

1332

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CASTELLI, MONTESANO, BURLING, ORTIZ -- Multi-Sponsored by -- M. of A. CALHOUN -- read once and referred to the Committee on Higher Education

AN ACT to require a workgroup to investigate and report about licensing and the difficulties encountered by military spouses (Part A); to amend the education law, in relation to the authority of the state to certify persons to teach who are not graduates of teacher education programs (Part B); to amend the education law, in relation to adopting the interstate nursing licensure compact (Part C); to amend the education law, the general business law, the insurance law and the real property law, in relation to licensing of military spouses with out-of-state licenses in equivalent occupations (Part D)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law components of legislation relating
2 to the "Military Spouse Act of 2011". Each component is wholly contained
3 within a Part identified as Parts A through D. The effective date for
4 each particular provision contained within such Part is set forth in the
5 last section of such Part. Any provision in any section contained within
6 a Part, including the effective date of the Part, which makes reference
7 to a section "of this act", when used in connection with that particular
8 component, shall be deemed to mean and refer to the corresponding
9 section of the Part in which it is found. Section three of this act
10 sets forth the general effective date of this act.

11 PART A

12 Section 1. State agencies are hereby directed to help spouses of
13 members of the armed forces of the United States, national guard or

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 reserves transfer teaching certificates or professional certifications
2 to their new home state.

3 S 2. The department of labor and the division of veterans' affairs
4 shall establish a workgroup to identify licensing requirements for work-
5 force shortage areas and to study, in conjunction with the relevant
6 licensing entities, whether comparable military training could substi-
7 tute for current licensing requirements, and manners in which state
8 agencies, regulatory bodies and licensing entities can adopt procedures
9 sensitive to the difficulties encountered by military spouses. The work-
10 group shall submit any findings, including any recommendations for
11 legislative action to the governor, the temporary president of the
12 senate and the speaker of the assembly by January 1, 2013.

13 S 3. This act shall take effect immediately.

14

PART B

15 Section 1. Subdivision 1 of section 3006 of the education law is
16 amended by adding a new paragraph f to read as follows:

17 F. AN ALTERNATIVE PLACEMENT CERTIFICATE TO ANY PERSON:

18 (1) WHO MEETS THE ELIGIBILITY REQUIREMENTS OF THE TROOPS FOR TEACHERS
19 PROGRAM OPERATED BY THE UNITED STATES DEPARTMENT OF DEFENSE AND MANAGED
20 BY THE DEFENSE ACTIVITY FOR NON-TRADITIONAL EDUCATION SUPPORT ORGANIZA-
21 TION; AND

22 (2) WHO MEETS THE REQUIREMENTS SET FORTH IN SECTION THREE THOUSAND
23 EIGHT-A OF THIS ARTICLE.

24 S 2. The education law is amended by adding a new section 3008-a to
25 read as follows:

26 S 3008-A. ALTERNATIVE TEACHING CERTIFICATION. 1. THE COMMISSIONER
27 SHALL ISSUE A ONE-YEAR, NONRENEWABLE MIDDLE OR SECONDARY LEVEL ALTERNA-
28 TIVE TEACHING CERTIFICATION TO TEACH TO ANY PERSON WHO HAS ATTAINED
29 CERTIFICATION BY AN ALTERNATIVE TEACHER CERTIFICATION ORGANIZATION AS
30 SET FORTH IN SUBDIVISION THREE OF THIS SECTION AND HAS MET THE REQUIRE-
31 MENTS OF SECTION THREE THOUSAND FOUR-B OF THIS ARTICLE.

32 2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, TEACHERS
33 ISSUED AN ALTERNATIVE TEACHING CERTIFICATION PURSUANT TO THIS SECTION
34 SHALL PARTICIPATE IN THE MENTORING PROGRAM PROVIDED BY THE ALTERNATIVE
35 TEACHER CERTIFICATION ORGANIZATION AS SET FORTH IN SUBDIVISION THREE OF
36 THIS SECTION. UPON SUCCESSFUL COMPLETION OF SUCH MENTORING PROGRAM,
37 COMPLETION OF THE APPLICATION AND PAYMENT OF THE CERTIFICATION FEE AS
38 SET FORTH IN SECTION THREE THOUSAND SIX OF THIS ARTICLE OR AS PRESCRIBED
39 BY THE COMMISSIONER, THE COMMISSIONER SHALL ISSUE THE TEACHER A CERTIF-
40 ICATE TO TEACH.

41 3. FOR PURPOSES OF THIS SECTION, THE COMMISSIONER SHALL IDENTIFY AN
42 ALTERNATIVE TEACHER CERTIFICATION ORGANIZATION THAT WAS FOUNDED WITH
43 GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF EDUCATION AND THAT
44 DEVELOPED PURSUANT TO THE PASSPORT TO TEACHING PROGRAM ADMINISTERED BY
45 THE AMERICAN BOARD FOR CERTIFICATION OF TEACHER EXCELLENCE. THE ORGAN-
46 IZATION SHALL REQUIRE CANDIDATES TO HOLD A BACHELOR'S DEGREE, PASS A
47 PROFESSIONAL TEACHING KNOWLEDGE EXAM, PASS A SUBJECT AREA EXAM AND PASS
48 A BACKGROUND CHECK. THE ORGANIZATION SHALL PROVIDE CANDIDATES WITH
49 ACCESS TO WORKSHOPS, AN EXPERIENCED TEACHER-ADVISOR AND OPTIONAL ACCESS
50 TO COMPREHENSIVE SUBJECT MATTER REFRESHER COURSES. THE ORGANIZATION
51 SHALL ALSO PROVIDE AN INTENSIVE MENTORING AND INDUCTION PROGRAM.

