



Enhancing Access to Nursing Care Across the Nation



Nurse Licensure Compact



2019 NABP District 6/7/8 Meeting

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INTERPROFESSIONAL CONTINUING EDUCATION

In support of improving patient care, this activity has been planned and implemented by Idaho State Board of Pharmacy and Idaho State University. Idaho State University is jointly accredited by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), to provide continuing education for the healthcare team.



Conflict of Interest Disclosures

- The planners and presenters of this presentation have no relevant financial relationships with a commercial interest pertaining to the content of this presentation



Objectives

- Identify licensure models that enable cross-border practice and streamline licensure processes
- Argue the benefits of the mutual recognition model of licensure
- Discuss limitation of the current single state model of licensure

In the beginning...



Fears Existed Before Positive Realities...

1. The compact will cause states to lose a great deal of money.
2. The compact will allow inferior nurses to enter our state.
3. The compact is a race to the bottom; the standards are the lowest common denominator.
4. The investigative caseload at boards will skyrocket if we join a compact. More staff will need to be hired.
5. Nurse malpractice liability insurance rates will increase substantially.
6. A trade organization in Illinois will be changing our practice act



And More Fears...

7. A compact is not needed because practice takes place wherever the nurse is located and not where the pt is located – therefore, a nurse only needs to hold a license where the nurse is located.
8. Licensure should be based on where the nurse works not on where the nurse resides.
8. We won't know who is practicing in our state.
9. Nurses will be required to learn the practice acts in 50 states.
10. Our nurses will leave our state.
11. The compact will impact salaries negatively.
12. The compact may facilitate strikebreaking.
13. Licensure requirements vary too much from state to state.

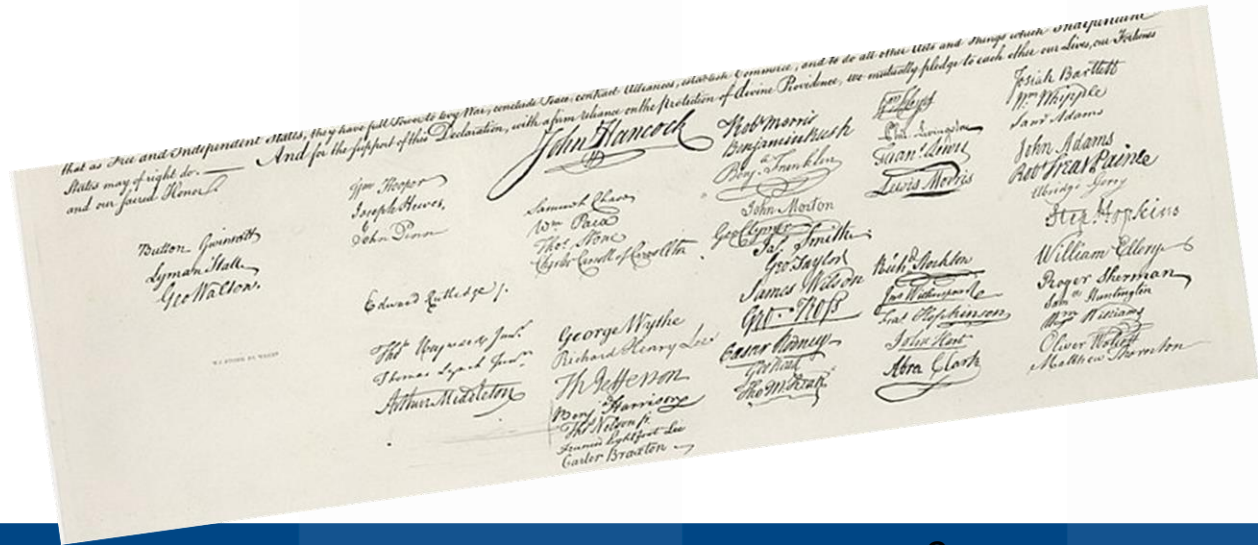


**PLEASE
DO NOT
FEED
THE
FEARS**



What is an Interstate Compact?

- A statutory agreement between two or more states established for the purpose of remedying a particular problem of multistate concern
- Each party state is a signatory to the same contract. For that reason, there is a need for “substantive sameness.”



Mutual Recognition: A Model of Licensure

- The basic concepts...
 - Your state accepts our licensees who have met the licensure requirements in our state.
 - Our state accepts your licensees who have met the licensure requirements in your state.
 - We mutually recognize the licenses of other compact states. Therefore, that one license is then valid in many states. Hence, a multistate license.



