

Disciplinary Complaints and the Nurse Licensure Compact

Resolving A Single State Incident Through
Multi-State Collaboration

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From Complaint to Resolution:

What is Unique with the NLC?

Single State Model	NLC Model
Complaint Received	Complaint received by Home state, remote state, or both

Single State Model

NLC Model

Initial review determines jurisdiction, alleged violations and priority

State receiving complaint

- Determines respondent's state of residence and location of incident(s)
- Determines if case warrants investigation
- Remote state contacts Home state, or vice versa, to determine who will take investigative lead or whether to conduct concurrent collaborative investigations

Who Takes the Lead?

Key Determinants

- ❖ Level of risk/perceived risk to public
- ❖ State's ability to obtain documentary evidence
- ❖ Access to respondent
- ❖ Access to witnesses
- ❖ Estimated time required to process the case
- ❖ Other?

Single State Model

Investigation gathers related evidence to substantiate the complaint

NLC Model

Home and remote states mutually determine:

- Nature and frequency of communication between states
- When to “alert” other party states of significant investigative information

Single State Model

NLC Model

Board proceedings initiated

- Remote state investigative information is transmitted to the home state for consideration of action against the license
- Relevant information concerning an investigation is shared with all affected party states within 10 business days of receipt of the information
- Remote state(s) considers action against the privilege to practice

Single State Model

NLC Model

Board Action

- The home state may take adverse action based on finding of a remote state, each state following its own procedures for imposing such action
- A remote state may take adverse action against the multi-state privilege to practice in that state
- Only the home state may take adverse action against the license thereby affecting the ability to practice in all party states

Single State Model	NLC Model
Reporting	<ul style="list-style-type: none"><li data-bbox="695 514 1460 878">• Adverse action against a license or a privilege to practice is reported to Nursys® within 10 business days

Single State Model	NLC Model
Enforcement	<ul style="list-style-type: none">• Home and remote states collaborate to determine if discipline can be accomplished in a state other than the disciplining state

Investigative and Discipline Challenges are not Unique to NLC States

- ❖ Board governance structures impact investigations & discipline
 - Umbrella vs. independent boards
 - Differing investigative authorities
- ❖ Variations in statutory and rule authorities related to investigation and discipline
- ❖ Number of BON staff dedicated to investigation case management
- ❖ Ability to access needed documents, witnesses and experts
- ❖ Increased complexity of cases

Benefits of the NLC to Investigations and Discipline

- ❖ Uniform NLC statute, rules and policies that apply and are enforceable in all member states
- ❖ Ability to restrict the privilege to practice if necessary
- ❖ Reduction of duplicative Board actions
- ❖ Ability to share complaint and investigative information throughout the investigative process
- ❖ Timely reporting of significant investigative information and adverse action through NURSYS®
- ❖ Additional authorities granted by the NLC:
 - Issue subpoenas for both hearings & investigations
 - Issue cease & desist orders
- ❖ Nurses participating in alternative programs may not practice in any other state without prior authorization from that state

Benefits of the NLC to the Greater Public

- ❖ Multiple states working together to assure public safety
- ❖ Shared responsibility for public safety no longer governed by geographical boundaries
- ❖ Combining our collective abilities to enhance public safety
- ❖ The home state gives 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

The Next Steps...

2015	NCSBN special delegate assembly adopts the “enhanced” NLC to replace the NLC once 26 states adopt the eNLC or December 31, 2018, whichever comes first
5/1/2017	19 states have adopted the eNLC, including 15 of the NLC states

Questions?

Thank you!