The Economics of Occupational Licensure
Share of Workforce Needing a License

- **1950**: 5%
- **Today**: 25%
1,100 Professions

- Taxidermist
- Massage Therapist
- Hair Braiding
- Farm labor
- Coach
- Massage therapist
- Florist
- Cosmetologist
- Manicurist
- Barber
- Fisher
- Travel guide
- Locksmith
- Security guard
- Bill collector
- Auctioneer
- Bartender
- Interior design
- Painter
- Milk sampler
- Home entertainment installer
- Shampooer
- HVAC
- Home inspector
- Tour Guide
- Landscaper
- Carpenter
- Gaming supervisor
10 States Require Hair Braiding Licenses
10 States Require Hair Braiding Licenses
### Cosmetologist

<table>
<thead>
<tr>
<th>Licensed in</th>
<th>50 states + DC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Fees</td>
<td>$177</td>
</tr>
<tr>
<td>Average number of exams</td>
<td>2 exams</td>
</tr>
<tr>
<td>Average Required Training</td>
<td>386 Days</td>
</tr>
</tbody>
</table>
Average Required Training:

- EMT: 34 Days
- Cosmetologist: 386 Days
Average Required Training:

- EMT: 34 Days
- Cosmetologist: 386 Days
- Residential Door Repairman: 343 Days
- Drywall Installers: 517 Days
The Effects of Licensure on Quality

A Quality Gate

A Limit on Competition
The Effects of Licensure on Quality

Share of Boards Dominated by the Professions they Oversee

85%
The Effects of Licensure on Quality

- Mixed, Unclear, Neutral Effects: 63%
- Positive Effects: 16%
- Negative Effects: 21%
The Effects of Licensure on Price

$/Q

Demand

$/Q

Supply

Quantity
The Effects of Licensure on Price
The evidence on licensing’s effects on prices is unequivocal: many studies find that more restrictive licensing laws lead to higher prices for consumers.
The Effects of Licensure on Price

19/19 Studies: Licensure Raises Consumer Prices

100%
The Effects of Licensure on Price

- Well-child checkup: 3-16%
- Eye care: 5-13%
- Dental visit: 7-11%
The Disparate Impact Licensure

Disproportionate harm on minorities, immigrants, ESL, people with prior convictions, military spouses
The Disparate Impact Licensure

Studies finding a disparate impact on racial minorities

Mixed results

80%

20%
The Concentrated Benefits and Diffuse Costs of Licensure

Consumers and would-be competitors

Incumbent providers
The Concentrated Benefits and Diffuse Costs of Licensure
The Power of One Entrepreneur

Melony Armstrong
African Hairbraider
An Independent Commission
Requiring Least-Restrictive Means

1. Market competition
2. Third-party or consumer-created ratings and reviews
3. Private certification
4. Specific private civil cause of action to remedy consumer harms
5. Deceptive trade practices under the Uniform Deceptive Trade Practices Act
6. Mandatory disclosure of attributes of the specific goods or services
7. Regulation of the process of providing the specific goods or services to consumers
8. Inspection
9. Bonding or insurance
10. Registration
11. Government certification
12. Occupational licensure
Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right…. ”
Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right…. Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living…. ”
Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right.... Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living.... Any person may file an action in a court of general jurisdiction to challenge an occupational regulation....”
Reverse the Burden of Proof

“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right.... Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living.... Any person may file an action in a court of general jurisdiction to challenge an occupational regulation.... The agency must demonstrate regulation is necessary to specifically fulfill a public health or safety concern....”
“The right of individuals to pursue a chosen business or profession, free from arbitrary or excessive government interference, is a fundamental civil right. Courts shall apply heightened judicial scrutiny to cases involving occupational licenses and the right to earn a living. Any person may file an action in a court of general jurisdiction to challenge an occupational regulation. The agency must demonstrate regulation is necessary to specifically fulfill a public health or safety concern. This concern may not include the protection of existing businesses.”
The Economics of Occupational Licensure
Vermont Professional Regulation Sunrise and
Vermont Professional Regulation Sunrise and Sunset.

Vermont sunrise in February
ESSENTIAL GOOD GOVERNMENT TOOLS

- **Sunrise** - is it really needed to protect the public? Reviewing the need BEFORE creating new regulation

- **Sunset** - is it still needed? Is it working? Making sure to review the effectiveness of a regulation AFTER it has been enacted

**What Are Sunrise and Sunset?**
History of the Office of Professional Regulation (OPR)

- Created as an “umbrella agency” in 1989 for efficiency in professional licensing
- Professions were scattered, siloed, independent, and unaccountable
- Consolidation under one roof made sense for many reasons
Creation of OPR resulted in:

- Savings through the enhanced productivity of shared resources (staff, space, legal services, IT)
- Efficiencies and consistency through the implementation of best practices
- Less red tape and more confidence for the regulated community due to consistent, legal and predictable approaches to regulation
- Better public protection and customer service through more efficient processing, increased transparency, and co-location of similar services creating ease of access for the public
The OPR Mission – Public Protection

**Licensing:** Ensure minimum competency standards to practice

**Enforcement:** Hold those that commit unprofessional conduct accountable

**Adjudication:** Afford due process when denying a license or sanctioning a licensee for unprofessional conduct
Professional Regulation – Unify. Streamline. Focus.

Smart Government Approach

- Umbrella Structure
- Sunrise Review
- Veto Power
- Regulatory Review (Sunset)
Professional Regulation – Unify. Streamline. Focus.

VT Sunrise Review Created in 1977

Secretary of State’s Office
History of Sunrise in Vermont:

- Created in 1977, among the first in the nation
- Prior to the creation of OPR (umbrella)
- Review was in the hands of the legislative council and was rarely used. They did not have the time or expertise
- OPR was created in 1989 and was given the power of sunrise review for all new professions
Professional Regulation – Unify. Streamline. Focus.
Vermont - 16.8 % of professions regulated

2015

Secretary of State’s Office
Professional Regulation – Unify. Streamline. Focus.

