



MULTI-STATE NURSE LICENSURE

In 2005, the Ohio Board of Nursing (Board) examined issues and learned about the experience of some Compact states participating in multi-state licensure. Although the Board recognized that multi-state nurse licensure could be advantageous for occupational health nurses, traveling nurses, or employers, the Board discussed that potential risks of harm to the public outweigh the potential benefits. With multi-state licensure, nurses could be practicing in Ohio when they have not been held to the same standards of safe practice that Ohio has deemed important for public safety. For example, Ohio requires criminal records checks for licensure, but not all Compact states have the same requirement. Also, Ohio statute specifies that there are absolute bars to licensure. If an applicant has been convicted of certain crimes such as Murder and Rape, among others, the applicant cannot be considered for licensure in Ohio. The majority of Compact states either do not bar violent felonies, or impose only time-limited, rather than absolute, bars to licensure.

Over the years, the Board reviewed the actual experience of other states and identified the potential impact of multi-state licensure on public safety. We were advised of nurses with multi-state licenses relocating to states as soon as they find themselves under investigation in their home state. While in theory, the home state would immediately report the investigation to the next state, the reality is neither state may learn of the relocation for a significant period of time. Furthermore, not all states have laws like that in Ohio permitting sharing of investigative information with other governmental entities. In addition, when the nurse moves to another state, the home state does not always continue its investigation. This means that Ohio would not receive vital information unless Ohio attempted to conduct an out-of-state investigation and this is not realistic. In fact, it is unclear whether Ohio would have the ability to compel the production of out-of-state documents or witnesses necessary to prepare a case. These are just some examples of issues that nursing boards across the country are attempting to address.

On September 16, 2005, the Board voted to delay action seeking the introduction of interstate compact legislation until such time more information is gathered to assure that the benefits of multi-state licensure outweigh any risks related to public safety.

Since 2005, the Board has discussed multi-state licensure at numerous meetings and continuously has worked at the national level to address Ohio's concerns. While the Compact states are being encouraged to implement criminal records checks for licensure, several Compact states have not been successful in enacting the requirement. 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.

In May 2015, NCSBN voted to approve a new Compact (New NLC). During the NCSBN Annual Meeting in August 2015, an information session for state attorneys, regarding the legal implications of the New NLC, was provided by the Compact Special Counsel and NCSBN Legal Counsel. The New NLC would need to be adopted by each of the 26 Compact member state legislatures. Potential obstacles to adoption identified by state attorneys participating in the information session included (but are not limited to) the following: (i) the New NLC would establish a Commission that would be funded by state revenue, but would not be subject to state transparency requirements (open meetings/open records acts); (ii) the Commission could adopt rules binding on Compact member states without undergoing state rule-making processes; (iii) concern was expressed that states would be ceding their legal authority to a privately operated Commission. The New NLC will not be effective until all but two of the Compact member state legislatures adopt the New NLC.