

## **Nurse Licensure Compact Update**

### **Nurse Licensure Compact (NLC)**

The mutual recognition model of nurse licensure allows a nurse to have one license (in his or her state of residency) and to practice in other states (both physically and electronically), subject to each state's practice laws and regulations. Under mutual recognition, a nurse may practice across state lines unless otherwise restricted. In order to achieve mutual recognition, each state must enact legislation or regulation authorizing the Nurse Licensure Compact. States entering the compact also adopt administrative rules and regulations for implementation of the compact. Once the compact is enacted, each compact state designates a Nurse Licensure Compact Administrator to facilitate the exchange of information between the states relating to compact nurse licensure and regulation. On January 10, 2000, the Nurse Licensure Compact Administrators (NLCA) were organized to protect the public's health and safety by promoting compliance with the laws governing the practice of nursing in each party state through the mutual recognition of party state licenses. The Executive Director of the Texas Board of Nursing serves as the Compact Administrator for Texas.

### **Elections**

The Executive Committee elections for the Chair, Member At Large, and APRN Member At Large positions were final on October 1, 2009. The Members of the Executive Committee are as follows:

#### CHAIR

Joey Ridenour, RN, MN, FAAN  
Executive Director  
Arizona State Board of Nursing  
Term expires: September 2011

#### VICE-CHAIR

Lorinda Inman, RN, MSN  
Executive Director  
Iowa Board of Nursing  
Term expires: September 2010

#### SECRETARY-TREASURER

Laura Poe, MS, RN  
Executive Administrator  
Utah State Board of Nursing  
Term expires: September 2010

#### MEMBER-AT-LARGE

Jay P. Douglas, R.N., M.S.N., C.S.A.C.  
Executive Director  
Virginia Board of Nursing  
Term expires: September 2010

MEMBER-AT-LARGE

Gloria Damgaard, RN, MS  
Executive Director  
South Dakota Board of Nursing  
Term expires: September 2011

APRN MEMBER-AT-LARGE

Katherine Thomas, MN, RN  
Executive Director  
Texas State Board of Nursing  
Term expires: September 2011

**NLCA Meetings**

The Nurse Licensure Compact Administrators (NLCA) meet via teleconference once every other month and face to face twice a year.

At the August meeting, the Chair provided a report of the 2009 activities of NLCA. (See attachment).

The next meeting of the NLCA-EXEC will be a conference call on Monday, October 20, 2009.

**NCSBN-NLCA Relationship**

Leadership of NCSBN and NLCA have met twice to discuss the ongoing relationship and support needed to accomplish the NCLA's work. We are exploring a new relationship within the NCSBN organization including appropriate staff support and a reporting relationship (dotted line relationship) to the Board of Directors. This may involve changes to NCSBN bylaws in the future.

Teleconferences are scheduled with Emergency Management Assistance Compact (EMAC) and the Drivers License Compact in October to discuss their governance structure and relationship to their sponsoring association.

**Participating States**

Missouri adopted the NLC this summer; an implementation date is to be determined. The Compact has been adopted by 24 states.

The Nurse Licensure Compact (NLC) has now been implemented in 23 states: Arizona, Arkansas, Colorado, Delaware, Idaho, Iowa, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Mexico, New Hampshire, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin. Missouri passed the Nurse Licensure Compact in May 2009 and the bill is awaiting the Governor's signature at this time.

For future reference on the Nurse Licensure Compact, refer to the National Council of State Boards of Nursing web site at: <https://www.ncsbn.org/156.htm>

## **Texas Compact Statute and Rules**

The Texas NLC Statute can be found at:

<http://www.bon.state.tx.us/nursinglaw/npa2.html#4-001>

The Texas Administrative Rules for the Compact can be found at this page by clicking on BON Rules and Regulations and navigating to Chapter 220.

<http://www.bon.state.tx.us/nursinglaw/rr.html>



## 2009 REPORT OF NLCA ACTIVITIES

Gloria Damgaard, Chair

August 11, 2009

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**STRATEGIC INITIATIVE #1: Protect the public's health and safety by promoting compliance with the laws governing the practice of nursing in each party state through the mutual recognition of party state licenses.**

**1A: Party states comply with rules, regulations and policies related to non-disciplinary alternative programs.**

A task force was convened to construct a state-by-state profile of party states' non-disciplinary alternative programs to identify issues and barriers for compliance with compact laws and effective communication with other party states. Members of the task force included Val Smith, AZ, Chair; Joan Banier, SC; and Margaret Walker, NH. The committee presented the task force findings at the March 2008 NLCA meeting. A copy of the PowerPoint presentation is attached to this report. Eight recommendations were made by the committee, which include:

- 1) Enforce compliance with practice limitations to the home state. Require each state issue a single state license.
- 2) Report to NURSYS all board ordered participation.
- 3) Notify employers.
- 4) Prior to allowing remote state practice, notification must be received by the home state.
- 5) Agreements are received prior to practice in the remote state.
- 6) Develop non-compliance thresholds and reporting requirements such as drug screening, treatment, practice restrictions, monitoring reports.
- 7) Develop standards for failed drug screens.
- 8) Terminations from alternative programs result in notification to the Board and the employer.

