



eNLC: Statutory Authority for Compact Investigations and Discipline

Brett B. Thompson-May, J.D.

General Counsel, Mississippi Board of Nursing



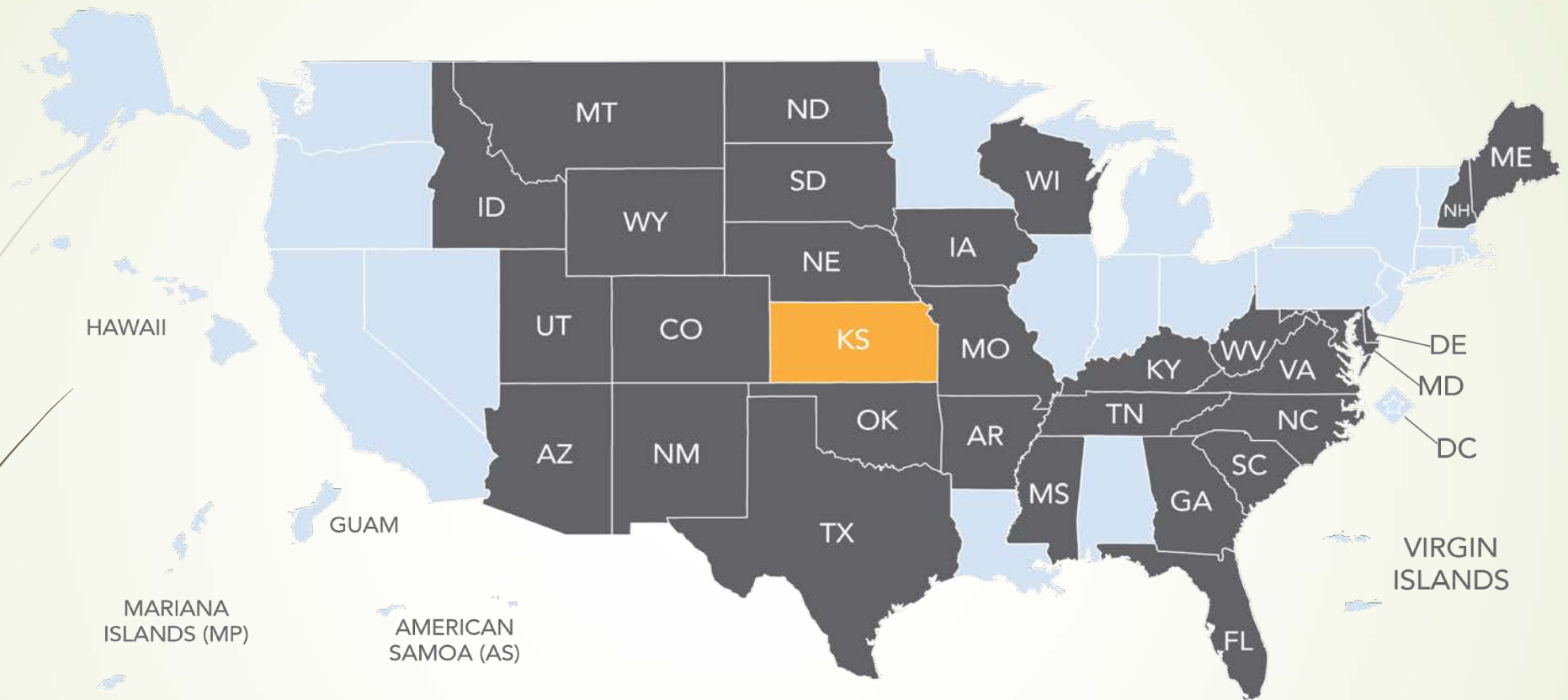
Compact Expanded Mobility of Nurses

- ▶ Facilitate the states' responsibility to **Protect the Public's health and safety**;
 - ▶ Ensure and encourage the **cooperation of party states** in the areas of nurse licensure and regulation;
 - ▶ Facilitate the **exchange of information** between party states in the areas of nurse regulation, investigation and adverse actions;
 - ▶ **Promote compliance** with the laws governing the practice of nursing in each jurisdiction;
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Compact Expanded Mobility of Nurses

