

R156. Commerce, Occupational and Professional Licensing.

R156-31c. Nurse Licensure Compact Rule.

R156-31c-101. Title.

This rule is known as the "Nurse Licensure Compact Rule".

R156-31c-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 31c, as used in Title 58, Chapter 31c or this rule:

- (1) "Board", as used in this rule, means the party state's regulatory body responsible for issuing nurse licenses.
- (2) "Business days", as used in Subsection R156-31c-201(9), means scheduled work days for the nurse licensing agency of the new home state.
- (3) "Information system", as used in this rule, means the coordinated licensure information system as defined in Section 58-31c-102.
- (4) "Primary state of residence", as used in this rule, means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
- (5) "Public", as used in this rule, means any individual or entity other than designated staff or representatives of party state Boards or the National Council of State Boards of Nursing, Inc.

R156-31c-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 31c.

R156-31c-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-31c-201. Issuing a License.

- (1) As of July 1, 2005 no applicant for initial licensure will be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or any predecessor examination used for licensure.
- (2) A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include:
 - (a) driver's license with a home address;
 - (b) voter registration card displaying a home address;
 - (c) federal income tax return declaring the primary state of residence;
 - (d) military form no. 2058 - state of legal residence certificate; or
 - (e) W-2 form from the United States government or any bureau, division or agency thereof indicating the declared state of residence.
- (3) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.
- (4) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.
- (5) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.
- (6) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed 90 days.
- (7) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the 90 day period in Subsection (6) shall be stayed until resolution of the pending investigation.
- (8) The former home state license shall be expired and no longer valid upon the issuance of a new home state license.
- (9) If a decision is made by the new home state denying licensure the new home state shall notify the former home state within ten business days and the former home state shall take action in accordance with that state's laws and rules.

R156-31c-302. Limitations on Multi-state Licensure Privilege - Discipline.

- (1) Home state Boards shall include in all licensure disciplinary orders and stipulation agreements that limit practice or require monitoring the requirement that the licensee subject to said order or stipulation will agree to limit the licensee's practice to the home state during the pendency of the order or stipulation. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state Boards.
- (2) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of residence may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state, a multistate license may be issued.

R156-31c-401. Information System.

- (1) Levels of Access:
 - (a) The public shall have access to nurse licensure information limited to:
 - (i) the nurse's name;
 - (ii) jurisdiction(s) of licensure;
 - (iii) license expiration date(s);
 - (iv) licensure classification(s) and status(es);
 - (v) public emergency and final disciplinary actions, as defined by the contributing state authority; and
 - (vi) the status of multi-state licensure privileges.
 - (b) Non-party state Boards shall have access to all Information System data except current significant investigative information and other information as limited by the contributing party state authority.
 - (c) Party state Boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party states' authority.
- (2) The licensee may request in writing to the home state Board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten business days correct inaccurate data to the Information System.
- (3) The Board shall report to the Information System within ten business days:
 - (a) disciplinary action, stipulation or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements relating to participation in alternative programs required to remain nonpublic by the contributing state authority);
 - (b) dismissal of a complaint; and
 - (c) changes in status of disciplinary action, or licensure encumbrance.
- (4) Current significant investigative information shall be deleted from the Information System within ten business days upon report of disciplinary action, stipulation or order requiring participation in alternative programs or stipulations which limit practice or require monitoring or dismissal of a complaint.
- (5) Changes to licensure information in the Information System shall be completed within ten business days upon notification by a Board.

KEY: nurses, licensing

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Authorizing, and Implemented or Interpreted Law: 58-31c-103; 58-1-106(1)(a)