

Letter from the President

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POST-BOARD MEETING UPDATE

June 8, 2018

"Learn from the past, live in the present, plan for the future."

Audrey Farrell

Dear Colleagues,

At the 2018 Midyear Meeting, our CEO David Benton's address, "Past, Present and Future," challenged us to think differently as we move from reactive and proactive to a predictive regulatory perspective model, and from a jurisdictional to a global perspective. The future clearly offers us challenges, but I believe we have the talent and the will to lead regulation as we have since our founding mothers took the bold step to form NCSBN in 1978.

The Board of Directors (BOD) met on May 7–9, 2018, in Chicago. The following is a summary of the discussions and actions of the BOD at this meeting.

ENVIRONMENTAL SCAN

The BOD members, CEO and staff reported the following trends:

1. Medicinal and recreational marijuana laws continue to be introduced and enacted in states. Thirty states and the District of Columbia currently have laws broadly legalizing marijuana in some form. Eight states and the District of Columbia have adopted laws legalizing marijuana for recreational use. By the end of the summer, recreational marijuana will be legal across Canada's provinces and territories. National legislation legalizes the sale, cultivation and use of marijuana. Age restrictions, who can sell marijuana, where you can sell or consume, etc. is left to the provinces.
2. The eNLC has been adopted in 30 states. The most recent state to pass the compact was Kansas, to be implemented in July 2019. The Commission adopted an initial set of rules to implement the compact in 2017 and will consider adoption of further rules at the Aug. 14, 2018, face-to-face meeting in Minneapolis. These rules are available for comment on party state websites and on the NCSBN webpage.
3. The use of criminal history for employment and licensure continues to be a subject of discussion by policymakers at the jurisdictional level. "Ban the Box" initiatives seek to require employers to remove from their hiring applications the check box that asks if applicants have a criminal record. State policymakers are increasingly discussing decriminalization of certain crimes for licensure purposes, including those involving drugs and alcohol.
4. Some nurses licensed by more than one board (e.g., paramedic/nurse and professional midwife/nurse midwife), and reported for violations of the law, have sought jurisdiction by the non-nursing board.
5. Changes to disciplinary appeal processes that increase the burden on nurse licensure boards are surfacing in some states. They include requirements for de novo trials in district courts. This is essentially a retrial of the case before a state judge.
6. Some health care companies are starting to shift nursing clinical services and decision making on medical care overseas, primarily to India and the Philippines. Some of the jobs being sent abroad include so-called "pre-service nursing," in which nurses at insurance firms, for example, help assess patient needs and determine treatment methods. This conflicts with many U.S. nurse licensing laws as the location of the nurse is in a foreign country and patients are in the U.S.

7. Opioid prescribing legislation continues to be introduced in states requiring prescription drug monitoring program registration for advanced practice registered nurse (APRN) prescribers; opioid education requirements for prescribers; and limits on amount of opioids prescribed.
8. Total Triage Nurse is a company providing triage “Uber nurses” who are online nurses. It is our understanding this company only uses nurses from compact states.

GOVERNMENTAL/POLICY AFFAIRS

Government Affairs Director, Elliot Vice reported that five new commissioners were appointed to the Federal Trade Commission (FTC). We are uncertain of the future priorities of the FTC. The Department of Justice (DOJ) is conducting round tables on occupational licensure and may be issuing guidance related to the North Carolina Dental Board decision. The Veteran's Administration (VA) continues to rollout full practice authority in their facilities. Publication of telehealth rules by the VA will be forthcoming. NCSBN is working with the VA on a pilot project of select facilities using eNotify. A bill has been introduced in Congress that provides telehealth treatment for opioid use disorders. The Tri-Regulator organizations are working together on this legislation to assure that patient safety concerns are considered.

FINANCE COMMITTEE

Treasurer Gloria Damgaard presented the financial statements for the second quarter of fiscal year 2018 (FY18). The BOD accepted the financial statements for the period ending March 31, 2018. Treasurer Damgaard reported the organization continues to be fiscally sound and there continues to be a positive return on investments.

COMMITTEE REPORTS

The BOD received reports from all committees. These reports will be included in the Delegate Assembly (DA) Business Book.