52 S 3. This act shall take effect on the ninetieth day after it shall
53 have become a law; provided, however, that effective immediately, the
54 addition, amendment and/or repeal of any rule or regulation necessary

1 for the implementation of this act on its effective date are authorized
2 and directed to be made and completed on or before such effective date.

3 PART C

4 Section 1. The education law is amended by adding a new section 6911
5 to read as follows:

6 S 6911. INTERSTATE NURSE LICENSURE COMPACT. 1. THE INTERSTATE NURSE
7 LICENSURE COMPACT IS HEREBY ENACTED INTO LAW AND ENTERED INTO WITH ALL
8 JURISDICTIONS LEGALLY JOINING THEREIN IN THE FORM SUBSTANTIALLY AS
9 FOLLOWS:

10 INTERSTATE NURSE LICENSURE COMPACT
11 ARTICLE I.
12 FINDINGS AND DECLARATION OF PURPOSE

13 (A) THE PARTY STATES FIND THAT:

14 (1) THE HEALTH AND SAFETY OF THE PUBLIC ARE AFFECTED BY THE DEGREE OF
15 COMPLIANCE WITH AND THE EFFECTIVENESS OF ENFORCEMENT ACTIVITIES RELATED
16 TO STATE NURSE LICENSURE LAWS;

17 (2) VIOLATIONS OF NURSE LICENSURE AND OTHER LAWS REGULATING THE PRAC-
18 TICE OF NURSING MAY RESULT IN INJURY OR HARM TO THE PUBLIC;

19 (3) THE EXPANDED MOBILITY OF NURSES AND THE USE OF ADVANCED COMMUNI-
20 CATION TECHNOLOGIES AS PART OF OUR NATION'S HEALTHCARE DELIVERY SYSTEM
21 REQUIRE GREATER COORDINATION AND COOPERATION AMONG STATES IN THE AREAS
22 OF NURSE LICENSURE AND REGULATION;

23 (4) NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE COMPLIANCE WITH INDI-
24 VIDUAL STATE NURSE LICENSURE LAWS DIFFICULT AND COMPLEX; AND

25 (5) THE CURRENT SYSTEM OF DUPLICATIVE LICENSURE FOR NURSES PRACTICING
26 IN MULTIPLE STATES IS CUMBERSOME AND REDUNDANT TO BOTH NURSES AND
27 STATES.

28 (B) THE GENERAL PURPOSES OF THIS COMPACT ARE TO:

29 (1) FACILITATE THE STATES' RESPONSIBILITY TO PROTECT THE PUBLIC'S
30 HEALTH AND SAFETY;

31 (2) ENSURE AND ENCOURAGE THE COOPERATION OF PARTY STATES IN THE AREAS
32 OF NURSE LICENSURE AND REGULATION;

33 (3) FACILITATE THE EXCHANGE OF INFORMATION BETWEEN PARTY STATES IN THE
34 AREAS OF NURSE REGULATION, INVESTIGATION, AND ADVERSE ACTIONS;

35 (4) PROMOTE COMPLIANCE WITH THE LAWS GOVERNING THE PRACTICE OF NURSING
36 IN EACH JURISDICTION; AND

37 (5) INVEST ALL PARTY STATES WITH THE AUTHORITY TO HOLD A NURSE
38 ACCOUNTABLE FOR MEETING ALL STATE PRACTICE LAWS IN THE STATE IN WHICH
39 THE PATIENT IS LOCATED AT THE TIME CARE IS RENDERED THROUGH THE MUTUAL
40 RECOGNITION OF PARTY STATE LICENSES.

41 ARTICLE II.
42 DEFINITIONS

43 AS USED IN THIS COMPACT:

44 (A) "ADVERSE ACTION" MEANS A HOME OR REMOTE STATE ACTION.

45 (B) "ALTERNATIVE PROGRAM" MEANS A VOLUNTARY, NON-DISCIPLINARY MONITOR-
46 ING PROGRAM APPROVED BY A NURSE LICENSING BOARD.

47 (C) "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS AN INTEGRATED
48 PROCESS FOR COLLECTING, STORING, AND SHARING INFORMATION ON NURSE LICEN-
49 SURE AND ENFORCEMENT ACTIVITIES RELATED TO NURSE LICENSURE LAWS, WHICH

1 IS ADMINISTERED BY A NON-PROFIT ORGANIZATION COMPOSED OF AND CONTROLLED
2 BY STATE NURSE LICENSING BOARDS.

3 (D) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

4 (1) INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER A PRELIMI-
5 NARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE NURSE
6 TO RESPOND IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT
7 GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR INFRAC-
8 TION; OR

9 (2) INVESTIGATIVE INFORMATION THAT INDICATES THAT THE NURSE REPRESENTS
10 AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF WHETHER
11 THE NURSE HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO RESPOND.

