

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Registrations

### 3 CCR 716-1

#### CHAPTER XX

#### RULES AND REGULATIONS FOR MULTISTATE NURSE LICENSURE

**BASIS:** The authority for the promulgation of these rules and regulations by the State Board of Nursing is set forth in sections 12-38-108(1) and 24-60-3201, and -3202, C.R.S.

**PURPOSE:** To specify the requirements, pursuant to the Nurse Licensure Compact, for recognition of a professional or practical nursing license issued by a Home State as authorizing a Multistate Licensure Privilege in a Party State.

1. **DEFINITIONS:** For the purposes of these Chapter XX Rules, the following terms have the indicated meaning:
  - 1.1 Alternative Program: A voluntary, non-disciplinary monitoring program for Nurses, approved by the licensing entity of a state or territory.
  - 1.2 Board: A Party State's regulatory body responsible for issuing Nurse licenses.
  - 1.3 Coordinated Licensure Information System: An integrated process for collecting, storing, and sharing information on Nurse licensure and enforcement activities related to Nurse licensure laws, which is administered by a non-profit organization composed of state Nurse licensing boards.
  - 1.4 Current Significant Investigative Information:
    - A. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the Nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
    - B. Investigative information that indicates that the Nurse represents an immediate threat to Public health and safety, regardless of whether the Nurse has been notified and had an opportunity to respond.
  - 1.5 Home State: The Party State that is the Nurse's Primary State of Residence.
  - 1.6 Information System: The Coordinated Licensure Information System.
  - 1.7 Multistate Licensure Privilege: A current, official authority from a Remote State permitting the practice of nursing as a professional or practical nurse in such Party State.
  - 1.8 Nurse: A professional or practical nurse, as that term is defined by each Party State's practice laws.
  - 1.9 Party State: Any state that has adopted the Interstate Nurse Licensure Compact.

- 1.10 Primary State of Residence: The state of a person's declared fixed, permanent, and principal home for legal purposes; domicile.
- 1.11 Public: Any individual or entity other than designated staff or representatives of Party State boards or the National Council of State Boards of Nursing, Inc.
- 1.12 Remote State: A Party State, other than the Home State, where the patient or recipient of nursing practice is located at the time nursing services are provided.
- 1.13 Single State License: A professional or practical nursing license that is valid only for practice in the granting state and not valid for practice in other Party States.

## **2. ISSUANCE OF A LICENSE**

- 2.1 As of July 1, 2005, no applicant for initial licensure may be issued a compact license granting a multi-state privilege to practice, unless the applicant first obtains a passing score on the applicable National Council Licensure Examination (NCLEX) or any predecessor examination used for licensure, and has satisfied all other conditions required by the Board.
- 2.2 A Nurse applying for a license in a Home 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, but is not limited to:
  - 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. Form W-2 from U. S. Government or any bureau, division or agency thereof, indicating the declared state of residence.
- 2.3 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.
- 2.4 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.
- 2.5 When a Party State issues a Single State License, the license shall be clearly marked with the words "Single State", indicating that it is valid only in the state of issuance.
- 2.6 A Nurse changing her/his Primary State of Residence, from one Party State to another Party State, may continue to practice for a period not to exceed thirty (30) days under the former Home State license and Multistate Licensure Privilege, during the processing of the Nurse's licensure application in the new Home State.
- 2.7 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 thirty (30) day period in Section 2.6 shall be stayed until resolution of the pending investigation.

- 2.8 The former Home State license shall no longer be valid upon the issuance of a new Home State license.
- 2.9 If a decision is made by the new Home State denying licensure, the new Home State shall notify the former Home State within ten (10) business days and the former Home State may take action in accordance with that state's laws and rules.

### **3. LIMITATIONS OF MULTISTATE LICENSURE PRIVILEGE - DISCIPLINE**

- 3.1 All licensure disciplinary orders and/or agreements that limit practice and/or require monitoring shall include the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the Home State during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the Nurse to practice in other Party States with prior written authorization from both the Home State's and such other Party State's Boards.
- 3.2 An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior Home State, may be issued a Single State License in a new Home State until such time as the individual would be eligible for an unrestricted license in all prior Party State(s) of adverse action. Once eligible for licensure in all prior state(s), a multistate license may be issued.

### **4. INFORMATION SYSTEM**

- 4.1 Levels of access:
  - A. The Public shall have access to nurse licensure information contained in the Information System limited to:
    - 1. The Nurse's name;
    - 2. Jurisdiction(s) of licensure;
    - 3. License expiration date(s);
    - 4. Licensure classification(s) and status(es);
    - 5. Public emergency and final disciplinary actions, as defined by contributing state authority; and
    - 6. The status of Multistate 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 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 authority.
- 4.2 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 or her 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 (10) business days, correct inaccurate data to the Information System.

- 4.3 The Board shall report to the Information System within ten (10) business days:
- A. Disciplinary action, agreement or order requiring participation in Alternative Programs or which limit practice or require monitoring (except agreements and orders relating to participation in Alternative Programs required to remain non-public by contributing state authority);
  - B. Dismissal of a complaint; and
  - C. Changes in status, if disciplinary action or licensure encumbrance.
- 4.4 Current Significant Investigative Information shall be deleted from the Information System within ten (10) business days, upon report of any resulting:
- A. Disciplinary action;
  - B. Agreement or order requiring participation in Alternative Programs; or
  - C. Agreements which limit practice or require monitoring or dismissal of a complaint.
- 4.5 Changes to licensure information in the Information system shall be completed within ten (10) business days, upon notification by a Board.

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