

**Consideration of Proposed Amendments to 22 Tex. Admin. Code Chapter 220,  
Pertaining to Nurse Licensure Compact**

**Background:** The Nurse Licensure Compact (Occupations Code Chapter 304) grants party state nurse licensing boards the authority to adopt uniform rules. In particular, Article 8(c) grants Compact administrators the authority to develop uniform rules to facilitate and coordinate the implementation of the Compact. Further, Article 8(c) requires the uniform rules to be adopted by all party states. Uniform rules are necessary to facilitate the mobility of nurses and cooperation among the party states.

The Nurse Licensure Compact Administrators (NLCA) formally amended the uniform rules on November 13, 2012. Attached hereto as Attachment "A" are the NLCA's amendments approved on November 13, 2012<sup>1</sup>. Attached hereto as Attachment "B" are the corresponding proposed amendments to 22 Tex. Admin. Code §220.2. The proposed amendment to subsection (f) provides an additional 60 days in which a nurse may continue to practice in his/her new home state on his/her multi-state privilege while the new home state processes the nurse's application for licensure<sup>2</sup>. The proposed amendment to subsection (g) is necessary for consistency with the proposed amendment to subsection (f).

**Board Action:** Move to approve the proposed amendments to 22 Tex. Admin. Code §220.2, Pertaining to *Issuance of a License by a Compact Party State*, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §220.2, Pertaining to *Issuance of a License by a Compact Party State*, as proposed.

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<sup>1</sup> The changes noted in blue were adopted by the Board, effective April, 2009.

<sup>2</sup> This situation applies to a nurse who is changing his/her primary state of residence from one party state to another.



## NURSE LICENSURE COMPACT MODEL RULES AND REGULATIONS

Article 6D and 8C of the Nurse Licensure Compact grant authority to the Compact Administrators to develop uniform rules to facilitate and coordinate implementation of the Compact.

### 1. Definition of terms in the Compact.

For the Purpose of the Compact:

- a. "Board" means party state's regulatory body responsible for issuing nurse licenses.
- b. "Information system" means the coordinated licensure information system.
- c. "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
- d. "Public" 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.

Other terms used in these rules are to be defined as in the Interstate Compact.

### 2. Issuance of a license by a Compact party state.

For the purpose of this Compact:

- a. 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.
- b. 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 but is not limited to:
  - i. Driver's license with a home address;
  - ii. Voter registration card displaying a home address; or
  - iii. Federal income tax return declaring the primary state of residence
  - iv. Military Form No. 2058 – state of legal residence certificate; or
  - v. W2 from US Government or any bureau, division or agency thereof indicating the declared state of residence.  
*(Statutory basis: Articles 2E, 4C, and 4D)*
- c. 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.  
*(Statutory basis: Article 3E)*
- d. 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. (Statutory basis: Article 3A and 3B)

Attachment "B"

§220.2. Issuance of a License by a Compact Party State.

(a) - (e) (No change.)

(f) 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 multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed ninety (90) [~~thirty~~] days.

(g) 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 ninety (90) [~~thirty~~] day period stated in subsection (f) of this section shall be stayed until resolution of the pending investigation.

(h) - (i) (No change.)