

**Department of State
Division of Publications**

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Sequence Number: 08-07-11
Rule ID(s): 4974-4975
File Date: 08/05/2011
Effective Date: 11/03/2011

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Board of Nursing
Division:	
Contact Person:	E. Ashley Carter, Deputy General Counsel
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Zip:	37243
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1000-01	Rules and Regulations of Registered Nurses
Rule Number	Rule Title
1000-01-.17	Interstate Nurse Licensure

Chapter Number	Chapter Title
1000-02	Rules and Regulations of Licensed Practical Nurses
Rule Number	Rule Title
1000-02-.16	Interstate Nurse Licensure

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1000-01-.17 Rules and Regulations of Registered Nurses

Amendments

Rule 1000-01-.17 Interstate Nurse Licensure is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

1000-01-.17 Interstate Nurse Licensure. Pursuant to the Interstate Nurse Licensure Compact, a license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state.

- (1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:
 - (a) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) "Board" means party state's regulatory body responsible for issuing nurse licenses.
 - (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 state nurse licensing boards.
 - (d) "Current significant investigative information" means:
 1. 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
 2. 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.
 - (e) "Home state" means the party state which is the nurse's primary state of residence.
 - (f) "Information System" means the coordinated licensure information system.
 - (g) "Interstate Nurse Licensure Compact" means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - (h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as a registered nurse in such party state.
 - (i) "Nurse" means a registered nurse as that term is defined by each party's state practice laws.
 - (j) "Party state" means any state that has adopted the Interstate Nurse Licensure Compact.
 - (k) "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.

- (l) "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.
 - (m) "Remote state" means a party state, other than the home state:
 - 1. Where the patient is located at the time nursing care is provided; or
 - 2. In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of License by a Compact Party State – 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 its predecessor examination used for licensure.
- (a) 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:
 - 1. Driver's license with a home address;
 - 2. Voter registration card displaying a home address; or
 - 3. Federal income tax return declaring the primary state of residence; or
 - 4. Military Form No. 2058 – state of legal residence certificate; or
 - 5. W2 from US Government or any bureau, division or agency thereof indicating the declared state of residence.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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 thirty (30) days.
 - (f) 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 subparagraph (e) shall be stayed until resolution of the pending investigation.
 - (g) The former home state license shall no longer be valid upon the issuance of a new home state license.
 - (h) 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 on Multistate Licensure Privilege – Discipline

- (a) Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring 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 and such other party state boards.
 - (b) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary 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(s), a multistate license may be issued.
- (4) Information System
- (a) Levels of access
 - 1. The public shall have access to nurse licensure information contained in the Information System 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 contributing state authority; and
 - (vi) The status of multistate licensure privileges.
 - 2. 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.
 - 3. 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 state authority.
 - (b) 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.
 - (c) The Board shall report to the Information System within ten (10) business days:
 - 1. 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 nonpublic by contributing state authority)
 - 2. Dismissal of complaint, and
 - 3. Changes in status of disciplinary action, or licensure encumbrance.
 - (d) Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

- (e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-104, 63-7-105, 63-7-113, 63-7-115, 63-7-207, and 63-7-301 et seq.

Chapter 1000-02-.16 Rules and Regulations of Licensed Practical Nurses

Amendments

Rule 1000-02-.16 Interstate Nurse Licensure is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

1000-02-.16 Interstate Nurse Licensure. Pursuant to the Interstate Nurse Licensure Compact, a license to practice practical nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a practical nurse in such party state.

- (1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:
 - (a) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) "Board" means party state's regulatory body responsible for issuing nurse licenses.
 - (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 state nurse licensing boards.
 - (d) "Current significant investigative information" means:
 - 1. 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
 - 2. 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.
 - (e) "Home state" means the party state which is the nurse's primary state of residence.
 - (f) "Information System" means the coordinated licensure information system.
 - (g) "Interstate Nurse Licensure Compact" means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - (h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as a practical nurse in such party state.
 - (i) "Nurse" means a practical nurse as that term is defined by each party's state practice laws.
 - (j) "Party state" means any state that has adopted the Interstate Nurse Licensure Compact.
 - (k) "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.

