



# Nurse Licensure Compact: Teaming Together to Manage Complaint Investigations & Discipline Across Jurisdictions

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# Today's focus/objectives

- Discuss Nurse Licensure Compact (NLC) concepts & key definitions
- Understand NLC statutes, rules and policies governing complaint investigation & licensure discipline
- Using case study(s), discuss NLC complaints, investigations & discipline: how does it work?

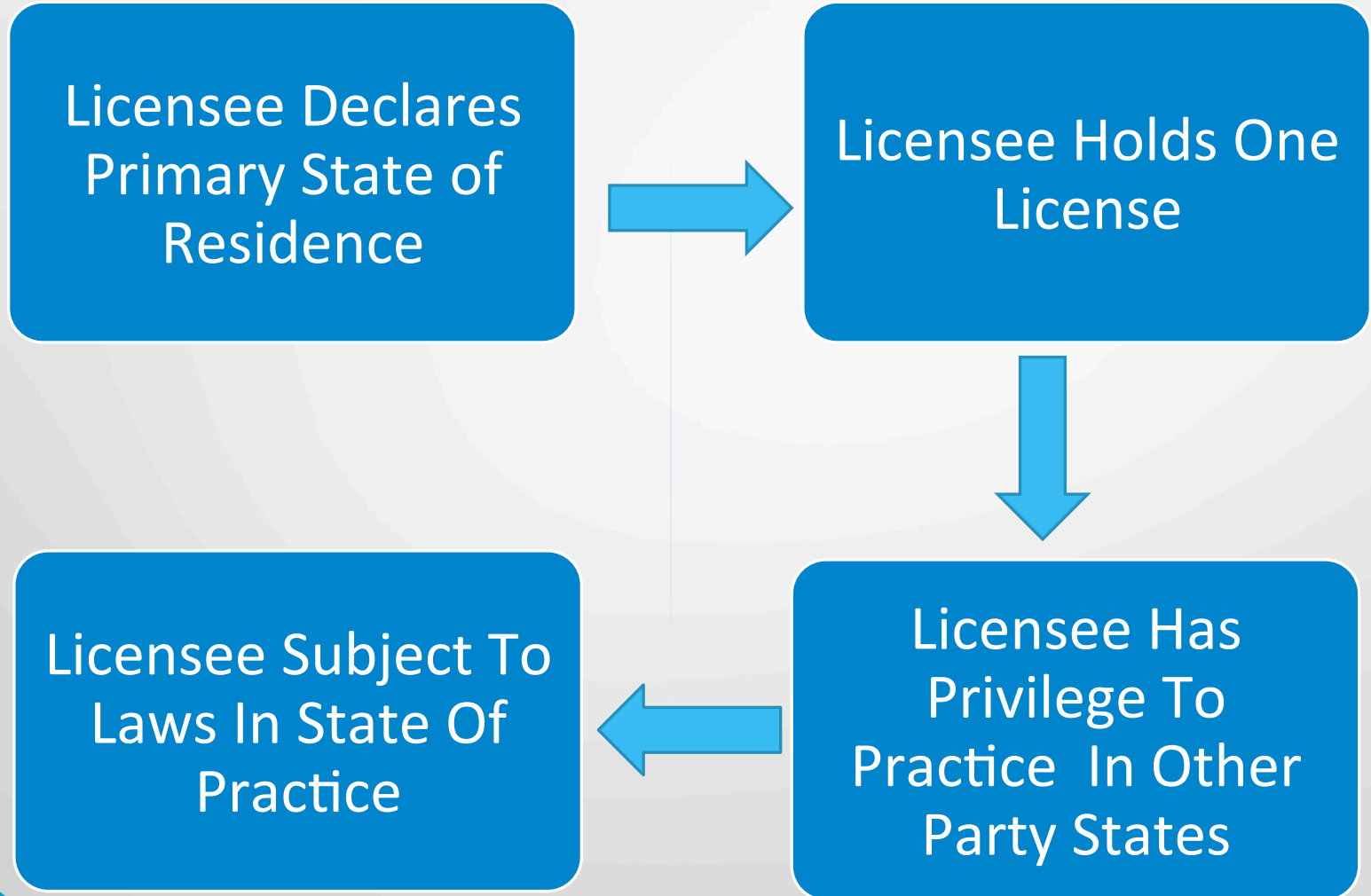
# Nurse Licensure Compact Concepts

State-based  
License

Nationally  
Recognized

Locally  
Enforced

# NLC Mutual Recognition



# Nurse Licensure Compact

NLC is an interstate compact, a statutory agreement between party states

- If eligible, licensee holds one multistate license issued by primary state of residence (PSOR)
- Multistate license permits the nurse to practice in other compact states, both physically and remotely, while complying with other state's laws

# Multistate licensure privilege

Current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as: revocation, suspension, probation or any other action which affects a nurse's authorization to practice.

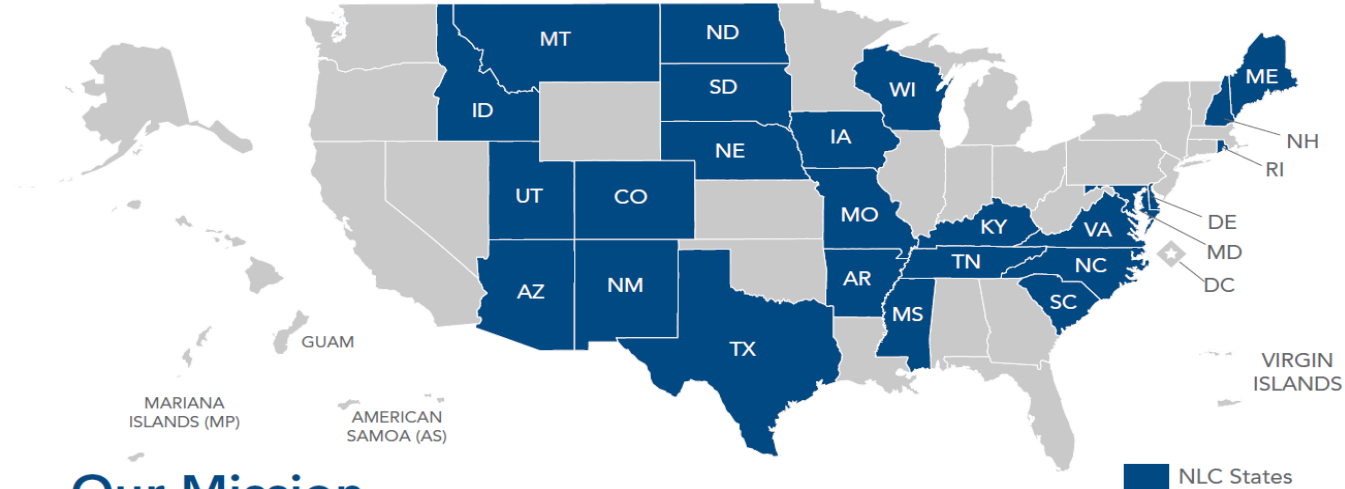
NLC Art. II

# License issued by PSOR



Comply with laws in the state of practice

# 25 NLC Participating States



## Our Mission

The Nurse Licensure Compact advances public protection and access to care through the mutual recognition of one state-based license that is enforced locally and recognized nationally.



# NLC key definitions

Home state: Party state which is the nurse's primary state of residence (PSOR)

Party state: Any state that has adopted the NLC

Remote state: Party state other than the home state:

- Where the patient is located at the time care is provided or
- If not involving patient care, where the recipient of nursing practice is located

# Why Nurse Licensure Compact?

- Healthcare environment is rapidly changing: telehealth and other means of delivering health care remotely is increasing which may necessitate practice across state lines
- Patients are mobile. NLC facilitates care continuity for patients regardless of location
- Reduces regulatory requirement for licensure in each state of practice. Nurses can practice in multiple states with one license while being held accountable to laws in state of practice

# NLC Key Provisions

## Subject

Information Sharing



## Provision

All compact states provide licensure, discipline and significant investigative information in a coordinated licensure system (NURSYS<sup>®</sup>)

# NLC Complaints, Investigations & Discipline: How does it work?

## Case Study

WI RN working in AZ. Reported to AZBN alleging impaired on duty and diversion of controlled substances. Tested positive for multiple drugs.

