

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; requiring a nurse holding a multistate
9 license to report participation in a treatment program
10 to the department; amending s. 464.003, F.S.; revising
11 definitions, to conform; amending s. 464.004, F.S.;
12 requiring the executive director of the Board of
13 Nursing or his or her designee to serve as state
14 administrator of the Nurse Licensure Compact; amending
15 s. 464.008, F.S.; providing eligibility criteria for a
16 multistate license; requiring that multistate licenses
17 be distinguished from single-state licenses; exempting
18 certain persons from licensed practical nurse and
19 registered nurse licensure requirements; amending s.
20 464.009, F.S.; exempting certain persons from
21 requirements for licensure by endorsement; creating s.
22 464.0095, F.S.; creating the Nurse Licensure Compact;
23 providing findings and purpose; providing definitions;
24 providing for the recognition of nursing licenses in
25 party states; requiring party states to perform
26 criminal history checks of licensure applicants;

27 providing requirements for obtaining and retaining a
28 multistate license; authorizing party states to take
29 adverse action against a nurse's multistate licensure
30 privilege; requiring notification to the home
31 licensing state of an adverse action against a
32 licensee; requiring nurses practicing in party states
33 to comply with state practice laws; providing
34 limitations for licensees not residing in a party
35 state; providing the effect of the act on a current
36 licensee; providing application requirements for a
37 multistate license; providing licensure requirements
38 when a licensee moves between party states or to a
39 nonparty state; providing certain authority to state
40 licensing boards of party states; requiring
41 deactivation of a nurse's multistate licensure
42 privilege under certain circumstances; authorizing
43 participation in an alternative program in lieu of
44 adverse action against a license; requiring all party
45 states to participate in a coordinated licensure
46 information; providing for the development of the
47 system, reporting procedures, and the exchange of
48 certain information between party states; establishing
49 the Interstate Commission of Nurse Licensure Compact
50 Administrators; providing for the jurisdiction and
51 venue for court proceedings; providing membership and
52 duties; authorizing the commission to adopt rules;

53 providing rulemaking procedures; providing for state
54 enforcement of the compact; providing for the
55 termination of compact membership; providing
56 procedures for the resolution of certain disputes;
57 providing an effective date of the compact; providing
58 a procedure for membership termination; providing
59 compact amendment procedures; authorizing nonparty
60 states to participate in commission activities before
61 adoption of the compact; providing construction and
62 severability; amending s. 464.012, F.S.; authorizing a
63 multistate licensee under the compact to be certified
64 as an advanced registered nurse practitioner if
65 certain eligibility criteria are met; amending s.
66 464.015, F.S.; authorizing registered nurses and
67 licensed practical nurses holding a multistate license
68 under the compact to use certain titles and
69 abbreviations; amending s. 464.018, F.S.; revising the
70 grounds for denial of a nursing license or
71 disciplinary action against a nursing licensee;
72 authorizing certain disciplinary action under the
73 compact for certain prohibited acts; amending s.
74 464.0195, F.S.; revising the information required to
75 be included in the database on nursing supply and
76 demand; requiring the Florida Center for Nursing to
77 analyze and make future projections of the supply and
78 demand for nurses; authorizing the center to request,

79 | and requiring the Board of Nursing to provide, certain
 80 | information about licensed nurses; providing an
 81 | effective date.

82 |
 83 | Be It Enacted by the Legislature of the State of Florida:

84 |
 85 | Section 1. Subsection (10) of section 456.073, Florida
 86 | Statutes, is amended to read:

87 | 456.073 Disciplinary proceedings.—Disciplinary proceedings
 88 | for each board shall be within the jurisdiction of the
 89 | department.

90 | (10) The complaint and all information obtained pursuant
 91 | to the investigation by the department are confidential and
 92 | exempt from s. 119.07(1) until 10 days after probable cause has
 93 | been found to exist by the probable cause panel or by the
 94 | department, or until the regulated professional or subject of
 95 | the investigation waives his or her privilege of
 96 | confidentiality, whichever occurs first. The department shall
 97 | report any significant investigation information relating to a
 98 | nurse holding a multistate license to the coordinated licensure
 99 | information system pursuant to s. 464.0095. Upon completion of
 100 | the investigation and a recommendation by the department to find
 101 | probable cause, and pursuant to a written request by the subject
 102 | or the subject's attorney, the department shall provide the
 103 | subject an opportunity to inspect the investigative file or, at
 104 | the subject's expense, forward to the subject a copy of the

105 | investigative file. Notwithstanding s. 456.057, the subject may
106 | inspect or receive a copy of any expert witness report or
107 | patient record connected with the investigation if the subject
108 | agrees in writing to maintain the confidentiality of any
109 | information received under this subsection until 10 days after
110 | probable cause is found and to maintain the confidentiality of
111 | patient records pursuant to s. 456.057. The subject may file a
112 | written response to the information contained in the
113 | investigative file. Such response must be filed within 20 days
114 | of mailing by the department, unless an extension of time has
115 | been granted by the department. This subsection does not
116 | prohibit the department from providing such information to any
117 | law enforcement agency or to any other regulatory agency.