- (l) "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.
 - (m) "Remote state" means a party state, other than the home state:
 - 1. Where the patient is located at the time nursing care is provided; or
 - 2. In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of License by a Compact Party State – 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 its predecessor examination used for licensure.
- (a) 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:
 - 1. Driver's license with a home address;
 - 2. Voter registration card displaying a home address; or
 - 3. Federal income tax return declaring the primary state of residence; or
 - 4. Military Form No. 2058 – state of legal residence certificate; or
 - 5. W2 from US Government or any bureau, division or agency thereof indicating the declared state of residence.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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 thirty (30) days.
 - (f) 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 subparagraph (e) shall be stayed until resolution of the pending investigation.
 - (g) The former home state license shall no longer be valid upon the issuance of a new home state license.
 - (h) 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 on Multistate Licensure Privilege – Discipline

- (a) Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring 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 and such other party state boards.
 - (b) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary 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(s), a multistate license may be issued.
- (4) Information System
- (a) Levels of access
 - 1. The public shall have access to nurse licensure information contained in the Information System 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 contributing state authority; and
 - (vi) The status of multistate licensure privileges.
 - 2. 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.
 - 3. 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 state authority.
 - (b) 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.
 - (c) The Board shall report to the Information System within ten (10) business days:
 - 1. 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 nonpublic by contributing state authority)
 - 2. Dismissal of complaint, and
 - 3. Changes in status of disciplinary action, or licensure encumbrance.
 - (d) Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

- (e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-104, 63-7-105, 63-7-113, 63-7-115, 63-7-207, and 63-7-301 et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Cheryl Stegbauer, RN	X				
Carol Lynn Thompson, RN				X	
Debra Pecka Malina, RN	X				
Barbara Brennan, RN	X				
Terri Bowman, LPN	X				
Debbie Holliday, LPN	X				
Betty J. Thompson, RN	X				
Kathleen Harkey	X				
Marilyn A. Dubree, RN				X	
Marian Stewart, RN	X				
Arthur Thompson, LPN	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Nursing on 03/04/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 01/11/2010

Rulemaking Hearing(s) Conducted on: (add more dates). 03/04/2010

Date: 5/12/10

Signature: E. Ashley Carter

Name of Officer: E. Ashley Carter

Deputy General Counsel

Title of Officer: Tennessee Department of Health

Subscribed and sworn to before me on: 5/12/10

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 4/7/2011

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RE Cooper Jr

Robert E. Cooper, Jr.
Attorney General and Reporter

6-13-11

Date

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Filed with the Department of State on: 8/5/11

Effective on: 11/3/11

Tre Hargett by Tom Hart, 10/14

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

PUBLIC HEARING COMMENTS
RULEMAKING HEARING
TENNESSEE BOARD OF NURSING
MARCH 4, 2010

The rulemaking hearing for the Tennessee Board of Nursing was held on March 4, 2010 in the Department of Health Conference Center's Iris Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee. The rulemaking hearing began at 8:45 AM and ended at approximately 9:30 AM. There were no written comments received or oral comments made at the meeting.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Regulatory Flexibility Analysis

Tennessee Board of Nursing; Rule Nos. 1000-01-.17 and 1000-02-.16

- (1) The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or reporting requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations.
- (4) The compliance requirements throughout the proposed rules are as “user-friendly” as possible while still allowing the Division to achieve its mandated mission in licensing nurses.
- (5) Compliance requirements are not consolidated or simplified for small businesses in the proposed rules for the protection of the health, safety and welfare of Tennesseans.
- (6) The standards required in the proposed rules are very basic and do not necessitate the establishment of performance standards for small businesses.
- (7) There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Tennessee Board of Nursing; Rule No. 1000-01-.17 and 1000-02-.16

