



April 27, 2021

House Health Committee  
Chairman Scott Lipps  
77 South High Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215

RE: Senate Bill 3 – Nurse Licensure Compact

Good morning Chairman Lipps, Vice Chair Holmes, Ranking Member Russo, and Members of the House Health Committee. My name is Tiffany Bukoffsky, and I am a registered nurse as well as the Director of Health Policy for the Ohio Nurses Association. Thank you for allowing me to be here today to testify on Senate Bill 3- a bill that aims to add Ohio to a list of states that offers the Nurse Licensure Compact.

We want to first acknowledge Senator Roegner’s ongoing efforts to address our concerns and we appreciate the follow-up calls we have had to discuss possible amendments to the bill. We also appreciate the Senator’s efforts to schedule interested party meetings with the National Council of State Boards of Nursing (NCSBN) and our collaborative work with the Ohio Board of Nursing.

The former and enhanced Multi-State Nurse Licensure Compact model has been reviewed by the ONA leadership and consideration has been given to the Ohio Board of Nursing’s current position, as well as amendments included during the last General Assembly. While ONA remains committed to engaging in additional conversations about the implications of enacting the Compact, including addressing factors such as telehealth, cross-border nursing practice, and the Interstate Commission of Nurse Licensure Compact Administrators, we continue to have a few concerns that we would like addressed through additional amendments.

**Concern for reporting and education requirements for employers:**

While we appreciate the sponsor’s inclusion of our previously proposed amendment requiring the employer to report Compact nurses to the Ohio Board of Nursing and the bill’s requirement for the employer to provide Board-approved information on Ohio laws and rules specific to nursing to Compact nurses, ONA is requesting a stronger reporting mechanism that we believe will be more effective. Accountability to ensure the employer will report and provide information regarding the Ohio Nurse Practice law and rule are key to addressing our concerns.

**ONA Suggested Amendment: Require the employer pay a \$50 fine per nurse that goes unreported to the Ohio Board of Nursing.**

**Concern for financial impact to Ohio nurses:**

The Board of Nursing has stated that they may lose almost \$2 million in net revenue if Ohio becomes a Compact state. The fiscal impact should not fall on the shoulders of Ohio home state licensees.



ONIA Suggested Amendment: No costs shall be passed down to Ohio home nurses not using the Compact license.

**Concern for effective date that the Compact would begin:**

The Compact should not take effect during an RN/APRN licensure renewal year, due to the volume of work that would be required on top of existing responsibilities for the Board of Nursing staff.

ONIA Suggested Amendment: The Nurse Licensure Compact shall take effect on January 1, 2024.

**Concern that mandatory reporting is not a requirement:**

Mandatory reporting is not currently a requirement in the Compact language. The National Council of State Boards of Nursing studies have shown the importance of mandatory reporting to assure boards of nursing are receiving complaints and preventing unsafe practitioners from moving from employer to employer without boards knowing about the unsafe practice. Ohio is a mandatory reporting state, and we should not loosen the reigns on that requirement. See ORC 4723.34

ONIA Suggested Amendment: Every employer of registered nurses or licensed practical nurses shall report to the board of nursing the name of any current or former employee who holds a nursing license or dialysis technician certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the board under [section 4723.28](#) of the Revised Code.

**Concern for state sovereignty and loss of power for Ohio Board of Nursing:**

The Compact states, “The Commission shall have the following powers: To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states.” The Commission will have the power to enact rules that are binding on each state by simple majority vote. Certain states have included enabling legislative language designed to restrict enactment of rules related to scope of practice. The Commission should not have more power than the Ohio Board of Nursing.

ONIA Suggested Amendment: All scope of practice determinations, educational requirements, and continuing education requirements shall continue to be at the discretion of the Ohio Board of Nursing.

**Concern for state of residence requirement that triggers a home state license change:**

ONIA has questions about how long nurses living in Ohio and practicing under the Compact should be allowed to practice without applying for an Ohio home state license. Per the Ohio Department of Taxation, you are an “Ohio resident for income tax purposes if you are domiciled in Ohio. Thus, under Ohio law, the terms “domiciled” and “resident” mean the same thing. Generally, any individual with an abode in Ohio is presumed to be a resident. The abode can be either owned or rented. Temporary absence from your Ohio abode, no matter how long, does not change your residency status. Thus, if you live in Ohio, the presumption is that you are an Ohio resident.” The state of residence provisions as outlined in the bill need to be clarified. How long does a nurse need to be working in Ohio to be declared a resident of Ohio that would, in turn, trigger a primary state of residence change to Ohio?

ONIA Suggested Amendment: If a nurse lives and practices in Ohio for over 120 days of the year,



he/she will be required to get a home state license.

*However, we are open to other ways to address this issue, perhaps via a stronger confirmation of primary state of residence if the Department of Taxation and/or the Bureau of Motor Vehicles has a particular method by which they determine whether a resident should declare Ohio as their primary state of residence.*

ONA believes the suggested amendments make the Nurse Licensure Compact a better bill for Ohio nurses and patients. If amenable to the bill's sponsor and this committee, ONA respectfully asks the committee to amend the bill to include language supported by our association. As such, ONA supports SB 3 with the included amendments. We appreciate the ongoing conversations with Senator Roegner, the Ohio Board of Nursing, the National Council of State Boards of Nursing, and the Ohio Legislative Service Commission to address ONA's concerns through amendments. I would be happy to answer any questions you may have at this time.

Thank you for your time and consideration.

In Good Health,

A handwritten signature in black ink, appearing to read 'Tiffany D. Bukoffsky', written in a cursive style.

Tiffany D. Bukoffsky, MHA, BSN, RN

ONA Director of Health Policy