, at all times,
707 the commission avoids any appearance of impropriety.

708 (i) Sell, convey, mortgage, pledge, lease, exchange,
709 abandon, or otherwise dispose of any property, whether real,
710 personal, or mixed.

711 (j) Establish a budget and make expenditures.

712 (k) Borrow money.

713 (l) Appoint committees, including advisory committees
714 comprised of administrators, state nursing regulators, state
715 legislators or their representatives, consumer representatives,
716 and other interested persons.

717 (m) Provide information to, receive information from, and
718 cooperate with law enforcement agencies.

719 (n) Adopt and use an official seal.

720 (o) Perform such other functions as may be necessary or
721 appropriate to achieve the purposes of this compact consistent
722 with the state regulation of nurse licensure and practice.

723 (8) Relating to the financing of the commission, the
724 commission:

725 (a) Shall pay, or provide for the payment of, the
726 reasonable expenses of its establishment, organization, and
727 ongoing activities.

728 (b) May also levy and collect an annual assessment from

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729 each party state to cover the cost of its operations,
730 activities, and staff in its annual budget as approved each
731 year. The aggregate annual assessment amount, if any, shall be
732 allocated based on a formula to be determined by the commission,
733 which shall adopt a rule that is binding on all party states.

734 (c) May not incur obligations of any kind before securing
735 the funds adequate to meet the same; and the commission may not
736 pledge the credit of any of the party states, except by and with
737 the authority of such party state.

738 (d) Shall keep accurate accounts of all receipts and
739 disbursements. The commission's receipts and disbursements are
740 subject to the audit and accounting procedures established under
741 its bylaws. However, all receipts and disbursements of funds
742 handled by the commission shall be audited yearly by a certified
743 or licensed public accountant, and the report of the audit shall
744 be included in, and become part of, the commission's annual
745 report.

746 (9) Relating to the sovereign immunity, defense, and
747 indemnification of the commission:

748 (a) The administrators, officers, executive director,
749 employees, and representatives of the commission are immune from
750 suit and liability, either personally or in their official
751 capacity, for any claim for damage to or loss of property or
752 personal injury or other civil liability caused by or arising
753 out of any actual or alleged act, error, or omission that
754 occurred, or that the person against whom the claim is made had
755 a reasonable basis for believing occurred, within the scope of
756 commission employment, duties, or responsibilities. This
757 paragraph does not protect any such person from suit or

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758 liability for any damage, loss, injury, or liability caused by
759 the intentional, willful, or wanton misconduct of that person.

760 (b) The commission shall defend any administrator, officer,
761 executive director, employee, or representative of the
762 commission in any civil action seeking to impose liability
763 arising out of any actual or alleged act, error, or omission
764 that occurred within the scope of commission employment, duties,
765 or responsibilities or that the person against whom the claim is
766 made had a reasonable basis for believing occurred within the
767 scope of commission employment, duties, or responsibilities,
768 provided that the actual or alleged act, error, or omission did
769 not result from that person's intentional, willful, or wanton
770 misconduct. This paragraph does not prohibit that person from
771 retaining his or her own counsel.

772 (c) The commission shall indemnify and hold harmless any
773 administrator, officer, executive director, employee, or
774 representative of the commission for the amount of any
775 settlement or judgment obtained against that person arising out
776 of any actual or alleged act, error, or omission that occurred
777 within the scope of commission employment, duties, or
778 responsibilities or that such person had a reasonable basis for
779 believing occurred within the scope of commission employment,
780 duties, or responsibilities, provided that the actual or alleged
781 act, error, or omission did not result from the intentional,
782 willful, or wanton misconduct of that person.

783 ARTICLE VIII

784 RULEMAKING

785 (1) The commission shall exercise its rulemaking powers
786 pursuant to the criteria set forth in this article and the rules

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787 adopted thereunder. Rules and amendments become binding as of
788 the date specified in each rule or amendment and have the same
789 force and effect as provisions of this compact.

790 (2) Rules or amendments to the rules shall be adopted at a
791 regular or special meeting of the commission.

792 (3) Before adoption of a final rule or final rules by the
793 commission, and at least 60 days before the meeting at which the
794 rule will be considered and voted upon, the commission shall
795 file a notice of proposed rulemaking:

796 (a) On the commission's website.

