

Fireside Chat: Q&A Interview and Dialogue About the NLC Video Transcript
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of nursing. And all of these various state boards of nursing have similar attributes, that's evolved over many, many years.

And of course, one of the most important of the 11 that we never stop and think about sometimes is the very first one. And that is you continue to follow all of your other state licensure requirements plus these, if that makes any sense.

And that, I think that was important to all the states.

- So you're saying for an applicant in a Compact state, they not only need to meet the Uniform License Requirements that the Compact requires, but they also have to meet that state's requirements for licensure?

- Absolutely. Every nurse making initial licensure request or endorsing in has to meet the home state's requirements, and if they want that multi-state license, they've got to meet Uniform License Requirements set out in Article three.

- I see. So it sounds like this Compact brings about some uniformity when it comes to license requirements to obtain a multi-state license. What do you think are some of the...? You talked about states, each state doing their own thing, having their own requirements.

What are some of the key differences from states that if they had to come to an agreement on common requirements, what are some of the outliers? What are some of the things that differed between states that they had to, you know, accept for better or for worse a common term?

- Well, right off the bat, there were a variety of things, but right off the bat, criminal background checks. I mean, if you go back 18, 19, 20 years ago, virtually no states were requiring criminal background checks. That was sort of the initial incubation period of when started looking at it.

And so if you're going to join this and you're going to provide for your nurses to have the opportunity to have a multi-state license, they're going to have to do a criminal background check. So that was something new for them. We all had English proficiency requirements and foreign education requirements, but one of the things, if you were going to join the Compact, these things have to have an independent verification process.

And I think most states were probably doing that already, but there were some states that were not. Other things that was agreed to in this was how to handle that initial licensure process. And especially, looking at criminal background checks.

You had states that were licensing nurses. Obviously, some of them were not doing criminal background checks. They might ask the question, "Have you ever committed a crime with a felony misdemeanor?" They worded them different ways, but they didn't do anything to back it up to see if the nurse was actually being candid on their application.

So with felonies and misdemeanors, especially misdemeanors related to 7pe7(1) T5 "Haved.12 792 out(1 t7h7(6)6(200

So, in other words, there's still that high level of public protection even though all states are agreeing to the same requirements.

- Exactly. And I would make the argument because this mandates a criminal background check for the

But the questio

- It sounds like the pardon may not help someone when it comes to removing a felony conviction from the record, but potentially, an expungement or a sealing will help maybe, depending on that particular state's laws. And it really sounds like you're saying there's a lot of variance from state to state with the impact or effect of an expungement or sealing of records.
 - Absolutely. And another aspect of it that is of no fault of the boards. You have some states that judges are hesitant to expunge, and you have other states where expungements come fairly easy, and that's just the luck of the draw.
 - Yep. Yeah. I think ideally you'd hope to never have to deal with that situation of having a felony conviction. Let me move on, as time is passing quickly, to another question that I have about alternative to discipline programs. And there are a couple of, I noticed, a few of the Uniform License Requirements pertaining to alternative to discipline programs.
- But I do think, for our audience, it's a term that many people don't understand, especially applicants for licensure may not understand alternative to discipline program. Especially because in many states the program goes under a certain acronym type of a name for the program.

That's a health issue. We don't discipline people with broken legs, broken arms. They've had to have stents placed in their heart. And to me, it never made sense to discipline someone with a mental health issue. So those are the programs that they're embarrassed as to what they are and what they do.

I think where it gets complicated for members of the Compact of those states that have no involvement with the program until the individual has been, so to speak, booted out of the program for non-compliance. But there are processes and procedures for dealing with that.

And I think that is probably Article 3, seems like, down around C-10 maybe, or 9. Maybe 9 and then 10. There is a bit of burden we place on the nurse. For the nurse that are in these programs, that the boards are not aware of, there is an obligation and a legal requirement.

Remember, this is statutory. There is a legal requirement for that nurse to report to the new state, the new primary state residents that he or she is already in an alternative discipline program in the state they're coming into. And so it's very, very important you put that question on your application and ask them on any applications, "Are you currently in?"

process, and we're not picking on Florida, it applies to all states. If that state doesn't complete that investigative process, there's nothing to send to Maryland.