2019 COMMITTEES

The BOD selected the Awards Committee, CORE Committee, Finance Committee, IRE Committee, NCLEX® Examination Committee, and NCLEX® Item Review Subcommittee to continue this year and selected one new committee, the Model Act and Rules Committee. Only five committees are seeking new members. A call has gone out to members seeking applications for these committees. Committee appointments will be confirmed by the BOD at the July 2018 meeting. Members appointed to committees will be notified prior to the 2018 DA.

The BOD has also discussed using work groups for issues that arise during the year. These groups are anticipated to provide opportunity for engagement experiences of shorter duration than a year but with greater impact. They may be appropriate for electronic participation, be more timely, be more convenient and require shorter time commitments by our members.

EXAM USER MEMBER TERMS AND CONDITIONS MEMBERSHIP AGREEMENT

The BOD considered feedback from members received at the Midyear meeting and approved a final agreement to be presented to the DA in August.

APPLICATIONS FOR MEMBERSHIP

One application for associate membership was received and determined to meet the requirements for this level of membership. Kazakhstan was recommended for associate membership to the DA. Three applications were received for exam user member (EUM). The BOD determined that the applications met requirements for this level of membership and recommended them for EUM status to the DA.

2018 DELEGATE ASSEMBLY BUSINESS AGENDA AND RECOMMENDATIONS

The BOD approved the 2018 DA business agenda and summary of recommendations to the DA. Primary recommendations include approval of the NCLEX-RN® Test Plan, approval of the Terms and Conditions of NCSBN Exam User Membership, applications for exam user membership, and application for associate membership. The BOD also received the 2018 Slate of Candidates prepared by the Leadership Succession Committee.

CORE PORTAL

The Commitment to Ongoing Regulatory Excellence (CORE) Committee was charged by the BOD with creating a portal to facilitate collection of data and customized reporting of CORE data. The portal has been developed and piloted by the Committee. The BOD viewed a demonstration of the new portal. Next steps will include development of an instruction guide and video for users, followed by a rollout to members.

RESOURCE FUND POLICY

The BOD reviewed fund usage and found overall use by boards of nursing (BONs) increased from 141 requests in FY14 to 188 requests in FY17, while total expenditures increased from \$229,851 in FY14 to \$265,859 in FY17. The BOD moved and approved amendments to the resource fund policy that stress the need for those receiving funds to attend all meeting sessions; that the application for funding should include an attestation that alternative sources of funding have been considered; and that there should be an increase in the net funds available for this budget item.

DATA SHARING POLICIES

During review of policies in FY17, the BOD identified that separate storage, access and use policies existed for various data sources used by NCSBN. The BOD established a workgroup of staff, BOD and legal counsel to conduct a thorough review of data policies and recommend updates to the policies.

At the May meeting, the BOD reviewed the report of the workgroup, including recommendations for data sharing policies. To minimize risk and bring clarity to how data can be accessed for NCSBN staff purposes, member use and third party access, the BOD adopted new policies and a data classification framework.

NURSIS SERVICES UPDATES

There are 57 member boards that have signed Nursys® participation agreements and share licensure data with other BONs. All these states have consented to public license look-up. Of the 57 licensure submitting members, four BONs have chosen not to participate in Nurse Licensure Verification for Endorsement (Alabama, California RN, California VN, and Pennsylvania). Michigan participation is currently on hold while the Michigan Licensing and Regulatory Agency and NCSBN continue discussion on updating their licensure data in Nursys. Hawaii has authority to participate and is reviewing the participation agreement to move forward with Nursys participation. Temporary license information is currently provided by 17 states while APRN licensing information is provided by 20 states. There are 22 states that are participating in the Nurse Workforce Repository. The e-Notify service currently has more than 5,600 active institutions and more than 815,500 nurses enrolled.

NURSE AIDE ASSESSMENT PROGRAM

The BOD considered a process for review of issues related to the NNAAP® examination, the role of nurse aides (NAs) going forward, and the regulation of NAs and determined that an extensive literature review would be performed and input from a broad stakeholder group would be initiated to inform if future changes to education, examination and regulations should occur.

