



NCSBN

National Council of State Boards of Nursing

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Maureen Ohlhausen
Acting Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Ohlhausen and Members of the Task Force:

Thank you for the opportunity to provide comments on the Federal Trade Commission (FTC) Economic Liberty Task Force Roundtable on the “Streamlining Licensing Across State Lines Roundtable.” The National Council of State Boards of Nursing (NCSBN) commends the FTC for addressing the important issue of license portability.

NCSBN is an independent, non-profit association comprising 59 boards of nursing (BONs) from across the U.S., the District of Columbia and four U.S. territories. BONs are responsible for protecting the public through regulation of licensure, nursing practice, and discipline of the 4.7 million registered nurses (RNs), licensed practical/vocational (LPN/VNs) and advanced practice registered nurses in the U.S. with active licenses. NCSBN was created by these BONs to act and counsel with one another and to lessen the burden of government. The mission of NCSBN is to provide education, service, and research through collaborative leadership to promote evidence-based regulatory excellence for patient safety and public protection. Through NCSBN, BONs work together on policy matters that will affect patient safety, the future of nursing and health care.

For years, NCSBN has strived to offer nurses the opportunity to practice safely and competently across state lines without undue licensure burdens. One way that we have worked to facilitate interstate mobility of nurses is through our Nurse Licensure Compact (NLC), an interstate compact that allows a nurse to have one multistate license (in his or her state of residency) that grants the privilege to practice in other NLC participating states (both physically and electronically), subject to each state’s practice laws and regulations. Since the Nurse Licensure Compact went into effect in 2000, 25 U.S. states have chosen to expand the mobility of our nation’s nursing workforce by joining it.

In an effort to increase the number of states participating in the NLC, BONs recently revised the NLC to increase its appeal to states that have not yet joined, creating the enhanced Nurse

Licensure Compact (eNLC). Changes include the addition of uniform licensure requirements and mandatory criminal background checks for nurses seeking a multistate license. To date, 26 states have adopted the eNLC, including five states that did not participate in the original NLC.

In addition to the NLC and eNLC, we have also developed a compact that would facilitate interstate license portability for APRNs, who are increasingly delivering care across state lines via telehealth. The APRN Compact maintains most of the same principles as the NLC, including a mutual recognition licensing model that would allow an APRN to practice in any participating state with just one license. The APRN Compact complies with the Consensus Model for APRN Regulation. NCSBN, along with numerous other nursing associations that represent APRNs, created the APRN Consensus Model over 8 years ago to achieve the goal of standardizing advanced practice nursing and implementing best available evidence to secure quality service provision. Notably, the APRN Compact would allow providers the ability to practice “independent of a supervisory or collaborative relationship with a physician,” a provision that removes a long time license portability barrier for APRNs and is in line with the FTC’s position in support of policies that promote APRN full practice authority.

BONs under the NLC facilitate interstate cooperation and coordination through participation in Nursys®, the only national database currently available for verification of nurse licensure and discipline for RNs, LPN/VNs and APRNs. Nursys® allows access to the status of a nurse’s license and provides information about any history of discipline. Ultimately, the eNLC and APRN Compact create the necessary legal structure that requires BONs to report and share license and discipline information with one another, a key component to ensuring nurse competency and patient safety across the country.

NCSBN appreciates the opportunity to comment on this important matter and welcomes further discussion with the FTC and the Economic Liberty Task Force. If you have any questions or would like any additional information, please do not hesitate to contact us. Elliot Vice, NCSBN’s Director of Government Affairs, can be reached at evice@ncsbn.org and 202-530-4830. We look forward to continuing the dialogue on this very important issue.

Sincerely,

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Chief Executive Officer