16.8% of professions regulated

<table>
<thead>
<tr>
<th>State</th>
<th>Percent of Workforce Licensed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>33.30</td>
</tr>
<tr>
<td>Nevada</td>
<td>30.70</td>
</tr>
<tr>
<td>Washington</td>
<td>30.50</td>
</tr>
<tr>
<td>Florida</td>
<td>28.70</td>
</tr>
<tr>
<td>Kentucky</td>
<td>27.80</td>
</tr>
<tr>
<td>Hawaii</td>
<td>26.60</td>
</tr>
<tr>
<td>North Dakota</td>
<td>26.60</td>
</tr>
<tr>
<td>Oregon</td>
<td>26.10</td>
</tr>
<tr>
<td>New Mexico</td>
<td>25.90</td>
</tr>
<tr>
<td>West Virginia</td>
<td>25.50</td>
</tr>
<tr>
<td>Alaska</td>
<td>25.50</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>25.00</td>
</tr>
<tr>
<td>Connecticut</td>
<td>24.70</td>
</tr>
<tr>
<td>Illinois</td>
<td>24.70</td>
</tr>
<tr>
<td>Nebraska</td>
<td>24.60</td>
</tr>
<tr>
<td>Texas</td>
<td>24.10</td>
</tr>
<tr>
<td>Utah</td>
<td>23.80</td>
</tr>
<tr>
<td>Mississippi</td>
<td>23.10</td>
</tr>
<tr>
<td>Tennessee</td>
<td>23.10</td>
</tr>
<tr>
<td>Idaho</td>
<td>22.80</td>
</tr>
<tr>
<td>Arizona</td>
<td>22.30</td>
</tr>
<tr>
<td>Louisiana</td>
<td>22.30</td>
</tr>
<tr>
<td>North Carolina</td>
<td>22.00</td>
</tr>
<tr>
<td>South Dakota</td>
<td>21.90</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>21.80</td>
</tr>
<tr>
<td>Missouri</td>
<td>21.30</td>
</tr>
<tr>
<td>Montana</td>
<td>21.30</td>
</tr>
<tr>
<td>Wyoming</td>
<td>21.20</td>
</tr>
<tr>
<td>Alabama</td>
<td>20.90</td>
</tr>
<tr>
<td>California</td>
<td>20.70</td>
</tr>
<tr>
<td>Maine</td>
<td>20.70</td>
</tr>
<tr>
<td>New Jersey</td>
<td>20.70</td>
</tr>
<tr>
<td>New York</td>
<td>20.70</td>
</tr>
<tr>
<td>Michigan</td>
<td>20.60</td>
</tr>
<tr>
<td>Arkansas</td>
<td>20.20</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>19.70</td>
</tr>
<tr>
<td>Delaware</td>
<td>18.40</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>18.10</td>
</tr>
<tr>
<td>Ohio</td>
<td>17.20</td>
</tr>
<tr>
<td>Colorado</td>
<td>17.20</td>
</tr>
<tr>
<td>Maryland</td>
<td>17.20</td>
</tr>
<tr>
<td>Virginia</td>
<td>17.20</td>
</tr>
<tr>
<td>Vermont</td>
<td>16.80</td>
</tr>
<tr>
<td>Georgia</td>
<td>15.70</td>
</tr>
<tr>
<td>Minnesota</td>
<td>15.00</td>
</tr>
<tr>
<td>Indiana</td>
<td>14.90</td>
</tr>
<tr>
<td>Kansas</td>
<td>14.90</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>14.70</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>14.50</td>
</tr>
<tr>
<td>South Carolina</td>
<td>12.40</td>
</tr>
</tbody>
</table>

2015

Secretary of State’s Office
Sunrise in other states:

- Approximately 15 states
- Practices differ:
  - reviews done by legislative committees, executive offices, special boards or councils
  - detailed procedures versus broad authority guided by criteria
- Focused on public protection and cost/benefit analysis
Why Sunrise?

"If you find yourself in a hole, the first thing to do is STOP digging." – Will Rogers

Secretary of State’s Office
It is the policy of the state of Vermont that regulation be imposed upon a profession or occupation solely for the purpose of protecting the public. The legislature believes that all individuals should be permitted to enter into a profession or occupation unless there is a demonstrated need for the state to protect the interests of the public by restricting entry into the profession or occupation. If such a need is identified, the form of regulation adopted by the state shall be the least restrictive form of regulation necessary to protect the public interest.
VT Sunrise laws (26 V.S.A. § 3105)

Criteria and standards
(a) A profession or occupation shall be regulated by the State only when:
(1) it can be demonstrated that the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is recognizable and not remote or speculative;
(2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
(3) the public cannot be effectively protected by other means.
VT Sunrise Reviews

- A gatekeeper; the ability to slow down and do the analysis
- If it’s not about public protection...don’t do it!
- Based on facts and evidence, not emotion, marketplace, pride, or insurance reimbursement
- About the public interest, not special interests
- Empower legislators to defer – avoid the fight
Sunrise Process

- Apply by July 1
- Legislature may request review
- Petitioner application with the specific info required
- Review by staff attorney
- Research, outreach, public hearings, public comment
- Recommendation to Legislature by January 1
- Ultimately up to the Legislature to decide
Massage Therapists
Precious Metal Dealers
Foresters / Loggers
Speech Language Pathology Assistants
Dental Therapists
Home Inspectors

Behavior Analysts and Assistants
Home improvement contractors
Art Therapists
Home Alarm Installers
Dog Walkers
Professional Regulation – Unify. Streamline. Focus.

Sunset Provisions

Figure 13. States with Sunrise and Sunset Legislation

Presence of Sunrise or Sunset Legislation
- No Sunrise or Sunset
- Sunrise or Sunset
- Sunrise and Sunset


2015

Secretary of State’s Office
Why Sunset?

Professional Regulation – Unify. Streamline. Focus.

HOW’S MY DRIVING VEHICLE# 1-800-737-6789

Secretary of State’s Office
Questioning the need for regulation.

If regulation is imposed, the profession or occupation may be subject to review by the Office of Professional Regulation and the General Assembly to ensure the continuing need for and appropriateness of such regulation.