What is Mutual Recognition?

- A Model of Licensure
- Well known example: The Driver's License
- Not so well known: The Driver's License Compact (DLC)
- Nursing uses this model in the Nurse Licensure Compact (NLC); therefore, there are common elements between the two compacts



Residency

NLC

- The multistate license is issued in the state which is your primary state of residence (the home state).

DLC

- Issued in the state which is your primary state of residence, the home state.



Privileges

NLC

- One multistate license authorizes practice in all compact states; i.e., it gives the nurse the privilege to practice in all compact states.



DLC

- One (multistate) driver's license authorizes a driver to drive in all compact states; i.e., the driver has driving privileges in all compact states.

License Fees

NLC

- The multistate license fee is paid to the home state.
- The home state determines the fee.

DLC

- Fees are paid in the primary state of residence.
- Each state sets its own fee.



Laws

NLC

- A nurse is required to comply with the laws in the state of practice.
- The nurse is accountable to the jurisdiction in which the nurse is practicing.

DLC

- A driver must follow the laws in the state where driving.



Discipline

NLC

- A nurse that violates in a state other than the home state may have enforcement action taken against the privilege to practice in that state.



DLC

- A driver that violates in a state other than the home state may have enforcement action taken by that state which may impact the driver's privilege to drive in that state.

Discipline – Part 2

NLC

- Action taken in a “remote state” is reported to the home state.
- The home state then takes action against the license, as if the violation occurred in the home state.

DLC

- Action taken in a state other than the home state is reported to the home state.
- The home state then takes action on the license, as if the violation occurred in the home state.



Exchange of Information

NLC

- Authorized by statute, any licensee information may be shared with another compact state.
- A coordinated database enables communication between states



DLC

- Each state is authorized to exchange licensee information with other states.
- An electronic database system is utilized for information exchange.

Infrastructure

NLC

- Each state pays an annual fee to be a member.
- An Executive Committee is elected.
- The related non-profit association (NCSBN) serves as secretariat.



DLC

- Each state pays an annual fee.
- An Executive Board is elected.
- The related non-profit association (AAMVA) serves as secretariat.

What is the Nurse Licensure Compact?

- The NLC is an interstate compact.
- It authorizes a nurse (RN or LPN/VN) holding one multistate license in the primary state of residence with the privilege to practice (physically or via telehealth) in any compact state.



Portability and Mobility Enhanced by Multistate Licensure

- Telehealth practice (call center, triage, case managers, etc)
- Disaster recovery assistance
- Military spouse relocation; military moonlighting or training in civilian facilities
- Nursing faculty engaged in distance education
- Access for rural populations and healthcare shortage areas
- Facility staffing: travel nursing
- Home health and hospice
- Transport nursing
- Nurses residing near borders and practicing in an adjacent state.



Benefits Related to Recruitment of Nurses

New Grads:

- Today's millennials want mobility and maximized benefits.
- Nursing students overwhelmingly say that they plan to live and work in a NLC state rather than a non-NLC state, post-graduation.

Employers:

- When a nurse holds a multistate license and is being recruited by an employer in another NLC state, the nurse can be available to the prospective employer immediately since the nurse already has the authority to practice in that state.



Interstate Commission

- Governing body that is also a public agency
(The term “Commission” is commonly used by other modern interstate compact governing bodies)
- Elected leadership: Executive Committee
- Commissioners: “the head of the board of nursing” or designee



Rulemaking

- Rules adopted directly by the Commission
 - Legally binding in all party states
 - No requirement that rules be ratified or adopted by individual states



More on Rulemaking

- The procedural requirements include:
 - Notice to the public of proposed and adopted rules
 - Opportunity for comment
 - Opportunity for public hearing
 - Consideration and voting upon proposed rules
 - Responding to comments received



Licensure



11 Uniform Licensure Requirements



To receive a **multistate** license, a nurse must:

- 1) Meet the home state's qualifications
- 2) Graduate from qualifying education program (or graduated from a foreign program verified by independent credentials review agency)
- 3) Passed English proficiency exam if foreign grad



Uniform Licensure Requirements (Continued)

To receive a multistate license, a nurse must:

- 4) Pass the NCLEX-RN® or NCLEX-PN® exam (or state board test pool exam)
- 5) Have no active discipline on a license
- 6) Submit to state/federal fingerprint-based criminal background check
- 7) Not be currently enrolled in an alternative program



Uniform Licensure Requirements (Continued)

To receive a multistate license, a nurse must:

- 8) Self-disclose participation in an alternative program
- 9) Have no misdemeanors related to practice of nursing as determined by the state board of nursing on a case by case basis
- 10) Have a valid U.S. Social Security number
- 11) Have no prior state or federal felony convictions

- NOTE: A nurse who does not meet a requirement may receive a single state license.