- ▶ Invest all party states with the authority to **hold a nurse accountable** for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.
- ▶ Decrease Redundancies in the consideration and issuance of nurse licenses.
- ▶ Provide opportunities for interstate practice by nurses who meet uniform licensure requirements

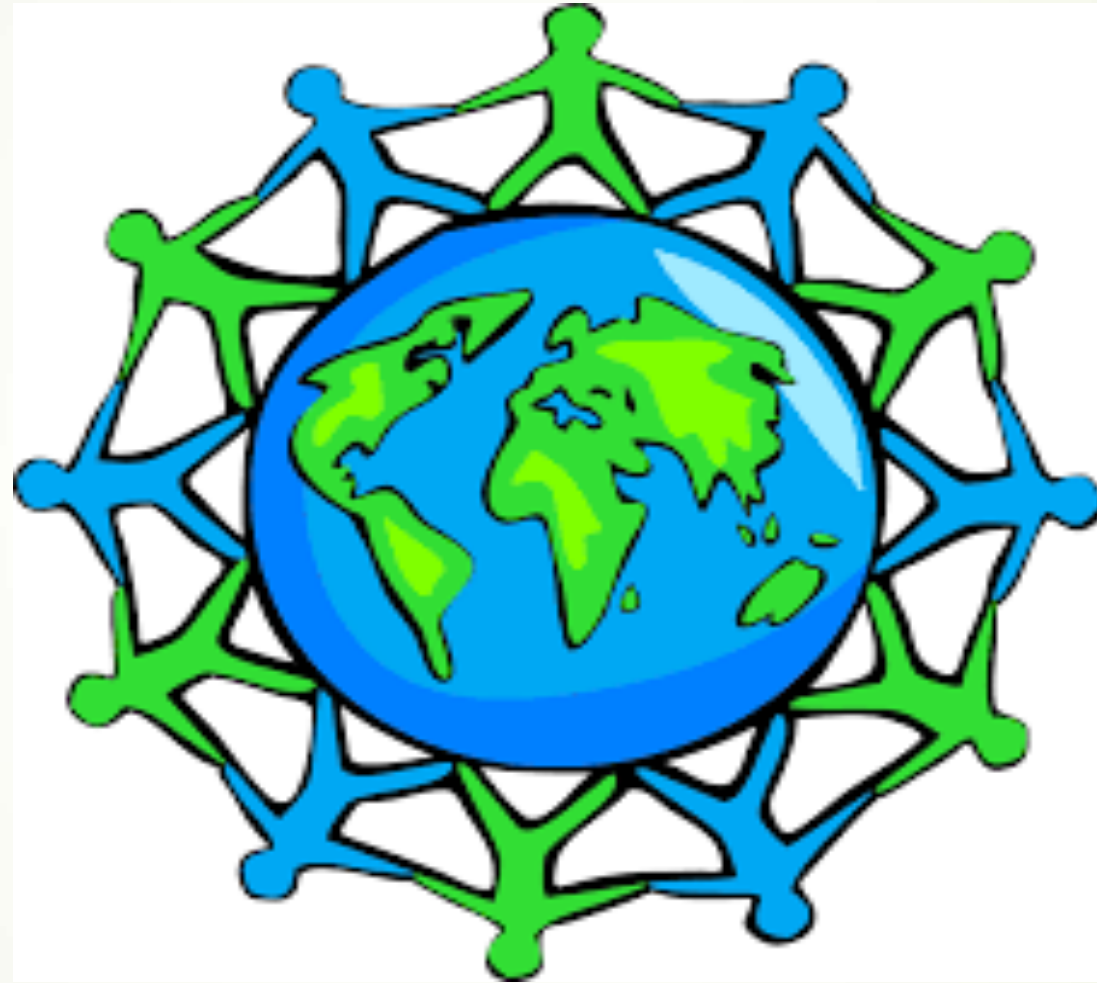


- States with enacted enhanced NLC legislation
- State with pending implementation of enacted enhanced NLC legislation (July 1, 2019)

Map in effect Jan. 19, 2018

Cooperation of Party States

- **Article V: Adverse Actions and Coordinated Licensure Information System**
- Remote state **shall promptly report** any remote state actions including the factual and legal basis for such action, if known and promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system **shall promptly notify** the home state of any such reports.
- The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action(s), and **shall promptly report** the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.



