May 13, 2019

Senator Paul R. Feeney, Chair  
Joint Committee on Consumer Protection  
24 Beacon Street  
Room 215  
Boston, MA 02133

Representative Tackey Chan, Chair  
Joint Committee on Consumer Protection  
24 Beacon Street  
Room 42  
Boston, MA 02133

Re: S. 103, An Act Relative to Nurse Licensure Compact

Dear Sen. Feeney, Rep. Chan, and members of the Joint Committee on Consumer Protection:

The American Nurses Association Massachusetts, which is the only voluntary professional nursing association representing all Registered Nurses across the Commonwealth, strongly supports the Enhanced Nurse Licensure Compact (eNLC) because it enhances Massachusetts’ efforts to respond to the changing landscape of health care delivery, permits qualified nurses to care for patients across the health care continuum, allows for better emergency preparedness and more rapid response in times of disaster, and improves access to quality nursing care for all residents of the Commonwealth.

The Enhanced Nurse Licensure Compact (eNLC) is an agreement between states that allows nurses to have one license but the ability to practice in other states that are part of the agreement. Implemented by standard legislation in participating states, the compact facilitates license portability by allowing a compact-licensed nurse to practice lawfully in all other states party to the same compact.

The compact is both a quality of care and workforce issue. According to the Commonwealth Fund’s 2018 Scorecard on State Health System Performance, which assesses all 50 states and the District of Columbia on more than 40 measures of access to health care, quality of care, efficiency in care delivery, health outcomes, and income-based health care disparities, the Commonwealth is second only to Hawaii in overall performance, and scores #1 in prevention and treatment.¹

However, participation in the compact will impact those quality areas in which we most need to improve – avoidable hospital use and cost, where Massachusetts scored 29th overall. Nurses are required to be licensed in the state where the recipient of nursing practice is located at the time service is provided. This bill would help to provide assurance to Massachusetts’ nurses

who are following up with out-of-state patients upon discharge from Massachusetts hospitals. This follow up care is specific to the services the patient received in Massachusetts, and the specialized nursing follow up of the nurse most familiar with the patient is the best practice and would prevent possible hospital readmissions. Compact licensing also facilitates e-health and telehealth access, thereby improving continuity of care. Thirty three states, including Maine and NH, currently participate in the eNLC, with pending legislation in Vermont.

Related to both quality of care and workforce quality are the uniform licensure requirements for a multistate license holder. The licensing standards under the NLC are more stringent than Massachusetts’ current standards. Right now, nurses applying to Massachusetts’s Board of Registration in Nursing for a license are not required to undergo a background check; rather they have to “furnish satisfactory proof that he is of good moral character.” To obtain a Compact/multistate license, a nurse must meet their home state’s qualification for licensure and must submit to a national county criminal background check (state and federal fingerprint-based criminal background check) which includes arrest as well as court/conviction information, have no state or federal felony convictions and have no misdemeanor convictions related to the practice of nursing.

The compact is structured conservatively to protect the public. In compact states, when a complaint is filed against a nurse in a remote or home state an analysis is completed by the receiving state. If a significant threat to the public exists then the receiving state places a flag on the nurses file in Nursys. This flag does not prevent multi-state practice; it only prevents permanent relocation to avoid discipline. Massachusetts currently participates in Nursys; however, Massachusetts is unable to see flags placed by the Compact States. Joining the Compact would flag nurses who “pose a significant threat” to the public for the Board of Registration in Nursing before they are allowed to practice in the Commonwealth.

The benefit to the nursing workforce of compact participation is large and singular: Interstate portability. As noted above, the eNLC enables the holder of a Compact License to practice in any Compact State without obtaining any other license. The removal of the licensure barrier to practice in Compact States carries particular benefits for traveling nurses and military spouses, as well as in cases of disaster, labor action, or other surges in demand for nurse inflow.

Enhancing the mobility of licensees may also help Massachusetts to relieve nursing shortages, particularly where those occur suddenly as a result of external phenomena. As we learned last fall, there are already shortages in certain nursing specialties, including in the fields of operating room, medical-surgical, emergency, intensive care, home care, hospice care, and nursing home/long-term care; these are exacerbated regionally with significantly fewer RN’s in the northwestern part of the state.

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2 https://www.mass.gov/service-details/good-moral-character-requirements-for-nursing-licensure
3 https://nurse.org/articles/enhanced-compact-multi-state-license-eNLC/
One survey of more than 3,000 RN’s found that 68% of all respondents favored national licensure; that number increases to 77% amongst the millennial nursing workforce. Nurses’ support for national licensure is a reflection of the nursing shortage and competitive job market, especially in highly desirable specialty areas such as the ER.

The flexibility enabled by the eNLC has several benefits. Interstate licensure may help to ease the burden of nursing shortages by permitting nurses to work in multiple states and allowing traveling nurses to more easily fill nurse vacancies by eliminating the deterrent of cost and wait time to obtain an additional license.

Fluidity means that supply meets demand more quickly, a condition typically indicative of a functioning and efficient market. Compacts also facilitate interstate collaboration to address licensure issues that may impede nurse recruitment, and compacts tend to promote consistent administrative and disciplinary procedures.

Participation in the eNLC would permit military spouses who are nurses to seamlessly continue working without having to obtain a new license each time they relocate. It is critical to support those who support those who serve our country.

A more highly educated workforce has been shown to decrease patient mortality and improve nursing quality indicators. RN to BSN degree programs are the largest proportion of all educational programs nationally; with 777 available nationwide, of which more than 600 are offered at least partially online. The eNLC facilitates online nursing education by reducing educators’ need for multiple licenses and may improve efforts to hire and recruit faculty.

It is important that Massachusetts adopt the Compact this legislative session. eNLC membership would positively impact the 118,330 Registered Nurses currently residing in Massachusetts by finally bringing our state’s voice to the Commission governing nursing regulation nationwide. Compact States work together in establishing rules for licensure and in protecting public safety in all participating states. It is time Massachusetts was at the table.

ANA Massachusetts promotes and advances the health, well-being and safety of all citizens of the Commonwealth. We believe that participation in the eNLC will improve the quality of care received by the citizens of the commonwealth and protect the public safety. A reduction in interstate licensing barriers has the potential to encourage more nurses to practice in Massachusetts and may reduce the number of nursing position vacancies and faculty vacancies.

On behalf of all of the registered nurses from the bedside to the community to the boardroom,

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4 https://www.amnhealthcare.com/industry-research/survey/2017-rn-survey/
5 https://www.aacnnursing.org/News-Information/Fact-Sheets/Impact-of-Education
6 https://www.aacnnursing.org/News-Information/Fact-Sheets/Degree-Completion-Programs
thank you for your time and attention. We appreciate your thoughtful consideration of our position.

Sincerely,

Julie Cronin, DNP, RN, OCN  
President  
American Nurses Association Massachusetts

Carmela A. Townsend, DNP, MS.MBA, RN  
Executive Director  
American Nurses Association Massachusetts

Donna Glynn, PhD, RN, ANP-BC  
Immediate Past President  
American Nurses Association Massachusetts