797 (b) On the website of each licensing board or the
798 publication in which each state would otherwise publish proposed
799 rules.

800 (4) The notice of proposed rulemaking shall include:

801 (a) The proposed time, date, and location of the meeting in
802 which the rule will be considered and voted upon.

803 (b) The text of the proposed rule or amendment and the
804 reason for the proposed rule.

805 (c) A request for comments on the proposed rule from any
806 interested person.

807 (d) The manner in which an interested person may submit
808 notice to the commission of his or her intention to attend the
809 public hearing and any written comments.

810 (5) Before adoption of a proposed rule, the commission
811 shall allow persons to submit written data, facts, opinions, and
812 arguments, which shall be made available to the public.

813 (6) The commission shall grant an opportunity for a public
814 hearing before it adopts a rule or amendment.

815 (7) The commission shall publish the place, time, and date

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816 of the scheduled public hearing.

817 (a) Hearings shall be conducted in a manner providing each
818 person who wishes to comment a fair and reasonable opportunity
819 to comment orally or in writing. All hearings will be recorded,
820 and a copy will be made available upon request.

821 (b) This article does not require a separate hearing on
822 each rule. Rules may be grouped for the convenience of the
823 commission at hearings required by this article.

824 (8) If no interested person appears at the public hearing,
825 the commission may proceed with adoption of the proposed rule.

826 (9) Following the scheduled hearing date, or by the close
827 of business on the scheduled hearing date if the hearing is not
828 held, the commission shall consider all written and oral
829 comments received.

830 (10) The commission shall, by majority vote of all
831 administrators, take final action on the proposed rule and shall
832 determine the effective date of the rule, if any, based on the
833 rulemaking record and the full text of the rule.

834 (11) Upon determination that an emergency exists, the
835 commission may consider and adopt an emergency rule without
836 prior notice, opportunity for comment, or hearing, provided that
837 the usual rulemaking procedures provided in this compact and in
838 this article are applied retroactively to the rule as soon as
839 reasonably possible within 90 days after the effective date of
840 the rule. For the purposes of this subsection, an emergency rule
841 is one that must be adopted immediately in order to:

842 (a) Meet an imminent threat to public health, safety, or
843 welfare;

844 (b) Prevent a loss of commission or party state funds; or

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845 (c) Meet a deadline for the adoption of an administrative
846 rule that is required by federal law or rule.

847 (12) The commission may direct revisions to a previously
848 adopted rule or amendment for purposes of correcting
849 typographical errors, errors in format, errors in consistency,
850 or grammatical errors. Public notice of any revisions shall be
851 posted on the commission's website. The revision is subject to
852 challenge by any person for 30 days after posting. The revision
853 may be challenged only on grounds that the revision results in a
854 material change to a rule. A challenge must be made in writing
855 and delivered to the commission before the end of the notice
856 period. If no challenge is made, the revision shall take effect
857 without further action. If the revision is challenged, the
858 revision may not take effect without the commission's approval.

859 ARTICLE IX

860 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

861 (1) Oversight of this compact shall be accomplished by:

862 (a) Each party state, which shall enforce this compact and
863 take all actions necessary and appropriate to effectuate this
864 compact's purposes and intent.

865 (b) The commission, which is entitled to receive service of
866 process in any proceeding that may affect the powers,
867 responsibilities, or actions of the commission and has standing
868 to intervene in such a proceeding for all purposes. Failure to
869 provide service of process in such proceeding to the commission
870 renders a judgment or order void as to the commission, this
871 compact, or adopted rules.

872 (2) When the commission determines that a party state has
873 defaulted in the performance of its obligations or

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874 responsibilities under this compact or the adopted rules, the
875 commission shall:

876 (a) Provide written notice to the defaulting state and
877 other party states of the nature of the default, the proposed
878 means of curing the default, or any other action to be taken by
879 the commission.

880 (b) Provide remedial training and specific technical
881 assistance regarding the default.