118 | Section 2. Subsection (9) of section 456.076, Florida
119 | Statutes, is amended to read:

120 | 456.076 Treatment programs for impaired practitioners.—

121 | (9) An impaired practitioner consultant is the official
122 | custodian of records relating to the referral of an impaired
123 | licensee or applicant to that consultant and any other
124 | interaction between the licensee or applicant and the
125 | consultant. The consultant may disclose to the impaired licensee
126 | or applicant or his or her designee any information that is
127 | disclosed to or obtained by the consultant or that is
128 | confidential under paragraph (6) (a), but only to the extent that
129 | it is necessary to do so to carry out the consultant's duties
130 | under this section. The department, and any other entity that

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131 enters into a contract with the consultant to receive the
132 services of the consultant, has direct administrative control
133 over the consultant to the extent necessary to receive
134 disclosures from the consultant as allowed by federal law. The
135 consultant must disclose to the department, upon the
136 department's request, whether an applicant for a multistate
137 license under s. 464.0095 is participating in a treatment
138 program and must report to the department when a nurse holding a
139 multistate license under s. 464.0095 enters a treatment program.
140 A nurse holding a multistate license pursuant to s. 464.0095
141 must report to the department within 2 business days after
142 entering a treatment program pursuant to this section. If a
143 disciplinary proceeding is pending, an impaired licensee may
144 obtain such information from the department under s. 456.073.

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

147 464.003 Definitions.—As used in this part, the term:

148 (16) "Licensed practical nurse" means any person licensed
149 in this state or holding an active multistate license under s.
150 464.0095 to practice practical nursing.

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

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

156 464.004 Board of Nursing; membership; appointment; terms.—

157 (5) The executive director of the board appointed pursuant
 158 to s. 456.004(2) or his or her designee shall serve as the state
 159 administrator of the Nurse Licensure Compact as required under
 160 s. 464.0095.

161 Section 5. Subsection (2) of section 464.008, Florida
 162 Statutes, is amended, and subsection (5) is added to that
 163 section, to read:

164 464.008 Licensure by examination.—

165 (2) (a) Each applicant who passes the examination and
 166 provides proof of meeting the educational requirements specified
 167 in subsection (1) shall, unless denied pursuant to s. 464.018,
 168 be entitled to licensure as a registered professional nurse or a
 169 licensed practical nurse, whichever is applicable.

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

174 (c) A nurse who holds a single-state license in this state
 175 and applies to the department for a multistate license must meet
 176 the eligibility criteria for a multistate license under s.
 177 464.0095 and must pay an application and licensure fee to change
 178 the licensure status.

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

181 (5) A person holding an active multistate license in
 182 another state pursuant to s. 464.0095 is exempt from the

183 licensure requirements of this section.

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

186 464.009 Licensure by endorsement.—

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

190 Section 7. Section 464.0095, Florida Statutes, is created
191 to read:

192 464.0095 Nurse Licensure Compact.—The Nurse Licensure
193 Compact is hereby enacted into law and entered into by this
194 state with all other jurisdictions legally joining therein in
195 the form substantially as follows:

196 ARTICLE I

197 FINDINGS AND DECLARATION OF PURPOSE

198 (1) The party states find that:

199 (a) The health and safety of the public are affected by
200 the degree of compliance with and the effectiveness of
201 enforcement activities related to state nurse licensure laws.

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

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

209 regulation.

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

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

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

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

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

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

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

226 (d) Promote compliance with the laws governing the
227 practice of nursing in each jurisdiction.

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

232 (f) Decrease redundancies in the consideration and
233 issuance of nurse licenses.

234 (g) Provide opportunities for interstate practice by

235 nurses who meet uniform licensure requirements.

236 ARTICLE II

237 DEFINITIONS

238 As used in this compact, the term:

239 (1) "Adverse action" means any administrative, civil,
 240 equitable, or criminal action permitted by a state's laws which
 241 is imposed by a licensing board or other authority against a
 242 nurse, including actions against an individual's license or
 243 multistate licensure privilege, such as revocation, suspension,
 244 probation, monitoring of the licensee, limitation on the
 245 licensee's practice, or any other encumbrance on licensure
 246 affecting a nurse's authorization to practice, including
 247 issuance of a cease and desist action.

248 (2) "Alternative program" means a nondisciplinary
 249 monitoring program approved by a licensing board.

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

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

255 (5) "Coordinated licensure information system" means an
 256 integrated process for collecting, storing, and sharing
 257 information on nurse licensure and enforcement activities
 258 related to nurse licensure laws which is administered by a
 259 nonprofit organization composed of and controlled by licensing
 260 boards.

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

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

267 (b) Investigative information that indicates that the
 268 nurse represents an immediate threat to public health and safety
 269 regardless of whether the nurse has been notified and had an
 270 opportunity to respond.