# Conducting investigations: NLCA Policy 5.1

Investigations may be conducted by either the home state, remote state or both:

- The party state receiving the initial complaint shall conduct an initial inquiry, determine residency of respondent, establish the location of incident(s), and open the case if warranted.
- If the party state receiving initial complaint is not the home state, the home state shall be contacted to determine which state will take the lead. The investigating state shall provide the other state with the complaint ...

# Initial inquiry

Several witnesses documented behavior consistent with impairment on duty.

Case deemed to meet AZBN criteria for priority 1 case, high risk for harm. Case opened and assigned.

WI contacted: Complaint had not previously been submitted to WI. Decision made for AZBN to take investigative lead. Notice of significant investigation posted in Nursys.

# What is current significant investigative information?

Information that indicates a nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

- ✓ Upon determination of current significant investigation must post notice [alert] of investigation in Nursys
- ✓ Must remove notice [alert] within 10 days of action

# Conducting investigations

One state, preferably the state where the incident occurred, shall take the lead in conducting the investigation, but other party state(s) may conduct an investigation simultaneously in collaboration with the lead state.



# Investigative decision points: Which state will take investigative lead?

- What is the patient/public risk?
- Access to witnesses?
- Access to respondent?
- Ability to obtain documentary evidence?
- Ability to timely process case?

# Case study findings

## Witness #1 interview:

Respondent changed Dilaudid PCA on pt. assigned to other RN more than once including when not due.

Left unit with Dilaudid PCA cartridge, unable to be located resulting in other staff caring for her pts.

Upon return to unit, was unable to focus and had difficulty keeping eyes open. Prior occasions in which Respondent asked others to cosign waste not witnessed.

# Case study findings

## Witness #2 interview:

After Respondent was taken for drug testing, found (4) half used vials of controlled medications in a patient's room, hidden in a box of gloves.

## Witness #3 interview:

Observed Respondent drop a vial of Dilaudid, step on it, breaking it and resulting in a "waste." Left unit several times, behavior different upon return. Droopy eyes, slow, slurred speech, walking into walls.

# Case study findings

## Witness #4 interview:

Described Respondent as “patient safety scary.” Unable to walk a straight line, slow and exaggerated movements; stammered, unintelligible murmuring; unable to keep eyes open; emotional, inconsolable crying and laughter. Denied she stole drugs but told the phlebotomist she had taken Narcan.

## Acu-Dose review:

Multiple unexplained transactions/removals involving Morphine, Dilaudid, Ativan and other controlled drugs.

# Case study findings

## Respondent interview:

MVA in 2007 – 6 year hx of chronic pain & treatment including prescribed controlled medications

Denied she diverted/misappropriated controlled drugs

Admitted she was impaired on duty. Asserted she self-administered “her friend’s” medications without a prescription.

# Case outcome

- Offered and declined the option of voluntarily surrendering her privilege to practice in Arizona. Case scheduled and notice of probable “Summary (Emergency) Suspension” sent to Respondent.
- Signed a Consent Agreement for stayed revocation/suspension of PTP. Discipline reported to Nursys, notice of significant investigative info removed. WI provided with copy of entire case file.

# Conducting investigations, continued

When a remote state conducts an investigation, the investigative information shall be transmitted to the home state for consideration of licensure action. The remote state may take action on the privilege to practice (PTP).

# Impact of remote state action?

- Affects only the PTP in the remote state and not the home state license
- Nurse may practice in another party state or home state
- The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action



# Home state versus remote state action

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. NLC Art. V (c)

Home state action affects ability to practice in all party states.

