

What You Need to Know About Nursing Licensure and Boards of Nursing



NCSBN

National Council of State Boards of Nursing

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Many professions in the U.S., such as school teachers, attorneys, physicians, pilots and nurses, require a license as a condition of practicing a chosen occupation. Nurses, with more than 4.5 million individuals holding licensure at this time, are the second largest group of licensed professionals in the U.S.

The purpose of a professional license is to protect the public from harm by setting minimal qualifications and competencies for safe entry-level practitioners. Nursing is regulated because it is one of the health professions that poses a risk of harm to the public if practiced by someone who is unprepared and/or incompetent.

The general public may not have sufficient information and experience to identify an unqualified health care provider, and is vulnerable to unsafe and incompetent practitioners. A license issued by a governmental entity (e.g., the state board of nursing [BON]) provides assurance to the public that the nurse has met predetermined standards.

Licensure benefits both the public and the individual nurse because essential qualifications for nursing practice are identified; a determination is made as to whether or not an individual meets those qualifications; and an objective forum is provided for review of concerns regarding a nurse's practice when needed. Licensure benefits nurses because clear legal authorization for the scope of practice of the profession is established. Licensure also protects the use of titles. Only a licensed nurse is authorized to use certain titles (i.e., registered nurses [RNs], licensed practical/vocational nurses [LPN/VNs], advanced practice registered nurses [APRNs], etc.) or to represent themselves as a licensed nurse.

BONs

More than 100 years ago, BONs were established to protect the public's health by overseeing and assuring the safe practice of nursing. BONs in U.S. states and territories were created to protect the public from the unsafe, incompetent or unethical practice of nursing. BONs achieve this mission by establishing the standards for safe nursing care and issuing licenses to practice nursing. Once a license is issued, the BON holds licensees to provisions defined in state/territorial laws and when necessary, takes action against the licenses of those nurses who have exhibited unsafe nursing practice.

The BONs in the 50 states, the District of Columbia, and four U.S. territories—Guam, Virgin Islands, American Samoa, and the Northern Mariana Islands—comprise the membership of the National Council of State Boards of Nursing, Inc. (NCSBN®). Four states have two BONs, one for RNs and one for LPN/VNs: California, Georgia, Louisiana and West Virginia. One state, Nebraska, has a separate board for APRNs.

All BONs are responsible for:

Evaluating Licensure Applications

BONs review the information submitted in applications for initial licenses from new graduates of nursing programs or internationally educated nurses, and endorsement from nurses licensed in other states.

Issuing Licenses

BONs base licensure decisions, for both initial licensure and licensure by endorsement, on whether or not applicants meet all the requirements for licensure as set forth in individual state statutes and rules.

Renewing Licenses

BONs establish procedures for nurses to apply for periodic renewal of their licenses. Some states require demonstration of continuing education, practice hours or other activities as part of the renewal requirements.

Taking Disciplinary Action

Through a disciplinary process, BONs may take action against the licenses of individuals who violate laws or rules. Disciplinary actions taken by BONs may include reprimand, probation, limited or restricted practice, suspended practice and license revocation. Grounds for discipline focus on behaviors that place the public at risk of harm. Statutory language differs from jurisdiction to jurisdiction, but grounds typically include unprofessional conduct, incompetent practice, unethical practice and criminal convictions.

The disciplinary process allows a nurse the opportunity to provide information to the BON regarding his/her perception of the reported allegations. Nurses may choose to be represented by legal counsel. The procedures used in discipline cases range from informal proceedings to full administrative hearings and appeals.

Additional Functions

BONs may be responsible for authorizing the use of licensing examinations; advising on the determination of the legal scope of nursing practice in a state; approving nursing education programs by determining whether established criteria are met; regulating advanced nursing practice; and regulating nurse aides/nursing assistants and medication aides/assistants working in nursing home and home health care settings.

The Nurse Practice Act (NPA)

State/territorial legislatures enact NPAs that define how nursing is regulated in their jurisdiction. The NPA sets forth the requirements for licensure and defines the scope of nursing practice. BONs implement the NPA by establishing administrative rules that further define the qualifications for licensure, define the scope of practice and limit the use of titles.

Each jurisdiction has the authority for the legal regulation of nursing. Legislatures enact the NPA for a jurisdiction.

An NPA typically:

- Defines the authority of the BON, its composition and powers;
- Defines nursing and the boundaries of the scope of nursing practice;
- Identifies types of licenses and titles;
- States the requirements for licensure;
- Establishes educational program standards;
- Protects titles; and
- Determines the grounds for disciplinary action, other violations and possible remedies.