12 (E) "HOME STATE" MEANS THE PARTY STATE WHICH IS THE NURSE'S PRIMARY
13 STATE OF RESIDENCE.

14 (F) "HOME STATE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR
15 CRIMINAL ACTION PERMITTED BY THE HOME STATE'S LAWS WHICH ARE IMPOSED ON
16 A NURSE BY THE HOME STATE'S LICENSING BOARD OR OTHER AUTHORITY INCLUDING
17 ACTIONS AGAINST AN INDIVIDUAL'S LICENSE SUCH AS: REVOCATION, SUSPENSION,
18 PROBATION OR ANY OTHER ACTION WHICH AFFECTS THE NURSE'S AUTHORIZATION TO
19 PRACTICE.

20 (G) "LICENSING BOARD" MEANS A PARTY STATE'S REGULATORY BODY RESPONSI-
21 BLE FOR ISSUING NURSE LICENSES.

22 (H) "MULTISTATE LICENSURE PRIVILEGE" MEANS CURRENT, OFFICIAL AUTHORITY
23 FROM A REMOTE STATE PERMITTING THE PRACTICE OF NURSING AS EITHER A
24 REGISTERED NURSE OR A LICENSED PRACTICAL/VOCATIONAL NURSE IN SUCH PARTY
25 STATE. ALL PARTY STATES HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING
26 STATE DUE PROCESS LAW, TO TAKE ACTIONS AGAINST THE NURSE'S PRIVILEGE
27 SUCH AS: REVOCATION, SUSPENSION, PROBATION OR ANY OTHER ACTION WHICH
28 AFFECTS A NURSE'S AUTHORIZATION TO PRACTICE.

29 (I) "NURSE" MEANS A REGISTERED NURSE OR LICENSED PRACTICAL/VOCATIONAL
30 NURSE, AS THOSE TERMS ARE DEFINED BY EACH PARTY'S STATE PRACTICE LAWS.

31 (J) "PARTY STATE" MEANS ANY STATE THAT HAS ADOPTED THIS COMPACT.

32 (K) "REMOTE STATE" MEANS A PARTY STATE, OTHER THAN THE HOME STATE,

33 (1) WHERE THE PATIENT IS LOCATED AT THE TIME NURSING CARE IS PROVIDED,
34 OR

35 (2) IN THE CASE OF THE PRACTICE OF NURSING NOT INVOLVING A PATIENT, IN
36 SUCH PARTY STATE WHERE THE RECIPIENT OF NURSING PRACTICE IS LOCATED.

37 (L) "REMOTE STATE ACTION" MEANS

38 (1) ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR CRIMINAL ACTION PERMITTED
39 BY A REMOTE STATE'S LAWS WHICH ARE IMPOSED ON A NURSE BY THE REMOTE
40 STATE'S LICENSING BOARD OR OTHER AUTHORITY INCLUDING ACTIONS AGAINST AN
41 INDIVIDUAL'S MULTISTATE LICENSURE PRIVILEGE TO PRACTICE IN THE REMOTE
42 STATE, AND

43 (2) CEASE AND DESIST AND OTHER INJUNCTIVE OR EQUITABLE ORDERS ISSUED
44 BY REMOTE STATES OR THE LICENSING BOARDS THEREOF.

45 (M) "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE UNITED
46 STATES, THE DISTRICT OF COLUMBIA OR THE COMMONWEALTH OF PUERTO RICO.

47 (N) "STATE PRACTICE LAWS" MEANS THOSE INDIVIDUAL PARTY STATE'S LAWS
48 AND REGULATIONS THAT GOVERN THE PRACTICE OF NURSING, DEFINE THE SCOPE OF
49 NURSING PRACTICE, AND CREATE THE METHODS AND GROUNDS FOR IMPOSING DISCI-
50 PLINE. "STATE PRACTICE LAWS" DOES NOT INCLUDE THE INITIAL QUALIFICATIONS
51 FOR LICENSURE OR REQUIREMENTS NECESSARY TO OBTAIN AND RETAIN A LICENSE,
52 EXCEPT FOR QUALIFICATIONS OR REQUIREMENTS OF THE HOME STATE.

1 (A) A LICENSE TO PRACTICE REGISTERED NURSING ISSUED BY A HOME STATE TO
2 A RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS
3 AUTHORIZING A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE AS A REGISTERED
4 NURSE IN SUCH PARTY STATE. A LICENSE TO PRACTICE LICENSED
5 PRACTICAL/VOCATIONAL NURSING ISSUED BY A HOME STATE TO A RESIDENT IN
6 THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS AUTHORIZING A
7 MULTISTATE LICENSURE PRIVILEGE TO PRACTICE AS A LICENSED
8 PRACTICAL/VOCATIONAL NURSE IN SUCH PARTY STATE. IN ORDER TO OBTAIN OR
9 RETAIN A LICENSE, AN APPLICANT MUST MEET THE HOME STATE'S QUALIFICATIONS
10 FOR LICENSURE AND LICENSE RENEWAL AS WELL AS ALL OTHER APPLICABLE STATE
11 LAWS.