Cooperation of Party States

- ▶ A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, **only the home state** shall have the power to impose adverse action against the license issued by the home state.
- ▶ For the purposes of imposing adverse action, the licensing board of the home state 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. The home state may take adverse action based on the factual findings of the remote state. In so doing, it shall apply its own state laws to determine appropriate action.
- ▶ Section 200 of the Rules



Cooperation of Party States

- ▶ Rule 400- Licensure
- ▶ Party state shall not issue a single state license to a nurse who holds multistate license in another party state
- ▶ Application for Multi-state license:
 - ▶ Declaration of primary state of residence
 - ▶ Whether the Applicant is a Current Participant in alternative program
- ▶ Applicant who is ineligible for multistate license shall be notified by home state of qualifications not met
 - ▶ Home state may issue single state license

Lesson

- Nurse from MS (home state) working on privilege in another compact state.
- Nurse's privilege was disciplined in party state and restricted Nurse to complete discipline within party state.
- Nurse was also an APRN in MS and other party state
- Nurse committed practice violations as APRN in party state
- Home State (MS) received information through NURSYS that consent agreement was executed between Nurse and Party State
- Options for Home State (MS) as to adverse actions?



Cooperation of Party States

- ▶ Rule 400- Licensure
- ▶ Party state may require Applicant to provide evidence of residence in declared primary state of residence.
- ▶ Evidence may include, but is not limited to, a current:
 - ▶ Driver's license with a home address;
 - ▶ Voter registration card with a home address;
 - ▶ Federal income tax return of residence declaration



Exchange of Information

- Article VI and Rule 200
- All party states shall participate
- Current significant investigative information shall be transmitted only to party states
- All party states' licensing boards contributing information may designate information that **may not be** shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state
- Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information, **shall also be expunged** from the coordinated licensure information system



Exchange of Information

- Article VI and Rule 200
- Current Significant Investigative Information defined in Article II
 - 1. Investigative information that a licensing board, after a preliminary inquiry 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.