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

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

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

278 (10) "Multistate license" means a license to practice as a
 279 registered nurse (RN) or a licensed practical/vocational nurse
 280 (LPN/VN) issued by a home state licensing board which authorizes
 281 the licensed nurse to practice in all party states under a
 282 multistate licensure privilege.

283 (11) "Multistate licensure privilege" means a legal
 284 authorization associated with a multistate license permitting
 285 the practice of nursing as either an RN or an LPN/VN in a remote
 286 state.

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

289 (13) "Party state" means any state that has adopted this
 290 compact.

291 (14) "Remote state" means a party state other than the
 292 home state.

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

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

299 (17) "State practice laws" means a party state's laws,
 300 rules, and regulations that govern the practice of nursing,
 301 define the scope of nursing practice, and create the methods and
 302 grounds for imposing discipline. The term "state practice laws"
 303 does not include requirements necessary to obtain and retain a
 304 license, except for qualifications or requirements of the home
 305 state.

306 ARTICLE III

307 GENERAL PROVISIONS AND JURISDICTION

308 (1) A multistate license to practice registered or
 309 licensed practical/vocational nursing issued by a home state to
 310 a resident in that state shall be recognized by each party state
 311 as authorizing a nurse to practice as an RN or as an LPN/VN
 312 under a multistate licensure privilege in each party state.

313 (2) Each party state must implement procedures for
314 considering the criminal history records of applicants for
315 initial multistate licensure or licensure by endorsement. Such
316 procedures shall include the submission of fingerprints or other
317 biometric-based information by applicants for the purpose of
318 obtaining an applicant's criminal history record information
319 from the Federal Bureau of Investigation and the agency
320 responsible for retaining that state's criminal records.

321 (3) In order for an applicant to obtain or retain a
322 multistate license in the home state, each party state shall
323 require that the applicant fulfills the following criteria:

324 (a) Meets the home state's qualifications for licensure or
325 renewal of licensure, as well as all other applicable state
326 laws.

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

330 2. Has graduated from a foreign RN or LPN/VN prelicensure
331 education program that has been approved by the authorized
332 accrediting body in the applicable country and has been verified
333 by a licensing board-approved independent credentials review
334 agency to be comparable to a licensing board-approved
335 prelicensure education program.

336 (c) If the applicant is a graduate of a foreign
337 prelicensure education program not taught in English, or if
338 English is not the applicant's native language, has successfully

339 passed a licensing board-approved English proficiency
340 examination that includes the components of reading, speaking,
341 writing, and listening.

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

344 (e) Is eligible for or holds an active, unencumbered
345 license.

346 (f) Has submitted, in connection with an application for
347 initial licensure or licensure by endorsement, fingerprints or
348 other biometric data for the purpose of obtaining criminal
349 history record information from the Federal Bureau of
350 Investigation and the agency responsible for retaining that
351 state's criminal records.

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

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

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

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

363 (k) Has a valid United States social security number.

364 (4) All party states may, in accordance with existing

365 state due process law, take adverse action against a nurse's
366 multistate licensure privilege, such as revocation, suspension,
367 probation, or any other action that affects the nurse's
368 authorization to practice under a multistate licensure
369 privilege, including cease and desist actions. If a party state
370 takes such action, it shall promptly notify the administrator of
371 the coordinated licensure information system. The administrator
372 of the coordinated licensure information system shall promptly
373 notify the home state of any such actions by remote states.

374 (5) A nurse practicing in a party state must comply with
375 the state practice laws of the state in which the patient is
376 located at the time service is provided. The practice of nursing
377 is not limited to patient care but shall include all nursing
378 practice as defined by the state practice laws of the party
379 state in which the patient is located. The practice of nursing
380 in a party state under a multistate licensure privilege subjects
381 a nurse to the jurisdiction of the licensing board, the courts,
382 and the laws of the party state in which the patient is located
383 at the time service is provided.

384 (6) A person not residing in a party state shall continue
385 to be able to apply for a party state's single-state license as
386 provided under the laws of each party state. The single-state
387 license granted to such a person does not grant the privilege to
388 practice nursing in any other party state. This compact does not
389 affect the requirements established by a party state for the
390 issuance of a single-state license.

391 (7) A nurse holding a home state multistate license, on
392 the effective date of this compact, may retain and renew the
393 multistate license issued by the nurse's then-current home
394 state, provided that:

395 (a) A nurse who changes his or her primary state of
396 residence after the effective date must meet all applicable
397 requirements under subsection (3) to obtain a multistate license
398 from a new home state.

399 (b) A nurse who fails to satisfy the multistate licensure
400 requirements under subsection (3) due to a disqualifying event
401 occurring after the effective date is ineligible to retain or
402 renew a multistate license, and the nurse's multistate license
403 shall be revoked or deactivated in accordance with applicable
404 rules adopted by the commission.

405 ARTICLE IV

406 APPLICATIONS FOR LICENSURE IN A PARTY STATE

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

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

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

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

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

432 (4) If a nurse changes his or her primary state of
433 residence by moving from a party state to a nonparty state, the
434 multistate license issued by the prior home state shall convert
435 to a single-state license valid only in the former home state.