- 9 review factors - effectiveness & consistency - original intent

VT Regulatory Review
Sunset laws (added in 2015)
(1) the extent to which a regulatory entity's actions have been in the public interest and consistent with legislative intent;

(2) the extent to which the profession's historical performance, including the actual history of complaints and disciplinary actions in Vermont, indicates that the costs of regulation are justified by the realized benefits to the public;

(3) the extent to which the scope of the existing regulatory scheme for the profession is commensurate to the risk of harm to the public;
(4) the extent to which the profession's education, training, and examination requirements for a license or certification are consistent with the public interest;

(5) the extent to which a regulatory entity's resolutions of complaints and disciplinary actions have been effective to protect the public;

(6) the extent to which a regulatory entity has sought ideas from the public and from those it regulates, concerning reasonable ways to improve the service of the entity and the profession or occupation regulated;
Sunset (9 Review Factors)

(7) the extent to which a regulatory entity gives adequate public notice of its hearings and meetings and encourages public participation;

(8) whether a regulatory entity makes efficient and effective use of its funds and meets its responsibilities; and

(9) whether a regulatory entity has sufficient funding to carry out its mandate.
Vermont Professional Regulation Sunrise and Sunset
Sunset Review Process

- Initiated by OPR

- Notice to the public, regulatory entity and associations, seeking comments

- Report to the Legislature and the regulatory entity on:
  - findings
  - alternative courses of action
  - recommendations; and
  - appropriate legislative proposals
Sunset Review Process – Other states

Some states do this really well (TX, CO) and have:

- Stronger legislative authority
- Mandatory reviews
- Statutory timeframes
- Strong fiscal analysis (including an economist)
- Like sunrise, it can reside in legislative or executive branch

VT: LADC review success story
Vermont Professional Regulation Sunrise and
THANK YOU!

Please contact me with any questions.

Chris Winters
Vermont Deputy Secretary of State
www.sec.state.vt.us
802-828-2124
chris.winters@sec.state.vt.us
HB2569:
UNIVERSAL RECOGNITION OF
OCCUPATIONAL AND PROFESSIONAL LICENSES
RECENT ARIZONA REFORMS INCLUDE:

- Passing Blow Dry Freedom bill
- Expanding availability of temporary occupational licenses
- Developing apprenticeships for cosmetology and barbers
- Allowing applicants with criminal backgrounds to petition boards in advance of education or training
- Waiving initial occupational licensing fees for applicants below 200% of the federal poverty level
- Eliminating or reducing unnecessary licensing requirements for select occupations
- Banning taxpayer funded lobbyists for state agencies and boards/commissions
UNIVERSAL RECOGNITION REQUIREMENTS:

▸ Establish residency in Arizona

▸ Licensed for at least ONE year in another state at the same practice level as recognized in Arizona

▸ Completed all education, experience and testing requirements for licensure in original state
  ▸ Arizona regulating entity may require test on state laws

▸ In good standing in all states where licensed

▸ No disqualifying criminal history

▸ Pay applicable fees to Arizona regulating entity
WHO BENEFITS?

- Accountants
- Barbers
- Behavioral Health Professionals
- Chiropractors
- Cosmetologists
- Dentists
- Engineers
- Real Estate Agents
- Pharmacists
- Physicians
- Respiratory Therapists
- Veterinarians
- And more…
“If people want to work, let’s let them work!”

- Governor Ducey in the 2019 State of the State
PROTECTING PUBLIC SAFETY

- Arizona regulating entities must confirm applicants under universal recognition are in good standing in all states where they are licensed.
- Applicants are still required to go through criminal background check.
- Professionals can only become licensed in areas they have been trained in and certified to practice in their original state.
EMILY RAJAKOVICH
DIRECTOR, BOARDS AND COMMISSIONS
POLICY ADVISOR, REGULATORY AFFAIRS

602-542-1308
ERAJAKOVICH@AZ.GOV
Barriers to Work:
Improving Employment in Licensed Occupations for Individuals with Criminal Records
Criminal records create barriers that impact employment for individuals and communities.

A criminal record reduces the likelihood of a job offer by nearly 50 percent.\(^1\)

In 2014, employment barriers associated with a felony (including licensing barriers) produced a loss of about 1.7 million workers.\(^3\)

The U.S. economy loses about $87 billion in annual GDP when people with records can’t work.\(^2\)

---

Impact of criminal records is greater for people and communities of color.

U.S. adult population and U.S. prison population by race and Hispanic origin in 2017

<table>
<thead>
<tr>
<th></th>
<th>Share of U.S. Population</th>
<th>Share of U.S. Prison Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whites</td>
<td>64%</td>
<td>30%</td>
</tr>
<tr>
<td>Blacks</td>
<td>12%</td>
<td>33%</td>
</tr>
<tr>
<td>Hispanics</td>
<td>16%</td>
<td>23%</td>
</tr>
</tbody>
</table>

4. U.S. Census Bureau, Bureau of Justice Statistics
Collateral consequences act as barriers to work for people with criminal convictions.

*Legal restrictions that limit or prohibit people convicted of crimes from accessing employment, housing, and other rights, benefits, and opportunities.*
National Inventory of Collateral Consequences of Criminal Conviction (NICCC)

- Searchable online database
- **Over 40,000** consequences from across the country
- Recently updated and overhauled with new features

https://niccc.csgjusticecenter.org
Collateral consequences restrict licensing avenues for people with criminal convictions.

Across the 50 states and federal system, there are nearly **15,000** collateral consequences that limit occupational licensing opportunities for individuals with criminal records.

Approximately **6,000** consequences serve as blanket (mandatory) bars for certain licenses, based on certain criminal convictions.

**Mandatory:** Any occupational license held by a person found guilty **shall** be suspended...

**Discretionary:** The board **may** refuse to license, renew, or **may** suspend or revoke...

More than 800 occupations are licensed by at least one state, including personal trainers, hair braiders, interior designers, and florists.

Up to 25 percent of the workforce (and growing) requires an occupational/professional license.

Employment is an important factor in a person’s successful reentry.

Positive Relationships
Income for Family
Pro-social Activities

Less likely to reoffend

States are adopting different strategies to address the treatment of criminal records in licensing decisions.

**General Relief**

- **Record Clearance**
  - Expungement & sealing often remove licensing barriers
  - Make records unavailable to decisionmakers

- **Certificates of Relief**
  - Orders from sentencing court that remove some or all collateral consequences, including licensing consequences.
States are adopting different strategies to address the treatment of criminal records in licensing decisions.

