

Addressing Claims Against the NLC: What Are the Facts?

Department of Commerce, Community, and Economic Development (DCCED)
Division of Corporations, Business and Professional Licensing (CBPL)

Q: Is the Nurse Licensure Compact (NLC) a threat to public health and safety?

A: No. The standards to qualify for a multistate license are higher than Alaska's standards. (See Fig. A)

- To obtain a multistate license in any of the participating jurisdictions, a nurse must have graduated from a board-approved education program; passed an English proficiency exam, the national NCLEX exam, and a state and federal fingerprint-based criminal background check; and cannot have been convicted, found guilty, or entered into an agreed disposition or a felony offense under state or federal criminal law, have any misdemeanor convictions related to the practice of nursing, or be participating in an alternative program.
- The Board of Nursing ("board") retains the right to govern nursing practice in Alaska and to revoke practice privileges for any nurse practicing in the state, regardless of the type of license they hold.
- No states were grandfathered into to the enhanced compact, meaning all states were required to adopt legislation with the same language agreeing to the higher standards to obtain licensure if they wanted to remain in the compact.
- Multistate nurses are required to comply with the practice laws of the state in which the client is located at the time service is provided.

Q: Will the NLC result in a loss of state sovereignty?

A: No. The board retains the right to govern nursing practice in Alaska and revoke practice privileges for any nurse practicing in the state, regardless of the type of license a nurse holds.

- By adopting House Bill 83 (HB 83) or Senate Bill 67 (SB 67), the Legislature and State of Alaska enter into an agreement with the NLC based on the current terms and requirements only and would not be handing over important decisions to any out-of-state entity.
- The NLC language and license requirements cannot be changed without the Alaska State Legislature taking action to adopt the changes. If the NLC language or requirements were to change, each participating state's legislature would review those changes and determine if they were willing to adopt them. If the Alaska State Legislature opted not to adopt the changes, Alaska would no longer be a member state in the NLC.
- The board voted unanimously to support joining the NLC because it does not result in loss of control over the practice of nursing in the state.
- To date, the NLC language and requirements have only been changed once, and ratification required action by each participating state legislature.

Q: Will joining the NLC increase license fees for Alaska nurses?

A: We believe license fees could go down due to a decrease in out-of-state nurse applications.

- The nurse licensing program is receipt supported, so if there are fewer applications to process, the program is less expensive to run and therefore the cost to the licensees may decrease.
- In FY2021, we saw an increase of 14% in applications for Alaska nurse licensure. The state may need to add staff to keep up with the demand, especially during the COVID-19 surge. However, the NLC will reduce workload and allow qualified nurses to bypass the state licensing process because they have been pre-vetted through their compact qualifications.
- Further, as the bill is written, the Alaska-only and multistate nursing programs would be managed separately, so any costs of investigations conducted for multistate license holders would be covered by multistate license fees and would not create an increase in Alaska-only nurse fees.

Q: If there's a nationwide nursing shortage, how will joining the NLC solve Alaska's workforce needs?

A: NLC will reduce immediate cost and time barriers that are preventing nurses from working in Alaska.

- Facilities have stated on the record that they lose new hires due to the time and cost of obtaining an Alaska license. Removing those barriers will help fill these vacancies in our health care workforce, making the NLC essential for Alaska.
- During the surge created by the COVID-19 Delta variant, state hospitals and long-term care facilities have identified more than 300 critical vacancies. DHSS is working to bring nurses up to Alaska to fill these vacancies through FEMA relief programs. When these nurses are identified, they can either pay \$475 and wait days or weeks to be licensed. However, if we join the NLC, nurses that hold a multistate license can go to work immediately.
- The NLC significantly increases Alaska's ability to find and hire out-of-state nurses to fill vacancies and provide high standards of care to Alaskan residents.

Q: If Alaska joins the NLC, does that result in an inability to monitor where nurses are employed?

A: The Board of Nursing *currently* has no way of knowing who is working in the state or where they're employed.

- This is not a matter within the board's jurisdiction, rather, it is up to facilities to ensure their employees are properly licensed.
- The board will have access to licensing and disciplinary information on all multistate license holders.

Q: Shouldn't Alaska just "grow our own" nurses, rather than bringing in nurses from other states?

A: That would be ideal, but Alaska's nursing programs do not produce enough nurses to fill all of the current or projected future vacancies.

- Based on the number of nursing graduates from the UA School of Nursing and Charter College over the last few years, even if all of Alaska's nursing graduates stay in the state and obtain employment here, we will still have hundreds – if not thousands – of nursing vacancies in a few years.
- Many of Alaska's nursing graduates leave the state because we are not a member of the NLC. Without membership, graduates must pay additional licensing fees and get behind other compact nurses in line for jobs in compact states.
- Many Alaskans require skilled nursing care in specialized areas that are not taught in the state. Nurses must obtain specialty experience through education or experience outside of Alaska.
- Joining the NLC will allow Alaska graduates more flexibility and allow them to return to Alaska, if they opt to practice elsewhere at some point, without any hassle or additional cost.
- Currently, there are hundreds of nursing vacancies across the state, and projections show that number will grow to 5,400 by 2030.

Q: Do Alaska nurses support the NLC?

A: Overwhelmingly. The board conducted a survey in 2019 which indicated dramatic support from Alaska's nursing workforce.

- 92% of the responding nurses stated they are in favor of joining the NLC, while only 3% opposed and 4% had no opinion.
- 87% of nurses who are members of a labor union stated they are in favor of the NLC, while only 8% opposed and 6% had no opinion.
- The survey was sent to all Alaska-licensed nurses (over 16,000) and received 3,573 responses – a statistically significant 22% response rate. The full results of the survey are available upon request and on the board's NLC webpage.

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Figure A: Comparison of NLC agreement requirements for nurse licensure and Alaska nursing requirements.

NLC Requirement (Article III)	Alaska Requirement	Citation
1. Meets the home state's licensure qualifications	N/A	
2. Meets educational requirements: a. Has graduated from a board-approved education program; or b. Has graduated from an accredited international education program	Yes	AS 08.68.170, .190, .200, .210
3. Has passed an English proficiency examination (if using 2b)	Yes—in regulation	12 AAC 44.290, 305
4. Has passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor exam	Yes—in regulation	12 AAC 44.300
5. Is eligible for or holds an active, unencumbered license	N/A	
6. Has submitted to state and federal background checks	Yes—in regulation	12 AAC 44.290, .305, .310, .317, .320
7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law	No—at board's discretion	12 AAC 44.705-720
8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis	No—at board's discretion	12 AAC 44.705-720
9. Is not currently enrolled in an alternative program	No—at board's discretion	12 AAC 44.740
10. Is required to self-disclose participation in an alternative program	No—at board's discretion	12 AAC 44.740
11. Has a valid United States Social Security Number	No—foreign citizens unable to obtain a U.S. Social Security Number may receive an exemption.	AS 08.01.060, .100; federal law

Standard set by the Alaska State Legislature
Standard set by the Alaska Board of Nursing without legislative concurrence
Standard set by the Alaska State Legislature; interpreted through federal law

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