436 ARTICLE V

437 ADDITIONAL AUTHORITY VESTED IN PARTY STATE LICENSING BOARDS

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

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

442 1. Only the home state has the power to take adverse

443 action against a nurse's license issued by the home state.

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

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

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

460 (d) Issue subpoenas for both hearings and investigations
461 that require the attendance and testimony of witnesses or the
462 production of evidence. Subpoenas issued by a licensing board or
463 state agency in a party state for the attendance and testimony
464 of witnesses or the production of evidence from another party
465 state shall be enforced in the latter state by any court of
466 competent jurisdiction according to the practice and procedure
467 of that court applicable to subpoenas issued in proceedings
468 pending before it. The issuing authority shall pay any witness

469 fees, travel expenses, and mileage and other fees required by
470 the service statutes of the state in which the witnesses or
471 evidence is located.

472 (e) Obtain and submit, for each nurse licensure applicant,
473 fingerprint or other biometric-based information to the Federal
474 Bureau of Investigation for criminal background checks, receive
475 the results of the Federal Bureau of Investigation record search
476 on criminal background checks, and use the results in making
477 licensure decisions.

478 (f) If otherwise permitted by state law, recover from the
479 affected nurse the costs of investigations and disposition of
480 cases resulting from any adverse action taken against that
481 nurse.

482 (g) Take adverse action based on the factual findings of
483 the remote state, provided that the licensing board or state
484 agency follows its own procedures for taking such adverse
485 action.

486 (2) If adverse action is taken by the home state against a
487 nurse's multistate license, the nurse's multistate licensure
488 privilege to practice in all other party states shall be
489 deactivated until all encumbrances are removed from the
490 multistate license. All home state disciplinary orders that
491 impose adverse action against a nurse's multistate license shall
492 include a statement that the nurse's multistate licensure
493 privilege is deactivated in all party states during the pendency
494 of the order.

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

501 ARTICLE VI

502 COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE
503 INFORMATION

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

510 (2) The commission, in consultation with the administrator
511 of the coordinated licensure information system, shall formulate
512 necessary and proper procedures for the identification,
513 collection, and exchange of information under this compact.

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

521 (4) Current significant investigative information and
522 participation in nonpublic or confidential alternative programs
523 shall be transmitted through the coordinated licensure
524 information system only to party state licensing boards.

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

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

537 (7) Any information contributed to the coordinated
538 licensure information system which is subsequently required to
539 be expunged by the laws of the party state contributing that
540 information shall also be expunged from the coordinated
541 licensure information system.

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

545 (a) Identifying information.

546 (b) Licensure data.

547 (c) Information related to alternative program
 548 participation.

549 (d) Other information that may facilitate the
 550 administration of this compact, as determined by commission
 551 rules.

552 (9) The compact administrator of a party state shall
 553 provide all investigative documents and information requested by
 554 another party state.

555 ARTICLE VII

556 ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE
 557 COMPACT ADMINISTRATORS

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

561 (a) The commission is an instrumentality of the party
 562 states.

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

569 (c) This compact does not waive sovereign immunity.

570 (2) (a) Each party state shall have and be limited to one
 571 administrator. The executive director of the state licensing
 572 board or his or her designee shall be the administrator of this

573 compact for each party state. Any administrator may be removed
574 or suspended from office as provided by the law of the state
575 from which the administrator is appointed. Any vacancy occurring
576 on the commission shall be filled in accordance with the laws of
577 the party state in which the vacancy exists.

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

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

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

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

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

595 2. The employment, compensation, discipline, or other
596 personnel matters, practices, or procedures related to specific
597 employees or other matters related to the commission's internal
598 personnel practices and procedures;

- 599 3. Current, threatened, or reasonably anticipated
600 litigation;
- 601 4. Negotiation of contracts for the purchase or sale of
602 goods, services, or real estate;
- 603 5. Accusing any person of a crime or formally censuring
604 any person;
- 605 6. Disclosure of trade secrets or commercial or financial
606 information that is privileged or confidential;
- 607 7. Disclosure of information of a personal nature where
608 disclosure would constitute a clearly unwarranted invasion of
609 personal privacy;
- 610 8. Disclosure of investigatory records compiled for law
611 enforcement purposes;
- 612 9. Disclosure of information related to any reports
613 prepared by or on behalf of the commission for the purpose of
614 investigation of compliance with this compact; or
- 615 10. Matters specifically exempted from disclosure by
616 federal or state statute.
- 617 (f) If a meeting, or portion of a meeting, is closed
618 pursuant to this subsection, the commission's legal counsel or
619 designee shall certify that the meeting, or portion of the
620 meeting, is closed and shall reference each relevant exempting
621 provision. The commission shall keep minutes that fully and
622 clearly describe all matters discussed in a meeting and shall
623 provide a full and accurate summary of actions taken, and the
624 reasons therefor, including a description of the views

625 expressed. All documents considered in connection with an action
626 shall be identified in such minutes. All minutes and documents
627 of a closed meeting shall remain under seal, subject to release
628 by a majority vote of the commission or order of a court of
629 competent jurisdiction.