**Fair Chance Licensing Policies**

**Limitations on Types of Convictions Considered**
- **AZ**: Ariz. Rev. Stat. § 41-1093.04 (only felonies, violent crimes, and, for certain licenses, fraud-related offenses)

**Limitations Based on Time Since Conviction**
- **CA**: AB 2138 (2018) (7-year limitation for less serious offenses)

**Direct Relationship Requirements**
- **WA**: Wash. Rev. Code § 9.96A.020 (“[offense] directly relates to the position of employment sought or to the specific occupation, trade [or] vocation ... which the license, permit, certificate or registration is sought.”)

**Individualized Consideration & Specific Guidance**
- **CO**: Colo. Rev. Stat. § 24-5-101 (must consider 4 factors, including whether a direct relationship exists)

**Preliminary Eligibility Determination**
- **NV**: AB-319 (2019) (“A person with a criminal history may petition the regulatory body at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the regulatory body.”)

**Written Notice of Reasons for Denial**
- **NM**: Wis. Stat. §§ 111.335 (Board “shall explicitly state in writing the reasons for a decision which prohibits the person from engaging in the [trade or profession] if the decision is based in whole or in part on conviction of any crime.”)
Resources

**Occupational Licensing: Assessing State Policy and Practice**

**Occupational Licensing: Barriers to Work Series**

**National Inventory of Collateral Consequences of Criminal Conviction**
https://niccc.csgjusticecenter.org/
Contact

Chidi Umez,
Project Manager, CSG Justice Center
cumez@csg.org

The presentation was developed by members of the Council of State Governments Justice Center staff. The statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work. Citations available for statistics presented in preceding slides available on CSG Justice Center web site.
Military Spouse License Portability

Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy
What We Do

• Established by the USD(P&R) in 2004

• Mission is to:
  • Alleviate barriers as a result of military life
  • Harmonize differences in state and federal laws

• Have covered a wide range of state issues:
  • Family law, education, occupational licensure and employment support, consumer protection, voting, health policy, National Guard support and the state judicial system

• Issues are reviewed annually to bring most significant to states.

• Accomplish mission through research of potential issues and “education, relationships, and assistance” with state policymakers.
Military Spouse Demographics

<table>
<thead>
<tr>
<th>Active Duty Military Spouse Population</th>
<th>% of Spouses</th>
<th># of Spouses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active duty military spouses</td>
<td>100</td>
<td>637,128</td>
</tr>
<tr>
<td>- Spouses in the workforce</td>
<td>61</td>
<td>337,678</td>
</tr>
<tr>
<td>- Spouses in the workforce requiring a state license</td>
<td>34</td>
<td>132,140</td>
</tr>
<tr>
<td>- Spouses in the workforce in health related occupations</td>
<td>19</td>
<td>73,843</td>
</tr>
<tr>
<td>- Spouses in the workforce in education</td>
<td>10</td>
<td>38,865</td>
</tr>
<tr>
<td>- Spouses in the workforce in crafts and trades</td>
<td>2</td>
<td>6,754</td>
</tr>
<tr>
<td>- Spouses in the workforce in other licensed occupations</td>
<td>5</td>
<td>16,844</td>
</tr>
</tbody>
</table>

Distribution of Licensed Occupations

- Health related
- Education
- Crafts and trades
- Other

1 Active Duty Personnel Master File and Active Duty Family File, Defense Manpower Data Center, November 2017
2 2017 Survey of Active Duty Military Spouse: Tabulation of Responses, Defense Manpower Data Center Report
### Active Duty Spouses in the West

<table>
<thead>
<tr>
<th>State</th>
<th>Active Duty Spouses</th>
<th>State</th>
<th>Active Duty Spouses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>11,154</td>
<td>New Mexico</td>
<td>6,917</td>
</tr>
<tr>
<td>Arizona</td>
<td>11,446</td>
<td>Oregon</td>
<td>1,655</td>
</tr>
<tr>
<td>California</td>
<td>75,814</td>
<td>Utah</td>
<td>3,176</td>
</tr>
<tr>
<td>Colorado</td>
<td>22,061</td>
<td>Washington</td>
<td>33,124</td>
</tr>
<tr>
<td>Hawaii</td>
<td>25,147</td>
<td>Wyoming</td>
<td>1,689</td>
</tr>
<tr>
<td>Idaho</td>
<td>2,358</td>
<td>American Samoa</td>
<td>13</td>
</tr>
<tr>
<td>Montana</td>
<td>1,883</td>
<td>Mariana Islands</td>
<td>9</td>
</tr>
<tr>
<td>Nevada</td>
<td>7,283</td>
<td>Guam</td>
<td>2,083</td>
</tr>
</tbody>
</table>

Active Duty Military Spouses (including Coast Guard), by Zip Code of Residence, Aggregated by State, Source: Defense Eligibility Enrollment Reporting System, Data as Of October 25, 2018)
Military Spouse Licensure Experience

“It requires getting college transcripts sent to a state office. Sometimes taking a standardized test (Praxis is standard but each state may make their own) if you have already taken it that needs to be sent in. Copies of active, and sometimes expired licenses.

Previous employment histories, which involves individually contacting districts/private school boards. Have that sent in, plus your non-refundable check. And unfortunately every state I have been in requires another test to be taken.”

–Military Spouse Experience
Licensure Initiatives

2011 – 2016:

Approach based on

• Endorsement
• Temporary licensure
• Expedited applications

• Enacted 69 bills in 47 states
• Covered health care and commercial occupations – most excluded teachers
• Iowa – Executive Order covering only teachers
2017 University of Minnesota Evaluation

- University of Minnesota studied 6 occupations in 50 states
  - Cosmetology, dental hygiene, counseling, massage therapy, occupational therapy and real estate

- Validated:
  - 42 states provide temporary licensing
  - 39 states make endorsement of existing licenses available and attainable
  - 31 states expedite the process of getting a license

- Other findings:
  - Endorsement, temporary and expedited did not relieve the underlying burden of licensing – only made the process faster
  - Boards did not uniformly implement state laws

https://reachmilitaryfamilies.umn.edu/research/document/13865
2018 Licensure Reboot

- Follow-up on University of Minnesota findings
- Address **teacher certification** (not previously covered)
- React to changing licensure climate:
  - **Military Department Secretaries issued a letter** to the NGA stating licensure would be part of new mission decisions
  - Occupation specific interstate compacts featured accommodations for military spouses that eliminated relicensing
2019 Approaches to Portability

• State-specific improvements:
  • Continued to improve Expedited, Endorsement, Temporary
  • Exempt military spouses from state licensing processes: Several states (examples: AZ, FL, IA, and UT) allow military spouses to work in the state, based upon having a current license in good standing from another state.