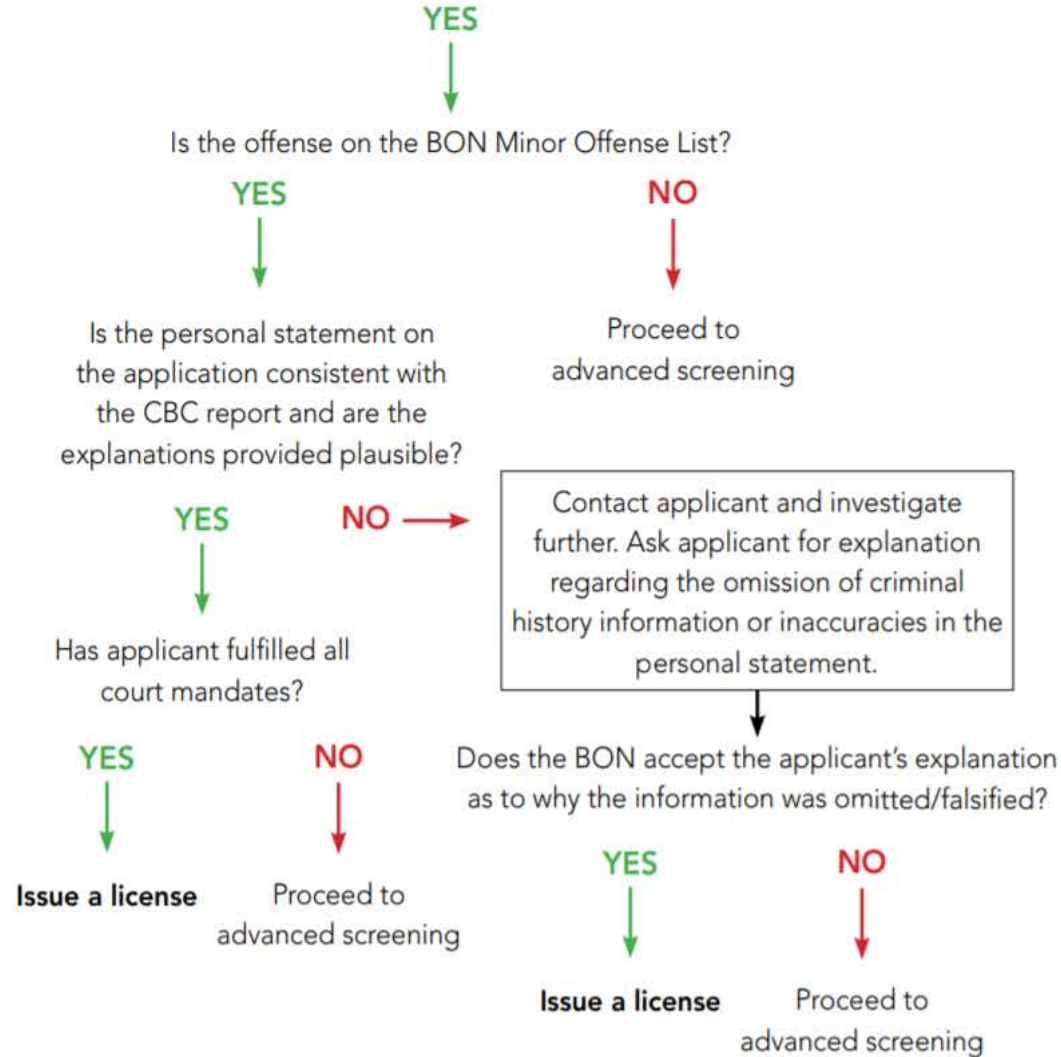
Promote Compliance

- ▶ Criminal Background Check
 - ▶ A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the FBI and the agency responsible for retaining that state's criminal records.

Step Three: Initial Screening

Take applications through the following steps:

DOES THE CBC REVEAL A POSITIVE CRIMINAL HISTORY?





Promote Compliance

- ▶ Each party state shall require an Applicant to obtain or retain a multistate license in the home state meeting 11 ULRs. – Article III
- ▶ Eligible for or holds an active, unencumbered license.
 - ▶ Encumbrance in Article II: means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.



Promote Compliance

- ▶ Has not been convicted or found guilty, or has entered in an agreed disposition, of a felony offense under applicable state or federal criminal law;
- ▶ Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis.
 - ▶ Article III- ULRs



Promote Compliance

- ▶ Disqualifying Events and ineligibility to retain or renew a multistate license:
 - ▶ Any encumbrance, current participation in alternative program, misdemeanor offense related to practice of nursing or felony offense
- ▶ Deactivation: Changing status of multi-state license reserved to Home State



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Lesson

- ▶ Nurse practicing as a APRN in Remote State from a RN privilege to practice in Home state
- ▶ Remote State disciplines APRN and restricts practice to Remote State. Imposes 24 months monitored practice, employer notification reports, fine and educational courses
- ▶ Home state subsequently revokes RN privilege
- ▶ Remote State practice was stalled. APRN nurse had to apply for single state license in Remote State.
- ▶ Under New Compact, Home State could deactivate privilege and Nurse under agreement with Remote State apply for single state license



Holding the Nurse Accountable

- ▶ Burden of Proof on Nurse if claim of inaccurate information within Coordinated Licensing System
- ▶ Change of Primary State of Residence
 - ▶ A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.



Holding the Nurse Accountable

- Moving between two (2) party states, and obtains a license from the new home state, the license from the former home state is no longer valid;
- Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state;
- Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.



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I AM...



