

Rep Rice - Chair

EXHIBIT S
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ID 624

Testimony prepared for HB624 "An Act Adopting a Nurse Licensure Compact . . ."
Introduced by Representative Edith Clark

I am Linda Henderson.....pres MNA

The Montana Nurses Association stands in opposition to HB624. In late November, 2006, the Montana Nurses Association expressed concern about the proposed Nurse Licensure Compact legislation in a letter directed to the Montana Board of Nursing as well as the Department of Labor & Industry's administrator, Mike Cooney. In this letter, we expressed concern that the Montana Board of Nursing was not able to carry out its current duties and was in no position to add a complex and cumbersome piece of legislation to the mix. At that time, the Board of Nursing was once again without an Executive Director as they had been for the majority of the past two years. In addition, they also lacked any professional nursing staff since the nursing practice position was also vacant. We believed that it was inappropriate to add additional obligations on the Board staff when they were currently unable to meet their responsibilities to respond to licensees' concerns and questions.

On December 20, 2006, the Montana Nurses Association participated in the Montana Board of Nursing conference call to discuss our concerns regarding their proposal to introduce the Nurse Licensure Compact legislation. At that meeting, we also heard the Department of Labor & Industry staff assigned to the Board of Nursing ~~and~~ express concern about their current ability to meet the requirements of implementing this complicated legislation. Those concerns mirrored many of the Montana Nurses Association and included:

- Lack of staff to develop and implement rules for Nurse Licensure Compact;
- Lack of a comprehensive educational plan about the Nurse Licensure Compact that targets both nurses and employers, particularly human resource personnel, as well as Board of Nursing and Department of Labor and Industry staff; and
- Lack of the required technology and technical expertise to implement the Nurse Licensure Compact.

In addition, during the conference call the Montana Nurses Association expressed concerns about the following:

- There is a real potential for loss of revenue to the Board of Nursing and this has been the experience of other states that have implemented the Nurse Licensure Compact; the National Council of State Boards of Nursing's expert, Laura Poe reports up to a 12% loss in licensees in each state participating in the nurse licensure compact; How would the board deal with this loss of revenue?
- This loss of revenue has resulted in these states charging higher licensure fees for nurses; would that be the Board of Nursing's response?
- There are additional costs associated with implementation of the nurse licensure compact and with participating in the Nursing Licensure Compact Administrators

group under the National Council of State Boards of Nursing – will payment for this also come from licensure fees resulting in a need for increased fees;

- Employers will more than likely incur fees to determine current licensure of nurses from out of state since they will have to access that information through the state where the license originated. The current estimate is at least \$5 for each license lookup. The Board of Nursing's lack of an educational plan for employers, particularly for human resource personnel would be a significant barrier to alerting employers to this fact.

The Board of Nursing was not prepared to respond to these questions prior to taking a vote to move forward with seeking to introduce the legislation.

In reviewing the current bill as well as the Montana Board of Nursing's fact sheet related to this legislation, additional issues have been raised:

- The Montana Board of Nursing asserts that "linking licensure with practice is problematic for nurses not currently employed or moving in and out of the workforce". This legislation does not resolve this issue. In fact, the NCSBN has optional enabling language recommended that speaks to having the legislature give authority to the Board of Nursing to collect employment data on nurses practicing on the multi-privilege in the NLC". This optional language was NOT included in the current legislation. The Board of Nursing does not and will not have the ability to collect nursing employment data to facilitate workforce planning, with or without this legislation.
- The Montana Board of Nursing asserts that "locating a nurse in the event of a complaint/investigation would be more readily accomplished with a residence or address link. " In fact, the BON currently has that address link which is required when the individual applies for their Montana nursing license without enacting this legislation.
- The Montana Board of Nursing states that "the nurse compact is designed to facilitate the regulation of nurses" . . . and the Nurse Licensure Compact "MAY NOT supersede existing state labor laws" however, language to that effect is not included in the bill. The NCSBN once again offers optional enabling language that states "This Compact does not supersede existing state labor laws" but the Board of Nursing failed to use this language in their bill.
- The current method of issuing a temporary practice permit, particularly when the Board of Nursing is claiming a 3 day turnaround would adequately meet the needs of getting nurses from out of state licensed and into the workforce. As the Board cited in their fact sheet, even traveling nurses have to finish their current assignment and physically relocate. It is not unreasonable for one to expect a licensee to anticipate their needs for relocation and licensure in a manner that would accommodate this 3 day window of time.
- Access to nurses during a time of disaster is accomplished regardless of the presence of the nurse licensure compact. The Governor's or President's declaration of a disaster supersedes the normal licensure process and would allow

for nurses licensed in other states to practice in Montana during ~~the~~ the time of the disaster.

The Montana Nurses Association remains concerned about the financial impact to nurses seeking a license in Montana with the passage of HB624. The Board of Nursing currently serves the largest number of licensees of all regulatory boards in Montana. The lack of transparency in the use of nursing fees by the Department of Labor & Industry creates significant concern. We are unwilling to assume additional increases in license fees when the current use of funds is unclear.

We also remain concerned about the staffing patterns created in the Department of Labor & Industry for the Board of Nursing. The Board of Nursing has only recently hired an Executive Director. We know that the work of the Board of Nursing has been compromised by staffing patterns created in the Dept. We are concerned that a number of these issues continue to exist and have become aware that the Board now has 2 new attorneys who will have to come up to speed on the current rules, regulations and issues for the Board. We see that the Dept of Labor and Industry, as well as the Board of Nursing, have internal staffing issues to resolve before they add to the existing workload through this complicated legislation.

For all of the above reasons, the Montana Nurses Association remains in opposition to HB624 at this time. We welcome the opportunity to work with Rep. Edith Clark and the Board of Nursing in addressing these issues so that effective legislation can be passed in the future.