12 (B) PARTY STATES MAY, IN ACCORDANCE WITH STATE DUE PROCESS LAWS, LIMIT
13 OR REVOKE THE MULTISTATE LICENSURE PRIVILEGE OF ANY NURSE TO PRACTICE IN
14 THEIR STATE AND MAY TAKE ANY OTHER ACTIONS UNDER THEIR APPLICABLE STATE
15 LAWS NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THEIR CITIZENS. IF A
16 PARTY STATE TAKES SUCH ACTION, IT SHALL PROMPTLY NOTIFY THE ADMINISTRA-
17 TOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRATOR
18 OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY
19 THE HOME STATE OF ANY SUCH ACTIONS BY REMOTE STATES.

20 (C) EVERY NURSE PRACTICING IN A PARTY STATE MUST COMPLY WITH THE STATE
21 PRACTICE LAWS OF THE STATE IN WHICH THE PATIENT IS LOCATED AT THE TIME
22 CARE IS RENDERED. IN ADDITION, THE PRACTICE OF NURSING IS NOT LIMITED
23 TO PATIENT CARE, BUT SHALL INCLUDE ALL NURSING PRACTICE AS DEFINED BY
24 THE STATE PRACTICE LAWS OF A PARTY STATE. THE PRACTICE OF NURSING WILL
25 SUBJECT A NURSE TO THE JURISDICTION OF THE NURSE LICENSING BOARD AND THE
26 COURTS, AS WELL AS THE LAWS, IN THAT PARTY STATE.

27 (D) THIS COMPACT DOES NOT AFFECT ADDITIONAL REQUIREMENTS IMPOSED BY
28 STATES FOR ADVANCED PRACTICE REGISTERED NURSING. HOWEVER, A MULTISTATE
29 LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING GRANTED BY A PARTY
30 STATE SHALL BE RECOGNIZED BY OTHER PARTY STATES AS A LICENSE TO PRACTICE
31 REGISTERED NURSING IF ONE IS REQUIRED BY STATE LAW AS A PRECONDITION FOR
32 QUALIFYING FOR ADVANCED PRACTICE REGISTERED NURSE AUTHORIZATION.

33 (E) INDIVIDUALS NOT RESIDING IN A PARTY STATE SHALL CONTINUE TO BE
34 ABLE TO APPLY FOR NURSE LICENSURE AS PROVIDED FOR UNDER THE LAWS OF EACH
35 PARTY STATE. HOWEVER, THE LICENSE GRANTED TO THESE INDIVIDUALS WILL NOT
36 BE RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE NURSING IN ANY OTHER
37 PARTY STATE UNLESS EXPLICITLY AGREED TO BY THAT PARTY STATE.

38 ARTICLE IV.
39 APPLICATIONS FOR LICENSURE IN A PARTY STATE

40 (A) UPON APPLICATION FOR A LICENSE, THE LICENSING BOARD IN A PARTY
41 STATE SHALL ASCERTAIN, THROUGH THE COORDINATED LICENSURE INFORMATION
42 SYSTEM, WHETHER THE APPLICANT HAS EVER HELD, OR IS THE HOLDER OF, A
43 LICENSE ISSUED BY ANY OTHER STATE, WHETHER THERE ARE ANY RESTRICTIONS ON
44 THE MULTISTATE LICENSURE PRIVILEGE, AND WHETHER ANY OTHER ADVERSE ACTION
45 BY ANY STATE HAS BEEN TAKEN AGAINST THE LICENSE.

46 (B) A NURSE IN A PARTY STATE SHALL HOLD LICENSURE IN ONLY ONE PARTY
47 STATE AT A TIME ISSUED BY THE HOME STATE.

48 (C) A NURSE WHO INTENDS TO CHANGE PRIMARY STATE OF RESIDENCE MAY APPLY
49 FOR LICENSURE IN THE NEW HOME STATE IN ADVANCE OF SUCH CHANGE. HOWEVER,
50 NEW LICENSES WILL NOT BE ISSUED BY A PARTY STATE UNTIL AFTER A NURSE
51 PROVIDES EVIDENCE OF CHANGE IN PRIMARY STATE OF RESIDENCE SATISFACTORY
52 TO THE NEW HOME STATE'S LICENSING BOARD.

