

Nurse Licensure Compact Update

34 States Enact the Nurse Licensure Compact: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming have enacted the enhanced Nurse Licensure Compact (NLC). Alabama, Indiana and New Jersey passed the Compact in 2019. Alabama implemented on January 1, 2020, New Jersey partially implemented on March 24, 2020 and Indiana implemented on July 1, 2020. New Jersey plans full implementation in 2021. New Jersey is allowing nurses who hold active, unencumbered, multi-state licenses issued by members of the Nurse Licensure Compact to practice in New Jersey under their multi-state licenses. For more information, see:

<https://www.njconsumeraffairs.gov/nur/Pages/applications.aspx>
<https://www.ncsbn.org/nurse-licensure-compact.htm>

Pending Legislation: The status of pending bills was presented at the January 6, 2020 meeting of the NLC Commission. The Covid-19 pandemic resulted in remote meetings of state legislatures or, in some cases, no meetings. A few bills are carried over to the 2021 legislative session but several will be reintroduced. It is expected that bills will be carried in this session in the following states/territories: Alaska, California, Guam, Illinois, Massachusetts, Michigan, Nevada, Ohio, Oregon, Pennsylvania, Vermont and Washington state.

APRN Compact legislation is expected to be filed in Idaho, North Dakota and Delaware.

The Commission of Interstate Nurse Licensure Compact Administrators

The Interstate Commission of Nurse Licensure Compact Administrators (ICNLCA) is the governing body of the eNLC. They are authorized by law to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. They are also empowered to adopt bylaws to conduct the operations of the Commission. The Commission meets face to face preceding the NCSBN Annual meeting and NCSBN Midyear meeting. The Commission also meets several times a year by teleconference to conduct ongoing business. The Commission met face to face virtually on August 11, 2020 and by virtual conference on January 5, 2021.

Members of the Commission's Executive Committee can be found at the following website.

<https://www.ncsbn.org/nurse-licensure-compact-administrators.htm>

New Rules

The Commission has adopted rules three times since implementation of the NLC. The third set of proposed rules were considered and approved by the Commission at the August 2020 virtual meeting. These proposed rules are effective Jan 1, 2021. These rules include Rule 408 (Federal Criminal Records), Rule 409 (Active Duty Military Personnel or Their Spouses) and Rule 502 (Dispute Resolution). All Compact rules adopted by the Commission can be found at:

<https://www.ncsbn.org/nlcrules.htm>

Resources

Members can familiarize themselves with the governance and processes of the NLC via a number of resources, including FAQs <https://www.ncsbn.org/13627.htm> videos <https://www.ncsbn.org/nlc-videos.htm> , Tips of the Week <https://www.ncsbn.org/13615.htm>.

Making Travel Nursing Easier with a Multistate License Video: This new video teaches travel nurses how the Nurse Licensure Compact and multistate licenses pertains to them. It provides primary state of residence requirements as well as pitfalls to avoid and other helpful information.

<https://www.ncsbn.org/14979.htm>

APRN Compact

Three states have passed and enacted the APRN Compact: Idaho, North Dakota, and Wyoming. Due to lack of progress and failure to reach the critical mass needed for implementation, changes were proposed to the NCSBN Delegate Assembly August 12, 2020 to increase the likelihood of adoption by states. These changes were approved. They include:

- In keeping with compact law it will be made clear that the compact will supersede all ancillary supervisory provisions in state law. Ancillary provisions require physician supervision over an APRN.
- Decrease the number of states required for the compact to become effective from 10 to seven. The three states that have already passed the APRN Compact will not be grandfathered and will be required to enact the new legislation. The COVID-19 pandemic has illustrated the need for state-based APRN license portability solutions to be enacted as quickly as possible. By reducing the number of states needed for the compact to become effective from 10 to seven, the recommendation answers the need for urgency in a licensure portability solution for APRNs.
- Include uniform licensure requirements: role, population, certification, licensure, education, and state and federal criminal background checks. An APRN enrolled in an alternative to discipline program is not eligible for a multistate license.
- Maintain uniformity with the NLC regarding criminal background: Deny a multistate license to an applicant who has been convicted or found guilty or has entered into an agreed disposition of a felony offense. Deny a multistate license to an applicant who has been convicted or found guilty or has entered into an agreed disposition of a misdemeanor related to the practice of nursing. This is in uniform with the Nurse Licensure Compact.
- 2,080 hours of practice (equivalent to one-year full-time practice) as a requirement for a multistate license.
- Maintains full practice authority for APRNs practicing under the compact. The vast majority of APRNs will meet the experience requirement upon implementation of the compact. The pace of growth for telehealth continues to grow exponentially — health care professionals across the country are recognizing the need for interstate compacts to increase access to care.
- Include requirement that an APRN applicant has successfully passed a national certification examination that measures APRN, role and population-focused competencies and maintains continued competence as evidenced by recertification in the role and population focus through the national certification program.
- Amend the compact to include an affirmative statement that the compact has no jurisdiction over the single-state license, and an individual can elect to apply for a single-state license even if they qualify for a multistate license.
- Allow prescribing of noncontrolled substances. Controlled substances will continue to be regulated under state law.
- Additional recommendations: 1) Provide the Commission power to issue advisory opinions; 2) Clarify the definition of party state laws and encumbrance; and 3) Revise the “findings and declarations” to address the wide range of actors who benefit from the compact.

An article on the recently adopted changes to the APRN Nurse Licensure Compact was published in the October 2020 issue of the Journal on Nursing Regulation, Volume 11, Issue 3. The article is entitled, *Mobility on Deck for Advanced Practice Registered Nurses* by Nicole Livanos, JD, MPP.

Texas Compact Statute

The Texas NLC Statute can be found at:

https://www.bon.texas.gov/laws_and_rules_nursing_practice_act.asp