

§2175. Additional authorities invested in party state licensing boards -- Article 5

1. Authority. In addition to other powers conferred by state law, a licensing board has the authority to:

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

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

(2) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to a report of conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state licensing board shall apply its own state laws to determine appropriate action; [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state; [PL 2017, c. 258, Pt. A, §1 (NEW).]

C. Complete any pending investigation of a nurse who changes primary state of residence during the course of such investigation. The licensing board also has the authority to take appropriate action and shall promptly report the conclusions of an investigation to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any action under this paragraph; [PL 2017, c. 258, Pt. A, §1 (NEW).]

D. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. A subpoena issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state may be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence is located; [PL 2017, c. 258, Pt. A, §1 (NEW).]

E. Obtain and submit, for each nurse licensure applicant, fingerprints or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions; [PL 2017, c. 258, Pt. A, §1 (NEW).]

F. If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and [PL 2017, c. 258, Pt. A, §1 (NEW).]

G. Take adverse action based on the factual findings of the remote state, as long as the licensing board follows its own procedures for taking such adverse action. [PL 2017, c. 258, Pt. A, §1 (NEW).]

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2. Adverse action. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states is deactivated until all encumbrances have been removed from the multistate license. A home state disciplinary order that imposes adverse action against a nurse's multistate license must include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order. [PL 2017, c. 258, Pt. A, §1 (NEW).]

3. Alternative program. Nothing in this compact overrides a decision by a licensing board of a party state that participation in an alternative program may be used in lieu of adverse action. The home

state licensing board shall deactivate the multistate licensure privilege under the multistate license of a nurse for the duration of the nurse's participation in an alternative program.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 258, Pt. A, §1 (NEW).

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