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

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

636 (b) Providing reasonable standards and procedures:

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

638 2. Governing any general or specific delegation of any
639 authority or function of the commission.

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

651 votes allowed.

652 (d) Establishing the titles, duties and authority, and
653 reasonable procedures for the election of the commission's
654 officers.

655 (e) Providing reasonable standards and procedures for the
656 establishment of the commission's personnel policies and
657 programs. Notwithstanding any civil service or other similar
658 laws of any party state, the bylaws shall exclusively govern the
659 commission's personnel policies and programs.

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

664 (4) The commission shall publish its bylaws and rules, and
665 any amendments thereto, in a convenient form on the commission's
666 website.

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

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

671 (7) The commission has the power to:

672 (a) Adopt uniform rules to facilitate and coordinate
673 implementation and administration of this compact. The rules
674 shall have the force and effect of law and are binding in all
675 party states.

676 (b) Bring and prosecute legal proceedings or actions in

677 the name of the commission, provided that the standing of any
678 licensing board to sue or be sued under applicable law are not
679 affected.

680 (c) Purchase and maintain insurance and bonds.

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

683 (e) Cooperate with other organizations that administer
684 state compacts related to the regulation of nursing, including
685 sharing administrative or staff expenses, office space, or other
686 resources.

687 (f) Hire employees, elect or appoint officers, fix
688 compensation, define duties, grant such individuals appropriate
689 authority to carry out the purposes of this compact, and
690 establish the commission's personnel policies and programs
691 relating to conflicts of interest, qualifications of personnel,
692 and other related personnel matters.

693 (g) Accept any and all appropriate donations, grants, and
694 gifts of money, equipment, supplies, materials, and services and
695 receive, use, and dispose of the same, provided that, at all
696 times, the commission shall avoid any appearance of impropriety
697 or conflict of interest.

698 (h) Lease, purchase, accept appropriate gifts or donations
699 of, or otherwise own, hold, improve, or use any property,
700 whether real, personal, or mixed, provided that, at all times,
701 the commission shall avoid any appearance of impropriety.

702 (i) Sell, convey, mortgage, pledge, lease, exchange,

703 abandon, or otherwise dispose of any property, whether real,
704 personal, or mixed.

705 (j) Establish a budget and make expenditures.

706 (k) Borrow money.

707 (l) Appoint committees, including advisory committees
708 comprised of administrators, state nursing regulators, state
709 legislators or their representatives, consumer representatives,
710 and other interested persons.

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

713 (n) Adopt and use an official seal.

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

717 (8) Relating to the financing of the commission, the
718 commission:

719 (a) Shall pay, or provide for the payment of, the
720 reasonable expenses of its establishment, organization, and
721 ongoing activities.

722 (b) May also levy and collect an annual assessment from
723 each party state to cover the cost of its operations,
724 activities, and staff in its annual budget as approved each
725 year. The aggregate annual assessment amount, if any, shall be
726 allocated based on a formula to be determined by the commission,
727 which shall adopt a rule that is binding on all party states.

728 (c) May not incur obligations of any kind before securing

729 the funds adequate to meet the same; and the commission may not
730 pledge the credit of any of the party states, except by and with
731 the authority of such party state.

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

740 (9) Relating to the sovereign immunity, defense, and
741 indemnification of the commission:

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

754 (b) The commission shall defend any administrator,

755 officer, executive director, employee, or representative of the
756 commission in any civil action seeking to impose liability
757 arising out of any actual or alleged act, error, or omission
758 that occurred within the scope of commission employment, duties,
759 or responsibilities or that the person against whom the claim is
760 made had a reasonable basis for believing occurred within the
761 scope of commission employment, duties, or responsibilities,
762 provided that the actual or alleged act, error, or omission did
763 not result from that person's intentional, willful, or wanton
764 misconduct. This paragraph does not prohibit that person from
765 retaining his or her own counsel.

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

777 ARTICLE VIII

778 RULEMAKING

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

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

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

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

790 (a) On the commission's website.

791 (b) On the website of each licensing board or the
792 publication in which each state would otherwise publish proposed
793 rules.

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

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

797 (b) The text of the proposed rule or amendment and the
798 reason for the proposed rule.

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

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

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

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

809 (7) The commission shall publish the place, time, and date
810 of the scheduled public hearing.

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

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

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

820 (9) Following the scheduled hearing date, or by the close
821 of business on the scheduled hearing date if the hearing is not
822 held, the commission shall consider all written and oral
823 comments received.