Maryland has no ability at that point to take action against the license to protect the citizens of other states. That's very powerful. And the other thing, Florida or any other state should always remember, if you don't complete that process and get that to the home state, in this case, Maryland, what's to stop that individual four weeks later, unbeknownst to you, to drive right back into Florida?

He or she may think, "Well, look, hey, I got away with a lot of fentanyl." It's very popular right now. "Nothing happened to me. They stopped once I left that place of employment. I'm going back down, maybe this time I'll go down to the Florida Keys. I hear there's [inaudible] down and not really busy. Maybe I won't get reported."

They can come back on you. But remember it's, do unto others as you would want done to you. And ultimately, our jobs are to protect the public. So, complete that report. You're not going to have that many of them anyway. Complete it, put it together, contact Maryland, see exactly what they need, and send it to them.

- Fred, thank you so much. And I just want to reiterate what you said that the states we're using as examples are purely examples. None of this is intended to implicate any particular state. Thank you. We are out of time. I want to thank you for your guidance and expertise in this area, and for sharing your time with us.

We do have a few minutes left to take questions, and for that, I want to turn it back over to our facilitator, Lisa.

- [Lisa] Thank you, Jim. Thank you, Fred. If anyone has a question, please unmute yourself or you can type your question into the chat. Any questions out there? Check the chat.

Explore. Again, if anyone has a question, please unmute yourself, or you can type your question into the chat box.

We do have a question. Explain privilege to practice versus license?

- Well, privilege to practice is as close to licensure as you can get without actually having a specific license in that state. And what you're saying is in effect is that we're so comfortable with the licensing process, your ULRs in the state you're in, that we're going to let you work in our state on that license.

You're working on a license. But while they are practicing in the remote state, they are working under what the framers of this particular compact decided to call or identify that ability as the privilege to practice license.

And so it carries all the same rights and abilities as a license does. Remember, you've always got to meet the requirements of the state in which you're actually practicing in. But it carries exactly the same rights as you had in the other state.

As long as those rights are available in the particular state in which you're working, and that's where the patient's located. So there's not a lot of difference, legally, in the two, but as we noted in our discussion today, only the home state can take any kind of disciplinary action on the physical license because they're the one that issued it.

And interesting, I didn't touch upon it, and I'll try to be quick. I'm not noted for being quick. But remember, it's only the remote state that can, in some ways, take action against the privilege in their state. The home state should deal with the license. They have the ability to suspend the privilege to practice but they can't tell your state, the remote state, what to do to the privilege in that state.

It's up to that state.

- So, Fred, as I'm listening to this, I'm thinking of other words that might apply, and as I'm trying to piece it together, a license would give me the authority to practice in a state. If I wanted to work in a remote state, the privilege is my authority to practice in that state.

Would that be a good way, a correct way to say it?

- Yeah, that's a very good way of saying it. And it's there because state legislators and governors said, "As a matter of law, we're doing this and you have the right to do that. We're recognizing that."

- And earlier we were talking about the driver's license compact, and that's another place where I've seen the word privilege related to driving privileges and privileges being revoked or taken away. So you have a driver's license, but it seems that your ability or authority to drive in another state is a privilege that can be taken away.

But it authorizes you as long as you have it to drive in some other state. And it sounds like a parallel to this, when we use the word privilege to practice compared to privilege to drive. It authorizes you to do so, but it's something that can be taken away.

- Correct.

- Lisa, any other questions?

- Does anyone else have any questions? You can unmute yourself or type it in the chat. So, no more questions in the chat.

- Fred, I didn't want to cut you off there, did you have any closing comments?

- I would just say this on the privilege. I think it helps folks to think of it as a different layer of licensure. But with exactly the same rights as far as what you can and can't do, as long as that's allowed in the remote state you're working in.

Jim, it's not unlike when we have a national emergency. We just went through a horrific pandemic in this country. We're still dealing with it. All over the countries, Governors were lifting in certain areas licensure requirement to get nurses into hotspots and physicians.

- No more questions than that. Does anyone et