1. **Name of Board, Committee or Council:** Board of Nursing
2. **Rulemaking hearing date:** March 4, 2010
3. **Type or types of small businesses that will be directly affected by the proposed rules:**
There will be no small businesses affected by the proposed rules.
4. **Types of small businesses that will bear the cost of the proposed rules:**
There is no cost associated with the proposed rules.
5. **Types of small businesses that will directly benefit from the proposed rules:**
There will be no small businesses benefitted by the proposed rules.
6. **Description of how small business will be adversely impacted by the proposed rules:**
There will be no small businesses adversely impacted by the proposed rules.
7. **Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**
There is no less burdensome means to accomplish the purpose of this rule amendment.
8. **Comparison of the proposed rule with any federal or state counterparts:**
 - (a) **Federal:** The Board is not aware of any federal counterparts.
 - (b) **State:** The Board's proposed rule amendment is consistent with the qualifications for licensure in other states regulating the practice of nursing who participate in the Interstate Nurse Licensure Compact.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These amendments to the rules are not expected to have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These changes are recommended to incorporate recent changes in the Nurse Licensure Compact Rules to make Tennessee's rules consistent with same. Rules 1000-01-.17(2) and 1000-02-.16(2) are being amended to give registered and practical nurses additional ways to provide evidence of their primary state of residence by permitting the licensees to additionally utilize Military Form No. 2058 – state of legal residence certificate or the W2 from the US Government indicating their declared state of residence. The amendment also provides that nurses on a visa from another country applying for licensure in a party state may declare either the county 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. A license issued by a party state will be valid for practice in all other party states unless it is clearly designated as being valid only in the state which issued the license. Additionally, when a party state issues a license authorizing practice only in that state and not authorizing practice in other party state, the license shall be clearly marked with words indication that it is valid only in the state of issuance. An amendment to 1000-01-.17(3) and 1000-02-.16(3) which places limitations on the multi-state licensure privilege may permit an individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, to 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 the individual was eligible for licensure in the prior state(s), a multistate license may be issued.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 63-7-301 *et. seq.* provides for the enactment of the Interstate Nurse Licensure Compact and T.C.A. § 63-7-207(4) Powers and Duties allows the board to promulgate rules necessary to govern its board.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The persons affected by the rule are registered nurses and practical nurses licensed by the State of Tennessee Board of Nursing.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

I am unaware of any opinion of the Attorney General or any judicial ruling which directly relates to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is no positive or negative fiscal impact from this rule amendment.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Elizabeth Lund, Executive Director of the Board of Nursing and E. Ashley Carter, Deputy General Counsel, Department of Health, possess substantial knowledge and understanding of the amendments.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Elizabeth Lund, Executive Director of the Board of Nursing and E. Ashley Carter, Deputy General Counsel, Department of Health, will explain the amendments at a scheduled meeting of the Committee.

- (H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

E. Ashley Carter, Deputy General Counsel, may be reached at the Department of Health, Office of General Counsel, Plaza One, Suite 210, 220 Athens Way, Nashville, Tennessee 37243 ((615) 741-1611). Elizabeth Lund may be reached at the Department of Health, Health Related Boards, 227 French Landing, Suite 300, Nashville, Tennessee 37243 ((615) 532-9839).

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

E. Ashley Carter, Deputy General Counsel, as well as the Executive Director, Elizabeth Lund will provide any additional information requested by the Committee relative to the amendments.

(Rule 1000-1-.16, continued)

- (1) The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the "Health Care Consumer Right-To-Know Act of 1998" shall be ten thousand dollars (\$10,000).
- (2) Criminal Conviction Reporting Requirements - For purposes of the "Health Care Consumer Right-To-Know-Act of 1998" the criminal convictions that must be reported are for those crimes listed in paragraph (2) of Rule 1000-1-.13.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-123, 63-7-207, 63-7-209, 63-51-101, et seq. Public Chapter 373 of the Public Acts of 1999, and Public Chapter 912 of the Public Acts of 2000. **Administrative History:** Original rule filed March 9, 2001; effective May 23, 2001.

~~1000-1-.17 INTERSTATE NURSE LICENSURE.~~ Pursuant to the Interstate Nurse Licensure Compact, a license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state.

- ~~(1) Definitions.~~ As used in this rule, the following terms shall have the following meanings ascribed to them:
 - ~~(a) Alternative program:~~ means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - ~~(b) Board:~~ means party state's regulatory body responsible for issuing nurse licenses.
 - ~~(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 state nurse licensing boards.
 - ~~(d) Current significant investigative information means:~~
 - ~~1.~~ 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
 - ~~2.~~ 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.
 - ~~(e) Home state:~~ means the party state which is the nurse's primary state of residence.
 - ~~(f) Information System:~~ means the coordinated licensure information system.
 - ~~(g) Interstate Nurse Licensure Compact:~~ means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - ~~(h) Multistate licensure privilege:~~ means current, official authority from a remote state permitting the practice of nursing as a registered nurse in such party state.
 - ~~(i) Nurse:~~ means a registered nurse as that term is defined by each party's state practice laws.
 - ~~(j) Party state:~~ means any state that has adopted the Interstate Nurse Licensure Compact.