• Interstate solution for the long-term: Compacts establish common understanding of competency and its measurement within the occupation and then seek to have states approve the compact through legislation.
Recognized Compacts

• **PT COMPACT— Physical Therapy License Compact:**
  • Privilege to practice provision allows military spouse to work in any
    member state with an unencumbered license in the home state

• **eNLC – Enhanced Nurse Licensure Compact:**
  • Privilege to practice provision
  • Flexibility through Military Spouse Residence Relief Act

• **REPLICA – Emergency Medical Services Compact**
  • Establishes consistent licensing requirements
  • Special provisions for military

• **PSYPACT – Psychological Interjurisdictional Compact**
  • Supports tele-health – important for access to care
  • Assists military spouse psychologists maintain clients
2019 Initiatives/Status

• State Spouse Licensure Implementation Policy: 23 approved/3 pending
• Military spouse teacher certification: 34 approved/5 pending
• License Compacts recognizing military spouses:
  o PT Compact: 25 approved/4 pending
  o eNLC: 33 approved/6 pending
  o REPLICA: 18 approved/2 pending
  o PSYPACT: 11 approved/3 pending
• Legislation would approve State-specific enhancements:
  9 approved/6 pending

(Approved Legislation or Policy/Pending Legislation or Policy)
2020 Licensure Initiatives

• State Spouse Licensure Implementation Policy
• Military Spouse Teacher Certification
• Enhanced State military spouse licensure provisions, such as:
  o Accept an affidavit attesting to the accuracy of a military spouse’s application and commitment to submitting substantiating documents.
  o Establish a 30 day deadline for adjudicating applications.
  o Establish a temporary license that lasts until the issuance of a permanent license, issued at application, prior to the board receiving substantiating documents which may be needed for a final license.
  o Waive fees.
• License Compacts recognizing military spouses:
  o PT Compact, eNLC, REPLICA and PSYPACT
  o Speech Pathology/Audiology Compact
Here and ready to support your efforts.

Martin Dempsey (CO)
Martin.l.Dempsey.civ@mail.mil
(703) 380-6625

Kelli May Douglas (AZ, CA, HI, NV, UT)
Kelli.m.douglas.civ@mail.mil
(571) 265-0075

Tammie Perreault (AK, ID, MT, OR, WA, WY)
Tammie.l.Perreault.civ@mail.mil
(571) 424-8264

Dale Vande Hey (NM)
Dale.m.vandehey.civ@mail.mil
(571) 236-7833
Occupational Licensing Learning Seminar

Paul Feltman
Deputy Executive Director, Global Talent Policy and Programs
World Education Services
WES Global Talent Bridge

- **World Education Services (WES)** is a non-profit organization dedicated to helping individuals with international education achieve their educational and professional goals in the United States and Canada.

- **Global Talent Bridge** is a program of WES that is dedicated to helping skilled immigrants fully utilize their talents and education in the United States and Canada.
Education Levels of U.S. Immigrant Adults

Recent Immigrant Adults   All Immigrant Adults   Native Born Adults

Graduate degree +
- 12.5% (Recent) 11.9% (All) 11.9% (Native)
- 20%

Bachelor's
- 31.4% (Recent) 47% (All) 47.6% (Native)
- 32.7% (All)

Associate
- 37.6% (Recent) 51% (All) 59% (Native)
- 43.3% (Native)

Some college
- 47.6% (Recent) 59% (All) 81% (Native)
- 61.3% (Native)

High School
- 72.0% (Recent) 81% (All) 91.8% (Native)
- 91.8% (Native)

Sources: U.S. Census Bureau, 2015 Current Population Survey
Skilled Immigrants and Brain Waste

8.9 million

22.5% of the 8.9 million college educated immigrants in the U.S. are either working in low-skilled jobs or are unemployed in the U.S. labor market

Source: Migration Policy Institute (MPI) tabulations of the U.S. Census Bureau American Community Survey (ACS) and Decennial Census, 2017.
Costs of Brain Waste

Cost of Underemployment of Highly Skilled Immigrants in the U.S.

$39.4 billion in forgone earnings annually

$10.2 billion in forgone taxes annually

$7.2 billion in federal taxes

$3 billion in state and local taxes

Source: Untapped Talent, 2016. Migration Policy Institute, WES and NAE
Immigrants are Well Positioned to Address Economic and Community Needs

- Substantial talent pool in high-demand fields including sciences, engineering, healthcare, education
- Skilled immigrants’ career re-entry takes time; middle skill occupations and paraprofessional positions can be interim steps or alternative careers
- Bring linguistic and cultural competence to health care and education fields
Key Barriers for Immigrants

- Limited English Proficiency
- Difficulty understanding requirements and navigating complex systems
- Legal Status
- Discounting of foreign education and training
Foreign Education and Training

- Regulators may lack understanding and confidence in foreign education or training
- Gaps or misalignment between U.S. licensing requirements and foreign curricula
- Promising Approaches
  - Improved credential evaluation
  - Upskilling and Certifications
  - Bridge programs, Accelerated pathways
  - Competency assessment
  - Limited or provisional licensing models
States and cities are taking action to unlock the talent of skilled immigrants
State Licensing Examples

- **Agency Led Licensing Initiatives**
  - **Maryland** - Skilled Immigrant Task Force, immigrant career pathways guides
  - **Ohio** - licensing guidance for New Americans through Department of Education website
  - **Michigan** – licensing guidance through state’s Office of New Americans website

