



POSITION STATEMENT

Multistate Practice

INTRODUCTION

Occupational and environmental health nurses (OHNs) and others in the nursing profession find it increasingly necessary to practice in more than one state in the provision of various nursing services including, but not limited to, telehealth services, consulting and communicating with providers in other states, and traveling to various work locations across the country or world.

To offer professional nursing services, the OHN must have proper state licensure, recognized endorsement or statutory waiver (typically limited to those working with the Veterans Administration or military service). A "license" is a legal document that permits the holder to offer special competencies and knowledge to the public in a particular jurisdiction, where such practice would otherwise be unlawful. Therefore, if a nursing assignment requires the OHN to "work" across state lines, the nurse may face a potentially serious legal challenge if not licensed to practice in that state since the Nurse Practice Act (NPA) for each state binds nurse licensure statutes.

The American Association of Occupational Health Nurses, Inc. (AAOHN) is keenly aware of the responsibility each state has for establishing and enforcing the licensure standards for health care professionals who provide health care services within that state. However, in a world of telecommunication and telehealth care, which is impervious to state borders, multistate licensure is essential.

AUTHORIZATION TO PRACTICE

Licensure: Multistate licensure becomes necessary when nursing services are provided across state lines, an increasingly common requirement in today's global, hi-tech and fast-paced work environment. To determine whether an OHN is affected by multistate licensure, it is necessary to know the nurse's particular employment situation. If an OHN is licensed and employed by a company located within a state of multistate licensure and does not have any workers out of state, it is unlikely the OHN will have multistate practice issues. However, if an OHN works for a company with out-of-state offices,

workers or worksites, it is necessary to determine the extent of the OHN's employment role and practice activities, which may extend across state borders.

Endorsement: Health care professionals who have an active license in one state are often permitted to secure a license(s) in another state through a process known as endorsement. The OHN who believes their practice crosses state boundaries may be the perfect candidate for state licensure reciprocity. This process can be time consuming, expensive, perplexing and yet the only option for nurses residing in states that are not part of the Nurse Licensure Compact.

Each state's NPA typically defines the term "professional nursing" as care requiring the specialized knowledge, judgment and competencies derived from the principles of biology and physiology, as well as behavioral, social and nursing sciences and research.

All nurses are advised to check their individual state NPA (www.ncsbn.org/boards.htm). Nursing actions may be legal and within the scope of the NPA in the state in which the OHN is licensed. But, the actions may violate the law of the state in which the worker client resides. Not obtaining a license to practice in the state and providing health care (personally or electronically) may constitute a civil and/or criminal penalty.

If any of the tasks fall within the definition of "professional nursing," the OHN must obtain the NPA for each state their activities affect. By reviewing each individual statute, the OHN may be able to determine the need to obtain licensure for other jurisdictions. It is very important that all nursing professionals continue to proactively monitor and influence regulations related to nursing practice acts and multistate practice including APRNs who must also be cognizant of any additional regulatory requirements when practicing across state lines.

CONSIDERATIONS FOR ADVANCED PRACTICE NURSES

For Advanced Practice Registered Nurses (APRNs) "each state independently determines the APRN scope of practice, the criteria for entry into advanced practice nursing and if national certification examinations are required" (AAOHN Position Statement Advanced Practice Registered Nurses in Occupational Health Settings (12/2013). Determining if the APRN is practicing as a RN or an APRN when working across state lines or globally would need to be decided on a case-by-case basis.

CONSIDERATIONS WHEN USING TECHNOLOGY

Telehealth: The practice of telehealth, which covers a broad variety of disciplines, uses any electronic signal to transmit health information from one site to another. This includes the transmission of such data by interactive video, videoconferencing, electronic or wireless communication or fax. For example, in a large occupational setting, it may not be surprising to see the OHN seek case consultation from a colleague miles away, receive managed care treatment approvals for workers covered by workers' compensation and provide case management services for a worker client in another state. Although telehealth technology continues to change the way health care is delivered and contributes to the ever widening boundaries of the OHN, there are principles in the delivery of care, which do not change:

- the basic NPA standards are not changed or altered.
- the OHN or health care professional cannot provide services that are not legal or authorized by the state NPA.
- the health and safety of worker clients and community must be ensured.
- worker client confidentiality must be maintained.

Refer to forthcoming AAOHN Telehealth Position Statement for additional information.

Mobile Health Technologies-mHealth: The development of mobile health technologies, referred to as "mHealth", is an area of study of the National Institutes of Health. Wireless and mobile technologies including mobile computing devices such as internet accessible cellular phones (e.g. smartphones) provide opportunities to impact public health and the delivery of health care. As this newer field of healthcare research and delivery develops, nursing practice will continue to evolve and nursing licensure must support the nurse in the delivery of care and service to workers, worker populations and community groups.

THE NURSE LICENSURE COMPACT (NLC)

According to the National Council for State Boards of Nursing (NCSBN) 2007, "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 physical and electronic), subject to each state's practice law and regulation. 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." (<https://www.ncsbn.org/nlc.htm>)

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. Since 1998, the compact has included registered nurses (RNs) and licensed practical or licensed vocational nurses (LPN/LVNs). On August 16, 2002, the NCSBN approved the adoption of model language for a licensure compact for advanced practice registered nurses (APRNs). "Advanced practice registered nurses (APRNs) are not included in the NLC. A separate APRN Compact offers states the mechanism for mutually recognizing APRN licenses and authority to practice." (<http://www.hrsa.gov/ruralhealth/about/telehealth/license rpt10.pdf>, accessed October 2014)

AAOHN's POSITION

Multistate licensure is compulsory for nurses practicing across state borders using various modalities. A nurse, knowingly or unknowingly engaging in interstate practice is at risk when, in all states where nursing practice occurs, the nurse is not licensed or when the nurse's primary state of residence does not participate in the Nurse Licensure Compact and the nurse practices in compact states. The NLC mutual recognition model of licensure ensures appropriate licensure of nurses in Compact states.

AAOHN endorses the Nurse Licensure Compact as a safe, effective and efficient means of improved access to care and encourages the uniform adoption of the NLC in all States and US Territories. For nurses practicing across state borders AAOHN supports licensure of all nurses in each state where the nurse provides nursing services.

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American Health Information Management Association (AHIMA). To obtain Telemedical records, contact AHIMA at (312) 233-1100, www.ahima.org.

National Council of State Boards of Nursing, www.ncsbn.org/nlc.htm

National Council of State Boards of Nursing Nurse Licensure Compact (NLC) Fact Sheet for Legislators January 2014, www.ncsbn.org/nlc

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