The NPA may also identify situations when licensure is not required (e.g., in cases of an emergency).

BON Administrative Rules/Regulations

One of the most important authorities granted to BONs is the ability to develop administrative rules that are used to clarify or make statutes more specific. Rules/regulations must be consistent with the NPA, cannot go beyond the law and once enacted, have the force and effect of law. The process of public review of these rules (promulgation) includes opportunity for comment. Nurses and nursing students who may be affected if rules are implemented or who are interested in the issues presented may wish to contribute to the rule-making process by submitting written comments or by participating in rule-making hearings.

The Individual Nurse

An individual who wishes to practice nursing is responsible for obtaining and maintaining nursing licensure, and obeying licensure laws. To be able to legally practice nursing requires current licensure.

Each licensed nurse is responsible and accountable for practicing nursing within a legally defined scope of nursing practice based upon the parameters set forth in law and rules, and consistent with his/her own education, knowledge, skills and abilities.

Licensure FAQs

Why do nurses need a license?

Nursing is one of the health professions that can cause harm to the public if practiced by someone who is unprepared and/or incompetent. The public may not have sufficient information and experience to identify an unqualified health care provider, and is vulnerable to unsafe and incompetent practitioners. Each state/territorial government permits only individuals who meet predetermined qualifications to practice nursing. The authority to practice is granted to RNs and LPN/VNs through the state/territorial nursing license.

In other words, a nursing license is needed to legally practice.

What do nurses have to do to become licensed?

Under the guidance of its membership, NCSBN has developed two licensure examinations used by its member boards to test the entry-level nursing competence of candidates for licensure as RNs and LPN/VNs.

A graduate (or soon to be graduate) of an approved nursing education program completes an application form, which may include a criminal background check, submits the application and licensure fee, and applies to sit for the NCLEX-RN® or NCLEX-PN® Examination.

Successful completion of the NCLEX® is an important step toward licensure, but it is not the only requirement. BONs make licensure decisions based on evidence that a candidate meets all qualifications required in the state or territory where the applicant wishes to practice. Some states have requirements such as evidence of English language proficiency, no felony conviction or criminal behavior, sound physical/mental health and good moral character.

If a nurse moves to another state/territory, is their license still valid?

NCSBN supports both the single state model and the mutual recognition model of licensure.

In the **single state** model licenses are granted by an individual state authorizing practice in that state. In this model, a nurse must apply for and receive a license in every state in which the nurse practices. It is the individual nurse's responsibility to contact the BON in a state where the nurse expects to practice to obtain an application and information about licensure within that state.

Nurses should allow sufficient time for this process, so it is advisable to contact the new state as soon as an anticipated relocation becomes known.

A nurse licensed in one jurisdiction can usually be licensed in a second jurisdiction through a process called endorsement. The second state bases the licensure decision upon verification of licensure in the original state where the nurse was licensed (some states accept verification from a current state of licensure) and upon meeting all additional licensure requirements for that state.

The **mutual recognition** model of nurse licensure allows a nurse to have one license (in his or her home state of residency) and to practice (both physically and electronically) in other states that participate in this model of nursing regulation. Under mutual recognition, a nurse may practice across state lines unless otherwise restricted. Practice is subject to each state's practice laws and rules. Currently there are 24 states that participate in the mutual recognition model of the Nurse Licensure Compact (NLC).

Why do nurses need a new license in another state if they have passed a national licensure examination?

The power to license rests with individual states/territories. NPAs and administrative rules vary from state to state and nurses are legally obligated to comply with the licensing requirements in the state where the nurse is practicing. Nursing practice is defined as occurring where the patient is physically located.

What happens when a nurse fails to renew his or her license?

Nurses sometimes do not renew their licenses, either by choice or by oversight. It is important for licensees to keep their name and address current with all BONs where they are licensed in order to ensure that they receive a licensure renewal notice. Nurses who fail to renew and who continue to practice may be at risk for practicing without benefit of licensure — a violation in most states. BON's rules and procedures define a process for reinstatement of lapsed licenses. Nurses who have not practiced for lengthy periods of time may be required to demonstrate competence through successful completion of a refresher course.

Who can answer questions about a nursing license?

Contact the BON in your state/territory for information regarding licensing requirements, the NPA, state administrative rules/regulations, the disciplinary process and other BON functions.

To find the board of nursing in your state/territory visit
www.ncsbn.org/contactbon.htm.

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