- **Other Community Led Licensing Initiatives**
  - **Upwardly Global** - licensing guidance for 5 states (MI, IL, CA, NH, NY)
  - **Global Talent** – licensing guidance for Idaho
State Model: Michigan’s Licensing Guides

- 40+ Immigrant Licensing Guides
  - Examples include Accountant, Architect, Barber, Cosmetology, Electrician, Medical Doctor, Physical Therapist, Real Estate Appraiser
- One dedicated phone number for immigrants needing licensing assistance to call
- Engagement: Average about 20,000 hits per year
- Costs: approximately $200 - $400 per guide
State and Local Examples

- Occupation-Specific Initiatives
  - Nurses
    - New York: LaGuardia NCLEX program
    - California: Grossmont Community College and Welcome Back
    - Oregon: Immigrant Nurse Credentialing Program
  - Paraeducators and Teachers
    - Washington: Professional Education Standards Board: Grow Your Own
    - Maine: Portland Adult Education: Education Academy
  - Doctors
    - Minnesota: Department of Health International Medical Graduates Program
    - California: UCLA International Medical Graduates (IMG) Program
Program Model: Welcome Back Centers

- **Locations** in 10 states
- **Provides** orientation, counseling, and support to foreign-trained health professionals
- **Helps** meet need for linguistically and culturally competent health services in underserved communities
- **Support** in obtaining appropriate professional credentials and licenses for their profession, including career workshops, contextualized ESL programs, networking opportunities

http://www.welcomebackinitiative.org
Program Model: NY-BEST NCLEX at LaGuardia Community College

- Immigrant nurses
  - Average 7 years in the US underemployed or unemployed
  - 25% unemployed at intake, 46% working outside healthcare sector

- 98% retention rate over the last 6 years for intensive courses
- LPN and RN cumulative pass rates double national rate for immigrant professionals

- Cost: approximately $8-10K per student
- LPNs’ average wages rose 120% ($12.02/hr. to $26.45/hr.)
- RNs’ average wages rose 150% ($11.61/hr. to $29.00/hr.)
Steps policymakers can take
Policy Levers Include Legislation, Regulation, Guidance, Appropriations

- Improve transparency of licensing processes
- Review licensing processes to identify unintentional barriers
- Establish a point person or clearinghouse for immigrant licensure questions
- Fund residency slots, mid-ternships or fellowships
- Consider creating limited or provisional classes of licensure
- Invest in professional/technical English classes
- Support promising program models and practices for re-credentialing
- Review existing workforce and education datasets to identify pipeline problems and opportunities
Mapping Immigrant Professional Integration

IMPRINT’s maps showcase state-level programs, demographics, and legislation relevant to the professional integration of foreign-trained immigrants and refugees in the U.S.

www.imprintproject.org/maps
WES Pathways Guides Help Foreign-Trained Use Their Education in the US

The WES Pathways guides provide sector-specific advice and resources to support academic and career advancement for foreign-trained immigrants

**Features:**

- Academic pathways for career entry and advancement
- Licensing and certification requirements
- Alternative career options

**WES Guides Have Been Locally Adapted:**

- Ohio
- Maryland
- Denver, CO
- St. Louis, MO
- Louisville, KY
THANK YOU

Need more information?
www.wes.org/gtb
pfeltman@wes.org
Addressing Teacher Shortages through Licensure Reciprocity

Presentation at the Council of State Governments Occupational Licensing Learning Seminar

Stephanie Aragon

Big Sky, MT
July 16, 2019
The essential, indispensable member of any team addressing education policy.
We believe in the power of learning from experience and we know informed policymakers create better education policy.
We research, report, convene and counsel.
Teacher Shortages Overview
Instructional quality is the most important in-school factor impacting student academic achievement and success.
Districts and schools across the country are facing severe shortages of teachers, especially in certain subjects and in specific schools.
Recruitment challenges in the U.S.

*Trends of Student Interest in Education Majors: 2011–2015*

- Between 2011 and 2015, the percent of all ACT-tested graduates who expressed an interest in education majors decreased by 1%.

<table>
<thead>
<tr>
<th>Nation</th>
<th>Percent</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>N Count</td>
<td></td>
<td>103,932</td>
<td>94,458</td>
<td>91,186</td>
<td>89,192</td>
<td>87,653</td>
</tr>
</tbody>
</table>

*Trends of Student Interest in General Teacher Education Majors: 2011–2015*

- Between 2011 and 2015, the percent of students interested in these education majors decreased by 1%.

<table>
<thead>
<tr>
<th>Nation</th>
<th>Percent</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>N Count</td>
<td></td>
<td>13,754</td>
<td>11,347</td>
<td>11,089</td>
<td>10,678</td>
<td>10,751</td>
</tr>
</tbody>
</table>

The Condition of Future Educators: 2015 (ACT, 2016)
Recruitment challenges in the U.S.

United States EPP Enrollment/Completion

USED Title II Reports, https://title2.ed.gov/Public/Home.aspx
Where are the shortages occurring?

- **Subject-based**
  - Special education, mathematics, foreign language and ESL

- **District- and/or school-based**
  - Fluctuation in subject area shortages.
  - Often confined to specific geographic areas (urban, rural).
  - Often confined to schools with specific characteristics (high-minority, high-poverty, low-achieving).

- Shortage of teachers who reflect the racial and ethnic backgrounds of their students.
Teacher shortage impacts

1. Costly.

2. Negatively impact workforce quality, school climate and student outcomes.

3. Disproportionately impact the schools and students that can afford it the least.
States are facing ongoing recruitment and retention challenges.

Teacher shortages are impacted by the unique circumstances within each state and the unique education policies that govern that state.