882 (3) If a state in default fails to cure the default, the
883 defaulting state's membership in this compact may be terminated
884 upon an affirmative vote of a majority of the administrators,
885 and all rights, privileges, and benefits conferred by this
886 compact may be terminated on the effective date of termination.
887 A cure of the default does not relieve the offending state of
888 obligations or liabilities incurred during the period of
889 default.

890 (4) Termination of membership in this compact shall be
891 imposed only after all other means of securing compliance have
892 been exhausted. Notice of intent to suspend or terminate shall
893 be given by the commission to the governor of the defaulting
894 state, to the executive officer of the defaulting state's
895 licensing board, and each of the party states.

896 (5) A state whose membership in this compact is terminated
897 is responsible for all assessments, obligations, and liabilities
898 incurred through the effective date of termination, including
899 obligations that extend beyond the effective date of
900 termination.

901 (6) The commission shall not bear any costs related to a
902 state that is found to be in default or whose membership in this

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903 compact is terminated unless agreed upon in writing between the
904 commission and the defaulting state.

905 (7) The defaulting state may appeal the action of the
906 commission by petitioning the United States District Court for
907 the District of Columbia or the federal district in which the
908 commission has its principal offices. The prevailing party shall
909 be awarded all costs of such litigation, including reasonable
910 attorney fees.

911 (8) Dispute resolution may be used by the commission in the
912 following manner:

913 (a) Upon request by a party state, the commission shall
914 attempt to resolve disputes related to the compact that arise
915 among party states and between party and nonparty states.

916 (b) The commission shall adopt a rule providing for both
917 mediation and binding dispute resolution for disputes, as
918 appropriate.

919 (c) In the event the commission cannot resolve disputes
920 among party states arising under this compact:

921 1. The party states may submit the issues in dispute to an
922 arbitration panel, which will be comprised of individuals
923 appointed by the compact administrator in each of the affected
924 party states and an individual mutually agreed upon by the
925 compact administrators of all the party states involved in the
926 dispute.

927 2. The decision of a majority of the arbitrators is final
928 and binding.

929 (9) (a) The commission shall, in the reasonable exercise of
930 its discretion, enforce the provisions and rules of this
931 compact.

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932 (b) By majority vote, the commission may initiate legal
933 action in the United States District Court for the District of
934 Columbia or the federal district in which the commission has its
935 principal offices against a party state that is in default to
936 enforce compliance with this compact and its adopted rules and
937 bylaws. The relief sought may include both injunctive relief and
938 damages. In the event judicial enforcement is necessary, the
939 prevailing party shall be awarded all costs of such litigation,
940 including reasonable attorney fees.

941 (c) The remedies provided in this subsection are not the
942 exclusive remedies of the commission. The commission may pursue
943 any other remedies available under federal or state law.

944 ARTICLE X

945 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

946 (1) This compact becomes effective and binding on the date
947 of legislative enactment of this compact into law by no fewer
948 than 26 states or on December 31, 2018, whichever occurs first.
949 All party states to this compact which were also parties to the
950 prior Nurse Licensure Compact ("prior compact"), superseded by
951 this compact, are deemed to have withdrawn from the prior
952 compact within 6 months after the effective date of this
953 compact.

954 (2) Each party state to this compact shall continue to
955 recognize a nurse's multistate licensure privilege to practice
956 in that party state issued under the prior compact until such
957 party state is withdrawn from the prior compact.

958 (3) Any party state may withdraw from this compact by
959 enacting a statute repealing the compact. A party state's
960 withdrawal does not take effect until 6 months after enactment

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961 of the repealing statute.

962 (4) A party state's withdrawal or termination does not
963 affect the continuing requirement of the withdrawing or
964 terminated state's licensing board to report adverse actions and
965 significant investigations occurring before the effective date
966 of such withdrawal or termination.

967 (5) This compact does not invalidate or prevent any nurse
968 licensure agreement or other cooperative arrangement between a
969 party state and a nonparty state that is made in accordance with
970 the other provisions of this compact.

971 (6) This compact may be amended by the party states. An
972 amendment to this compact does not become effective and binding
973 upon the party states unless and until it is enacted into the
974 laws of all party states.

975 (7) Representatives of nonparty states to this compact
976 shall be invited to participate in the activities of the
977 commission, on a nonvoting basis, before the adoption of this
978 compact by all party states.

