



# POSITION STATEMENT

## Multi-State Nurse Compact Licensure

Developed 06/2017

The Ohio Nurses Association is the recognized leader and voice of all registered nurses in Ohio and works with the Ohio Board of Nursing on issues that effect nurse licensure in our state. Currently, twenty-six states have passed legislation that allows registered nurses to participate in multi-state compact licensure and ONA has examined how this compact licensure would affect registered nurses in our state if Ohio adopted such licensure.

### WHAT IS THE OHIO BOARD OF NURSING'S POSITION?

In 2005, the Ohio Board of Nursing reviewed and examined the multi-state compact licensure and by Board vote, decided at that time to “delay action seeking the introduction of interstate compact legislation until such time more information [was] gathered to assure that the benefits of multi-state licensure outweigh[ed] any risks related to public safety”. The Board, since its first introduction to multi-state licensure, worked at the national level to address Ohio’s concerns. At their April 2016 meeting, the Board updated and reissued their position statement. Per the 2016 statement:

At this time, the Board continues to believe the potential risks of harm to the public outweigh the potential benefits because nurses with multi-state licenses could practice in Ohio without meeting the current statutory and regulatory standards established by the General Assembly and the Board to protect the public. The Board continues to address these issues at the national level through the National Council of State Boards of Nursing.

The Ohio Board of Nursing reaffirmed their position on Multi-State Nurse Licensure at the March 2017 Board Retreat and these are the continued areas of concern they identified:

## **1. State Sovereignty and Authority of the Interstate Commission-**

The Attorney Generals in Oklahoma, Florida, and Indiana have rendered formal opinions that the nursing licensure compact interferes with state sovereignty. The Compact would impose complicated regulatory mechanisms that would allow the joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators (Commission) composed of the party states that adopt the Compact to promulgate rules that are binding on each State in the Compact by a simple majority vote. According to the Ohio Board of Nursing, “each State would be subject to administrative rules not passed at the State level”. Additionally, the Commission would have the opportunity to hold closed, non-public meetings for certain reasons and would have immunity to lawsuits. Many of the provisions may violate the Ohio Constitution, the Ohio Open Meeting Act, the Ohio Ethics Law or Ohio statute and may have the potential to create a monopoly system.

## **2. Regulation, Public Safety, and Absolute Bars-**

The mission of the Ohio Board of Nursing is to protect the public. The Compact would not require that out-of-state nurses be licensed in the state of Ohio, which means that the Board would no longer review and approve license applications from out-of-state residents. Additionally, the effects of disciplinary actions in other Compact states is unclear. Because a nurse would have jurisdiction to work in a remote state without that state’s licensure, it is unclear how that remote state would know to check an individual nurse’s license and previous disciplinary actions.

Moreover, the Compact does not include absolute bars for licensure and the Compact states would be required to adopt the NCSBN Uniform Licensure Requirements. According to the Ohio Board of Nursing:

The Ohio Nurse Practice Act includes absolute bars for licensure. The following list of crimes that make an individual ineligible for licensure in Ohio, or if already licensed, require an automatic suspension of licensure: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, and aggravated burglary, as defined under Title XXIX [29] of the Ohio Revised Code, or, with regard to offenses committed in other jurisdictions, offenses comparable to the offenses defined in Title XXIX [29] of the Revised Code.

Individual nurses obtaining a multi-state license in the home state cannot be convicted of enter into an agreed disposition of a misdemeanor offense related to the practice of nursing, which would be determined on a case-by-case basis. Each state would be able to make its own case-by-case determination about whether or not discipline should be taken for misdemeanors,

but if the state where the misdemeanor occurred declines to take action, the Board would not be aware of the misdemeanor.

The effects of regulation, licensing and the lack of absolute bars seriously compromises public safety and places the responsibility onto the employers. Employers would be accepting or denying nurses for practice and not the regulatory Board.

### **3. Financial Impact to Ohio Board of Nursing-**

According to the Ohio Board of Nursing, there is currently a \$6,000 annual fee for Compact membership. The fiscal impact could vary from state to state. "Ohio would need to conduct a fiscal analysis to determine the impact on loss of licensure fee revenues", however the additional expenses and losses potentially placed on the Board could result in a reduction of services and/or an increase in licensing fees.

### **4. Voice of Professional Nurses Associations-**

The shift of power with the Commission having power to enact rules that are binding on each state in the Compact takes authority away from the Ohio Board of Nursing. If there were a dispute between Ohio and the Commission, the matter would be handled in the Illinois court system and now in our state's jurisdiction. This, in turn, takes influence away from the Ohio Nurses Association and does not provide interested parties an opportunity to voice opinions, suggestions, or concern during the promulgation or review of administrative rules.

## **ONA POSITION ON THE MULTI-STATE NURSE COMPACT LICENSURE**

The former and enhanced Multi-State Nurse Compact Licensure model has been reviewed by Ohio Nurses Association leadership and consideration has been given to the Ohio Board of Nursing's current position. The Ohio Nurses Association opposes the Compact in its current form. ONA remains committed to engaging all conversations and acknowledging the concerns with the Compact in order to address the issues facing telehealth and cross-border nursing practice.

Ohio Board of Nursing. (2016). New compact- areas for consideration. *Ohio Board of Nursing Minutes of Meeting*. Retrieved from <http://www.nursing.ohio.gov/PDFS/Minutes/MAR16minutesFNL.pdf>

Ohio Board of Nursing. (2017). Regular meeting of the board March 8-9, 2017. *Ohio Board of Nursing Minutes of Meeting*. Retrieved from <http://www.nursing.ohio.gov/PDFS/Minutes/MAR17minutesFNL.pdf>