Teacher shortages are impacted by a chronic and perpetual misalignment of supply and demand.
Teacher licensure reciprocity
Teacher Licensure is a Key State Policy Lever

- Initial Licensure
- Licensure Reciprocity
- Licensure Renewal
- Licensure Advancement

Recruitment  Retention
Teacher licensure reciprocity allows out-of-state teachers to earn a license in a receiving state subject to meeting the receiving state’s requirements.
Full licensure reciprocity
2017

Source: Teacher License Reciprocity (ECS, 2017)
Additional assessments

2017

Source: Teacher License Reciprocity (ECS, 2017)

- Yes, for some or all candidates and not always immediately
Additional coursework
2017

Source: Teacher License Reciprocity (ECS, 2017)

- Yes, for some or all candidates and not always immediately
To obtain a standard license:

• Three years of successful teaching experience

• Praxis II content assessment (basic skills and pedagogy assessments are waived if in the same endorsement area)

• Additional coursework (or substitute CLEP assessment) if deficiencies are found on transcript evaluation
Teacher licensure reciprocity
Pennsylvania

To obtain a standard license:

• Two years of satisfactory experience

• Approved content test (and basic skills test if less than two years experience)

• Additional coursework if deficiencies in preparation and experience are found
What does the research say?

• Teachers are **far less likely** to move across state lines than within state lines.

• State-specific licensing requirements **limit interstate teacher mobility**.

• State-specific licensing requirements may **exacerbate shortages**.
What does the research say?

Reducing barriers/improving interstate mobility might support:

• More job opportunities, **wage growth** and increased career satisfaction for teachers.

• A **healthier teacher labor market** that mimics other industries.

• **Improved teacher recruitment** into the profession generally, but also in high-needs schools and subjects.
Enacted legislation 2018-19

Source: Teacher License Reciprocity (ECS, 2017)
Common elements of enacted legislation 2018-19

• Providing special reciprocity/supports to military spouses (at least 8 states)
• Removing coursework/assessment/evidence of effectiveness requirements (at least 7 states)
Limiting barriers to reciprocity could support the more **fluid movement** of teachers from areas where they are not needed to areas where they are.
Interested in learning more?

• Teacher Shortages: What We Know (2016)
• Teacher License Reciprocity (2017)
• Targeted Teacher Recruitment (2018)
• Teacher Evaluations (2018)
• Teacher Development and Advancement (2018)
• Teacher Leadership and Licensure Advancement (2018)
Questions?

Stephanie Aragon
saragon@ecs.org
<table>
<thead>
<tr>
<th>State</th>
<th>Physical Therapy Compact</th>
<th>Interstate Medical Licensure Compact</th>
<th>Nurse Licensure Compact</th>
<th>EMT Compact</th>
<th>Advanced Practice Nursing Compact</th>
<th>PsyPact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td>Physical Therapy Compact</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td></td>
<td></td>
<td>PsyPact</td>
</tr>
<tr>
<td>California</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colorado</td>
<td>Physical Therapy Compact</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td>EMT Compact</td>
<td>Advanced Practice Nursing Compact</td>
<td>PsyPact</td>
</tr>
<tr>
<td>Hawaii</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td>EMT Compact</td>
<td>Advanced Practice Nursing Compact</td>
<td>PsyPact</td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td>Physical Therapy Compact</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nevada</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td>PsyPact</td>
<td>New Mexico</td>
<td>Nurse Licensure Compact</td>
<td></td>
</tr>
<tr>
<td>Oregon</td>
<td>Physical Therapy Compact</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td></td>
<td>Advance Practice Nursing Compact</td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>Physical Therapy Compact</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td>EMT Compact</td>
<td>PsyPact</td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>Physical Therapy Compact</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td></td>
<td>Advance Practice Nursing Compact</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>Interstate Medical Licensure Compact</td>
<td>Nurse Licensure Compact</td>
<td>EMT Compact</td>
<td>Advance Practice Nursing Compact</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Nurse Licensure Compact: Two Decades Regulatory Impact

Joey Ridenour RN MN FAAN
Arizona
Policy Goal:

Enhancing Access to Nursing Care Across the Nation
Currently 31 Member States a Nurse with a Multistate License can Practice

2 states implementation TBD

NLC States - 1,835,313 Multi State Licenses
(Source Nursys: 7/8/2018)

NLC States

KS and LA implement on 7/1/19
AL implements on 1/1/20
IN implementation is TBD
NLC States Continued…

- State with pending NLC legislation
- NLC State
- NLC enacted: Awaiting implementation.
A statutory agreement between two or more states established for the purpose of remedying a particular problem of multistate concern.

Each party state is a signatory to the same contract. For that reason, there is a need for “substantive sameness”.

Compact bound together by “identical language”.
NLC Law: New Quasi Governmental Structure

Federal Law

(Sub Federal)
Interstate Compact Law
(Suprastate)

State Law
What is the NLC?

- One state based license issued locally & recognized nationally
- Authorizes an RN or LPN/VN holding one multistate license in the primary state of residence to practice (physically or via telehealth) in any compact state
Regulatory Impact:

#1. Decreases Licensure Redundancies

- Ability to practice in multiple states with one MSL license
- Reduces regulatory requirements by removing necessity for obtaining a license in each state
- Clarifies a nurse’s authority to practice in multiple states via telehealth
Regulatory Impact:
#2. Cost Effective for Nurses & Employers

- **Nurses** do not have to obtain additional nursing licenses, making practicing across state borders affordable & convenient

- **Employers** do not have burdensome expense for nurses who need multiple licenses
22+ Positions Typically Pay for Multiple Licenses

- Nurse Case Managers
- Occupational Health Nurses
- Transport Nurses
- Ambulatory Care Nurses
- Distance Educators
- Travel Nurses
- Triage Nurses
- Home Health Nurses
- Emergency Room Nurses
- Hospice Nurses
- Acute Care Nurses
- CNOs

- Nurses near borders & work in the adjacent state
- Telephonic Nurses
- Wellness Nurses
- Military Spouses
- Military, V.A. or Federal Nurses
- Practicing in Civilian Facilities
- Dialysis Nurses
- Camp Nurses
- Utilization Review Nurses
- Workers Compensation Nurses
- Nurses in Insurance or Managed Care
Regulatory Impact:
#3. Adapts Licensure for Telehealth

- Nurses can practice in multiple states with one license
- Increases patient access to care in rural communities
- Enables care continuity for patients regardless of their location
#4. Reduces License Redundancies for Online Nursing Faculty

- July 2019: 368 Accredited Online Nursing Courses in all states/territories
- Nurse educators teaching online courses outside their jurisdiction, need to obtain a license in every state students are enrolled in didactic & clinical courses
- Faculty & colleges benefit significantly
Regulatory Impact:

#5. Faster Emergency Disaster Relief

Allows nurses to immediately cross state borders & provide vital services in the event of a natural disaster or other emergency, without the need to wait for a declaration of emergency.
Regulatory Impact:

#6. Fosters Quicker Employment for Military Spouses

Allows military spouse nurses with MSL to continue working without having to obtain new license each time they relocate.
Regulatory Impact:

#7. Immediate Hiring of Nurses with MSL in Party States

Employers:

• When a nurse with multistate license is being recruited by an employer in another NLC state, the nurse can be available to the prospective employer immediately since the nurse already has the authority to practice in that state.
Regulatory Impact:

#8. Rapid Communication Investigations & Disciplinary Actions

- Disciplinary action may be taken against the license or the privilege to practice when nurse violates state laws.
- Member states may take adverse action, including revoking a privilege to practice in their state, even while the nurse is still under investigation.
- Adverse actions are reported in one depository known as Nursys within ten days.
Regulatory Impact:

#9. Authorizes Discipline Beyond State

Such provisions provide for a “stronger & more efficient state board enforcement in the context of modern cross-border practice in which state lines are often blurred”

– UAA, supra note 60, at 1-2
Regulatory Impact:

#10. Share Complaint Information to Protect Public Beyond Geographical Boundaries

Shared sovereignty & responsibility for patient safety not governed by geographical boundaries
Regulatory Impact:

#11. Reduces Reciprocal & Duplicative Board Actions

- 31 states working together to assure patient safety
- New process to isolate or limit ability to practice on Privilege to Practice
- Reduce reciprocal & duplicative board actions
- Uniform statutes, rules and policies applicable to & enforceable upon all compact states
Regulatory Impact:

#12. Harmonizes State Licensure

- Standardizes state licensure requirements known as Uniform Licensure Requirements (ULR’s)
- Builds confidence nurses practicing in multiple states have same qualifications
To receive a multistate license, a nurse must:

1) Meet the home state’s qualifications

2) Graduate from qualifying education program or graduated from a foreign program verified by independent credentials review agency

3) Passed English proficiency exam if foreign graduate
Uniform Licensure Requirements (Continued)

4) Pass the NCLEX-RN® or NCLEX-PN® exam (or state board test pool exam)
5) Have no active discipline on a license
6) Submit to state/federal fingerprint-based criminal background check
7) Not currently enrolled in an alternative program
Uniform Licensure Requirements (Continued)

8) Self-disclose participation in an alternative program

9) Have no misdemeanors related to practice of nursing as determined by the state board of nursing on a case by case basis

10) Have a valid U.S. Social Security number

11) Have no prior state or federal felony convictions

NOTE: A nurse who does not meet a requirement may receive a single state license.
Regulatory Impact:

#13. Disqualifiers for MSL Same All Compact States

Disqualifying event = ineligibility to retain or renew MSL:

- any adverse action
- current participation in an alternative program
- a misdemeanor offense related to the practice of nursing or a felony offense
Regulatory Impact:

#14. Process for Rulemaking Mirrors APA Model

- Rulemaking for interstate compact rules is unique-viewed as independent & separate from state or federal rulemaking processes

- NLC has modeled the process to mirror APA’s model acts
Rulemaking

The procedural requirements include:

- Notice to the public of proposed and adopted rules
- Opportunity for comment
- Opportunity for public hearing
- Consideration and voting upon proposed rules
- Responding to comments received
A nurse must have the authority to practice in the state where the recipient of healthcare is located at the time service is provided.

“As the organizations representing…state…licensing boards…that regulate the practice of medicine, pharmacy and nursing, … (we) affirm that in a consumer protection model, health care practice occurs where the recipient of healthcare services is located.”

Source: The Tri-Regulator Collaborative Position Statement on Practice Location for Consumer Protection
Regulatory Impact:
NCSBN IT Data System -Nursys

IT data system fastens together information system between all states/territories

National database that is free & allows employers & public verify multistate & single state licenses & privileges to practice
Authorization to Practice

The maps and list view provide information showing in which states this nurse has current RN and/or PN authorization to practice. (APRN will not be included)
Common Questions
How is Primary State of Residence (PSOR) defined?

• Signed Declaration of PSOR form
• State Where Applicant Can Prove Legal Residence
  – Drivers license with home address
  – Voter registration card with home address
What are the Requirements for Military Spouses?  
(Not the same as Military/VA personnel)

The NLC applies to military spouses in the same way it applies to other non-federal nurses. The military spouse may practice with a multistate license throughout successive military relocations while maintaining legal residency in a home state/domicile state/home of record.
Which State Requires My Continuing Education (CE)?

The state which issued your multistate license

If you hold any non-compact state licenses, each such state may have their own CE requirements
Which Nurse Practice Act Do I Follow When Practicing in a Remote State?

The state of practice, i.e., the state in which the patient is located at the time nursing service is provided.
What Are the Requirements of Member States?

• Preconditions of member states:
  – conduct state and federal criminal background checks at initial and license by endorsement
  – fully participate in Nursys
  – share licensee investigation & disciplinary information with other member states
  – indicate in Nursys a persons participation in alternative programs & or if there is a significant investigations.
Interstate Compacts for Healthcare Professions

6 Existing Compacts

1) Nursing- RN/LPN
2) Nursing -APRN
3) Physicians
4) Physical Therapists
5) Emergency Medical Technicians
6) Psychologists

8 In Development/ Explored

1) Occupational Therapists
2) Speech Pathologists / Audiologists
3) Nutritionists / Dieticians
4) Athletic Trainers
5) Physician Assistants
6) Social Workers
7) Counselors
8) Dentists
Policy Goal

Enhancing Access to Nursing Care Across the Nation
Summary: NLC Core Purpose

Public protection benefits & 15 Regulatory Impacts

- Setting uniform licensure standards
- Promoting cooperation & collaboration between party state regulatory boards
- Facilitating exchange of data & information between party states
- Decreasing redundancies in issuance of licenses
- Facilitating states responsibilities to collectively protect the public’s health & safety
Thank you!

For information, contact:
Jim Puente, MS, MJ, CAE
Director, Nurse Licensure Compact
nursecompact@ncsbn.org
nursecompact.com