979 ARTICLE XI

980 CONSTRUCTION AND SEVERABILITY

981 This compact shall be liberally construed so as to
982 effectuate the purposes thereof. The provisions of this compact
983 are severable, and if any phrase, clause, sentence, or provision
984 of this compact is declared to be contrary to the constitution
985 of any party state or of the United States, or if the
986 applicability thereof to any government, agency, person, or
987 circumstance is held invalid, the validity of the remainder of
988 this compact and the applicability thereof to any government,
989 agency, person, or circumstance is not affected thereby. If this

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990 compact is declared to be contrary to the constitution of any
991 party state, the compact shall remain in full force and effect
992 as to the remaining party states and in full force and effect as
993 to the party state affected as to all severable matters.

994 Section 8. Subsection (1) of section 464.012, Florida
995 Statutes, is amended to read:

996 464.012 Certification of advanced registered nurse
997 practitioners; fees.—

998 (1) Any nurse desiring to be certified as an advanced
999 registered nurse practitioner shall apply to the department and
1000 submit proof that he or she holds a current license to practice
1001 professional nursing or holds an active multistate license to
1002 practice professional nursing pursuant to s. 464.0095 and that
1003 he or she meets one or more of the following requirements as
1004 determined by the board:

1005 (a) Satisfactory completion of a formal postbasic
1006 educational program of at least one academic year, the primary
1007 purpose of which is to prepare nurses for advanced or
1008 specialized practice.

1009 (b) Certification by an appropriate specialty board. Such
1010 certification shall be required for initial state certification
1011 and any recertification as a registered nurse anesthetist or
1012 nurse midwife. The board may by rule provide for provisional
1013 state certification of graduate nurse anesthetists and nurse
1014 midwives for a period of time determined to be appropriate for
1015 preparing for and passing the national certification
1016 examination.

1017 (c) Graduation from a program leading to a master's degree
1018 in a nursing clinical specialty area with preparation in

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1019 specialized practitioner skills. For applicants graduating on or
1020 after October 1, 1998, graduation from a master's degree program
1021 shall be required for initial certification as a nurse
1022 practitioner under paragraph (4)(c). For applicants graduating
1023 on or after October 1, 2001, graduation from a master's degree
1024 program shall be required for initial certification as a
1025 registered nurse anesthetist under paragraph (4)(a).

1026 Section 9. Subsections (1), (2), and (9) of section
1027 464.015, Florida Statutes, are amended to read:

1028 464.015 Titles and abbreviations; restrictions; penalty.—

1029 (1) Only a person ~~persons~~ who holds a license in this state
1030 or a multistate license pursuant to s. 464.0095 ~~hold licenses~~ to
1031 practice professional nursing ~~in this state~~ or who performs ~~are~~
1032 ~~performing~~ nursing services pursuant to the exception set forth
1033 in s. 464.022(8) may ~~shall have the right to~~ use the title
1034 "Registered Nurse" and the abbreviation "R.N."

1035 (2) Only a person ~~persons~~ who holds a license in this state
1036 or a multistate license pursuant to s. 464.0095 ~~hold licenses~~ to
1037 practice as a licensed practical nurse ~~nurses in this state~~ or
1038 who performs ~~are performing~~ practical nursing services pursuant
1039 to the exception set forth in s. 464.022(8) may ~~shall have the~~
1040 ~~right to~~ use the title "Licensed Practical Nurse" and the
1041 abbreviation "L.P.N."

1042 (9) A person may not practice or advertise as, or assume
1043 the title of, registered nurse, licensed practical nurse,
1044 clinical nurse specialist, certified registered nurse
1045 anesthetist, certified nurse midwife, or advanced registered
1046 nurse practitioner or use the abbreviation "R.N.," "L.P.N.,"
1047 "C.N.S.," "C.R.N.A.," "C.N.M.," or "A.R.N.P." or take any other

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1048 action that would lead the public to believe that person was
1049 authorized by law to practice ~~certified~~ as such or is performing
1050 nursing services pursuant to the exception set forth in s.
1051 464.022(8), ~~unless that person is licensed,~~ or certified, or
1052 authorized pursuant to s. 464.0095 to practice as such.

