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**SPECIAL LEGISLATIVE COMMISSION TO  
STUDY AND PROVIDE  
RECOMMENDATIONS FOR UNIFORM  
MULTI-STATE NURSING LICENSE  
REQUIREMENTS**

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Final Report

June 6, 2023

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## Commission Members

- **Representative Brian Patrick Kennedy (District 38), Chair**
- **Representative Camille Vella-Wilkinson (District 21), Vice-Chair**
- **Donna Policastro, Executive Director, Rhode Island State Nurses Association**
- **Ara Millette, Board Member, Organization of Nurse Leaders**
- **Sherri Sprague, Chief Nursing Officer, Care New England**
- **John Gage, President-CEO, RI Health Care Association**
- **Lynne Blais, President, United Nurses & Allied Professionals (UNAP-RI)**
- **Rose Poyourow, R.N., Lifespan**
- **Jesse Martin, Executive Vice President-RI, SEIU-1199**
- **Justin DiLibero, Dean, Rhode Island College School of Nursing**
- **Lynda D'Alessio, Director of Nurse Registration & Nursing Education, RI DOH**
- **Cynthia Danner, Chief Nursing Officer, RI Hospital Representative**

Dear Speaker Shekarchi:

I am pleased to provide you with the findings and recommendations of The Special Legislative Commission to Study and Provide Recommendations for Uniform Multi-State Nursing License Requirements (the “*Commission*”).

The Commission consisted of twelve (12) members and included several dedicated professionals from the nursing, healthcare, and educational fields.

The Commission was convened to review statewide data including, but not limited to, nursing job vacancies, enrollment in state nursing school programs, nurse retirements, and length of time when hiring registered nurses, and in addition, to make a comprehensive study and provide recommendations for uniform multi-state nursing license requirements that would allow nurses to hold a multi-state license that enables them to practice across state lines without having to obtain multiple licenses, including, but not limited to, oversight, dispute resolution, and enforcement.

Accordingly, the Commission heard related testimony, and studied written testimony, from the following sources that provided various perspectives regarding the aforementioned issue: the Rhode Island State Nurses Association, Lifespan, the Rhode Island Health Care Association, SEIU-1199, United Nurses & Allied Professionals-RI, Care New England, the U.S. Department of Defense, the National Council of State Boards of Nursing, and the Rhode Island Department of Health.

This final report is a culmination of eight (8) hearings that began in February, 2023 and ended in May, 2023. It contains information presented by various witnesses who testified before the Commission, as well as presentations made, which the Commission has studied.

I would like to express my gratitude to all members of the Commission for their willingness to take part in this process, and we appreciate the investment of the time and talent that they graciously provided.

Sincerely,

Brian Patrick Kennedy  
Chair

## Commission Findings

Based on the testimony and information presented to the Commission, the Commission notes the following findings:

- The Nurse Licensure Compact (the “*NLC*”) is an organization/approach that allows an individual nurse the ability to practice in their home state as well as other Compact states.
- Adoption of the NLC could:
  - Broaden Rhode Island’s available nursing workforce.
  - Allow for greater mobility for agency nurses or contract labor (traveling nurses) by allowing nurses to practice across state borders.
  - Lead to a greater ability to more timely access the nursing workforce.
  - Increase efficiency by removing redundant/duplicative regulatory processes and unnecessary fees.
  - Benefit military families as it could allow military spouse nurses to seamlessly continue working without having to obtain a new license each time they must relocate.
  - Facilitate quick access to nurses wanting to start a career in a new state.
  - Result in standardized patient safety regulations governing nursing practice.
  - Facilitate mobility in case of disaster or significant need.
  - Facilitate online nursing education to allow NLC professors to teach students in any state that has approved the NLC.
- The NLC does not take jobs away from Rhode Islanders, nor does it assume or encourage the use of contract labor (traveling nurses).
- The NLC model has been adopted by 39 States, Guam and the U.S. Virgin Islands.
- The uniform requirements for licensure in NLC states include:
  - The need to meet the requirements in the home state/primary state of residence.
  - Graduation from a board-approved education program or graduation from an international education program.
  - Passing an English proficiency exam.
  - Passing an NCLEX or predecessor exam.
  - Possession of, or eligibility for, an unencumbered license (no discipline).
  - Submission to federal background checks.
  - Absence of:
    - Any felony sentence under state or federal law.
    - A nursing-related misdemeanor conviction.
    - Current participation in a diversion program with a self-disclosure requirement of the same.
  - Possession of a valid US social security number.

