

**TESTIMONY OF KIM ESQUIBEL
EXECUTIVE DIRECTOR
STATE BOARD OF NURSING
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
IN OPPOSITION (IN PART) TO L.D. 1797
“AN ACT to Expand Maine's Health Care Workforce by Expanding Educational
Opportunities and Providing Tax Credits”
Sponsored by Senator Troy Jackson
BEFORE THE JOINT STANDING COMMITTEE ON
INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS
Public Hearing: May 2, 2023, at 1:00 PM**

Senator Curry, Representative Roberts, and members of the Committee. I am Kim Esquibel, Executive Director for the State Board of Nursing. I am here today to testify in opposition (in part) to L.D. 1797.

Since its creation by the state's legislature in 1915, the State Board of Nursing (BON) has been protecting the citizens of the State of Maine by ensuring its licensees are professional, ethical, and competent. The Board carries out its sole purpose to protect the public by licensing practical nurses (PNs), registered professional nurses (RNs) and advanced practice registered nurses (APRNs), investigating and resolving complaints filed with the board, approving prelicensure nursing education programs and rulemaking. There are currently 34,337 active Maine nurse licensees (28,532 RNs; 1,801 PNs; and 4,004 APRNs).

The BON supports ongoing annual appropriations to the nursing education loan repayment program and making part-time nursing faculty eligible for the program. Investing in nursing faculty to expand student capacity and graduate new nurses is a vital step in addressing Maine's nursing workforce shortage of nurses. The BON provides ongoing data from its minimum workforce data set reports to the Maine Nursing Action Coalition (MeNAC) to assist in projecting Maine nursing workforces shortages.

The BON also supports establishing a tax credit for new Maine nurses for employment in a licensed health care facility in Maine. However, the BON is opposed to Section 4, subsection 3 of the bill which would require the BON to certify eligible nurses, monitor recipients to ensure that they are eligible for the tax credit, decertify any recipient who ceases to meet the conditions of eligibility, and notify the bureau whenever a nurse is certified or decertified.

Requiring the BON to create a program as outlined in Section 4, subsection 3 of the bill is unnecessary and would be burdensome on BON staff for the following reasons:

- *Employment is not a requirement for licensure:* Current law does not require new nurse graduates applying for initial licensure in Maine to be employed. Nor does it require nurses licensed under Title 32, chapter 31, to notify the BON of employment and/or change in employment.

- Requiring BON staff to develop a new infrastructure/monitoring program to collect information to determine eligibility, certify eligible nurses, monitor recipients to ensure that they are eligible for the tax credit, decertify any recipient who ceases to meet the conditions of eligibility, and notifying the bureau whenever a nurse is certified or decertified is certain to slow down processing of other applications (renewals, endorsement, reactivations and reinstatements).
- Publicly available information, including initial date of licensure is available to the bureau on the Board's [website](#), and licensure information in any jurisdiction is readily available on [nursys.com](#).
- As written, Section 4, subsection 3 would require updates to applications and the online licensing management database. It would also require the BON to create an infrastructure/monitoring program that is unlike anything it currently does and would require additional staffing. It would require creating compliance/monitoring documents, updates to license applications and the online licensing system, and unnecessary phone calls/emails by BON staff to collect information that is not required for licensure. The BON would need to hire an additional staff person dedicated solely implementing such a program to collect information to determine eligibility, certify eligible nurses, monitor recipients to ensure that they are eligible for the tax credit, decertify any recipient who ceases to meet the conditions of eligibility, and notify the bureau whenever a nurse is certified or decertified.

The Board respectfully recommends the BON be removed from Section 4, subsection 3 and replaced with language to simply place the burden of proof of meeting eligibility requirements on the individual nurse applying for the tax credit. Similar to when an individual applies for any tax credit, the individual nurse applying for the tax credit should establish eligibility by submitting a signed affidavit at the time of filing a Maine income tax return affirming graduation from a Maine nursing education program, initial licensure in Maine and employment as a nurse in a health care facility that is licensed under Title 22, chapter 405. The Bureau of Taxation can be authorized to issue the 1000 new nurse tax credits per year, and it would remove the unnecessary step of relying on the BON to determine eligibility.

Other items the Committee may want to consider include:

- The bill does not specify if the nurse must be employed full-time, part-time or per diem.
- As written, an "eligible nurse" means a person licensed under Title 32, chapter 31 who meets the requirements. This would include practical nurses, registered nurses, and advanced practice registered nurses.

Thank you for the opportunity to comment. I would be happy to answer any questions now or at the work session.