

Date: Nov. 2, 2017

To: Senator Peter Wirth, New Mexico Senate Majority Leader

From: James Puente, MS, MJ, CAE
Director, Nurse Licensure Compact

Rick Masters, JD
Special Counsel, Nurse Licensure Compact

RE: Clarification on Grandfathering

Presently, four states (Wisconsin, Colorado, New Mexico and Rhode Island) that are parties to the original Nurse Licensure Compact (NLC) have not enacted the enhanced NLC (eNLC), which will be implemented on January 19, 2018. There are efforts within each of these states to enact the enhanced NLC by that date.

As long as New Mexico enacts the legislation adopting the eNLC by 11:59 p.m., local time, on January 19, 2018, all qualifying nurses holding New Mexico-issued multistate licenses will be 'grandfathered,' regardless of whether the other remaining NLC states (Colorado, Rhode Island, Wisconsin) have adopted the eNLC by that date. Nurses with multistate licenses issued in other eNLC states will be able to continue practicing in New Mexico without interruption.

The grandfathering provision, Article III (g) of the NLC Model Legislation, provides:

*"Any nurse holding a home state **multistate license**, on the effective date of this Compact, may retain and renew the multistate license issued by the nurse's then-current home state..."*

The "grandfathering provision" means that nurses who as of July 20, 2017 held "multistate licenses" pursuant to the original NLC, will continue to hold multistate licenses pursuant to the eNLC as long as they continue to be residents of the "home state" in which that license was obtained and do not lose the multistate license by allowing it to lapse or expire or engage in misconduct which would constitute a 'disqualifying event', such as a felony conviction. In addition, because all states which enact the new NLC "shall be deemed to have withdrawn" from the original NLC "within six (6) months after the effective date" of the new NLC, New Mexico must enact the new NLC within that time period in order to preserve the statutory basis under which multistate nursing licenses will be 'grandfathered.'

Sen. Peter Wirth

11/2/17

Page Two (2)

If New Mexico doesn't enact the eNLC until after the January 19, 2018 deadline and New Mexico is the last of the remaining NLC states to do so, nurses holding New Mexico-issued multistate licenses will not be grandfathered into the eNLC and will be required to reapply for their multistate license.

Should you have any questions, please feel free to contact us at 312.525.3601 or jpuente@ncsbn.org.