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To: Nevada State Legislature Senate Committee on Human Resources and Facilities

From: Lisa Black, BSN, RN; Executive Director, Nevada Nurses Association

Date: March , 2003

Regarding: Senate Bill 93, Mutual Recognition of Nurse Licensure

Good morning Mr. Chairman and members of the committee. My name is Lisa Black. I am a Registered Nurse and the Executive Director of the Nevada Nurses Association. Thank you for the opportunity to appear before you this morning. As you may recall, the concept of mutual recognition of nurse licensure came before this committee during the 2001 legislative session. At that time, there were areas of the bill that were of concern to us and we were unable to fully support the legislation at that time. During the last year, we have worked with the Nevada State Board of Nursing to reach compromise language that addresses our concerns. We can now comfortably recommend that this committee pass SB 93 and allow the Nevada State Board of Nursing to enter into a mutual recognition compact of nurse licensure.

You will see reflected in the language of the bill that several areas are addressed that ensure integrity in this process and serve to protect nurses practicing under the compact. Additional areas will be addressed through the regulatory process that the Board of Nursing will begin after enactment of this bill, should the Board of Nursing be given legislative permission to enter into this nurse licensure compact.

1. It is agreed between the Nevada Nurses Association and the Nevada State Board of Nursing that entry into this compact will, in no way, supercede any state or federal labor law and that nurses practicing under the compact will be ensured due process in any disciplinary action that may be brought against their license to practice nursing in Nevada. Nurses have expressed concern that they could potentially face disciplinary action in multiple states as a result of practicing in a multi-state compact. We have been assured by the Nevada State Board of Nursing, and the National Counsel of State Boards of Nursing that this has not proved problematic in the 18 states currently participating in the mutual recognition compact and that nurses have not experienced denial of due process. SB 93 specifically states, "the provisions of an agreement entered into pursuant to this section must comply with all applicable state and federal laws." It has been communicated to us that this unequivocally includes any and all state labor laws and that this will not affect a nurse's ability to engage in collective bargaining activities and that due process for nurses facing disciplinary action will be protected. We do acknowledge, however, that some in the nursing community remain concerned that entry into this compact may adversely affect nurses in collective bargaining units. The Nevada Nurses Association does not represent nurses for the purposes of collective bargaining and do not consider ourselves to be the expert on collective bargaining issues. There are nursing organizations present today, however, that can speak to this in greater detail.
2. It has been agreed between the Nevada Nurses Association and the Nevada State Board of Nursing that steps will be taken to ensure that all nurses practicing in Nevada on an interstate privilege will meet Nevada licensure standards. This is addressed extensively in the language of this bill in section 1. With

this enabling language, we are comfortable that the caliber of nurses practicing in our state will be upheld and that nurses not eligible for NV licensure will not be allowed to practice in Nevada.