53 (D) WHEN A NURSE CHANGES PRIMARY STATE OF RESIDENCE BY:

1 (1) MOVING BETWEEN TWO PARTY STATES, AND OBTAINS A LICENSE FROM THE
2 NEW HOME STATE, THE LICENSE FROM THE FORMER HOME STATE IS NO LONGER
3 VALID;

4 (2) MOVING FROM A NON-PARTY STATE TO A PARTY STATE, AND OBTAINS A
5 LICENSE FROM THE NEW HOME STATE, THE INDIVIDUAL STATE LICENSE ISSUED BY
6 THE NON-PARTY STATE IS NOT AFFECTED AND WILL REMAIN IN FULL FORCE IF SO
7 PROVIDED BY THE LAWS OF THE NON-PARTY STATE;

8 (3) MOVING FROM A PARTY STATE TO A NON-PARTY STATE, THE LICENSE ISSUED
9 BY THE PRIOR HOME STATE CONVERTS TO AN INDIVIDUAL STATE LICENSE, VALID
10 ONLY IN THE FORMER HOME STATE, WITHOUT THE MULTISTATE LICENSURE PRIVI-
11 LEGE TO PRACTICE IN OTHER PARTY STATES.

12 ARTICLE V.
13 ADVERSE ACTIONS

14 IN ADDITION TO THE GENERAL PROVISIONS DESCRIBED IN ARTICLE III, THE
15 FOLLOWING PROVISIONS APPLY:

16 (A) THE LICENSING BOARD OF A REMOTE STATE SHALL PROMPTLY REPORT TO THE
17 ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM ANY REMOTE
18 STATE ACTIONS INCLUDING THE FACTUAL AND LEGAL BASIS FOR SUCH ACTION, IF
19 KNOWN. THE LICENSING BOARD OF A REMOTE STATE SHALL ALSO PROMPTLY REPORT
20 ANY SIGNIFICANT CURRENT INVESTIGATIVE INFORMATION YET TO RESULT IN A
21 REMOTE STATE ACTION. THE ADMINISTRATOR OF THE COORDINATED LICENSURE
22 INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY SUCH
23 REPORTS.

24 (B) THE LICENSING BOARD OF A PARTY STATE SHALL HAVE THE AUTHORITY TO
25 COMPLETE ANY PENDING INVESTIGATIONS FOR A NURSE WHO CHANGES PRIMARY
26 STATE OF RESIDENCE DURING THE COURSE OF SUCH INVESTIGATIONS. IT SHALL
27 ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION OR ACTIONS, AND SHALL
28 PROMPTLY REPORT THE CONCLUSIONS OF SUCH INVESTIGATIONS TO THE ADMINIS-
29 TRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM. THE ADMINISTRA-
30 TOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTI-
31 FY THE NEW HOME STATE OF ANY SUCH ACTIONS.

32 (C) A REMOTE STATE MAY TAKE ADVERSE ACTION AFFECTING THE MULTISTATE
33 LICENSURE PRIVILEGE TO PRACTICE WITHIN THAT PARTY STATE. HOWEVER, ONLY
34 THE HOME STATE SHALL HAVE THE POWER TO IMPOSE ADVERSE ACTION AGAINST THE
35 LICENSE ISSUED BY THE HOME STATE.

36 (D) FOR PURPOSES OF IMPOSING ADVERSE ACTION, THE LICENSING BOARD OF
37 THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED
38 CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF SUCH CONDUCT HAD
39 OCCURRED WITHIN THE HOME STATE. IN SO DOING, IT SHALL APPLY ITS OWN
40 STATE LAWS TO DETERMINE APPROPRIATE ACTION.

41 (E) THE HOME STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL FIND-
42 INGS OF THE REMOTE STATE, SO LONG AS EACH STATE FOLLOWS ITS OWN PROCE-
43 DURES FOR IMPOSING SUCH ADVERSE ACTION.

44 (F) NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTY STATE'S DECISION
45 THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF
46 LICENSURE ACTION AND THAT SUCH PARTICIPATION SHALL REMAIN NON-PUBLIC IF
47 REQUIRED BY THE PARTY STATE'S LAWS. PARTY STATES MUST REQUIRE NURSES
48 WHO ENTER ANY ALTERNATIVE PROGRAMS TO AGREE NOT TO PRACTICE IN ANY OTHER
49 PARTY STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR
50 AUTHORIZATION FROM SUCH OTHER PARTY STATE.

51 ARTICLE VI.
52 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS

1 NOTWITHSTANDING ANY OTHER POWERS, PARTY STATE NURSE LICENSING BOARDS
2 SHALL HAVE THE AUTHORITY TO:

3 (A) IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE AFFECTED
4 NURSE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING
5 FROM ANY ADVERSE ACTION TAKEN AGAINST THAT NURSE;

6 (B) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS WHICH REQUIRE
7 THE ATTENDANCE AND TESTIMONY OF WITNESSES, AND THE PRODUCTION OF
8 EVIDENCE. SUBPOENAS ISSUED BY A NURSE LICENSING BOARD IN A PARTY STATE
9 FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES, AND/OR THE PRODUCTION OF
10 EVIDENCE FROM ANOTHER PARTY STATE, SHALL BE ENFORCED IN THE LATTER STATE
11 BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND
12 PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
13 PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES,
14 TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES
15 OF THE STATE WHERE THE WITNESSES AND/OR EVIDENCE ARE LOCATED.

16 (C) ISSUE CEASE AND DESIST ORDERS TO LIMIT OR REVOKE A NURSE'S AUTHOR-
17 ITY TO PRACTICE IN THEIR STATE;

18 (D) PROMULGATE UNIFORM RULES AND REGULATIONS AS PROVIDED FOR IN ARTI-
19 CLE VIII(C).

