



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 115

PRINTERS NO. 473

PRIME SPONSOR: Boscola

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Professional Licensure Augmentation Account	\$0	See "Fiscal Impact"

SUMMARY: Authorizes Pennsylvania to join the Nurse Licensure Compact. This legislation would take effect immediately.

ANALYSIS: This legislation grants the authority to enter into the Nurse Licensure Compact (compact). The purpose of the compact is to protect the health and safety of the public by expanding the mobility of nurses.

The compact is designed to:

- Facilitate the states' responsibility to protect the public's health and safety.
- Ensure and encourage the cooperation of compact states in the areas of nurse licensure and regulation.
- Facilitate the exchange of information between compact states in the areas of nurse regulation, investigation, and adverse actions.
- Promote compliance with the laws governing the practice of nursing in each jurisdiction.
- Invest all compact states with the authority to hold a nurse accountable for meeting all state practice laws in the state, which the patient is located at the time care, is rendered through the mutual recognition of compact state licenses.
- Decrease redundancies in the consideration and issuance of nurse licenses.
- Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

State Participation & Application for Multi-State License: The compact allows registered nurses and licensed practical nurses to have one multistate license in the state in which they reside, with the privilege to practice in their home state and all other compact (party) states. A nurse practicing in a compact state must comply with the state practice laws of the state in which the client is located at the time service is provided.

Each compact state shall require the following for an applicant to obtain or retain a multistate license in the home state:

- Meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

- Holds an active, unencumbered license;
- Has submitted fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;
- Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law or a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis.

Upon application for a multistate license, the licensing board in the issuing compact state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

State Board Authority: In addition to the other powers conferred by state law, a licensing board shall have the authority to:

- Take adverse action against a nurse's multistate licensure privilege to practice within that compact state;
- Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that compact state;
- Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;
- Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.
- Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.
- If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other compact states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all compact states during the pendency of the order.

Establishment of Commission:

- The Interstate Commission of Nurse Licensure Compact Administrators (Commission) is the national administrative body whose membership consists of all states that have enacted the compact and are responsible for the oversight of the compact.

- The Commission is responsible for performing functions necessary to achieve the purposes of the compact, which includes establishing bylaws, maintaining financial records, promulgating uniform rules to implement and administer the compact and bringing and prosecuting legal proceedings.
- Each compact state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each compact state.
- The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the Commission.
- The Commission may also levy on and collect an annual assessment from each compact state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule that is binding upon all compact states.

Coordinated Licensure Information System:

- All compact states shall participate in a coordinated licensure information system of all licensed registered nurses and licensed practical nurses to assist in the coordination of nurse licensure and enforcement efforts. Compact states are required to submit a uniform data set to the coordinated system on all licensees as required by the Commission rules, including:
 - Identifying information and licensure data;
 - Significant investigatory information and adverse actions against licensee;
 - Denials of applications with reasons of such denials;
 - Information related to alternative program participation;
 - Any other information that may facilitate the administration of the compact, as determined by Commission rules.
- Current significant investigative information and participation in alternative programs shall be transmitted through the coordinated licensure information system only to compact state licensing boards.

Commission Rules: Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of the compact. The following apply regarding the rulemaking process:

- 60 days prior to the meeting at which a rule will be considered, the Commission must post public notice of the rulemaking on its website, and all the compact states must also post notice of the rulemaking in the manner in which the states would typically post notice of proposed rules.
- Anyone may submit comments regarding the proposed rulemaking. Comments are to be made available to the public.
- Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.
- The Commission can promulgate an emergency rule if needed to protect the health, safety, and welfare of the public, meet federal deadlines, or prevent a loss of funds.

Oversight, Dispute Resolution and Enforcement:

- If the Commission determines a compact state has defaulted in its duties and responsibilities under the compact, the Commission will send notice to the state and all other compact states regarding the nature of the default, and will provide assistance to remedy the default.
- If a state fails to correct the default, it can be removed from the compact by a vote of a majority of member states. Termination of membership shall be imposed only after all other means of securing compliance have been exhausted.

Implementation, Withdrawal & Amendment:

- States that join after the adoption of the rules shall be subject to the rules as they exist on the date which the compact becomes law in that state.
- Any state may withdraw from the compact by enacting a repealing statute. A state's withdrawal shall not affect the continuing requirement of the withdrawing state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal.
- The compact cannot be amended unless the changes have been enacted into law by all compact states.

This legislation also contains language pertaining to criminal background checks for multistate license applicants. The Department of State is required to administer a criminal history background check on any resident nurse or practical/vocational nurse licensed in the Commonwealth who applies for a multistate license under the compact. The criminal history information shall solely be used to determine eligibility for a multistate license.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on the Professional Licensure Augmentation Account as member state licensing boards have the option to impose an additional fee for issuing a multistate license. The Department has not determined if it will assess an additional fee for issuing the multistate license but does indicate that if the Commonwealth joins the compact, it could result in the loss of revenue to the Pennsylvania State Board of Nursing as out-of-state licensees that currently hold multiple licenses in Pennsylvania and other compact states may choose to no longer renew their Pennsylvania license. The amount of revenue loss is indeterminable and will be dependent upon the number of out-of-state nurses choosing not to renew their Pennsylvania licenses.

The Commission charges each compact member state \$6,000 to cover the cost of operations and activities. The Department of State indicates that they are able to accommodate this annual cost within existing budget levels.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: June 23, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.