



RECONSTRUCTING LICENSEURE MOBILITY: eNLC

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Unlocking Access to Nursing Care Across the Nation

Overview:

- 100 year-old licensure model
- State-Based Solution: Interstate Compact
- NLC
- Transition to Enlc
- Legislative Update

Historic Licensure Model for Nursing:

License boundary = state line

- State-Based Licensure

- *Gibbons v. Ogden* states have power under the US Constitution to regulate and license local matters
- License issued and enforced by the state.
- One license per state

- Modern Challenges

- Jurisdiction
 - Telemedicine
 - Increasingly mobile society
 - Distance education

- Possible Solutions

- National licensure
- Endorsement
- Reciprocity agreements
- **Mutual recognition**

What is an Interstate Compact?

- Roots in the United States Constitution
 - Article II Section 10: “No state shall, without the consent of congress...enter into any Agreement or Compact with another state, or with a foreign power,”
- “a formal binding contract, authorized by or enacted as legislation, between two or more states in their capacity of states”- *The Evolving Law and Use of Interstate Compacts*
- Purpose: remedying a particular problem of multistate concern





Compact with Mutual Recognition Model of Licensure

Driver License Compact

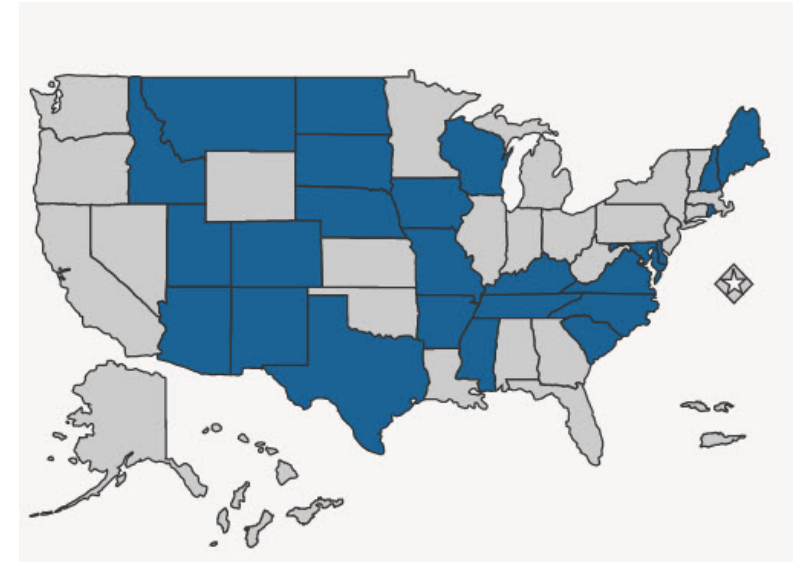
- I am issued a license in PA
- I can drive into Ohio
- I can get a speeding ticket in Ohio

What is the Nurse Licensure Compact?

- Tool = Interstate Compact
 - Contract between the states
- Operation = Mutual Recognition
 - One state-based license
 - It allows a nurse to have one multistate license (in primary state of residency)
 - Nationally Recognized
 - This permits the nurse to practice in other member states (physically, electronically, and telephonically)
 - Locally Enforced
 - Subject to each state's practice laws

Historical Perspective of the **current** NLC

- 1997: Endorsed mutual recognition model at Special Delegate Assembly; Approved NLC
- 1999: First state passes NLC legislation
- 2000-2010: 24 states enact NLC
- 2015: Montana is 25th state to enact NLC



Key Components

PSOR

- Signed Declaration
- State Where Applicant Can Prove Legal Residence
 - Drivers license with home address
 - Voter registration card with home address
- One PSOR per person

Nurse Licensure Compact Administrators (NLCA)

- Governing body created by the compact
- One administrator from each party state
- Govern policy and procedures of the compact

Communication Tools

- Participation in Nursys
 - Coordinated licensure information system for party states to share licensure and disciplinary actions
- Current significant investigative information
 - Investigative information that indicates a nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
 - Post notice [alert] of investigation in Nursys and remove notice [alert] within 10 days of action



Overall View of a NLC Investigation Process

Licensee practicing in a remote state on PTP:

- Complaint allegation received by remote state, home state or both states
- Initial inquiry: Determine residency of respondent, establish the location of incident(s), & open the case if warranted
- Both home & remote states may mutually determine investigative lead
- Frequency of communication between states determined by agreement & level of risk

Actions

- A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state.