20 ARTICLE VII.

21 COORDINATED LICENSURE INFORMATION SYSTEM

22 (A) ALL PARTY STATES SHALL PARTICIPATE IN A COOPERATIVE EFFORT TO
23 CREATE A COORDINATED DATA BASE OF ALL LICENSED REGISTERED NURSES AND
24 LICENSED PRACTICAL/VOCATIONAL NURSES. THIS SYSTEM SHALL INCLUDE INFORMA-
25 TION ON THE LICENSURE AND DISCIPLINARY HISTORY OF EACH NURSE, AS
26 CONTRIBUTED BY PARTY STATES, TO ASSIST IN THE COORDINATION OF NURSE
27 LICENSURE AND ENFORCEMENT EFFORTS.

28 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY STATES'
29 LICENSING BOARDS SHALL PROMPTLY REPORT ADVERSE ACTIONS, ACTIONS AGAINST
30 MULTISTATE LICENSURE PRIVILEGES, ANY CURRENT SIGNIFICANT INVESTIGATIVE
31 INFORMATION YET TO RESULT IN ADVERSE ACTION, DENIALS OF APPLICATIONS,
32 AND THE REASONS FOR SUCH DENIALS, TO THE COORDINATED LICENSURE INFORMA-
33 TION SYSTEM.

34 (C) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION SHALL BE TRANSMITTED
35 THROUGH THE COORDINATED LICENSURE INFORMATION SYSTEM ONLY TO PARTY STATE
36 LICENSING BOARDS.

37 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL PARTY STATES'
38 LICENSING BOARDS CONTRIBUTING INFORMATION TO THE COORDINATED LICENSURE
39 INFORMATION SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH
40 NON-PARTY STATES OR DISCLOSED TO OTHER ENTITIES OR INDIVIDUALS WITHOUT
41 THE EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

42 (E) ANY PERSONALLY IDENTIFIABLE INFORMATION OBTAINED BY A PARTY
43 STATES' LICENSING BOARD FROM THE COORDINATED LICENSURE INFORMATION
44 SYSTEM MAY NOT BE SHARED WITH NON-PARTY STATES OR DISCLOSED TO OTHER
45 ENTITIES OR INDIVIDUALS EXCEPT TO THE EXTENT PERMITTED BY THE LAWS OF
46 THE PARTY STATE CONTRIBUTING THE INFORMATION.

47 (F) ANY INFORMATION CONTRIBUTED TO THE COORDINATED LICENSURE INFORMA-
48 TION SYSTEM THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF
49 THE PARTY STATE CONTRIBUTING THAT INFORMATION, SHALL ALSO BE EXPUNGED
50 FROM THE COORDINATED LICENSURE INFORMATION SYSTEM.

51 (G) THE COMPACT ADMINISTRATORS, ACTING JOINTLY WITH EACH OTHER AND IN
52 CONSULTATION WITH THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFOR-
53 MATION SYSTEM, SHALL FORMULATE NECESSARY AND PROPER PROCEDURES FOR THE

1 IDENTIFICATION, COLLECTION AND EXCHANGE OF INFORMATION UNDER THIS
2 COMPACT.

3 ARTICLE VIII.

4 COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

5 (A) THE HEAD OF THE NURSE LICENSING BOARD, OR HIS OR HER DESIGNEE, OF
6 EACH PARTY STATE SHALL BE THE ADMINISTRATOR OF THIS COMPACT FOR HIS OR
7 HER STATE.

8 (B) THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH TO THE
9 COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE ANY INFORMATION AND
10 DOCUMENTS INCLUDING, BUT NOT LIMITED TO, A UNIFORM DATA SET OF INVESTI-
11 GATIONS, IDENTIFYING INFORMATION, LICENSURE DATA AND DISCLOSABLE ALTER-
12 NATIVE PROGRAM PARTICIPATION INFORMATION TO FACILITATE THE ADMINIS-
13 TRATION OF THIS COMPACT.

14 (C) COMPACT ADMINISTRATORS SHALL HAVE THE AUTHORITY TO DEVELOP UNIFORM
15 RULES TO FACILITATE AND COORDINATE IMPLEMENTATION OF THIS COMPACT. THESE
16 UNIFORM RULES SHALL BE ADOPTED BY PARTY STATES, UNDER THE AUTHORITY
17 INVESTED UNDER ARTICLE VI(D).

18 ARTICLE IX.

19 IMMUNITY

20 NO PARTY STATE OR THE OFFICERS OR EMPLOYEES OR AGENTS OF A PARTY
21 STATE'S NURSE LICENSING BOARD WHO ACTS IN ACCORDANCE WITH THE PROVISIONS
22 OF THIS COMPACT SHALL BE LIABLE ON ACCOUNT OF ANY ACT OR OMISSION IN
23 GOOD FAITH WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS
24 COMPACT. GOOD FAITH IN THIS ARTICLE SHALL NOT INCLUDE WILLFUL MISCON-
25 DUCT, GROSS NEGLIGENCE OR RECKLESSNESS.