1053 Section 10. Subsections (1) and (2) of section 464.018,
1054 Florida Statutes, are amended to read:

1055 464.018 Disciplinary actions.—

1056 (1) The following acts constitute grounds for denial of a
1057 license or disciplinary action, as specified in ss. s.
1058 456.072(2) and 464.0095:

1059 (a) Procuring, attempting to procure, or renewing a license
1060 to practice nursing or the authority to practice practical or
1061 professional nursing pursuant to s. 464.0095 by bribery, by
1062 knowing misrepresentations, or through an error of the
1063 department or the board.

1064 (b) Having a license to practice nursing revoked,
1065 suspended, or otherwise acted against, including the denial of
1066 licensure, by the licensing authority of another state,
1067 territory, or country.

1068 (c) Being convicted or found guilty of, or entering a plea
1069 of guilty or nolo contendere to, regardless of adjudication, a
1070 crime in any jurisdiction which directly relates to the practice
1071 of nursing or to the ability to practice nursing.

1072 (d) Being convicted or found guilty of, or entering a plea
1073 of guilty or nolo contendere to, regardless of adjudication, ~~of~~
1074 any of the following offenses:

- 1075 1. A forcible felony as defined in chapter 776.
- 1076 2. A violation of chapter 812, relating to theft, robbery,

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1077 and related crimes.

1078 3. A violation of chapter 817, relating to fraudulent
1079 practices.

1080 4. A violation of chapter 800, relating to lewdness and
1081 indecent exposure.

1082 5. A violation of chapter 784, relating to assault,
1083 battery, and culpable negligence.

1084 6. A violation of chapter 827, relating to child abuse.

1085 7. A violation of chapter 415, relating to protection from
1086 abuse, neglect, and exploitation.

1087 8. A violation of chapter 39, relating to child abuse,
1088 abandonment, and neglect.

1089 9. For an applicant for a multistate license or for a
1090 multistate licenseholder under s. 464.0095, a felony offense
1091 under Florida law or federal criminal law.

1092 (e) Having been found guilty of, regardless of
1093 adjudication, or entered a plea of nolo contendere or guilty to,
1094 any offense prohibited under s. 435.04 or similar statute of
1095 another jurisdiction; or having committed an act which
1096 constitutes domestic violence as defined in s. 741.28.

1097 (f) Making or filing a false report or record, which the
1098 nurse license ~~ee~~ knows to be false, intentionally or negligently
1099 failing to file a report or record required by state or federal
1100 law, willfully impeding or obstructing such filing or inducing
1101 another person to do so. Such reports or records shall include
1102 only those which are signed in the nurse's capacity as a
1103 licensed nurse.

1104 (g) False, misleading, or deceptive advertising.

1105 (h) Unprofessional conduct, as defined by board rule.

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1106 (i) Engaging or attempting to engage in the possession,
1107 sale, or distribution of controlled substances as set forth in
1108 chapter 893, for any other than legitimate purposes authorized
1109 by this part.

1110 (j) Being unable to practice nursing with reasonable skill
1111 and safety to patients by reason of illness or use of alcohol,
1112 drugs, narcotics, or chemicals or any other type of material or
1113 as a result of any mental or physical condition. In enforcing
1114 this paragraph, the department shall have, upon a finding of the
1115 State Surgeon General or the State Surgeon General's designee
1116 that probable cause exists to believe that the nurse licensee is
1117 unable to practice nursing because of the reasons stated in this
1118 paragraph, the authority to issue an order to compel a nurse
1119 licensee to submit to a mental or physical examination by
1120 physicians designated by the department. If the nurse licensee
1121 refuses to comply with such order, the department's order
1122 directing such examination may be enforced by filing a petition
1123 for enforcement in the circuit court where the nurse licensee
1124 resides or does business. The nurse licensee against whom the
1125 petition is filed shall not be named or identified by initials
1126 in any public court records or documents, and the proceedings
1127 shall be closed to the public. The department shall be entitled
1128 to the summary procedure provided in s. 51.011. A nurse affected
1129 by ~~the provisions of~~ this paragraph shall at reasonable
1130 intervals be afforded an opportunity to demonstrate that she or
1131 he can resume the competent practice of nursing with reasonable
1132 skill and safety to patients.