(Rule 1000-1-.17, continued)

- ~~(k) Primary state of residence: means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.~~
- ~~(l) 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.~~
- ~~(m) Remote state: means a party state, other than the home state,~~
- ~~1. where the patient is located at the time nursing care is provided; or~~
 - ~~2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.~~
- ~~(2) Issuance of License by a Compact Party State — 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 its predecessor examination used for licensure.~~
- ~~(a) 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:~~
- ~~1. Driver's license with a home address;~~
 - ~~2. Voter registration card displaying a home address; or~~
 - ~~3. Federal income tax return declaring the primary state of residence.~~
- ~~(b) 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 thirty (30) days.~~
- ~~(c) 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 subparagraph (b) shall be stayed until resolution of the pending investigation.~~
- ~~(d) The former home state license shall no longer be valid upon the issuance of a new home state license.~~
- ~~(e) 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 on Multistate Licensure Privilege — Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring 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 and such other party state boards.~~
- ~~(4) Information System~~
- ~~(a) Levels of access~~

(Rule 1000-1-.17, continued)

1. ~~The public shall have access to nurse licensure information contained in the Information System 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 contributing state authority; and~~
 - (vi) ~~the status of multistate licensure privileges.~~~~
 2. ~~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.~~
 3. ~~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 state authority.~~
- (b) ~~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.~~
- (c) ~~The Board shall report to the Information System within ten (10) business days:~~
1. ~~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 nonpublic by contributing state authority)~~
 1. ~~Dismissal of complaint, and~~
 2. ~~Changes in status of disciplinary action, or licensure encumbrance.~~
- (d) ~~Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.~~
- (e) ~~Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.~~

1000-01-.17 INTERSTATE NURSE LICENSURE. Pursuant to the Interstate Nurse Licensure Compact, a license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state.

(1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:

(Rule 1000-1-.17, continued)

- (a) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) "Board" means party state's regulatory body responsible for issuing nurse licenses.
 - (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 state nurse licensing boards.
 - (d) "Current significant investigative information" means:
 - 1. 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
 - 2. 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.
 - (e) "Home state" means the party state which is the nurse's primary state of residence.
 - (f) "Information System" means the coordinated licensure information system.
 - (g) "Interstate Nurse Licensure Compact" means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - (h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as a registered nurse in such party state.
 - (i) "Nurse" means a registered nurse as that term is defined by each party's state practice laws.
 - (j) "Party state" means any state that has adopted the Interstate Nurse Licensure Compact.
 - (k) "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
 - (l) "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.
 - (m) "Remote state" means a party state, other than the home state,
 - 1. where the patient is located at the time nursing care is provided; or
 - 2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of License by a Compact Party State – As of July 1, 2005, no applicant for initial licensure may be issued a compact license granting a multi-state privilege to practice unless

(Rule 1000-1-.17, continued)

the applicant first obtains a passing score on the applicable National Council Licensure Examination (NCLEX) or its predecessor examination used for licensure.

(a) 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:

1. Driver's license with a home address;
2. Voter registration card displaying a home address; or
3. Federal income tax return declaring the primary state of residence; or
4. Military Form No. 2058 – state of legal residence certificate; or
5. W2 From US Government or any bureau, division or agency thereof indicating the declared state of residence.

(b) 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.

(c) 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.

(d) 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.

(e) 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 thirty (30) days.

(f) 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 subparagraph (e) shall be stayed until resolution of the pending investigation.

(g) The former home state license shall no longer be valid upon the issuance of a new home state license.

(h) 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 on Multistate Licensure Privilege – Discipline

(a) Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring 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 and such other party state boards.

(Rule 1000-1-.17, continued)

(b) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary 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(s), a multistate license may be issued.