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

828 (11) Upon determination that an emergency exists, the
829 commission may consider and adopt an emergency rule without
830 prior notice, opportunity for comment, or hearing, provided that
831 the usual rulemaking procedures provided in this compact and in
832 this article shall be applied retroactively to the rule as soon

833 as reasonably possible within 90 days after the effective date
834 of the rule. For the purposes of this subsection, an emergency
835 rule is one that must be adopted immediately in order to:

836 (a) Meet an imminent threat to public health, safety, or
837 welfare;

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

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

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

853 ARTICLE IX

854 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

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

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

859 (b) The commission, which is entitled to receive service
860 of process in any proceeding that may affect the powers,
861 responsibilities, or actions of the commission and has standing
862 to intervene in such a proceeding for all purposes. Failure to
863 provide service of process in such proceeding to the commission
864 renders a judgment or order void as to the commission, this
865 compact, or adopted rules.

866 (2) When the commission determines that a party state has
867 defaulted in the performance of its obligations or
868 responsibilities under this compact or the adopted rules, the
869 commission shall:

870 (a) Provide written notice to the defaulting state and
871 other party states of the nature of the default, the proposed
872 means of curing the default, or any other action to be taken by
873 the commission.

874 (b) Provide remedial training and specific technical
875 assistance regarding the default.

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

884 (4) Termination of membership in this compact shall be

885 imposed only after all other means of securing compliance have
886 been exhausted. Notice of intent to suspend or terminate shall
887 be given by the commission to the governor of the defaulting
888 state, to the executive officer of the defaulting state's
889 licensing board, and each of the party states.

890 (5) A state whose membership in this compact is terminated
891 is responsible for all assessments, obligations, and liabilities
892 incurred through the effective date of termination, including
893 obligations that extend beyond the effective date of
894 termination.

895 (6) The commission shall not bear any costs related to a
896 state that is found to be in default or whose membership in this
897 compact is terminated unless agreed upon in writing between the
898 commission and the defaulting state.

899 (7) The defaulting state may appeal the action of the
900 commission by petitioning the United States District Court for
901 the District of Columbia or the federal district in which the
902 commission has its principal offices. The prevailing party shall
903 be awarded all costs of such litigation, including reasonable
904 attorney fees.

905 (8) Dispute resolution may be used by the commission in
906 the following manner:

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

910 (b) The commission shall adopt a rule providing for both

911 mediation and binding dispute resolution for disputes, as
 912 appropriate.

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

915 1. The party states may submit the issues in dispute to an
 916 arbitration panel, which will be comprised of individuals
 917 appointed by the compact administrator in each of the affected
 918 party states and an individual mutually agreed upon by the
 919 compact administrators of all the party states involved in the
 920 dispute.

921 2. The decision of a majority of the arbitrators is final
 922 and binding.

923 (9) (a) The commission shall, in the reasonable exercise of
 924 its discretion, enforce the provisions and rules of this
 925 compact.

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

935 (c) The remedies provided in this subsection are not the
 936 exclusive remedies of the commission. The commission may pursue

937 any other remedies available under federal or state law.

938 ARTICLE X

939 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

952 (3) Any party state may withdraw from this compact by
953 enacting a statute repealing the compact. A party state's
954 withdrawal does not take effect until 6 months after enactment
955 of the repealing statute.

956 (4) A party state's withdrawal or termination does not
957 affect the continuing requirement of the withdrawing or
958 terminated state's licensing board to report adverse actions and
959 significant investigations occurring before the effective date
960 of such withdrawal or termination.

961 (5) This compact does not invalidate or prevent any nurse
962 licensure agreement or other cooperative arrangement between a

963 party state and a nonparty state that is made in accordance with
964 the other provisions of this compact.

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

969 (7) Representatives of nonparty states to this compact
970 shall be invited to participate in the activities of the
971 commission, on a nonvoting basis, before the adoption of this
972 compact by all party states.

973 ARTICLE XI

974 CONSTRUCTION AND SEVERABILITY

975 This compact shall be liberally construed so as to
976 effectuate the purposes thereof. The provisions of this compact
977 are severable, and if any phrase, clause, sentence, or provision
978 of this compact is declared to be contrary to the constitution
979 of any party state or of the United States, or if the
980 applicability thereof to any government, agency, person, or
981 circumstance is held invalid, the validity of the remainder of
982 this compact and the applicability thereof to any government,
983 agency, person, or circumstance is not affected thereby. If this
984 compact is declared to be contrary to the constitution of any
985 party state, the compact shall remain in full force and effect
986 as to the remaining party states and in full force and effect as
987 to the party state affected as to all severable matters.

988 Section 8. Subsection (1) of section 464.012, Florida

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989 Statutes, is amended to read:

990 464.012 Certification of advanced registered nurse
991 practitioners; fees.—

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

999 (a) Satisfactory completion of a formal postbasic
1000 educational program of at least one academic year, the primary
1001 purpose of which is to prepare nurses for advanced or
1002 specialized practice.

1003 (b) Certification by an appropriate specialty board. Such
1004 certification shall be required for initial state certification
1005 and any recertification as a registered nurse anesthetist or
1006 nurse midwife. The board may by rule provide for provisional
1007 state certification of graduate nurse anesthetists and nurse
1008 midwives for a period of time determined to be appropriate for
1009 preparing for and passing the national certification
1010 examination.

