

7417

2013-2014 Regular Sessions

I N A S S E M B L Y

May 16, 2013

Introduced by M. of A. TENNEY, MONTESANO, STEVENSON, KATZ, GRAF, LALOR  
-- Multi-Sponsored by -- M. of A. BARCLAY, HAWLEY, SALADINO -- 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 2013". 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  
14 reserves transfer teaching certificates or professional certifications  
15 to their new home state.

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

LBD05929-01-3

1 S 2. The department of labor and the division of veterans' affairs  
2 shall establish a workgroup to identify licensing requirements for work-  
3 force shortage areas and to study, in conjunction with the relevant  
4 licensing entities, whether comparable military training could substi-  
5 tute for current licensing requirements, and manners in which state  
6 agencies, regulatory bodies and licensing entities can adopt procedures  
7 sensitive to the difficulties encountered by military spouses. The work-  
8 group shall submit any findings, including any recommendations for  
9 legislative action to the governor, the temporary president of the  
10 senate and the speaker of the assembly by January 1, 2015.  
11 S 3. This act shall take effect immediately.

## PART B

12  
13 Section 1. Subdivision 1 of section 3006 of the education law is  
14 amended by adding a new paragraph f to read as follows:

15 F. AN ALTERNATIVE PLACEMENT CERTIFICATE TO ANY PERSON:

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

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

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

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

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

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

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

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PART C

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

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

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

(A) THE PARTY STATES FIND THAT:

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

(2) VIOLATIONS OF NURSE LICENSURE AND OTHER LAWS REGULATING THE PRACTICE OF NURSING MAY RESULT IN INJURY OR HARM TO THE PUBLIC;

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

(4) NEW PRACTICE MODALITIES AND TECHNOLOGY MAKE COMPLIANCE WITH INDIVIDUAL STATE NURSE LICENSURE LAWS DIFFICULT AND COMPLEX; AND

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

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

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

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

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

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

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

ARTICLE II.  
DEFINITIONS

AS USED IN THIS COMPACT:

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

(B) "ALTERNATIVE PROGRAM" MEANS A VOLUNTARY, NON-DISCIPLINARY MONITORING PROGRAM APPROVED BY A NURSE LICENSING BOARD.

(C) "COORDINATED LICENSURE INFORMATION SYSTEM" MEANS 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 AND CONTROLLED BY STATE NURSE LICENSING BOARDS.

(D) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

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

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

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

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

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

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

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

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

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

30 (1) WHERE THE PATIENT IS LOCATED AT THE TIME NURSING CARE IS PROVIDED,  
31 OR

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

34 (L) "REMOTE STATE ACTION" MEANS

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

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

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

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

50 ARTICLE III.

51 GENERAL PROVISIONS AND JURISDICTION

52 (A) A LICENSE TO PRACTICE REGISTERED NURSING ISSUED BY A HOME STATE TO  
53 A RESIDENT IN THAT STATE WILL BE RECOGNIZED BY EACH PARTY STATE AS  
54 AUTHORIZING A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE AS A REGISTERED

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

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

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

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

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

35 ARTICLE IV.

36 APPLICATIONS FOR LICENSURE IN A PARTY STATE

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

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

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

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

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

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

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

9 ARTICLE V.  
10 ADVERSE ACTIONS

11 IN ADDITION TO THE GENERAL PROVISIONS DESCRIBED IN ARTICLE III, THE  
12 FOLLOWING PROVISIONS APPLY:

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

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

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

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

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

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

48 ARTICLE VI.  
49 ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS

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

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

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

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

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

18 ARTICLE VII.

19 COORDINATED LICENSURE INFORMATION SYSTEM

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

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

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

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

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

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

49 (G) THE COMPACT ADMINISTRATORS, ACTING JOINTLY WITH EACH OTHER AND IN  
50 CONSULTATION WITH THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFOR-  
51 MATION SYSTEM, SHALL FORMULATE NECESSARY AND PROPER PROCEDURES FOR THE  
52 IDENTIFICATION, COLLECTION AND EXCHANGE OF INFORMATION UNDER THIS  
53 COMPACT.

## ARTICLE VIII.

## COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION

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

(B) THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH TO THE COMPACT ADMINISTRATOR OF EACH OTHER PARTY STATE ANY INFORMATION AND DOCUMENTS INCLUDING, BUT NOT LIMITED TO, A UNIFORM DATA SET OF INVESTIGATIONS, IDENTIFYING INFORMATION, LICENSURE DATA AND DISCLOSABLE ALTERNATIVE PROGRAM PARTICIPATION INFORMATION TO FACILITATE THE ADMINISTRATION OF THIS COMPACT.