Currently, there are 19 (83%) compact states that have alternative to discipline programs. The four states that do not have programs are Arkansas, Iowa, Maine, and Nebraska. The 19 states with programs identified three distinctive models for the operation of these programs. The models include: Peer Assistance, Alternative to Discipline, and a combined Peer Assistance + Alternative Program model.

The committee reviewed the monitoring contracts of all programs to determine that language was present in the monitoring contracts that required the licensee to limit practice to the home state during the term of participation in the alternative program.



All states are in compliance with this requirement. A process for ongoing compliance monitoring of this requirement will be implemented by the new NLC Associate.

It was reported that the NCSBN Board of Directors appointed a Chemical Dependency Committee that would review alternative programs and make recommendations. The NLCA decided not to duplicate the work of this committee. The NLCA will review recommendations made by this committee at the appropriate time for applicability to NLCA requirements.

**1B: Current party states comply with the core requirement of criminal background checks by 2010. States entering the compact will comply with the CBC requirement within three years of implementation.**

A profile of NLC states that participate in State and Federal Criminal background checks is available on the NLCA website and is attached to this report. Eighteen of the twenty-four compact states (75%) have implemented criminal background checks. Action plans were received from those states that do not require CBCs. Those states include: Colorado, Maine, Virginia, Wisconsin, Mississippi, and Nebraska. States that have not yet implemented the CBC core requirement have been unsuccessful with legislative initiatives.

**STRATEGIC INITIATIVE #2: Promote the Nurse Licensure Compact by Educating Others Regarding its provisions and implementation.**

**2A: Provide a uniform set of Compact data and resources that informs decision making and addresses stakeholder questions and concerns. Develop and implement a system of data collection that impacts:**

- *Financial* – A financial model for estimating and recording the cost of entry into the NLC was created through the NCSBN OAT grant. A data collection tool was sent to the 23 boards of nursing that had implemented the NLC at that time. Information on cost data was received by 14 states. This data is found in the report prepared by the NCSBN Research Department. A copy of the final report is attached to this report. The NLC Economic Data request form will be sent to all new states that are implementing the NLC. This has been included in the implementation plan.
- *Non-disciplinary Alternative Program Participation* – A data collection model has not been developed for this item.
- *Core Licensure Requirements* – The NCSBN Board of Directors created a Uniform Core Licensure Requirements Committee composed of members from all NCSBN areas and representation from single and multi-state licensure models. A flow chart of the NLC states and compliance with the NCSBN Uniform Core Licensure Requirements can be found on the NLCA website. This chart will be updated as new states enact the NLC.
- *Disciplinary* – A disciplinary subcommittee was appointed to define what constitutes a multi-state discipline case, to develop a system of data collection related to multi-



state discipline cases, and to evaluate how criminal histories influence discipline decision making in NLC states. Members of this committee are Charlotte Beason, Sandy Evans, and David Mangler. The committee proposed the following working definition of a Multi-State Disciplinary Case: **A multi-state disciplinary case involves allegations of violations by a licensee practicing on a Compact Privilege in a remote state. The involved Compact states work cooperatively, each contributing toward resolution of the matter.** The NLCA Chair provided the following information to the coordinated licensure information system as relevant reports that the NLC would find helpful as “Reports at Your Fingertips” is implemented.

- ◆ Number of disciplinary cases
- ◆ Types of actions
- ◆ Description of discipline cases (including all actions and states involved)
- ◆ Number of cases that are Privilege to Practice (PTP) cases with a breakdown and count by jurisdiction
- ◆ Number of cases that are discipline in the home state
- ◆ Number of investigations with a breakdown and count by jurisdiction

The disciplinary sub-committee has met with Nur Rajwany regarding the capability of reports at your finger tips to provide disciplinary data. This work has not been finalized.

- *Privilege to Practice Utilization* – A system for identifying the utilization rate of the multi-state privilege has not been explored at this time.

**2A2: Provide reference materials, including enabling language, to educate others regarding the Nurse Licensure Compact. A NLCA website committee was appointed to evaluate, improve, and enhance the accessibility to information and create a directory of reference materials related to the NLCA.**

Lorinda Inman, Libby Lund, and LuAnn Walker were appointed to this committee and are currently reviewing the website and will report to the NLCA in August 2009.

**2B: Clarify the relationship and define the roles and responsibilities of the NLCA and the NCSBN.**

The tactics and activities of this initiative were geared to the creation of an information grid that would depict the relationship of the NLCA and NCSBN and could be distributed to all member boards for ease of understanding the relationship. This grid has not yet been developed. The focus of this initiative has centered on activity number three, which is to meet with NCSBN on a regular and continuing basis for the purpose of information sharing. This has happened on a regular basis, with the Chair attending NCSBN Board of Directors meetings either face to face or by teleconference for a specific agenda item. Additionally, the NLCA Executive Committee has participated in three face to face meetings and one telephone conference call with the NCSBN Board of Directors.