1133 (k) Failing to report to the department any person who the
1134 nurse licensee knows is in violation of this part or of the

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1135 rules of the department or the board; however, if the nurse
1136 ~~licensee~~ verifies that such person is actively participating in
1137 a board-approved program for the treatment of a physical or
1138 mental condition, the nurse ~~licensee~~ is required to report such
1139 person only to an impaired professionals consultant.

1140 (l) Knowingly violating any provision of this part, a rule
1141 of the board or the department, or a lawful order of the board
1142 or department previously entered in a disciplinary proceeding or
1143 failing to comply with a lawfully issued subpoena of the
1144 department.

1145 (m) Failing to report to the department any licensee under
1146 chapter 458 or under chapter 459 who the nurse knows has
1147 violated the grounds for disciplinary action set out in the law
1148 under which that person is licensed and who provides health care
1149 services in a facility licensed under chapter 395, or a health
1150 maintenance organization certificated under part I of chapter
1151 641, in which the nurse also provides services.

1152 (n) Failing to meet minimal standards of acceptable and
1153 prevailing nursing practice, including engaging in acts for
1154 which the nurse ~~licensee~~ is not qualified by training or
1155 experience.

1156 (o) Violating any provision of this chapter or chapter 456,
1157 or any rules adopted pursuant thereto.

1158 (2) (a) The board may enter an order denying licensure or
1159 imposing any of the penalties in s. 456.072(2) against any
1160 applicant for licensure or nurse ~~licensee~~ who is found guilty of
1161 violating ~~any provision of subsection (1) of this section or who~~
1162 ~~is found guilty of violating any provision of s. 456.072(1).~~

1163 (b) The board may take adverse action against a nurse's

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1164 multistate licensure privilege and impose any of the penalties
1165 in s. 456.072(2) when the nurse is found guilty of violating
1166 subsection (1) or s. 456.072(1).

1167 Section 11. Paragraph (a) of subsection (2) of section
1168 464.0195, Florida Statutes, is amended, and subsection (4) is
1169 added to that section, to read:

1170 464.0195 Florida Center for Nursing; goals.—

1171 (2) The primary goals for the center shall be to:

1172 (a) Develop a strategic statewide plan for nursing manpower
1173 in this state by:

1174 1. Establishing and maintaining a database on nursing
1175 supply and demand in the state, to include current supply and
1176 demand, ~~and future projections; and~~

1177 2. Analyzing the current nursing supply and demand in the
1178 state and making future projections of such, including assessing
1179 the impact of this state's participation in the Nurse Licensure
1180 Compact under s. 464.0095; and

1181 ~~3.2. Selecting from the plan priorities to be addressed.~~

1182 (4) The center may request from the board, and the board
1183 must provide to the center upon its request, any information
1184 held by the board regarding nurses licensed in this state or
1185 holding a multistate license pursuant to s. 464.0095 or
1186 information reported to the board by employers of such nurses,
1187 other than personal identifying information.

1188 Section 12. Paragraph (g) is added to subsection (10) of
1189 section 768.28, Florida Statutes, to read:

1190 768.28 Waiver of sovereign immunity in tort actions;
1191 recovery limits; limitation on attorney fees; statute of
1192 limitations; exclusions; indemnification; risk management

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1193 programs.—

1194 (10)

1195 (g) For purposes of this section, the executive director of
1196 the Board of Nursing, when serving as the state administrator of
1197 the Nurse Licensure Compact pursuant to s. 464.0095, and any
1198 administrator, officer, executive director, employee, or
1199 representative of the Interstate Commission of Nurse Licensure
1200 Compact Administrators, when acting within the scope of their
1201 employment, duties, or responsibilities in this state, are
1202 considered agents of the state. The commission shall pay any
1203 claims or judgments pursuant to this section and may maintain
1204 insurance coverage to pay any such claims or judgments.

1205 Section 13. This act shall take effect December 31, 2018,
1206 or upon enactment of the Nurse Licensure Compact into law by 26
1207 states, whichever occurs first.