1011 (c) Graduation from a program leading to a master's degree
1012 in a nursing clinical specialty area with preparation in
1013 specialized practitioner skills. For applicants graduating on or
1014 after October 1, 1998, graduation from a master's degree program

1015 shall be required for initial certification as a nurse
 1016 practitioner under paragraph (4) (c). For applicants graduating
 1017 on or after October 1, 2001, graduation from a master's degree
 1018 program shall be required for initial certification as a
 1019 registered nurse anesthetist under paragraph (4) (a).

1020 Section 9. Subsections (1), (2), and (9) of section
 1021 464.015, Florida Statutes, are amended to read:

1022 464.015 Titles and abbreviations; restrictions; penalty.—

1023 (1) Only a person ~~persons~~ who holds a license in this
 1024 state or a multistate license pursuant to s. 464.0095 ~~hold~~
 1025 ~~licenses~~ to practice professional nursing ~~in this state~~ or who
 1026 performs ~~are performing~~ nursing services pursuant to the
 1027 exception set forth in s. 464.022(8) may ~~shall have the right to~~
 1028 use the title "Registered Nurse" and the abbreviation "R.N."

1029 (2) Only a person ~~persons~~ who holds a license in this
 1030 state or a multistate license pursuant to s. 464.0095 ~~hold~~
 1031 ~~licenses~~ to practice as a licensed practical nurse ~~nurses in~~
 1032 ~~this state~~ or who performs ~~are performing~~ practical nursing
 1033 services pursuant to the exception set forth in s. 464.022(8)
 1034 may ~~shall have the right to~~ use the title "Licensed Practical
 1035 Nurse" and the abbreviation "L.P.N."

1036 (9) A person may not practice or advertise as, or assume
 1037 the title of, registered nurse, licensed practical nurse,
 1038 clinical nurse specialist, certified registered nurse
 1039 anesthetist, certified nurse midwife, or advanced registered
 1040 nurse practitioner or use the abbreviation "R.N.," "L.P.N.,"

1041 "C.N.S.," "C.R.N.A.," "C.N.M.," or "A.R.N.P." or take any other
 1042 action that would lead the public to believe that person was
 1043 authorized by law to practice ~~certified~~ as such or is performing
 1044 nursing services pursuant to the exception set forth in s.
 1045 464.022(8)~~7~~ unless that person is licensed, ~~or~~ certified, or
 1046 authorized pursuant to s. 464.0095 to practice as such.

1047 Section 10. Subsections (1) and (2) of section 464.018,
 1048 Florida Statutes, are amended to read:

1049 464.018 Disciplinary actions.—

1050 (1) The following acts constitute grounds for denial of a
 1051 license or disciplinary action, as specified in ss. s-
 1052 456.072(2) and 464.0095:

1053 (a) Procuring, attempting to procure, or renewing a
 1054 license to practice nursing or the authority to practice
 1055 practical or professional nursing pursuant to s. 464.0095 by
 1056 bribery, by knowing misrepresentations, or through an error of
 1057 the department or the board.

1058 (b) Having a license to practice nursing revoked,
 1059 suspended, or otherwise acted against, including the denial of
 1060 licensure, by the licensing authority of another state,
 1061 territory, or country.

1062 (c) Being convicted or found guilty of, or entering a plea
 1063 of guilty or nolo contendere to, regardless of adjudication, a
 1064 crime in any jurisdiction which directly relates to the practice
 1065 of nursing or to the ability to practice nursing.

1066 (d) Being convicted or found guilty of, or entering a plea

1067 of guilty or nolo contendere to, regardless of adjudication, ~~of~~
 1068 any of the following offenses:

- 1069 1. A forcible felony as defined in chapter 776.
- 1070 2. A violation of chapter 812, relating to theft, robbery,
 1071 and related crimes.
- 1072 3. A violation of chapter 817, relating to fraudulent
 1073 practices.
- 1074 4. A violation of chapter 800, relating to lewdness and
 1075 indecent exposure.
- 1076 5. A violation of chapter 784, relating to assault,
 1077 battery, and culpable negligence.
- 1078 6. A violation of chapter 827, relating to child abuse.
- 1079 7. A violation of chapter 415, relating to protection from
 1080 abuse, neglect, and exploitation.
- 1081 8. A violation of chapter 39, relating to child abuse,
 1082 abandonment, and neglect.
- 1083 9. For an applicant for a multistate license or for a
 1084 multistate licenseholder under s. 464.0095, a felony offense
 1085 under Florida law or federal criminal law.

1086 (e) Having been found guilty of, regardless of
 1087 adjudication, or entered a plea of nolo contendere or guilty to,
 1088 any offense prohibited under s. 435.04 or similar statute of
 1089 another jurisdiction; or having committed an act which
 1090 constitutes domestic violence as defined in s. 741.28.

