

MONA OPPOSES THE MULTISTATE LICENSURE COMPACT

MONA/ANA's Seven Points of Concern

- **Precise Definitions:** "Interstate practice legislation should clearly define key terms and ensure that the primary objective to be accomplished by interstate practice is achieved, i.e., asserting jurisdiction over out-of-state nurses practicing in a state" (ANA, 1998). **MONA/ANA are concerned with the precise definition of the term nurse. What is the definition of a nurse?***
- **Rule-making Process:** "The rule-making process to implement any interstate practice legislation should be clearly spelled out in the legislation, and proposed implementation regulations of key provisions should be developed simultaneously with any legislation" (ANA, 1998). **MONA/ANA concerns are that the NCSBN does not clearly spelled out the rule making process.***
- **Information Access:** "Clear parameters should be established related to the confidentiality of any information shared with other states as well as who shall have access to such information" (ANA, 1998). **MONA/ANA concerns are that there are no parameters regarding information access. Who can get confidential information? How far down the chain does information on the nurse go? For example, does the Department of Health get confidential information? Which agencies will get full access to confidential information?***
- **What Constitutes Disciplinary Matters:** "The sharing of any information related to disciplinary matters, other than final orders and emergency suspensions, should be prohibited unless there is a clear and convincing need to do so to protect the public" (ANA, 1998). **MONA/ANA are concerned that there is inconsistency between the different states in how they define what constitutes disciplinary matters. Some states have verbal non-reported censure while other states' administrative process requires a formal hearing. What information is given out?***
- **Distribution of Disciplinary Information:** "Mechanisms should be established that the process used by any entity collecting data be reconciled with state law and procedures regarding collecting, maintaining and distributing licensure and disciplinary information" (ANA, 1998). **MONA/ANA concerns are the wording of collecting, maintaining and distributing licensure and disciplinary information. For example, will a mail order list of nurses be given out to interested parties who would like to know of nurses who are on a list for disciplinary actions for the last 5 years? Some states prohibit these lists.***

- **Protecting the Right to a Fair Hearing:** "The right of individual nurses to a fair hearing of any disciplinary matter must be protected; and, no unfair or undue burden, financial or otherwise, should be placed on a nurse's exercising his/her right to a fair hearing" (ANA, 1998). **MONA/ANA concerns are that an automated computer set-up might cause the administration to give inadequate time for the nurse to defend themselves. Would the nurse have the right of a notice, the right for an attorney and appeal? Different states have different standards for discipline. For example, in the state of California if a nurse has a domestic spat with his/her spouse and a report is made, the nurse will lose his/her license. However, if he/she moves to Missouri, which does not have this law, he/she would not lose their license.***
- **State of Residence Versus State of Practice:** "The state of predominant practice should be the state of licensure; if the nurse is not practicing, the nurse should be licensed in his/her state of residence" (ANA, 1998). **MONA/ANA concerns are if you live in one state yet practice in a neighboring state, do you have to change your state of licensure?***

MONA's Additional Concern: Because of the unaddressed concerns in the compact language, legal advice recommends that changes should be made to the initial draft before the compact is passed around to all the states. MONA's health counsel, Rick Walters, advises, "Whenever a law is proposed as an interstate compact, every state has to pass identical language or the compact doesn't work".*