26 ARTICLE X.

27 ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

28 (A) THIS COMPACT SHALL ENTER INTO FORCE AND BECOME EFFECTIVE AS TO ANY
29 STATE WHEN IT HAS BEEN ENACTED INTO THE LAWS OF THAT STATE. ANY PARTY
30 STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A STATUTE REPEALING THE
31 SAME, BUT NO SUCH WITHDRAWAL SHALL TAKE EFFECT UNTIL SIX MONTHS AFTER
32 THE WITHDRAWING STATE HAS GIVEN NOTICE OF THE WITHDRAWAL TO THE EXECU-
33 TIVE HEADS OF ALL OTHER PARTY STATES.

34 (B) NO WITHDRAWAL SHALL AFFECT THE VALIDITY OR APPLICABILITY BY THE
35 LICENSING BOARDS OF STATES REMAINING PARTY TO THE COMPACT OF ANY REPORT
36 OF ADVERSE ACTION OCCURRING PRIOR TO THE WITHDRAWAL.

37 (C) NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO INVALIDATE
38 OR PREVENT ANY NURSE LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGE-
39 MENT BETWEEN A PARTY STATE AND A NON-PARTY STATE THAT IS MADE IN ACCORD-
40 ANCE WITH THE OTHER PROVISIONS OF THIS COMPACT.

41 (D) THIS COMPACT MAY BE AMENDED BY THE PARTY STATES. NO AMENDMENT TO
42 THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON THE PARTY STATES
43 UNLESS AND UNTIL IT IS ENACTED INTO THE LAWS OF ALL PARTY STATES.

44 ARTICLE XI.

45 CONSTRUCTION AND SEVERABILITY

46 1. (A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE
47 THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE
48 AND IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS

1 DECLARED TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE OR OF THE
2 UNITED STATES OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY,
3 PERSON OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF
4 THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY,
5 PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF THIS COMPACT
6 SHALL BE HELD CONTRARY TO THE CONSTITUTION OF ANY STATE PARTY THERETO,
7 THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING
8 PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTY STATE AFFECTED
9 AS TO ALL SEVERABLE MATTERS.

10 (B) IN THE EVENT PARTY STATES FIND A NEED FOR SETTLING DISPUTES ARIS-
11 ING UNDER THIS COMPACT:

12 (1) THE PARTY STATES MAY SUBMIT THE ISSUES IN DISPUTE TO AN ARBI-
13 TRATION PANEL WHICH WILL BE COMPRISED OF AN INDIVIDUAL APPOINTED BY THE
14 COMPACT ADMINISTRATOR IN THE HOME STATE; AN INDIVIDUAL APPOINTED BY THE
15 COMPACT ADMINISTRATOR IN THE REMOTE STATE OR STATES INVOLVED; AND AN
16 INDIVIDUAL MUTUALLY AGREED UPON BY THE COMPACT ADMINISTRATORS OF ALL THE
17 PARTY STATES INVOLVED IN THE DISPUTE.

18 (2) THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE FINAL AND
19 BINDING.

20 2. FOR THE PURPOSES OF THE COMPACT SET FORTH IN SUBDIVISION ONE OF
21 THIS SECTION THE "HEAD OF THE NURSE LICENSING BOARD" FOR THIS STATE
22 SHALL BE THE SECRETARY TO THE STATE BOARD FOR NURSING.

23 3. TO FACILITATE CROSS-STATE ENFORCEMENT EFFORTS, THIS STATE SHALL
24 HAVE THE POWER TO RECOVER FROM THE AFFECTED NURSE THE COSTS OF INVESTI-
25 GATIONS AND DISPOSITION OF CASES RESULTING FROM ADVERSE ACTIONS TAKEN BY
26 THIS STATE AGAINST THAT NURSE.

27 4. THIS COMPACT IS DESIGNED TO FACILITATE THE REGULATION OF NURSES AND
28 DOES NOT RELIEVE EMPLOYERS FROM COMPLYING WITH OBLIGATIONS IMPOSED BY
29 LAW OR REGULATION.

30 5. THIS COMPACT DOES NOT SUPERSEDE EXISTING LABOR LAWS.

31 6. TO FACILITATE WORKFORCE PLANNING, THE COMMISSIONER IS AUTHORIZED TO
32 COLLECT EMPLOYMENT DATA ON NURSES PRACTICING ON THE MULTI-PRIVILEGE IN
33 THE NURSE LICENSURE COMPACT PROVIDED THAT THE SUBMISSION OF THIS DATA IS
34 NOT A REQUIREMENT FOR PRACTICE UNDER THE MULTI-STATE PRIVILEGE.

35 S 2. This act shall take effect on the ninetieth day after it shall
36 have become a law; provided, however, that effective immediately, the
37 addition, amendment and/or repeal of any rule or regulation necessary
38 for the implementation of this act on its effective date are authorized
39 and directed to be made and completed on or before such effective date.