### **Commission Findings (continued)**

- A state's Board of Nursing holds the authority to take disciplinary action against a licensed nurse on the basis of another state's disciplinary action that implicates the individual nurse's ability to practice professionally and safely. This authority is found in administrative law principles and case law, and is effective in preventing any nurse from evading discipline simply by leaving the state.
- With respect to the regulation and investigation of, adverse actions against, and reciprocal actions on nurses, the sharing of information under the NLC could improve efficiency while also encouraging an NLC state's responsibility to protect the health and safety of their citizens.
- Concerns regarding the NLC include:
  - It could negatively impact facilities ability to compete with Hospitals within Rhode Island.
  - Other states have different standards than Rhode Island's standards, often much less stringent.
  - The lack of any real infrastructure for cross communication in situations where nurses need to be disciplined but choose to move or change their location to avoid adverse action.
  - It could drive Rhode Island nurses to other states.
- Compensation for nurses in Rhode Island is low compared to other states.
- The nursing shortage is a national issue.
- Potential benefits of Rhode Island joining the NLC include:
  - The improved ability to recruit nurses to the northeast.
  - A likely decrease in the number of days it takes to fill nursing vacancies.
  - Greater telehealth opportunities.
  - Improvement in the ability to respond to disasters.
- Concerns regarding the drop-off in the quality of patient care could be mitigated by training programs for any nurse hired after Rhode Island's entry into the NLC.
- Active Nurses:
  - Rhode Island has 30,160 active *licensed* nurses.
  - 45% of those Nurses with active licenses list an out of state home address.
    - Of 13,675 Nurses licensed in Rhode Island with out of state addresses:
      - 4,507 Massachusetts
      - 1,079 Florida
      - 983 Connecticut

### **Commission Findings (continued)**

- If Rhode Island were to return to the NLC, RIGL §23-17.20-7 (a) would apply. That section states “Health Care facilities shall report to the department of health the name and state of licensure of any registered nurse performing work duties at the facility who is not licensed in Rhode Island.
  
- Statistical data obtained from the Care New England Health System (“*CNE*”) (i.e., Butler Hospital, Kent Hospital, Women & Infants Hospital, the Providence Center, and the VNA of CNE) and a recent survey from NSI Solutions of 273 hospitals nationwide shows that:
  - Rhode Island’s 22.5% nurse turnover rate is comparable to the 22.7% nationally.
  - The national vacancy rate reported was an average of 15.7% and that 75% of all hospitals reported a vacancy rate of greater than 10%.
  - The average time to recruit an experienced RN ranged from 61 to 120 days, while the average time to fill a vacancy stood at 95 days (which was an 8 day increase from the year prior).
  - Nearly 80% of hospitals reported that they expect to use the same number of supplemental nurses over the next year.
  - RN travel pay has decreased nationally by 20%.
  - Hospitals report an expected cost savings over three million dollars (\$3,000,000) by converting 20 individual agency nurses to staff nurses.
  - Specific to CNE, there was an increased nurse turnover rate over the three CNE hospitals from 2021 to 2022 and a steady increase in the use of travel and agency nurses from 2020 to 2023.
  
- Rhode Island’s skilled nursing facilities:
  - remain 20% below their workforce needs.
  - Nearly 60% of Rhode Island Nursing facilities either have limited or have considered limiting admissions since the start of 2023.
  - 70% of those same facilities were unable to meet the unfunded staffing mandate in the second quarter of 2022, which had the potential to lead to \$11.4 million in fines by the RI Department of Health.
  
- Hours Worked – RI Nursing Homes:
  - 3<sup>rd</sup> Quarter of 2022 with 76 different facilities reporting, R.N.’s worked 900,000 hours in Q3, while Licensed Practical Nurses worked 604,100 hours.
  - 3<sup>rd</sup> Quarter (2022) CMS payroll data, she noted that Rhode Island remained well above the National average in hours worked per day (RI > .8, Nationally < .7).
  
- Retention of Nurses:
  - 3<sup>rd</sup> Quarter of 2022, Rhode Island’s turnover rate was approximately 48.8%, well above the turnover rate nationally.

### **Commission Recommendation**

Based on the testimony and information presented to the Commission, and given the varied nature of the Commission's findings, the Commission proposes the following recommendation:

- The General Assembly may consider enacting House Bill 2023 – H 5737, which would amend certain sections contained in Chapter 5-34.3 of the General Laws entitled “Nurse Licensure Compact” and which would:
  - Allow Rhode Island nurses to obtain multi-state licenses and practice across state lines.
  - Take effect on January 1, 2024.
  - Enable a three (3) year pilot program commencing on January 1, 2024.
  - Include a standard “sunset” provision that would become effective as of January 1, 2027.
  - Require the Rhode Island Department of Health (“**RIDOH**”) to collect data with respect to the implementation of the aforementioned, recommended legislation.
  - Require RIDOH to report its findings regarding the collected data on an annual basis to the General Assembly, beginning on January 1, 2025.
  - Require RIDOH to freeze any increase in Rhode Island nurse license fees during the 3 year period starting January 1, 2024.