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

## ARTICLE IX.

## IMMUNITY

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

## ARTICLE X.

## ENTRY INTO FORCE, WITHDRAWAL, AND AMENDMENT

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

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

(C) NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO INVALIDATE OR PREVENT ANY NURSE LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTY STATE AND A NON-PARTY STATE THAT IS MADE IN ACCORDANCE WITH THE OTHER PROVISIONS OF THIS COMPACT.

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

## ARTICLE XI.

## CONSTRUCTION AND SEVERABILITY

1. (A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF



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

7 (B) IN THE EVENT PARTY STATES FIND A NEED FOR SETTling DISPUTES ARIS-  
8 ING UNDER THIS COMPACT:

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

15 (2) THE DECISION OF A MAJORITY OF THE ARBITRATORS SHALL BE FINAL AND  
16 BINDING.

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

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

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

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

28 6. TO FACILITATE WORKFORCE PLANNING, THE COMMISSIONER IS AUTHORIZED TO  
29 COLLECT EMPLOYMENT DATA ON NURSES PRACTICING ON THE MULTISTATE PRIVILEGE  
30 IN THE NURSE LICENSURE COMPACT PROVIDED THAT THE SUBMISSION OF THIS DATA  
31 IS NOT A REQUIREMENT FOR PRACTICE UNDER THE MULTISTATE PRIVILEGE.

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

37 PART D

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

40 S 6501. Admission to a profession (licensing). Admission to practice  
41 of a profession in this state is accomplished by a license being issued  
42 to a qualified applicant by the education department. To qualify for a  
43 license an applicant shall meet the requirements prescribed in the arti-  
44 cle for the particular profession and shall meet the requirements  
45 prescribed in section 3-503 of the general obligations law; PROVIDED  
46 THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLI-  
47 CANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED  
48 STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT SATISFACTORY EVIDENCE OF  
49 LICENSURE TO PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER  
50 STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED STATES IN  
51 LIEU OF THE SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE  
52 PARTICULAR PROFESSION, PROVIDED THAT SUCH LICENSE WAS GRANTED IN COMPLI-  
53 ANCE WITH STANDARDS WHICH WERE, IN THE JUDGMENT OF THE BOARD OF REGENTS,  
54 NOT LOWER THAN THOSE OF THIS STATE.

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

3 ARTICLE 2-A

4 ADMISSION TO A PROFESSION

5 SECTION 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR  
6 REGISTRATION.

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

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

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

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

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

34 1-A. NO NONRESIDENT APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE  
35 ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD, OR RESERVES REGULARLY  
36 ENGAGED IN THE REAL ESTATE BUSINESS AS A VOCATION, WHO MAINTAINS A DEFIN-  
37 ITE PLACE OF BUSINESS AND IS LICENSED BY ANY OTHER STATE, TERRITORY,  
38 PROTECTORATE OR DEPENDENCY OF THE UNITED STATES, SHALL BE REQUIRED TO  
39 MAINTAIN A PLACE OF BUSINESS WITHIN THIS STATE. THE COMMISSION SHALL  
40 RECOGNIZE THE LICENSE ISSUED BY ANOTHER STATE TO AN APPLICANT WHO IS THE  
41 SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL  
42 GUARD, OR RESERVES AS QUALIFICATION FOR A LICENSE IN NEW YORK, PROVIDED  
43 THAT SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE,  
44 IN THE JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE.

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

47 2-A. ANY APPLICANT FOR A LICENSE WHO IS A SPOUSE OF A MEMBER OF THE  
48 ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT  
49 SATISFACTORY EVIDENCE OF LICENSURE TO PRACTICE AN EQUIVALENT OCCUPATION  
50 ISSUED BY ANY OTHER STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE  
51 UNITED STATES IN LIEU OF THE EVIDENCE OF EDUCATION, EXPERIENCE AND EXAM-  
52 INATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION, PROVIDED THAT SUCH  
53 LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE  
54 JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE.

55 S 6. This act shall take effect on the ninetieth day after it shall  
56 have become a law; provided, however, that effective immediately, the

1 addition, amendment and/or repeal of any rule or regulation necessary  
2 for the implementation of this act on its effective date are authorized  
3 and directed to be made and completed on or before such effective date.  
4 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
5 sion, section or part of this act shall be adjudged by any court of  
6 competent jurisdiction to be invalid, such judgment shall not affect,  
7 impair, or invalidate the remainder thereof, but shall be confined in  
8 its operation to the clause, sentence, paragraph, subdivision, section  
9 or part thereof directly involved in the controversy in which such judg-  
10 ment shall have been rendered. It is hereby declared to be the intent of  
11 the legislature that this act would have been enacted even if such  
12 invalid provisions had not been included herein.  
13 S 3. This act shall take effect immediately; provided, however, that  
14 the applicable effective date of Parts A through D of this act shall be  
15 as specifically set forth in the last section of such Parts.