40 PART D

41 Section 1. Section 6501 of the education law, as amended by chapter 81
42 of the laws of 1995, is amended to read as follows:

43 S 6501. Admission to a profession (licensing). Admission to practice
44 of a profession in this state is accomplished by a license being issued
45 to a qualified applicant by the education department. To qualify for a
46 license an applicant shall meet the requirements prescribed in the arti-
47 cle for the particular profession and shall meet the requirements
48 prescribed in section 3-503 of the general obligations law; PROVIDED
49 THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLI-
50 CANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED
51 STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT SATISFACTORY EVIDENCE OF
52 LICENSURE TO PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER
53 STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED STATES IN
54 LIEU OF THE SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE

1 PARTICULAR PROFESSION, PROVIDED THAT SUCH LICENSE WAS GRANTED IN COMPLI-
2 ANCE WITH STANDARDS WHICH WERE, IN THE JUDGMENT OF THE BOARD OF REGENTS,
3 NOT LOWER THAN THOSE OF THIS STATE.

4 S 2. The general business law is amended by adding a new article 2-A
5 to read as follows:

6 ARTICLE 2-A

7 ADMISSION TO A PROFESSION

8 SECTION 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR
9 REGISTRATION.

10 S 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR REGISTRA-
11 TION. ADMISSION TO PRACTICE OF A PROFESSION GOVERNED BY THIS CHAPTER IN
12 THIS STATE IS ACCOMPLISHED, WHERE REQUIRED, BY A LICENSE, CERTIFICATION
13 OR CERTIFICATE OF REGISTRATION BEING ISSUED TO A QUALIFIED APPLICANT BY
14 THE SECRETARY OF STATE. TO QUALIFY FOR A LICENSE, CERTIFICATION OR
15 CERTIFICATE OF REGISTRATION AN APPLICANT SHALL MEET THE REQUIREMENTS
16 PRESCRIBED IN THE ARTICLE FOR THE PARTICULAR PROFESSION AND SHALL MEET
17 THE REQUIREMENTS PRESCRIBED IN SECTION 3-503 OF THE GENERAL OBLIGATIONS
18 LAW; PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE
19 CONTRARY, ANY APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORC-
20 ES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT SATISFAC-
21 TORY EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION TO PRACTICE AN
22 EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY, PROTECTORATE
23 OR DEPENDENCY OF THE UNITED STATES IN LIEU OF THE SUBMISSIONS REQUIRED
24 BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR PROFESSION, PROVIDED
25 THAT SUCH LICENSE, CERTIFICATION OR CERTIFICATE OF REGISTRATION WAS
26 GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE JUDGMENT OF THE
27 SECRETARY, NOT LOWER THAN THOSE OF THIS STATE.

28 S 3. Subsection (d) of section 2136 of the insurance law, as added by
29 chapter 687 of the laws of 2003, is amended to read as follows:

30 (d) (1) the applicant's home state awards nonresident insurance
31 producer licenses to residents of this state on the same basis as
32 provided in this subsection; OR

33 (2) THE APPLICANT IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE
34 UNITED STATES, NATIONAL GUARD OR RESERVES.

35 S 4. Section 442-g of the real property law is amended by adding a new
36 subdivision 1-a to read as follows:

37 1-A. NO NONRESIDENT APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE
38 ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD, OR RESERVES REGULARLY
39 ENGAGED IN THE REAL ESTATE BUSINESS AS A VOCATION, WHO MAINTAINS A DEFI-
40 NITE PLACE OF BUSINESS AND IS LICENSED BY ANY OTHER STATE, TERRITORY,
41 PROTECTORATE OR DEPENDENCY OF THE UNITED STATES, SHALL BE REQUIRED TO
42 MAINTAIN A PLACE OF BUSINESS WITHIN THIS STATE. THE COMMISSION SHALL
43 RECOGNIZE THE LICENSE ISSUED BY ANOTHER STATE TO AN APPLICANT WHO IS THE
44 SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL
45 GUARD, OR RESERVES AS QUALIFICATION FOR A LICENSE IN NEW YORK, PROVIDED
46 THAT SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE,
47 IN THE JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE.

48 S 5. Section 444-e of the real property law is amended by adding a new
49 subdivision 2-a to read as follows:

50 2-A. ANY APPLICANT FOR A LICENSE WHO IS A SPOUSE OF A MEMBER OF THE
51 ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT
52 SATISFACTORY EVIDENCE OF LICENSURE TO PRACTICE AN EQUIVALENT OCCUPATION
53 ISSUED BY ANY OTHER STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE
54 UNITED STATES IN LIEU OF THE EVIDENCE OF EDUCATION, EXPERIENCE AND EXAM-
55 INATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION, PROVIDED THAT SUCH

1 LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE
2 JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE.

3 S 6. This act shall take effect on the ninetieth day after it shall
4 have become a law; provided, however, that effective immediately, the
5 addition, amendment and/or repeal of any rule or regulation necessary
6 for the implementation of this act on its effective date are authorized
7 and directed to be made and completed on or before such effective date.

8 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
9 sion, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 S 3. This act shall take effect immediately; provided, however, that
18 the applicable effective date of Parts A through D of this act shall be
19 as specifically set forth in the last section of such Parts.