



STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0158

JANET T. MILLS
GOVERNOR

KIM ESQUIBEL, PHD, M.S.N., R.N.
EXECUTIVE DIRECTOR

March 9, 2021

Senator Chip Curry, Chair
Representative Tiffany Andrews, Chair
Joint Standing Committee on Innovation, Development, Economic Advancement and Business
100 State House Station
Augusta, ME 04333-0100

RE: *LD 612: An Act to Recognize Occupational Licenses and Certifications from Other States to Attract New Residents and Businesses to Maine*

Dear Senator Curry, Representative Andrews and Members of the Committee:

The State Board of Nursing (“Board”) licenses and regulates licensed practical nurses, registered professional nurses and advanced practice registered nurses in Maine. The Board is composed of 9 members – 5 actively practicing registered nurses, 1 actively practicing advanced practice registered nurse, 1 actively practicing licensed practical nurse and 2 public members. The Board’s mission is to protect the public by ensuring its licensees are, professional, ethical and competent.

The Board submits the following comments in opposition to LD 612:

If the intent of LD 612 is to allow those persons who hold occupational credentials from other states to more quickly qualify to work within their occupations or professions in Maine, please note the Board’s existing processes:

- **Licensure by Endorsement:** 32 M.R.S. §2205-A & 2254-A. Licensure of persons licensed by another jurisdiction. These licensure regulations authorize the Board to grant licensure to an individual who holds an active, unencumbered, valid license in another state or territory of the United States. The Board provides the mechanism by which credentials are evaluated of persons educated and licensed in U.S. jurisdictions and territories, Canada or foreign countries. This process involves a review of educational preparation, as well as verification of appropriate testing mechanisms leading to original licensure through the NURSIS database. Public protection is accomplished by ensuring that only nurses with appropriate preparation, licensed through nationally recognized testing, are permitted to practice nursing in this state.



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www.maine.gov/boardofnursing

Individuals can apply for Licensure by Endorsement on-line and upload required documents within minutes. Licenses are issued after review of applicant materials within 2-10 business days.

- **Temporary Authorization to Practice/Temporary License:** 32 M.R.S. §§2103(4) and 10 M.R.S. §8003(5)(G) – these licensure regulations authorize the Board to grant a temporary authorization to practice to any individual who holds an active, valid license in another state or jurisdiction. The temporary authorization allows applicants to begin work more quickly while their permanent license applications are being processed. A temporary authorization to practice can be issued within hours of receipt of an online application and on-line verification of licensure in another state or U.S. territory.

The Board has the following concerns with language in LD 612:

- The requirement in the bill that an individual has held a occupational license in the other state for at least one year actually creates a barrier to portability for nurses to apply for licensure in Maine and does not support the intent of the bill, if that intent is, to allow those nurses to more quickly qualify to work within their profession in Maine.

The Board currently does not require nurses applying for licensure by reciprocity to have held the nursing license in the other state for at least one year. If individuals have passed an examination and met the education standards that are substantially similar to those required for nurses in Maine (as outlined in §18602, paragraph 3) they are eligible to apply for a Maine license.

In addition, Maine is a member of the Nurse Licensure Compact (NLC). If an applicant meets the NLC uniform licensure requirements in his/her primary state of residence and is issued a multi-state license, he/she can practice on the home-state license in any of the 35 compact states. The NLC makes it unnecessary for a registered professional nurse (RN) and licensed practical nurse (LPN) to seek licensure in every jurisdiction and it provides for safeguards in place to ensure that nurse licensees are providing safe, competent nursing care to the citizens of Maine.

- The term “good standing” as defined in the bill is not broad enough to protect the public. It should be expanded to include that the individual have no “adverse licensing” or “disciplinary” actions for any similar license in any jurisdiction. Many nurses hold multiple licenses in multiple jurisdictions. This bill would remove the discretion of the Board not to issue a license when a nurse may have adverse action or disciplinary action in another jurisdiction for concerning conduct.
- The bill includes language of no license revocation by any licensing board for negligence or intentional misconduct related to the legal occupation but there is no inclusion of license restrictions, probation or suspension.
- The “decision” period of 60 days with written notification to the applicant is too restrictive and does not account for issues related to review by the Board and potential for request of additional information from an applicant. The individual may

have a complaint, allegation or investigation pending in another state for unprofessional conduct or alleged crime. The Board may not issue or deny a license until the pending issues are resolved or the applicant meets Maine's requirements.

- The "appeal" right following denial of an application for licensure already exists in law.
- The bill caps the cost of any license at \$100 – which would impact the Board's finances and ability to meet its mission of protecting the public (including funding for the Board's website and support for the Medical Professionals Health Program, Nurse Licensure Compact, etc.).

If the intent of LD 612 is to allow those persons who hold occupational credentials from other states to more quickly qualify to work within their occupations or professions in Maine, the Board's existing regulations and processes accomplish that goal.

I would be happy to attend the scheduled work session and provide any additional information as needed.

Sincerely,

A handwritten signature in black ink that reads "Kim Esquibel". The signature is written in a cursive, slightly slanted style.

Kim Esquibel, PhD, MSN, RN
Executive Director