LEADERSHIP PROGRAM REDESIGN

As reported following the February BOD meeting, the BOD considered the report and recommendations from Dr. Stephanie Ferguson, consultant. In particular, members identified the need to redesign the Institute of Regulatory Excellence (IRE). To this end, the BOD approved a new Regulatory Excellence Institute (REI) which will provide opportunities for regulators from diverse jurisdictions to learn, interact and collaborate. REI will be a credit-based certification program for regulators. It will be free of charge and will consist of a variety of educational options including conferences, e-learning, journal clubs, etc. Each participant will customize their overall program based upon their current needs and future goals. Staff will offer guidance. The BOD approved the initial REI program with a focus on a comprehensive package of education to support the advancement of nurse regulatory excellence.

APRN COMPACT UPDATE

Since adoption of the APRN Compact, three states have passed the compact into law --- Idaho, Wyoming and North Dakota. Meanwhile, Transition to Practice legislation has passed in more than a dozen states with requirements ranging from 1,000 to 10,000 hours. It is unclear how these provisions would operate under the APRN Compact. Other supervisory provisions for certain specific practice modalities also raise questions regarding how they would be treated under the APRN Compact. The BOD approved a meeting of executive officers or designees to convene this summer to consider these issues.

APRN ACUTE AND PRIMARY CARE UPDATE

Since the launch of the Consensus Model (CM) in 2008, some newly licensed nurse practitioners (NPs) have continued to accept employment that is not congruent with their advanced education and certification. Specifically, there are primary care NPs accepting acute care employment. The CM specifies that certified nurse practitioners are prepared to practice as primary care NPs, acute care NPs or both. Each role has separate national consensus-based competencies and separate certification processes. Scope of practice of the primary care or acute care NP is not setting specific, but is based on patient care needs. The BOD will continue to monitor regulatory implications of this issue and will consider further directions at the July BOD meeting.

40th ANNIVERSARY

2018 marks the 40th Anniversary of NCSBN. The year is being celebrated in several special ways with input from the 40th Anniversary Committee, the BOD, our CEO and NCSBN staff. These activities include:

1. Donation of \$140,000 to the Foundation of the National Student Nurses' Association, to provide scholarships to qualified undergraduate nursing students;
2. A seminal Global Regulatory Atlas, the first comprehensive resource of nursing regulation around the world, set to debut in August;
3. Publication, in cooperation with the National Forum of State Nursing Workforce Centers, of the 2017 National Nursing Workforce Survey;
4. A new NCSBN logo to be unveiled on NCSBN's official "birthday" June 5;
5. A new NCSBN website to be launched in July; and
6. A booklet for new nurses titled "NCSBN Welcomes You to the Nursing Profession" has already been distributed as a gift to more than 60,000 newly licensed nurses with the goal of making sure all new nurses will receive it this year.

The Annual Meeting will include a celebration of our past as we honor our founding mothers at a special luncheon. Other events will highlight a vision for the future. Members told us last year that our global focus should continue and grow. To that end, the BOD has provided scholarships for 10 international nurse regulators to join us at this meeting. The agenda will also include special presentations by two prominent international regulatory leaders.

Red is the traditional color of 40th Anniversary celebrations. Please wear **RED** if you are planning to attend the Awards Ceremony and Dinner during our annual meeting!

STRATEGIC OUTCOMES REPORT

Progress on targets for the Fiscal Years 17–19 Strategic Plan are reviewed by the BOD at each meeting. Examples of updates reviewed at this meeting include:

- CORE Portal is complete;
- The first student in the graduate experience track of the Regulatory Scholars Program completed the program and was interviewed for the fall 2017 issue of *Leader To Leader*. She will use her new regulatory knowledge in her leadership role in long-term care;
- An applicant for the paid internship program was selected and will be in Chicago for eight weeks this summer assigned to a specific project;
- One Regulatory Scholar grant was funded this year; and
- The Citizens Advocacy Center is reviewing the Regulation 2030 recommendations from a public perspective.

The BOD will next meet July 12–13, 2018.

We look forward to seeing you at the Annual Meeting and celebrating this momentous occasion!

Warm regards,

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President

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