

Nurse Licensure Compact Update

The Nurse Licensure Compact (NLC) has now passed in twenty-one states: Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Mexico, New Hampshire, New Jersey, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin. The 19 states which have implemented the Compact thus far are: Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin. New Jersey and South Carolina have not implemented yet; South Carolina has announced its implementation date of February 1, 2006. Indiana is making revisions to their statute this session to correct errors made in their Compact law.

For future reference on the current status of Compact States, refer to the National Council of State Boards of Nursing web site at:

http://www.ncsbn.org/public/nurselicensurecompact/mutual_recognition_state.htm

NLCA Recommending Enhancements to NURSYS

The Nurse Licensure Compact Administrators (NLCA) are recommending that certain changes to NURSYS be made to capture important data, such as the status of multistate privileges. NCSBN has been very responsive to the requests made by NLCA in this regard. The changes will improve communication about licensure and privilege status to all Compact states.

Status of States Requiring Criminal Background Checks

NCSBN has developed a report (***Attachment A***) on requirements for criminal background checks (CBCs) among all States. The NLCA considers this a very important issue for Compact states. Lack of CBCs has been cited by some states as a barrier to adopting the Compact. These states have expressed concern that nurses from Compact states where CBCs are not required may be practicing in their state without benefit of scrutiny of the criminal activity. NLCA has made adoption of requirements for FBI criminal background checks by Compact states a high priority.

Discipline Summit

The NLCA is planning a Discipline Summit July 10, 2006 for staff involved in disciplinary issues in Compact states. The agenda is planned to share experiences, facilitate discussion of disciplinary issues, identify concerns about processes, and improve the resolution of interstate discipline cases. Best practices will also be identified.



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STATE INFORMATION REGARDING CRIMINAL BACKGROUND CHECKS FOR NURSE LICENSURE APPLICANTS

Alabama	Applicants for nurse licensure are asked to self disclose criminal convictions. Criminal background checks are conducted only for licensees under investigation, or for those who give reason to believe they may have criminal histories.
**Alaska	Currently uses federal and state criminal background checks for initial licensure, and for applicants endorse into Alaska with a license from another state.
**Arizona	Arizona has required federal and state criminal background checks since 1999.
**Arkansas	Arkansas has required federal criminal background checks since 2001, and state checks since 1999.
**California	Currently uses federal and state criminal background checks on RNs for initial licensure, RNs who endorse into California with a license from another state, and LPNs/VNs upon initial licensure.
Colorado	Does not require criminal background checks.
Connecticut	Does not require criminal background checks.
Delaware	Does not require criminal background checks.
District of Columbia	Does not require criminal background checks. Legislation has been introduced and is expected to be passed by 2006.
**Florida	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Florida with a license from another state.
Georgia PN and RN	Does not require criminal background checks.
Guam	Seeking to require criminal background checks.
Hawaii	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Hawaii with a license from another state.
**Idaho	Idaho implemented federal and state criminal background checks in July 2005.
**Illinois	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Illinois with a license from another state.
Indiana	Does not require criminal background checks.
Iowa	The Iowa Board of Nursing implemented criminal background checks on October 1, 2005 based on the Federal Children Act.
Kansas	Does not require criminal background checks.
Kentucky	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Kentucky with a license from another state.
**Louisiana	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Louisiana with a license from another state.
Maine	Does not require criminal background checks.
Maryland	Does not require criminal background checks.
Massachusetts	Criminal background checks are performed automatically when the applicant for nurse licensure answers yes to any of the five questions on the application regarding moral character and gives consent.
Michigan	Criminal background checks are only used if conviction is indicated on application. There is a penalty of perjury, with discipline if found to be lying.
Minnesota	Does not require criminal background checks.
Mississippi	Criminal background checks have been used since 2003 on anyone working/volunteering/contracting with a faculty licensed by the Mississippi Department of Health.

**Missouri	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Missouri with a license from another state.
Montana	Does not require criminal background checks.
Nebraska	The Nebraska Board of Nursing conducts criminal background checks only on advanced practice nurses. The board fingerprints and does FBI checks.
**Nevada	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Nevada with a license from another state.
New Hampshire	The New Hampshire Board of Nursing currently uses state criminal background checks only.
**New Jersey	New Jersey requires fingerprint-based state and federal criminal background checks. Initial applicants for licensure and those who apply for licensure by endorsement from another state, as well as applicants seeking reinstatement, are required to be checked. New Jersey is beginning to collect data for all licensees who have not been background checked.
**New Mexico	New Mexico has used federal and state criminal background checks since 2002.
New York	Criminal Background checks are only used in certain situations. The checks are only required on applicants who answer yes to moral character questions.
**North Carolina	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into North Carolina with a license from another state.
North Dakota	The North Dakota Board of Nursing is currently seeking statutory authority to perform criminal background checks, but currently does not require criminal background checks.
**Ohio	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Ohio with a license from another state.
Oklahoma	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Oklahoma with a license from another state.
Oregon	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Oregon with a license from another state.
Pennsylvania	Criminal background checks are only required when an applicant reports criminal history, in response to a question on the application.
Puerto Rico	The Puerto Rican Board of Nursing has been requiring criminal background checks since May 13, 1994. A criminal background check has been required for all license categories since then.
Rhode Island	Currently uses federal and state criminal background checks for Initial licensure.
South Carolina	Does not require criminal background checks.
South Dakota	Criminal background checks are performed on applicants who admit to criminal convictions.
Tennessee	The Tennessee Board of Nursing will implement the use of criminal background checks in early 2006.
Texas	Texas has used federal and state criminal background checks on RNs since 2004, and began processing checks for LPNs in September 2005.
**Utah	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Utah with a license from another state.
Vermont	Does not require criminal background checks.
Virginia	Does not require criminal background checks.
Virgin Islands	Does not require criminal background checks.
Washington	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Washington with a license from another state.
West Virginia	Does not require criminal background checks.
Wisconsin	The Wisconsin Board of Nursing does not use criminal background checks.
**Wyoming	Currently uses federal and state criminal background checks for initial licensure, and for applicants who endorse into Wyoming with a license from another state.

**Denotes a state or jurisdiction that reported requiring federal FBI – fingerprint based criminal background checks. These states include: Alaska, Arizona, Arkansas, California, Florida, Idaho, Illinois, Louisiana, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Utah and Wyoming.