

SB 2184
Senate Workforce Development Committee
Testimony of
ND Board of Nursing

Chairman Wobbema and members of the Committee. I am Dr. Stacey Pfenning, Executive Director of the North Dakota Board of Nursing (“Board”).

I am here to provide opposition testimony for **SB 2184** a bill to create and enact a new section to chapter 43-51, relating to uniform administration of occupational and professional boards.

The ND Board of Nursing (NDBON) was created by legislature in 1915 to license registered nurses and set standards for nursing programs. The Nurse Practices Act (NPA),¹ which is codified in N.D.C.C. Chapter 43-12.1, continually evolves to provide competent and quality nursing care efficiently and safely to the citizens of ND. The NDBON regulates over 20,000 license/registrations and employs 11 staff/FTE. The 2018 NDBON Annual Report indicated **21,534** active ND nurse licenses and **1,314** registrations for unlicensed assistive persons (UAP), an increase of 10% over the last 5 years. And of more than 20% over the last 10 years.

The proposed legislation was reviewed by the NDBON and legal counsel as it relates to the NPA. Upon review, the following are key points for consideration related to **SB 2184**:

Section 1

Page 3, lines 5-16 Renewal: The NPA currently requires renewal of licensure every two years, which is consistent with nursing boards nationally (*5 renew annually; 48 renew every two years; two renew every three years; one renews every four years*³). A change in renewal every two years to annual would result in a significant fiscal impact for the NDBON, as renewals would double from approximately 10,000/year to over 20,000/year. The initial and ongoing fiscal impact includes:

- Technology upgrades to convert licensing system to an annual renewal schedule across five different categories of license/registration.
- Annual increase in allocation of resources to accommodate doubling the renewals. The addition of staff/FTE (salary, benefits, equipment, potential office space, etc.) will be required for the following:
 - Operationalizing more than 20,000 renewals annually instead of approximately 10,000.
 - Completing over 400 audits for continuing education competence each renewal instead of approximately 200 (NPA 43-12.1-08 (2)).
 - Assisting with licensee correspondence. NDBON received more than 18,000 renewal related emails and system notifications between 10/01/2022 – 1/15/2023.
 - Processing more than double the late renewals annually without assessing fees (revenue loss). Late renewals average 35/year with two-year renewal cycle. Currently, fees are assessed to accommodate workloads required to ensure prompt application processing, allowing nurses to quickly return to the workforce.
 - Processing additional practice without a license non-disciplinary actions related to annual expiration dates, which typically involves review by compliance division staff. These actions occur in about 18 of the 35 late renewals every two years.

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- If a licensee were granted a three-month grace period following license expiration, there would be an impact to the NDBON fiscally. The NPA and N.D.A.C. Article 54-05 currently allow for late renewals and reactivation processing with fees assessed due to the additional workload required to process and facilitate an expedited return to work, thereby preventing loss of work time due to failure to renew. Annually, the NDBON processes an average of 35 late renewals, and anticipates this number will more than double without a fee assessed in order to expedite processing of an expired license/registration. Without a late fee, there will be no incentive for a licensee to timely renew his or her license.

Section 2:

Page 4, lines 17-31 and Page 5, lines 1-12 State Auditor: Annually, the NDBON contracts with Eide Bailly, a public accounting firm, to prepare the audit of financial statements as part of the annual audit. Annually, the certified accounting firm spends 50-55 hours with the NDBON to prepare audit and present to the Board for approval. The final audit is then submitted to the state auditor's office.

Section 3:

Page 6, lines 4-7 Operating Funds less than \$250,000: A budget of \$250,000 may be an adequate reserve for a smaller board that has a lower operating budget but does not cover expenses for the Board of Nursing for two months. During the previous pandemic licensees in good standing in their home state were allowed to enter and work in North Dakota without North Dakota nurse licensure, impacting NDBON revenue.

Other points the NDBON would like considered:

Section 1, Page 2, lines 14-26 Board membership: The NDBON allows two consecutive four-year terms, which has worked well. Training and acclimation to NDBON processes can take four to five meetings and the Board meets four times each year. Historically, NDBON's public member position has been difficult to fill with very few candidates applying.

Section 1, Page 3, lines 17-26 Licensure of Foreign Practitioners: ND is a one of 39 states in the Nurse Licensure Compact (since 2004), which allows the nurse to work across borders with a multistate license. The language on lines 25-26 that states "Notwithstanding, contrary law under this chapter, a board may issue a license to an applicant through an adopted compact". The NLC allows a nurse who holds a multistate license in any other compact state to practice under that privilege to practice and does not require a nurse to obtain licensure in other member board states.

The NDBON would ask the committee to consider exempting the NDBON from **SB 2184**, as North Dakota nursing regulation is currently safe, efficient, and effective.

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Thank you for your time and attention, and the opportunity to share the NDBON concerns about **SB 2184**. I am open to any questions the Committee members may have.

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(Committee members: Sen. Michael Wobbema, Chairman, Sen. Michelle Axtman, Vice Chairwoman, Sen. Diane Larson, Sen. Merrill Piepkorn, Sen. Jonathan Sickler.)

Bill introduced by **Sen. Judy Lee**, (Chair Human Services Committee), **Sen. Randy Burckhard** (Member Appropriations Committee), **Sen. Kristin Roers** (Chair State and Local Government Committee), **Rep. Robin Weisz** (Chair Human Services Committee) and **Rep. Alisa Mitskog** (Member Appropriations Committee)

References:

1. North Dakota Century Code. (NA). Chapter 43-12.1 Nurse Practices Act.
Available at <https://www.legis.nd.gov/cencode/t43c12-1.pdf>
2. North Dakota Board of Nursing, (2021). NDBON Annual Report 2017-2018.
Available at <https://www.ndbon.org/Publications/AnnualRpt.asp>
3. National Council State Boards of Nursing. (2017). Board Member Profiles.
Available at https://www.ncsbn.org/2017_Licensure_MBPResponses.pdf