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Who benefits? Nurses

- Ability to practice in multiple states with one license
- Reduces regulatory requirements by removing necessity for obtaining a license in each state
- Clarifies a nurse's authority to practice in multiple states via telehealth



Who benefits? Nursing Boards

- Ability to share complaint and investigative information throughout the investigative course
- Shared responsibility for patient safety not governed by geographical boundaries
- Shared commitment to improving the collective ability to protect patients

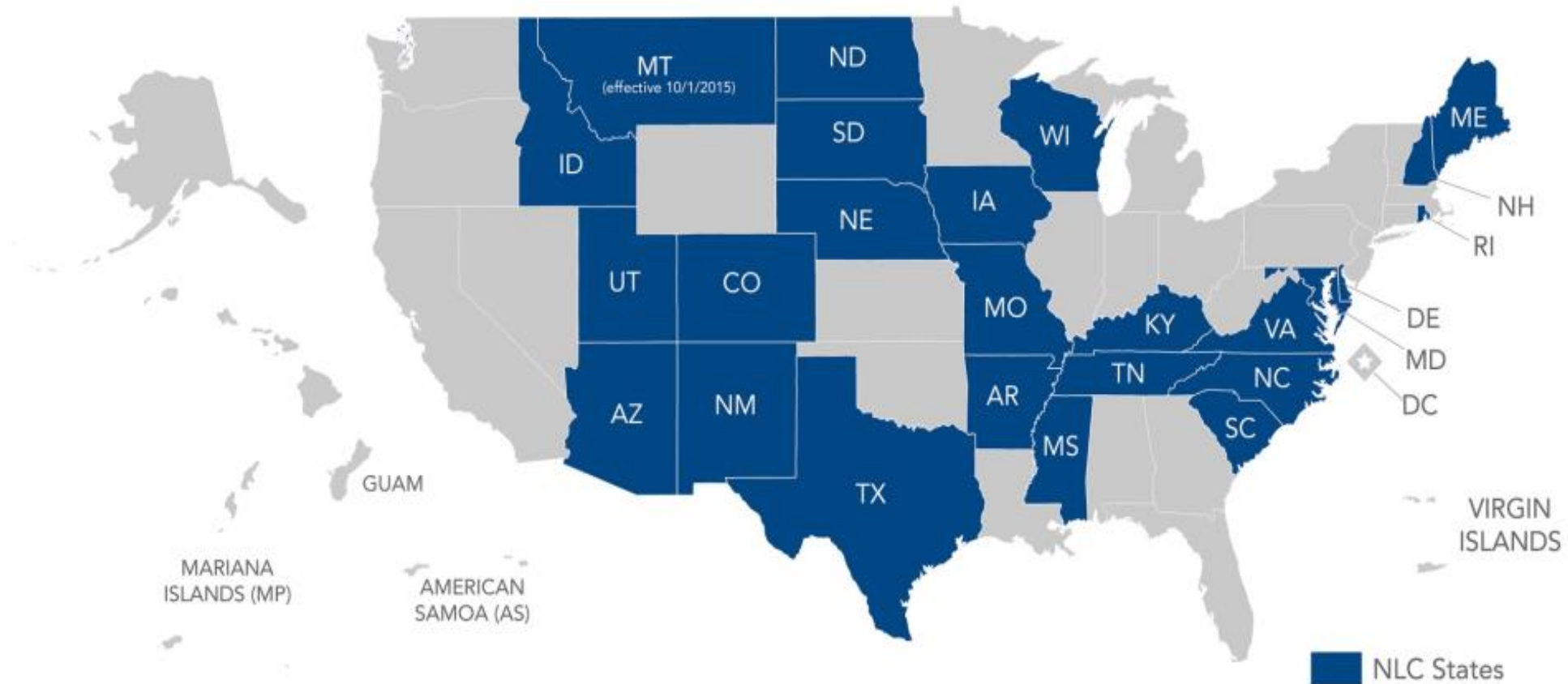


Who else?



- Patients
- Telehealth
- Hospitals & Employers
- Educators
- Military Spouses

NLC Participating States





Why Did We en·hance the NLC?

/in'hans,en'hans/

verb

past tense: **enhanced**; past participle: **enhanced**

intensify, increase, or further improve the quality, value, or extent of.

Reasons for Change

- Trend toward CBCs for licensed health care professionals
- Uniformity
 - ULRs
- Need for facilitating interstate nursing practice continues to grow
 - Telehealth boom, distance education, etc.
- Current NLC states wanted to ensure long-term growth and viability of the NLC
 - GOAL = 50 state compact



NCSBN's Response to Change

2013-2014:

- NCSBN members convene a series of meetings to consider best possible licensure model
- Decision made to continue using an interstate compact and revise the existing NLC

2014-2015:

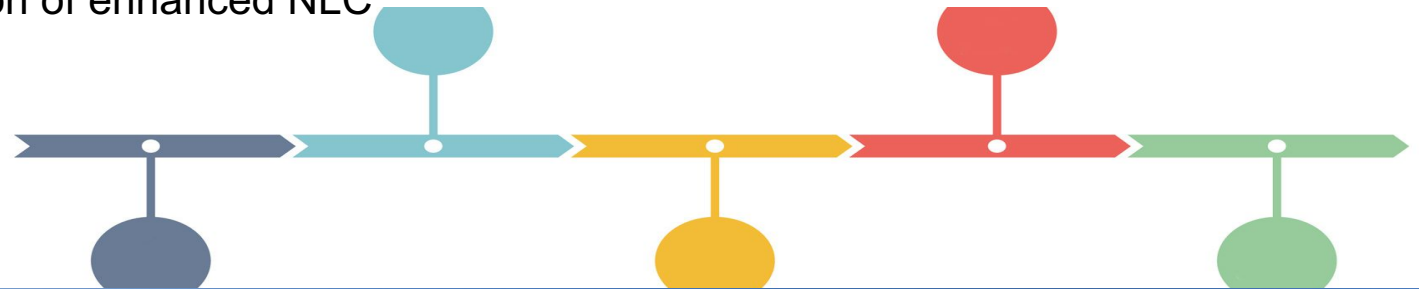
- NLC is redrafted as a new compact

May 4, 2015:

- NCSBN members overwhelmingly approve enhanced NLC and APRN Compact at a Special Delegate Assembly

May 2015:

- NCSBN Board of Directors commits staff and financial resources to advocate for state adoption of enhanced NLC



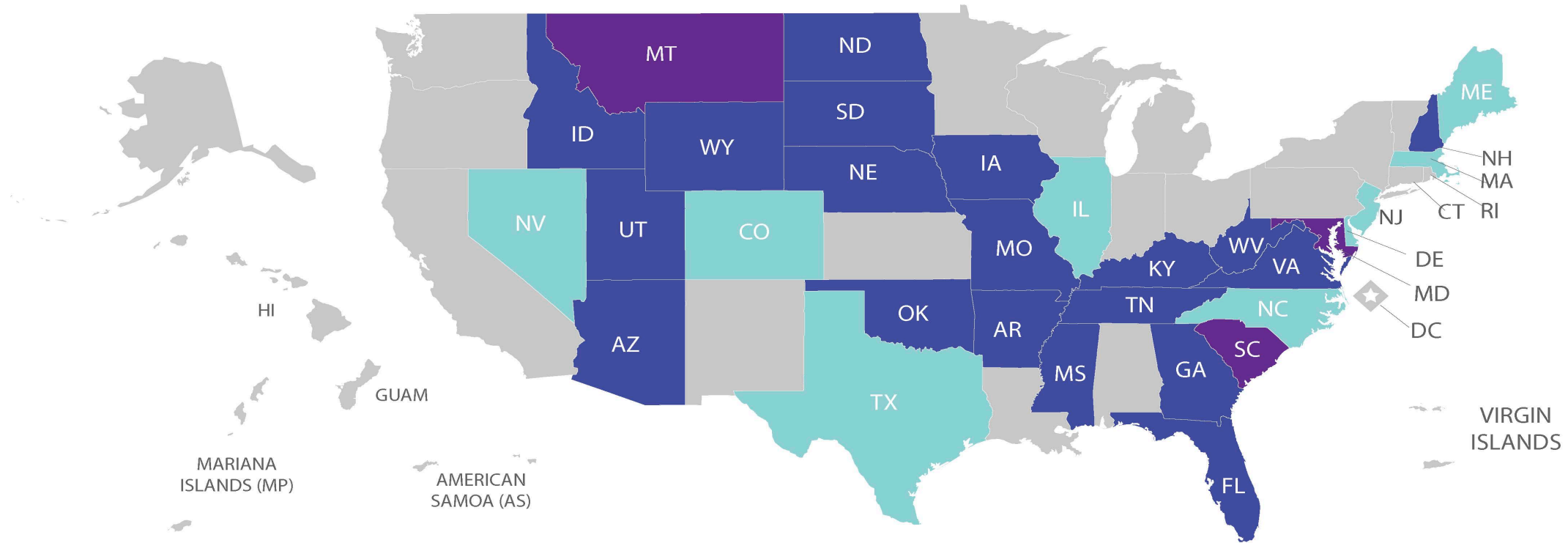
What are the “enhancements”?

- Uniform licensure requirements
- Grandfathering provision
- Authority to obtain and submit criminal background checks (CBCs)
- Prompt reporting to Nursys® of participation in alternative to discipline programs
- Establishes Interstate Commission
- Provides for rulemaking by the Commission
- Improves dispute resolution and termination if necessary



eNLC LEGISLATIVE UPDATE

Enhanced NLC



- States that enacted the enhanced NLC legislation.
- States with enhanced NLC legislation awaiting governors' signature.
- States with introduced enhanced NLC legislation in 2017.

**Map up to date as of 5/10/2017

Effective Date

- A state must pass the enhanced NLC legislation to join the compact
 - Does not become effective until the earlier of enactment by 26 states or Dec. 31, 2018
- Multistate licenses issued under the current NLC will still be recognized by party states in the enhanced NLC for six months after the eNLC effective date

Stay Connected

- Visit nursecompact.com for Compact resources, an interactive map, to sign up for updates, and to Take Action by contacting your legislators and governors through email / twitter / and Facebook.
- Contact me: nlivanos@ncsbn.org if you have any questions

Questions?