(4) Information System

(a) Levels of access

1. The public shall have access to nurse licensure information contained in the Information System 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 contributing state authority; and

(vi) the status of multistate licensure privileges.

2. 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.

3. 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 state authority.

(b) 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.

(c) The Board shall report to the Information System within ten (10) business days:

1. 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 nonpublic by contributing state authority)

2. Dismissal of complaint, and

3. Changes in status of disciplinary action, or licensure encumbrance.

(d) Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

(Rule 1000-1-.17, continued)

- (e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-104, 63-7-105, 63-7-113, 63-7-115, 63-7-207, and 63-7-301 et seq;
Administrative History: Original rule filed April 4, 2003; effective June 18, 2003. Amendment filed December 16, 2005; effective March 1, 2006.

1000-1-.18 FREE HEALTH CLINIC AND VOLUNTEER PRACTICE REQUIREMENTS.

- (1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201
- (a) Any nurse licensed to practice in this state or any other state who has not been disciplined by any nursing licensure board may have their license converted to or receive a Tennessee “Special Volunteer License,” as defined in T.C.A. § 63-1-201, which will entitle the licensee to practice without remuneration solely within a “free health clinic,” as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:
1. Obtaining from the Board’s administrative office a “Special Volunteer License” application, completing it and submitting it along with any required documentation to the Board’s administrative office; and
 2. For nurses who have not been licensed in Tennessee, comply with all provisions of paragraph (1) of rule 1000-1-.02 and, if applicable, the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
 3. Submitting the specific location of the site or setting of the free health clinic in which the licensee intends to practice along with proof of the clinic’s private, and not-for-profit status.
- (b) A nurse holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board’s biennial birthdate renewal system
- (c) A nurse holding a Special Volunteer License may not do any of the following:
1. Practice nursing anywhere other than in the free health clinic site or setting specified in the application; and
 2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of services; and
 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
- (d) Special Volunteer applicants and licensees are subject to all of the following:
1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rule 1000-1-.03, except those requiring the payment of any fees; and
 2. The rules governing continuing nursing competence as provided by rule 1000-1-.14; and

~~1000-2-16 INTERSTATE NURSE LICENSURE.~~ Pursuant to the Interstate Nurse Licensure Compact, a license to work as a practical nurse issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to work as a practical nurse in such party state.

- (1) ~~Definitions.~~ As used in this rule, the following terms shall have the following meanings ascribed to them:
 - (a) ~~Alternative program:~~ means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) ~~Board:~~ means party state's regulatory body responsible for issuing nurse licenses.
 - (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 state nurse licensing boards.
 - (d) ~~Current significant investigative information means:~~
 - 1. ~~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~~
 - 2. ~~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.~~
 - (e) ~~Home state:~~ means the party state which is the nurse's primary state of residence.
 - (f) ~~Information System:~~ means the coordinated licensure information system.
 - (g) ~~Interstate Nurse Licensure Compact:~~ means the uniform legislation which is substantially similar to Tennessee's Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
 - (h) ~~Multistate licensure privilege:~~ means current, official authority from a remote state permitting the practice of nursing as a practical nurse in such party state.
 - (i) ~~Nurse:~~ means a practical nurse as that term is defined by each party's state practice laws.
 - (j) ~~Party state:~~ means any state that has adopted the Interstate Nurse Licensure Compact.
 - (k) ~~Primary state of residence:~~ means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
 - (l) ~~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.
 - (m) ~~Remote state:~~ means a party state, other than the home state,
 - 1. ~~where the patient is located at the time nursing care is provided; or~~

(Rule 1000-2-.16, continued)

2. ~~in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.~~
- (2) ~~Issuance of License by a Compact Party State—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 its predecessor examination used for licensure.~~
 - (a) ~~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:~~
 1. ~~Driver's license with a home address;~~
 2. ~~Voter registration card displaying a home address; or~~
 3. ~~Federal income tax return declaring the primary state of residence.~~
 - (b) ~~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 thirty (30) days.~~
 - (c) ~~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 subparagraph (b) shall be stayed until resolution of the pending investigation.~~
 - (d) ~~The former home state license shall no longer be valid upon the issuance of a new home state license.~~
 - (e) ~~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 on Multistate Licensure Privilege—Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring 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 and such other party state boards.~~
 - (4) ~~Information System~~
 - (a) ~~Levels of access~~
 1. ~~The public shall have access to nurse licensure information contained in the Information System limited to:~~
 - (i) ~~the nurse's name,~~
 - (ii) ~~jurisdiction(s) of licensure,~~
 - (iii) ~~license expiration date(s),~~
 - (iv) ~~licensure classification(s) and status(es),~~