**Appendix A – Enabling Resolutions 2022 H 7268 SUB A**

2022 -- H 7268 SUBSTITUTE A  
STATE OF RHODE ISLAND  
IN GENERAL ASSEMBLY  
JANUARY SESSION, A.D. 2022

**H O U S E R E S O L U T I O N**

**CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY AND PROVIDE  
RECOMMENDATIONS FOR UNIFORM MULTI-STATE NURSING LICENSE  
REQUIREMENTS**

Introduced By: Representatives Kennedy, Abney, Vella-Wilkinson, Azzinaro, and Diaz

Date Introduced: February 02, 2022

Referred To: House Corporations

WHEREAS, The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws; and WHEREAS, Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits; now, therefore be it

RESOLVED, That a special legislative commission be and the same is hereby created consisting of thirteen (13) members: three (3) of whom shall be members of the House of Representatives, not more than two (2) from the same political party, to be appointed by the Speaker of the House; one of whom shall be a registered nurse employed in a Rhode Island healthcare facility that provides care to patients, to be appointed by the Speaker; one of whom shall be the Director of Nurse Registration and Nursing Education, RIDOH, or designee; one of whom shall be the Dean of the Rhode Island College School of Nursing, or designee; one of whom shall be the Chief Nursing Officer for Care New England, or designee; one of whom shall be the Chief Nursing Officer at Rhode Island Hospital, or designee; one of whom shall be the Executive Vice President of SEIU, or designee; one of whom shall be the President of the United Nurses and Allied Professionals (UNAP/RI), or designee; one of whom shall be the Executive Director of the Rhode Island State Nurses Association, or designee; one of whom shall be the President of the Organization of Nurse Leaders (ONL), or designee; and one of whom shall be the President and CEO of the Rhode Island Health Care Association, or designee.

In lieu of any appointment of a member of the legislature to a legislative study commission, created by a General Assembly resolution, the appointing authority may appoint a member of the general public to serve in lieu of a legislator; provided that, the majority leader or the minority leader of the political party which is entitled to the appointment consents to the member of the general public.

The purpose of said commission shall include review of statewide data including but not limited to nursing job vacancies, enrollment in state nursing school programs, nurse retirements, and length of time when hiring registered nurses, and in addition, be to make a comprehensive study and provide recommendations for uniform multi-state nursing license requirements that would allow nurses to hold a multi-state license that enables them to

practice across state lines without having to obtain multiple licenses, including, but not limited to, oversight, dispute resolution, and enforcement.

Upon passage of this resolution, the members of the commission shall meet on or after October 25, 2022, and organize and shall select, from among the legislators, a Chairperson.

Vacancies in said commission shall be filled in like manner as the original appointment.

The membership of said commission shall receive no compensation for their services.

All departments and agencies of the state shall furnish such advice and information, documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this resolution.

The Speaker of the House is hereby authorized and directed to provide suitable quarters for said commission; and be it further

RESOLVED, That the commission shall report its findings and recommendations to the House of Representatives no later than April 13, 2023, and said commission shall expire on June 29, 2023.

## **Appendix B - Meeting Agendas and Presentations**

These documents have been posted in the Nursing Compact Commission section of the Commission/Task Forces tab of the State of Rhode Island General Assembly website:

<https://www.rilegislature.gov>

- *February 7, 2023 – Agenda*
  - Election of Chair and Vice-Chair
- *March 7, 2023 - Agenda*
  - Donna Policastro, RI State Nurses Association
  - Ara Millette – Organization of Nurse Leaders
- *March 21, 2023 – Agenda*
  - Katie Norman – RI Health Care Association
- *April 4, 2023 – Agenda*
  - Jesse Martin, SEIU 1199
  - Lynn Blais – United Nurses & Allied Professionals
- *April 18, 2023 – Agenda*
  - Sherri Sprague – Care New England
- *May 2, 2023 – Agenda*
  - Melissa Willette – Department of Defense
- *May 16, 2023 – Agenda*
  - MollyMaeve Lusk, Nicole Livanos, Robert Krebbs, NCSBN
  - Lynda D’Alessio, Neil Hytinen, RI Department of Health
- *May 30, 2023 – Agenda*
  - Discussion of proposed findings and recommendations

## **Appendix C – Written Testimony and Material**

These documents have been posted in the Nursing Compact Commission section of the Commission/Task Forces tab of the State of Rhode Island General Assembly website:

<https://www.rilegislature.gov>

- February 7, 2023 – Agenda Organizational Meeting
- March 7, 2023 – Donna Policastro, Ara Millette– “*Nurse Licensure Compact*”
- March 21, 2023 - Katie Norman – “*A Workforce Crisis in Long Term Care*”
- April 4, 2023 - Jesse Martin, Lynn Blais –  
“*A Nurse Licensure Compact, a quick fix but at what cost?*”
- April 18, 2023– Sherri Sprague – “*Nurse Licensure Compact*”
- May 2, 2023 - Melissa Willette –  
“*Defense-State Liaison Office – Nurse Licensure Compact*”
- May 16, 2023 – MollyMaeve Lusk, Nicole Livanos, Robert Krebbs, NCSBN  
“*Nurse Licensure Compact: Operations, Benefits & Current Status*”
- May 16, 2023 - Lynda D’Alessio, Neil Hytinen, RI Department of Health  
“*Request for Available Nursing Data*”