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**STRATEGIC INITIATIVE #3: Ensure a sound governance structure.****3A: Nurse Licensure Compact Administrators function efficiently and effectively.**

Tactics to complete this initiative included a review of policies and procedures on an annual basis for currency, completeness, and compliance, and to establish a policy regarding ongoing strategic planning. A strategic planning policy was developed and adopted by the NLCA at the May 1, 2008 NLCA meeting. This policy is found in the administration section of the policies and is numbered 2.11 and is available on the NLCA website. A strategic plan will be developed every three years. A task force was appointed to review the issue of licensing of individuals revoked in other state(s) for inclusion in the model rules. Members of this committee included Chair, Kathy Thomas, Faith Fields, Margaret Walker, Joan Banier, and Allison Kozeliski. This committee recommended that no change to the current language of Policy 3.8 should be made. Policy 3.8 was incorporated into the model rule amendments and was adopted at the August 2008 NLCA meeting. NLC states are in the process of implementing the amended model rules. The NLC Associate will track state by state implementation.

**3B: Develop a business plan to sustain the NLCA.**

- Tactics and activities of this initiative included evaluation of legal and secretariat services, exploring the feasibility of hiring a staff member to coordinate and support NLCA activities, defining structural and contractual relationship of the NLCA and NCSBN, and evaluation of the financial model of the NLCA. The NLCA Executive committee was charged with responsibility for this initiative.
  - The NLCA Executive Committee prepared a request to the NCSBN Board of Directors for funding a NLC Director/Administrator at the February Board of Directors meeting. As a result, the proposal was granted, a NLC Associate Position was created, and Jim Puente was hired into the position. The request and documentation of the need is housed in the permanent records of the NLCA and a copy is attached to this report.
  - The Board of Directors of NCSBN committed to further discussions regarding the current structure and relationship of the NLCA to NCSBN and all member boards.
  - The NLCA and the NCSBN Board of Directors met face to face May 26-27, 2009. The purpose of this meeting was to assess the current relationship between the NCSBN and the NLCA and to begin exploring possible future options. A joint communication was sent to all members of NCSBN on June 5, 2009 with a summary of the meeting, advantages and disadvantages of several ideas that were proposed, and a proposal for a new structure that would require a bylaws revision to be discussed with the membership of both organizations. This discussion is in process at this time.
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**STRATEGIC INITIATIVE #4: Facilitate the exchange of information relating to the Nurse Licensure Compact.**

**4A: New party state(s) have the necessary information and resources to successfully implement and maintain the Nurse Licensure Compact.**

- Tactics and activities related to this outcome included the continuation of a mentoring program for new compact administrators, maintenance of a repository of information for access by member boards, and provision of a mechanism for questions to be asked and answered on a consistent basis.
- A Mentor Evaluation subcommittee was appointed to evaluate the efficacy of the program and to make recommendations. This committee was appointed March 2, 2008, and consisted of Myra Broadway, Mark Merrill, and Melinda Rush. A report of this committee will be presented at the August 11, 2009, NLCA meeting.
- A committee was also appointed on March 2, 2008 to review and update the NLCA frequently asked questions (FAQ) document. Connie Kalanek, Allison Kozeliski, and Myra Broadway served on this committee. The work of this committee was completed and the current FAQ document was approved by the NLCA at the May 11, 2009 meeting. A copy of this document is attached to this report and can be found on the NLCA website.
- An updated version of the Party State Compact Implementation Plan will be reviewed by the NLCA members at the August 11, 2009 meeting.

**4B: Promote transparency between states that operate a single state licensure system and those that offer both a single state and a multi-state system.**

- Tactics and activities to accomplish this outcome included: development of a public records policy, hosting facilitated focus groups, issuance of invitations to open meetings, publishing an annual newsletter and annual report of activities, development of research and briefing papers to address specific issues, and development of a statement of partnership principles as a process for developing relationships and mutual understanding.
- The NCSBN Board of Directors took action to host focus groups consisting of representation from single and multi-state licensure states. Therefore, the NLCA decided not to duplicate this effort. The NLCA Chair participated in the focus groups that were held on January 18, 2008 and February 21-22, 2008. A report of the focus groups was distributed to all members of the organization by NCSBN. As a result of the focus groups, a Uniform Core Licensure Committee consisting of representation from single and multi-state licensure states was formed.
- Invitations to attend the NLCA meetings are routinely sent to all member boards. Additionally, we are providing agenda materials as well. Audio recordings of the telephone conference call meetings are now available to all members of NCSBN for 30 days following the meetings.



- A policy (2.10) was developed and adopted on May 12, 2008 to address communication and clarification of incorrect information that has been distributed by other entities. This policy is found on the NLCA website. The proposed Partnership Principles policy has not been finalized.
- The newsletter has not been published as identified to date and will now be the responsibility of the NLC Associate to coordinate.

Thank you for the opportunity to serve in the capacity of Chair of the NLCA for the past four years. I will address any questions that you may have regarding this report at the August 11, 2009, NLCA meeting.

Respectfully submitted

A handwritten signature in cursive script that reads 'Gloria Damgaard'. The signature is written in black ink on a light green rectangular background.

Gloria Damgaard, Chair, NLCA  
Executive Director, SD Board of Nursing