3. The Nevada Nurses Association has suggested and the Nevada State Board of Nursing has accepted that a ten-year sunset provision be applied to the legislative permission to enter into the compact. Truly, mutual recognition of nurse licensure is a new concept. Legislative permission to enter the compact was received in the first party states in 1999, and widespread implementation of the compact has been in effect for only the last couple of years. While we are hopeful that this compact will indeed benefit nurses in Nevada and across the nation, it is our belief that the full effect and possible ramifications of this new model of licensure may not have yet been fully realized. For this reason, we feel it is very appropriate to allow that entry into this licensure compact be subject to this 10-year sunset provision to allow for evaluation of its efficacy and usefulness to the nursing community in Nevada.
4. The Nevada Nurses Association has had multiple conversations with the Board of Nursing about the need to have a mechanism by which our regulatory agency knows who is practicing in our state and that all nurses, whether practicing under a Nevada license or on an interstate privilege, be kept informed of ongoing changes affecting their nursing practice. Current statute provides that "each hospital or agency in the state employing [nurses] shall submit a list of such nursing personnel to the board at least three times annually as directed by the Board. Each list submitted to the Board is confidential." The Board of Nursing has indicated to us that this process will be addressed in regulation in such a way that the name, license number, and permanent address of each nurse practicing in Nevada on an interstate privilege will be submitted to the Board. This list will then be used by the Board to conduct an ongoing and careful review of how Mutual Recognition of nurse licensure is working in Nevada. Representatives from the Board have indicated that nurses on this list will also receive communications from the Board of Nursing regarding any practice related issues that may affect the practice of nursing in Nevada. The Board of Nursing publishes a quarterly newsletter that is distributed to all nurses licensed in Nevada that serves to notify nurses of changes affecting their practice. It is our request that this newsletter be distributed to nurses practicing on an interstate compact as well. The Board of Nursing has indicated that this can be done, without compromising the confidentiality of the employer list submitted to the Board. We have agreed with the Board of Nursing that the mechanism through which this registry of nurses practicing in Nevada on an interstate privilege will be addressed through the creation of regulatory language.
5. The final area of concern that has been expressed is that entry into a mutual recognition compact will lead to decreased revenue for the Board of Nursing, which will lead to an increase in licensure fees for nurses. The Nevada State Board of Nursing has assured us that entry into the compact will not have an impact on licensure fees and that the Board does not anticipate any licensure fee increase in the near future.

In closing, we look forward to continuing to work with the Nevada State Board of Nursing and our industry partners should the Board of Nursing be given legislative permission to adopt regulations to enter into a compact that mutually recognizes nurse licensure. Again, thank you for the opportunity to appear before you this morning, and I would be happy to address any questions of the committee members.



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March 11, 2003

via fax: (775) 688-2628

Debra Scott, MS, RN, APN
Executive Director
Nevada State Board of Nursing
5011 Meadowood Mall Way, Suite 201
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Dear Debra,

At our regular Board meeting on November 23, 2002, the Nevada Nurses Association Board of Directors voted to support the Nevada State Board of Nursing's proposal to allow Nevada to enter into the Mutual Recognition Compact. Our support is contingent upon the following issues being addressed either in Nevada statute or via the regulatory process that will follow legislative permission to enter the compact. It is our position that internal Board policy is not an acceptable means to address these recommendations.

1. The compact will be drafted in such as was as not to supercede state labor laws
2. Nurses licensed and practicing under the compact will be ensured due process in all matters before the Board of Nursing.
3. Nurses practicing in Nevada on an interstate privilege will meet Nevada licensure standards.
4. A registry of nurses practicing in Nevada on an interstate privilege will be maintained by the Nevada State Board of Nursing. This registry will include the name, RN/LPN license number with state of licensure, and permanent mailing address of the nurse. This list will be maintained as part of the internal mailing list of the Nevada State Board of Nursing and nurses practicing on an interstate privilege will receive the quarterly Board of Nursing newsletter and any relevant publications from the Board of Nursing relevant to the practice of nursing in Nevada.
5. Entry into the compact will be subject to a 10-year sunset provision. Prior to the sunset date of the compact, the licensing board will participate in a compact evaluation process, designed to evaluate the effectiveness and operability of the Compact in Nevada. Such compact evaluation process will be conducted by an outside researcher. After such evaluation, a report shall be produced for comment by interested parties and will be submitted to the legislature in the form of a Nurse Licensure Compact evaluation report. Providing that significant problems with the operability of the compact are not identified prior to the 10-year sunset date, the Nevada Nurses Association will not oppose re-enactment of the compact language and removal of the sunset language at that time.

We are pleased that many of the aforementioned have already been addressed in Senate Bill 93 and we look forward to continuing to work with you and the Nevada State Board of Nursing as regulations are drafted to implement the interstate compact language in Nevada. Thank you for your ongoing efforts to collaborate with us and for your willingness to address our questions and concerns through this process.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lisa M. Black".

Lisa Black, BSN, RN
Executive Director
Nevada Nurses Association