IMPLEMENTING THE NLC, OVERSIGHT OF NURSING PRACTICE & OTHER REGULATORY BURDENS FOR NURSE LEADERS

Louisiana State Board of Nursing
Dr. Karen Lyon, CEO
LONE Spring Conference, April 26, 2019
OBJECTIVES

- Discuss implementation of the Nurse Licensure Compact (NLC)
  - Conversion process
  - NURSYS
- Identify LSBN rule changes enacted in 2018
- Explore nurse administrators’ responsibility for practice oversight and reporting.
TRANSITIONING TO THE NLC

- https://www.youtube.com/watch?v=kx9mqnGAJSSs&feature=youtu.be
FAQS

- Do I need a multistate license?
  - Eligibility

- How do I convert my single state license to a multistate license?

- What about APRNs?
  - RN conversion
  - Is there an APRN compact?

- Differentiating single state and multistate licenses

- What about licensure renewal?

- What about temporary licenses/permits?
Navigating the Nurse Licensure Compact: Initial Licensure by Examination for New Graduates

Is your primary/legal state of residence (PSOR) a compact state? (This is the state in which you hold a driver's license, are registered to vote, and/or file federal income tax)

No

You may be eligible for a Single-state License

Apply for licensure by examination in any one state of choice

Follow the NCLEX examination steps

Apply for licensure with one Board of Nursing (BON)

Register with Pearson VUE (see candidate bulletin)

Receive results from BON

Your new single state license grants privilege to practice in only the state of issuance (other single-state licenses may be acquired via licensure by endorsement)

Yes

Apply for licensure by examination in your primary state of residence (PSOR)

You may be eligible for a Multi-State License

Receive an Authorization to Test (ATT) via letter or email from Pearson VUE

Schedule an exam with Pearson VUE via website or telephone

Your new multi-state license grants the privilege to practice in all NLC states contingent upon remaining a resident of the issuing state
Navigating the Nurse Licensure Compact: Licensure by Endorsement

When declaring a new primary state of residence (PSOR) or obtaining a license in another state:

Is your new primary state of residence (PSOR) a member of the Nurse Licensure Compact?

No

Apply for licensure in the desired state.

You may not practice in a non-compact state until you receive a temporary or permanent license.

You may hold multiple licenses for non-compact states.

Your new single state license is valid for practice only in the state of issuance.

Yes

Apply for RN or LPN license in your new primary state of residence.

Upon establishing residency, you may continue to practice in the new state with the former state multistate license only until the multistate license in the new PSOR is issued.

Your former license will be inactivated upon receipt of a new home state license.

Your new multistate license grants the privilege to practice in all NLC states contingent upon remaining a resident of the issuing state.

Yes

Was your previous PSOR a compact state?

No

Apply for an RN or LPN license in your new primary state of residence.
What Nurse Employers Need to Know

Background

- The NLC allows a nurse (registered nurses [RNs] and licensed practical/vocational nurses [LPN/VNs]) to have one multistate license in the primary state of residence (the home state) and practice in other compact states (remote states), while subject to each state’s practice laws and discipline.
- Lawful practice requires that a nurse be licensed or have the privilege to practice in the state where the patient is located at the time care is directed or service is provided. This pertains to in-person or telehealth practice.
- Nurses holding a multistate license are allowed to practice across state lines in other NLC states. However, a multistate license may be converted to a single state license when practice is limited to the home state due to a restriction on the license or some level of disciplinary action.
- Advanced practice registered nurses (APRNs) are not included in this compact. APRNs must apply for APRN licensure in each state in which they practice, unless exempted when employed in a federal facility.

Employer Confirmation of a Nurse’s Licensure Status

- Employers can confirm a nurse’s license and receive a Nursys QuickConfirm report at www.nursys.com at no cost. The report will contain the nurse’s name, jurisdiction, license type, license number, compact status, license status, expiration date, discipline against license and discipline against privilege to practice. Employers can also view an individualized authorization to practice map which displays the states where a nurse can legally practice.
- All NLC states provide licensure and discipline data to Nursys® directly from the board of nursing (BON) licensure systems. Nursys is primary source equivalent.
- To confirm APRN and temporary licenses, visit the issuing BON website. A temporary license issued by a compact state is valid in that state only and does not carry multistate status.

Licensure and Privileges

- A nurse licensed in a compact state must meet the uniform licensure requirements in the primary state of residence (home state). When practicing on a privilege in a remote state, the nurse is accountable for complying with the nurse practice act of that state.
- A single state license may be issued to an applicant residing in a noncompact state. A license issued by a noncompact state is valid only in that state.
- The NLC permits a nurse to hold one active multistate license issued by the primary state of residence.
- When a nurse is hired in a remote state for a temporary position or commutes to the remote state from the primary state of residence (usually an adjacent state), employers cannot require the nurse to apply for licensure in the remote state when the nurse has lawfully declared another state as the primary state of residence. This is based on where the nurse pays federal income tax, votes or holds a driver’s license. The BON cannot issue a license to a nurse who has declared another compact state as the primary state of residence unless the nurse doesn’t meet the multistate license requirements and is limited to a single state license.