ACCOUNTABLE



Temporary Permits

- ▶ A Temporary Permit, License or similar temporary authorization to practice issued by a party state to an applicant for licensure shall not grant multistate licensure privileges




Lesson

- Nurse changing PSOR from one party state to another.
- New Home State processing application
- Former Home State license lapses
- Nurse cannot work in new home state
- Application is still being processed
- Options for Nurse
- Options for New Home State



Benefits of the NLC

- Enables nurses to practice in person or provide telehealth nursing services to patients located across the country without having to obtain additional licenses.
 - Allows nurses to quickly cross state borders and provide vital services in the event of a disaster.
 - Facilitates telenursing and online nursing education.
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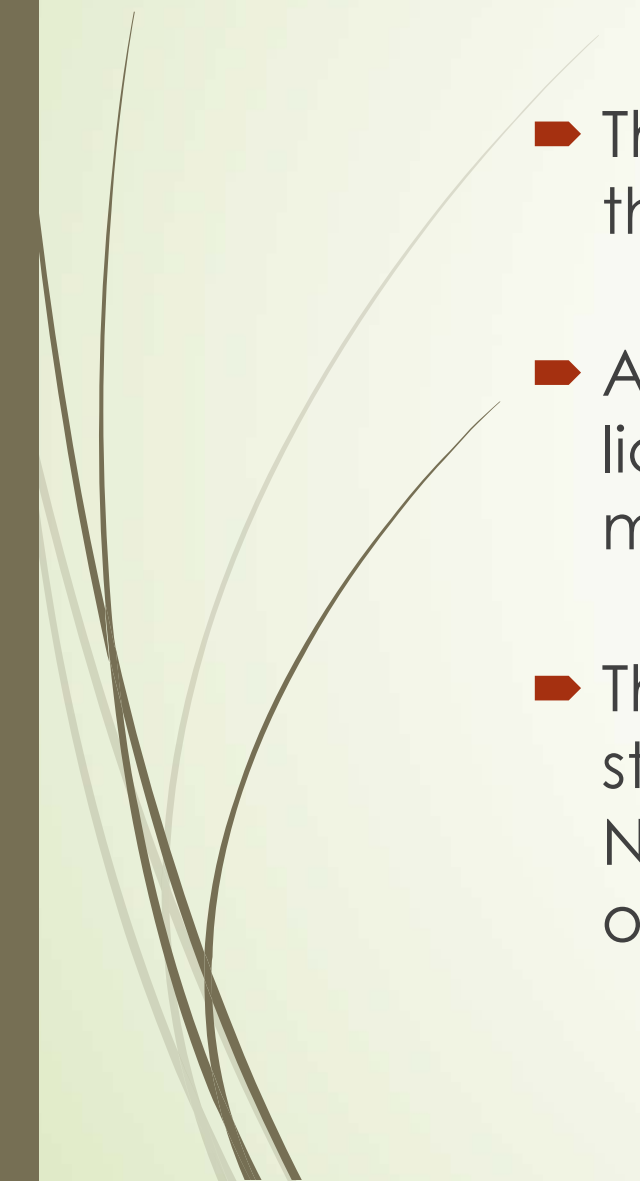


Benefits of the NLC

- COST EFFECTIVE
- Nurses do not have to obtain an additional nursing license(s), making practicing across state borders affordable and convenient.
- The compact removes a burdensome expense not only for nurses, but also organizations that employ nurses and may share the expenditure of multiple licenses.
- Allows nurses to quickly cross state borders and provide vital services in the event of a disaster.
- Facilitates telenursing and online nursing education.



Proven, Safe and Efficient

- ▶ The NLC has been operational and successful for more than 15 years.
 - ▶ All the safeguards that are built into the current state licensing process are required before a nurse is issued a multistate license.
 - ▶ The NLC has uniform licensure requirements so that all states can be confident the nurses practicing within the NLC have met a set of minimum requirements, regardless of the home state in which they are licensed.
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Proven, Safe and Efficient

- ▶ **Less than 1 percent** of U.S. nurses ever require discipline by a board of nursing (BON), but if discipline is needed, swift action can be taken by the BON regardless of the state where the nurse is licensed or practices. When a nurse is disciplined, the information is placed into the national licensure database, nursys.com.
- ▶ All states that participate in the enhanced NLC conduct federal criminal background checks to determine eligibility for a multistate license.



Timeline

- May 2- July 2, 2018: Proposed Rules published and public comments received.
 - July, 2018: Rules Committee meets to review and consider comments
 - July 2018: Executive Committee reviews Rules Committee Final recommendations
 - July 2018: Rules Committee final recommendations sent to Commission
 - August 2018: Commission votes on Final Rules
 - January 1, 2019: Effective date of rules as recommended by Rules Committee
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Questions?