How is Primary State of Residence (PSOR) defined?

- Signed Declaration of PSOR form
- State Where Applicant Can Prove Legal Residence
 - Drivers license with home address
 - Voter registration card with home address



Discipline



How Discipline Works

- A remote state may take adverse action against the licensee's Privilege to Practice within that remote state.
- The home state may take action against the license. The home state's action removes all multistate privileges. This protects all compact states from the licensee. The license becomes a single state license.



How Discipline Works

Article III

All party states shall be authorized, in accordance with existing state due process law, **to take adverse action against a nurse's multistate licensure privilege** such as revocation, suspension, probation, etc...

If a party state takes such action, **it shall promptly notify the administrator of the coordinated licensure information system.**

e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. ...The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.



How Discipline Works

ARTICLE V

- a. In addition to the other powers conferred by state law, a licensing **board shall have the authority to:**
 1. **Take adverse action against a nurse's multistate licensure privilege to practice within that party state.**
 - i. Only the **home state** shall have the power to **take adverse action against a nurse's license** issued by the home state.
 - ii. For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the **home state shall apply its own state laws** to determine appropriate action.



How Discipline Works

b. **If adverse action is taken** by the home state against a nurse's multistate license, the nurse's multistate licensure **privilege to practice in all other party states shall be deactivated** until all encumbrances have been removed from the multistate license.



How Discipline Works

ARTICLE VI

- a. All party states shall participate in a **coordinated licensure information system**. This system will include information on the licensure and disciplinary history of each nurse.
- c. All licensing boards shall promptly report to the coordinated licensure information system any **adverse action**, any current significant **investigative information**, **denials** of applications..
- i. The Compact administrator of a party state **shall provide all investigative documents** and information requested by another party state.



A PTP (Remote State) Discipline Scenario

1. Mary is a resident of Texas (a compact state) and holds a Texas multistate license.
2. Mary accepts a temporary travel nurse assignment in Alabama, a compact state.
3. While practicing in Alabama, she violates the Alabama nurse practice act by diverting controlled substance drugs.
4. The hospital reports Mary to the AL BON.



A PTP (Remote State) Discipline Scenario (Cont'd)

5. AL BON receives the complaint and after a preliminary inquiry, decides that an investigation is warranted.
6. AL BON conducts the investigation because that is where the violation occurred.
7. AL BON turns on the Nurse Alert (investigation flag) in the licensee's Nursys file, as appropriate.
8. Since AL is the remote state, AL BON staff notify the licensee's home state, TX BON, via speed memo (email within Nursys) or phone that one of their multistate license holders is under investigation in AL.



A PTP (Remote State) Discipline Scenario (Cont'd)

9. AL BON treats the licensee as if the licensee were a resident of AL, applying its state laws to the case when disciplining the PTP.
10. At the conclusion of the investigation, AL BON sends the licensee investigative documents to TX BON.
11. TX BON takes action on the multistate license as if the violation occurred in Texas, applying its own state laws. (Texas does not repeat the investigation.)
12. TX BON converts the multistate license to single state, as appropriate.



Fiscal Impact



How Does Joining the Compact Impact Finances?

1. Boards have not have a need to increase any permanent staff due to joining the NLC.
2. Boards pay an annual fee to the Commission (\$6,000)
3. Licensees who wish to have a multistate license will apply for it to the board. The board will determine the fee for the application. This is new revenue.
4. No NLC state indicates that joining the NLC has been a financial burden on the board's budget.
5. Boards have lost varying amounts of revenue but in each case, the board was able to absorb the loss.



How Does Joining the Compact Impact Finances?

6. In 19 years of NLC operations, three states have preemptively increased licensure fees in anticipation of a revenue loss.
7. 31 other states did not have a need to increase their fees.
8. There are less licenses overall but the decrease in licensees is spread over all compact states and therefore low impact.
9. When, in the sequence, a state joins the compact will impact how much the initial loss will be due to the then current number of member states.



Closing Thoughts

Play brief video clip



Thank you!

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