Discipline

- It’s the responsibility of the nurse to notify the employer of any action taken by the BON against his or her license.
- Under most circumstances, when a license is disciplined, multistate privileges are removed, restricting the nurses’ practice to the home state.
- Employers may register their nursing workforce in e-Notify at nursys.com at no cost. Employers will receive e-notifications of disciplinary action taken on any license the nurse holds in the U.S.

Unlocking Access to Nursing Care Across the Nation

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312.525.3601 www.ncsbn.org/nlc

facebook.com/NurseLicensureCompact  @NurseCompact
What Nurse Leaders Need to Know

Introduction
The Nurse Licensure Compact (NLC) allows a nurse (registered nurses [RNs] and licensed practical/vocational nurses [LPNs/VNs]) to hold one multistate license in the primary state of residence (the home state) and to practice in-person or telephonically in other compact states (remote states), while subject to each state’s practice and discipline laws. Advanced practice registered nurses (APRNs) are not included in the NLC.

Accountability for Nurse Licensure
Health care facilities are accountable to accreditation bodies, regulatory agencies, payers and malpractice carriers for ensuring that nurses under their employment are appropriately licensed. Such entities have penalties associated with non-compliance in this area.

Confirmation of Nurse License Status
Employers can confirm a nurse license and view a Nursys® QuickConfirm report at www.nursys.com at no cost. The report contains the nurse’s name, state, license type, license number, compact status, license status, expiration date, discipline against license and discipline against privilege to practice. Employers can also view an individualized authorization to practice map which displays the states where a nurse can legally practice.

It is recommended that a facility's employed nurses are registered in e-Notify at www.nursys.com so that the facility will receive automatic updates when a nurse is disciplined or has a license status change for any license the nurse holds.

Where Practice Takes Place
Lawful practice requires that a nurse be licensed or have the privilege to practice in the state where the patient or recipient of practice is located at the time nursing service is provided. This is not to be confused with the state where the patient resides because the patient may not be located in the state of residency at the time practice occurs.

Multistate Health Care Systems
A nurse executive with multistate responsibility for nurses practicing in various facilities, and who may provide guidance or direction to staff in these states, should be appropriately licensed in such states.

Telehealth
Telehealth is not limited to telehealth programs or sophisticated telehealth technology. Rather, telehealth practice may be any communication between a nurse and a patient, for example, by phone, email or text, wherein a nurse is practicing (see definition of nursing practice below). When the patient is located in another state during the telephonic encounter, the nurse should be appropriately licensed or hold the privilege to practice via a multistate license, in the state where the patient is located at that time.

How is Nursing Practice Defined?
Many state boards of nursing will generally define nursing practice as some variation of "when a nurse utilizes his or her education/knowledge, skills or judgment/decisionmaking."

Travel Nurses
When a nurse is on a travel assignment at a facility and the nurse who holds a multistate license has a primary state of legal residence in the compact home state, that nurse is able to practice in the remote compact state under the multistate privilege to practice as long as the nurse maintains legal residence status in the home state. Should this nurse’s residency status change and the state where the facility is located becomes the new home state, then the nurse must immediately apply for license by endorsement in the new home state.
Enroll NOW in the most reliable and efficient nurse licensure notification system available.

Nursys e-Notify® delivers real-time notifications about nurse licensure status including multistate and single-state changes within the enhanced Nurse Licensure Compact. Additionally, expirations, renewals and disciplinary actions are delivered right to your inbox automatically.

Nursys is the only national database for verification of nurse licensure, discipline, and practice privileges for RNs and LPN/VNs provided directly by participating boards of nursing (BONs) and designated by them to be primary source equivalent.

Once you have registered your organization and provided nurse data, you’ll automatically be notified of nurse licensure expirations, upcoming renewals and any discipline action from your state and others. It’s all free of charge, provided as a patient safety initiative by U.S. BONs and NCSBN.

Learn more, watch a video demo, or enroll for this free service at nursys.com.
A. Pursuant to R.S. 37:1018-1020, et seq., all health care entities licensed and/or certified by the Health Standards Section of the LDH including but not limited to those specified in §12703.B(1-25) shall register with the National Council of State Boards of Nursing’s (NCSBN) NURSYS e-Notify system and provide required nurse data for collection of aggregate data from employees on the number and geographic representation of registered nurses and licensed practical/vocational nurses employed in Louisiana who are practicing nursing pursuant to either a multi-state license or a single state license as determined by the Louisiana State Board of Nursing (LSBN) and the Louisiana State Board of Practical Nurse Examiners (LSBPNE).

