

January 23, 2024

Testimony: Joint Budget Hearing on Health and Joint Budget Hearing on Higher Education

**Members of the Senate and Assembly Committees on Health and Committees on Higher Education:**

Thank you for the opportunity to submit testimony in support of the Nurse Licensure Compact (NLC) today. My name is Nicole Livanos and I am the Director of State Affairs for the National Council of State Boards of Nursing (NCSBN). NCSBN is a non-profit membership organization dedicated to leading regulatory excellence. NCSBN members include nursing regulatory bodies across the country whose mandate is to protect the public. The NLC is an important regulatory solution to aid New York's current nursing workforce shortage and to modernize regulation to meet the demands of 21<sup>st</sup> century healthcare.

Modern health care delivery requires that nursing care, today and in the future, be seamless across state lines, both for in-person and telehealth nursing care delivery. The 100-year-old model of nurse licensure in New York is not flexible enough to best meet this need. The NLC, which has been successfully operational for more than 20 years, allows a registered nurse (RN) and licensed professional/ vocational nurse (LPN / VN) to hold one multistate license, with the privilege to practice in their home state and other NLC states, without obtaining additional licenses. The NLC is currently enacted in 41 U.S. jurisdictions including the neighboring states of New Jersey, Pennsylvania, and Vermont. In the 2023 legislative session, Rhode Island and Washington enacted the NLC.

*Safe and Effective*

The NLC places patient safety at the forefront. To qualify for a multistate license, a nurse must meet their home state requirements for licensure in addition to the 11 uniform licensure requirements, which were derived from the highest licensure standards in nursing practice. Thus, New York nurses will continue to meet the state's requirements for licensure and by meeting the additional licensure requirements for a multistate license, they can practice in other states party to the compact. The multistate licensure requirements include a federal criminal background check and ensuring that a nurse's license is not encumbered or under active discipline. Once a multistate license is issued, the NLC mandates communication

among state nursing regulators to ensure safety and empowers regulators to act quickly in the case public protection is threatened.

Under the NLC, licensing standards and disciplinary actions remain with New York. The NLC Commission is made up of the heads of boards of nursing from each state participating in the NLC and the power of the Commission rests solely with the administration of the Compact. The Commission has no power over nursing practice or licensing standards in each state. That power continues to rest solely with that state's legislature as all licensing and discipline remain at the state level.

Today, states continue to address the impacts of the federal investigation into the egregious scheme of the sale of fraudulent nursing education credentials. Operation Nightingale, led by the U.S. Department of Health and Human Services—Office of Inspector General, the Federal Bureau of Investigation, and the Justice Department, involved applicants for licensure in New York, and the majority of states across the country, obtaining nursing licenses utilizing fraudulently obtained transcripts and diplomas. Nursing regulatory bodies, like the New York Board of Nursing, are taking swift action to investigate these allegations and ensure the public is protected. The NLC includes public protection measures such as uniform licensure requirements, communication and sharing of investigative information between member states and supports nursing regulatory bodies in their mandate to protect the public.

### *Modern and Flexible Licensure for New York Nurses*

The multistate license will enable nurses across New York to practice across state lines, both in-person and electronically. This will reduce the burdens for nurses who already must obtain and maintain multiple licenses, such as case managers, as their job requires them to practice across state lines or those with a mobile patient population that they need to maintain continued care of. The NLC will provide immediate financial and administrative relief for these individuals.

As the telehealth industry continues to expand, so too are employment opportunities for nurses in the industry. To remain competitive in the fast-changing industry, New York nurses need licensure flexibilities that will allow them to care for patients wherever those patients may be located at their time of need.

### *Military Families*

Military families are burdened when their family needs to relocate to a non-compact state, as any family member who is a nurse must reapply to the nursing board in the non-compact state before working, a process that can take weeks to months. It is only fair that when we ask military families to relocate to New York – families who are already sacrificing so much – that we reduce or eliminate barriers to employment when they arrive.

### *Patient Access*

The NLC enables greater access to care for patients across New York and states party to the compact. This is true for patients seeking primary, reproductive, and mental health care, among others. By enabling nurses to care for patients where they are located, without state borders acting as barriers, patients are able to access more nurses from home. Patients can also travel to New York for expert care and maintain continuity of care from their health care team when they return home.

### *During Crisis*

New York policymakers recognized the need for licensure flexibility from the very beginning of the pandemic. Executive action enabled nurses from other states to aid in New York's response to the pandemic. The need for these flexibilities extended beyond the pandemic action to another crisis—the current nursing workforce shortage. Governor Hochul issued and renewed an executive order which enabled New York to temporarily supplement its workforce, allowing nurses licensed and in good standing in other states to provide care within New York. However, this temporary solution creates an uncertain practice environment for nurses and facilities alike, the ramifications of which can be felt at the patient level. In 2023, a temporary licensure mechanism was put in place. The people of New York deserve a safe, long-term solution to this pervasive problem and nurses in New York deserve access to licensure mobility and flexibility that New York has provided for nurses coming to the state.

Under the NLC, nurses can immediately cross borders and provide vital services to fill current gaps in care. This is imperative to aid in New York's efficient response to a crisis such a hurricane, pandemic, or widespread staffing shortage. It is also vital as access to services such as reproductive care, primary, and mental health care are limited by other

jurisdictions or growing provider shortages. The NLC enables patients in and outside of New York to have greater access to all healthcare services.

*The Time is Now*

In 2022, the NLC was included in both the Governor's Executive Budget and the Senate's One-House Budget and in the 2023 session, we were grateful to testify during budget hearings on this important issue. This year the NLC has again been included in the Governor's budget, and we respectfully request that the Senate and Assembly strongly consider passing the NLC as part of the budget this year.

The NLC is a permanent, safe, and proven tool to attract workers, alleviate regulatory burdens while maintaining patient safety, support military families and add flexibility at a time of great need created by the workforce crisis.

Thank you for your attention to this testimony.

Respectfully,



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