(Rule 1000-2-.16, continued)

- ~~(v) public emergency and final disciplinary actions, as defined by contributing state authority; and~~
- ~~(vi) the status of multistate licensure privileges.~~
- ~~2. 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.~~
- ~~3. 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 state authority.~~
- ~~(b) 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.~~
- ~~(c) The Board shall report to the Information System within ten (10) business days:

 - ~~1. 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 nonpublic by contributing state authority)~~
 - ~~2. Dismissal of complaint, and~~
 - ~~3. Changes in status of disciplinary action, or licensure encumbrance.~~~~
- ~~(d) Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.~~
- ~~(e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.~~

1000-02-.16 INTERSTATE NURSE LICENSURE. Pursuant to the Interstate Nurse Licensure Compact, a license to practice practical nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a practical nurse in such party state.

- (1) Definitions. As used in this rule, the following terms shall have the following meanings ascribed to them:
 - (a) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.
 - (b) "Board" means party state's regulatory body responsible for issuing nurse licenses.
 - (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 state nurse licensing boards.

(Rule 1000-2-.16, continued)

- (d) “Current significant investigative information” means:
1. 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
 2. 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.
- (e) “Home state” means the party state which is the nurse's primary state of residence.
- (f) “Information System” means the coordinated licensure information system.
- (g) “Interstate Nurse Licensure Compact” means the uniform legislation which is substantially similar to Tennessee’s Public Chapter 538 of the Public Acts of 2002, which, when enacted into law by participating states, establishes multistate licensure privileges for registered nurses and licensed practical nurses.
- (h) “Multistate licensure privilege” means current, official authority from a remote state permitting the practice of nursing as a practical nurse in such party state.
- (i) “Nurse” means a practical nurse as that term is defined by each party's state practice laws.
- (j) “Party state” means any state that has adopted the Interstate Nurse Licensure Compact.
- (k) “Primary state of residence” means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
- (l) “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.
- (m) “Remote state” means a party state, other than the home state,
1. where the patient is located at the time nursing care is provided; or
 2. in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.
- (2) Issuance of License by a Compact Party State – 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 its predecessor examination used for licensure.
- (a) 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:
1. Driver's license with a home address;
 2. Voter registration card displaying a home address; or

(Rule 1000-2-.16, continued)

3. Federal income tax return declaring the primary state of residence; or
 4. Military Form No. 2058 – state of legal residence certificate; or
 5. W2 From US Government or any bureau, division or agency thereof indicating the declared state of residence.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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 thirty (30) days.
- (f) 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 subparagraph (e) shall be stayed until resolution of the pending investigation.
- (g) The former home state license shall no longer be valid upon the issuance of a new home state license.
- (h) 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 on Multistate Licensure Privilege – Discipline
- (a) Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring 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 and such other party state boards.
 - (b) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary 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(s), a multistate license may be issued.
- (4) Information System
- (a) Levels of access
 1. The public shall have access to nurse licensure information contained in the Information System limited to:

(Rule 1000-2-.16, continued)

- (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 contributing state authority; and
 - (vi) the status of multistate licensure privileges.
2. 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.
 3. 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 state authority.
- (b) 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.
- (c) The Board shall report to the Information System within ten (10) business days:
1. 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 nonpublic by contributing state authority)
 2. Dismissal of complaint, and
 3. Changes in status of disciplinary action, or licensure encumbrance.
- (d) Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.
- (e) Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-7-109, 63-7-110, 63-7-113, 63-7-115, 63-7-207, and 63-7-301 et seq.
Administrative History: Original rule filed April 4, 2003; effective June 18, 2003. Amendment filed December 16, 2005; effective March 1, 2006.

1000-2-.17 FREE HEALTH CLINIC AND VOLUNTEER PRACTICE REQUIREMENTS.

- (1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201