D. The report shall be completed prior to a registered nurse or licensed practical nurse furnishing any nursing services in this state. Failure of an employer to submit this data to the board shall not be a basis for disciplinary action against or restriction of the multi-state license of any nurse or licensed practical nurse.

E. The governing body of the health care facility or agency licensed by the department shall be responsible for the development, implementation, and enforcement of policies and procedures related to §12705.A-D, as applicable to the facility or agency.
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Chapter 34, Section 3419 - LSBN updated terminology regarding substance use disorders. The medical term has changed from "Chemical Dependency" to “Substance Use Disorder, Mild, Moderate or Severe” according to the Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM 5), Edited and Published by the American Psychiatric Association in 2013. LSBN also corrected a language error that is currently present in the administrative rules. The error reads, "No substitution of narcotic medications destined for patients for the purpose of diversion." This statement will be removed from the Louisiana Administrative Code since suboxone, an opioid medication, is used to treat narcotic (opiate) addiction.

Chapter 33, Section 3331 - Louisiana Revised Statute 14:2(B) enumerates the crimes of violence by which LSBN has aligned proposed rule changes for applicants that apply for licensure, licensure by endorsement, reinstatement, or the right to practice as a student nurse set forth in 3331. LSBN has more broadly enumerated violations that will be considered for denial and delay of nursing licensure. The scope became broader by allowing the Board to use its discretion in determining the number of years that a nursing applicant for licensure, licensure by endorsement, reinstatement, or the right to practice as a student nurse shall be delayed or denied approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course. The LSBN has changed the timeframe from a required minimum of five years to up to five years at the discretion of the Board.
Chapter 34, Section 3415 - The Louisiana State Board of Nursing in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., and through the authority granted in R. S. 37:918 is proposing rule changes to Chapter 34. Disciplinary Proceedings; Alternative to Disciplinary Proceedings, Section §3415. Reinstatement of License under Title 46, Professional and Occupational Standards, Part XLVII. The proposed changes are listed below:

(1) The RN and/ or APRN will be able to submit an application for reinstatement if his/her license has been revoked, but the application will not be considered for reinstatement if:

   (a) The license has been revoked permanently;

   (b) The license has been declared revoked permanently; or

   (c) It has been less than 5 years since the date of the Board’s revocation order became a final judgement.
Chapter 34, Section 3405 - The LSBN is adding clarifying language to the definition of “revoke” regarding the licensure of Registered Nurses (RNs) and Advanced Practice Registered Nurses (APRNs) in Chapter 34, Section 3405 of the administrative rules. Amendments to the definition of “revoke” include language allowing for the reinstatement of a revoked license 5 years after revocation of a license. The revised definition aligns with recent changes in Chapter 34, Section 3415 of the administrative rules, which modifies the reinstatement of licenses process for RNs and APRNs. The changes in Chapter 34, Section 3415 allow for the RN and/or the APRN to submit an application for the consideration of reinstatement by the board if his/her license has been revoked. The rule changes to Chapter 34, Section 3415 were published October 20, 2018.

Additionally, the proposed rule changes amend the definition of “suspend” regarding the licensure of RNs and APRNs, implementing a maximum cap on license suspensions of 3 years. Under the prior definition, the LSBN could suspend licenses indefinitely. The revised definition further clarifies the powers of an RN or APRN under license suspension.
(14) "Registered nursing" means the practice of the scope of nursing which is appropriate to the individual's educational level, knowledge, skills, and abilities, including:

(a) **Assessing the health status of an individual or group of individuals.**
(b) Establishing a nursing diagnosis and identifying health care needs, or both.
(c) Establishing goals to meet identified health care needs.
(d) Planning nursing care measures.
(e) Implementing nursing care through such services as case finding, health instruction, health counseling, providing care supportive to or restorative of life and well-being, and executing health care regimens as prescribed by licensed physicians, dentists, or other authorized prescribers.
(f) Delegating nursing interventions to qualified nursing personnel in accordance with criteria established by the board.

(g) **Maintaining nursing care rendered directly or indirectly.**
(h) Evaluating human responses to interventions.
(i) Teaching the theory and practice of nursing.
(j) **Managing and supervising the practice of nursing.**
(k) Collaborating with licensed physicians, dentists, and other health care providers in the management of health care.
(l) Performing additional acts which are recognized within standards of nursing practice and which are authorized by the board.

(15) "Registered nurse" means any individual licensed under this Part to engage in the practice of nursing as defined in Paragraph (14) of this Section.

(16) "Student nurse" means any individual who is enrolled in an approved program preparing for licensure as a registered nurse.

RS 37:913
1. Collection and recording individual’s health status
2. Analysis of health status data
3. Priorities and actions for nursing care
4. Implementation of nursing care plan
5. Evaluation of nursing care plan
6. Continuous process of reassessment and modification
7. Professional performance