# Discipline decision points: action against license versus PTP

- Risk or harm to patients/public
- Current status of nursing practice
- Mobility of licensee going state to state
- Timeliness and impact of licensure action for other jurisdictions

# Monitoring multi-state practice of licensees under discipline or ATD program

Required to adhere to the original order and directives regardless of where practicing

- If a violation occurs, the state determining that the violation shall immediately notify the other state
- The home state and the remote state shall determine which state shall initiate action
- The home state & remote state shall determine if the nurse may continue remote state employment
- The state taking action on the violation shall notify the other state of the final action taken



The rest of the story .....

# True or false:

When taking action against the privilege to practice, the remote state is limited to only revocation or suspension of privilege to practice.

# False or incorrect!

Remote state action: Any administrative, civil, equitable, or criminal action permitted by a remote state's laws...including actions against an individual's multistate privilege to practice in a remote state, and cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof.

NLC Art. II (I)

True or false:

An endorsement applicant declaring a new PSOR and currently under investigation in another party state is eligible for licensure in the new home state?

# False!!

## Requirement to query Nursys:

- When a party state receives an application for licensure, Nursys shall be queried... Article IV (A)
- When a licensee is under investigation in another compact state, the application shall be held in abeyance

NLCA Policy 4.4



# Impact of licensee changing PSOR during an investigation?

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 coordinated licensure information system.

Article V (B)

# Multistate practice of licensees under discipline or alternative program

A licensee who is under a disciplinary order or agreement that limits practice or requires monitoring or has an agreement with an alternative program may not work in a remote state without prior written authority of both states.

NLCA Policy 5.3

# Discipline or participant in alternative program

Required to obtain written permission to practice in another party state

- Request permission from home state
- Home state reviews and determines if employment is consistent with the terms of the order or agreement
- Permission, if approved, is in writing
- Request written permission from remote state

# True or false?

An endorsement applicant declaring a new PSOR and whose license in any other party state has been surrendered, revoked, suspended and is not eligible for licensure in the prior state or, is currently subject to probation is not eligible for multistate licensure in the new home state?

# True!

The individual that has a license or privilege **encumbered** by adverse action in another party state may be issued a *single state license* in the new state of residence at the jurisdiction's discretion. Prior to issuance of a multistate license, the current state shall determine eligibility for licensure in the prior state where the discipline occurred. Once eligible for licensure in the prior state(s), MSL may be issued.

NLCA Policy 3.8

# Identifying a single state license

A license issued by a party state authorizing practice only in that state and not authorizing practice in other party states shall be clearly identified as valid only in the state of issuance.

NLCA Policy 3.1

# Case scenario: Endorsement Applicant

Surrendered license in a compact state(s),  
applying for licensure in another compact state.

## Decision points:

1. If determined by new home state to be eligible for licensure, may be issued single state license only
2. Upon receipt of evidence individual is eligible for unencumbered license in prior state(s) of action, may be issued multistate license

True or false?

Remote state PTP action is not available in Nursys because the remote state does not have authority over the license.



**False!**

Privilege to practice discipline is entered into Nursys, using similar violation reporting codes as used for licensure action.

# Enhancing understanding of NLC

## Education, education, education.....:

Board, investigative and legal staff

Employers, nurses, public, attorneys

- ✓ Confirm current licensure with PSOR and/or NURSYS
- ✓ Identify PSOR and when licensure is required in new home state
- ✓ Where and how to report alleged violations and misconduct

# NLC benefits for boards of nursing

- Ability to share complaint and investigative information throughout the investigative course
- Shared responsibility for patient safety not governed by geographical boundaries
- Shared commitment to improving our collective ability to protect patients

# Benefits for boards of nursing ....

- Multiple states working together to assure patient safety
- Ability to locate, isolate or limit ability to practice on privilege to practice
- Reduces duplicative board actions
- Uniform statutes, rules and policies applicable and enforceable to all compact states

Arizona is known  
for the five C's.

What are they?



# NLC investigations and discipline involves C's as well!

Key elements to appropriate complaint investigation regulatory decision-making requires:

- Communication
- Cooperation
- Collaboration
- Commitment

# Questions?

Resources:

[www.ncsbn.org/compacts.htm](http://www.ncsbn.org/compacts.htm)

[www.nursys.org](http://www.nursys.org)

[www.nursys.com](http://www.nursys.com)

## Thank you!