1091 (f) Making or filing a false report or record, which the
 1092 nurse ~~licensee~~ knows to be false, intentionally or negligently

1093 failing to file a report or record required by state or federal
 1094 law, willfully impeding or obstructing such filing or inducing
 1095 another person to do so. Such reports or records shall include
 1096 only those which are signed in the nurse's capacity as a
 1097 licensed nurse.

1098 (g) False, misleading, or deceptive advertising.

1099 (h) Unprofessional conduct, as defined by board rule.

1100 (i) Engaging or attempting to engage in the possession,
 1101 sale, or distribution of controlled substances as set forth in
 1102 chapter 893, for any other than legitimate purposes authorized
 1103 by this part.

1104 (j) Being unable to practice nursing with reasonable skill
 1105 and safety to patients by reason of illness or use of alcohol,
 1106 drugs, narcotics, or chemicals or any other type of material or
 1107 as a result of any mental or physical condition. In enforcing
 1108 this paragraph, the department shall have, upon a finding of the
 1109 State Surgeon General or the State Surgeon General's designee
 1110 that probable cause exists to believe that the nurse ~~licensee~~ is
 1111 unable to practice nursing because of the reasons stated in this
 1112 paragraph, the authority to issue an order to compel a nurse
 1113 ~~licensee~~ to submit to a mental or physical examination by
 1114 physicians designated by the department. If the nurse ~~licensee~~
 1115 refuses to comply with such order, the department's order
 1116 directing such examination may be enforced by filing a petition
 1117 for enforcement in the circuit court where the nurse ~~licensee~~
 1118 resides or does business. The nurse ~~licensee~~ against whom the

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1119 petition is filed shall not be named or identified by initials
1120 in any public court records or documents, and the proceedings
1121 shall be closed to the public. The department shall be entitled
1122 to the summary procedure provided in s. 51.011. A nurse affected
1123 by ~~the provisions of~~ this paragraph shall at reasonable
1124 intervals be afforded an opportunity to demonstrate that she or
1125 he can resume the competent practice of nursing with reasonable
1126 skill and safety to patients.

1127 (k) Failing to report to the department any person who the
1128 nurse licensee knows is in violation of this part or of the
1129 rules of the department or the board; however, if the nurse
1130 ~~licensee~~ verifies that such person is actively participating in
1131 a board-approved program for the treatment of a physical or
1132 mental condition, the nurse licensee is required to report such
1133 person only to an impaired professionals consultant.

1134 (l) Knowingly violating any provision of this part, a rule
1135 of the board or the department, or a lawful order of the board
1136 or department previously entered in a disciplinary proceeding or
1137 failing to comply with a lawfully issued subpoena of the
1138 department.

1139 (m) Failing to report to the department any licensee under
1140 chapter 458 or under chapter 459 who the nurse knows has
1141 violated the grounds for disciplinary action set out in the law
1142 under which that person is licensed and who provides health care
1143 services in a facility licensed under chapter 395, or a health
1144 maintenance organization certificated under part I of chapter

1145 641, in which the nurse also provides services.

1146 (n) Failing to meet minimal standards of acceptable and
 1147 prevailing nursing practice, including engaging in acts for
 1148 which the nurse licensee is not qualified by training or
 1149 experience.

1150 (o) Violating any provision of this chapter or chapter
 1151 456, or any rules adopted pursuant thereto.

1152 (2) (a) The board may enter an order denying licensure or
 1153 imposing any of the penalties in s. 456.072(2) against any
 1154 applicant for licensure or nurse licensee who is found guilty of
 1155 violating ~~any provision of subsection (1) of this section or who~~
 1156 ~~is found guilty of violating any provision of s. 456.072(1).~~

1157 (b) The board may take adverse action against a nurse's
 1158 multistate licensure privilege and impose any of the penalties
 1159 in s. 456.072(2) when the nurse is found guilty of violating
 1160 subsection (1) or s. 456.072(1).

1161 Section 11. Paragraph (a) of subsection (2) of section
 1162 464.0195, Florida Statutes, is amended, and subsection (4) is
 1163 added to that section, to read:

1164 464.0195 Florida Center for Nursing; goals.—

1165 (2) The primary goals for the center shall be to:

1166 (a) Develop a strategic statewide plan for nursing
 1167 manpower in this state by:

1168 1. Establishing and maintaining a database on nursing
 1169 supply and demand in the state, to include current supply and
 1170 demand, ~~and future projections; and~~

1171 2. Analyzing the current supply and demand in the state
 1172 and making future projections of such, including assessing the
 1173 impact of this state's participation in the Nurse Licensure
 1174 Compact under s. 464.0095; and

1175 ~~3.2.~~ Selecting from the plan priorities to be addressed.

1176 (4) The center may request from the board, and the board
 1177 must provide to the center upon its request, any information
 1178 held by the board regarding nurses licensed in this state or
 1179 holding a multistate license pursuant to s. 464.0095 or
 1180 information reported to the board by employers of such nurses,
 1181 other than personal identifying information.

1182 Section 12. This act shall take effect December 31, 2018,
 1183 or upon enactment of the Nurse Licensure Compact into law by 26
 1184 states, whichever occurs first.