



COVID-19: Occupational Licensing During Public Emergencies

3/19/2020 Iris Hentze



COVID-19 presents an unprecedented crisis for states, requiring swift action on many issues, including the process for licensing essential workers. Temporary suspension of occupational licensing laws in emergency situations is a common approach states take to help manage short-term crises. States have experience in adopting emergency licensing processes, most often in response to natural disasters and their aftermath. Typically, states will lift licensing restrictions on aid workers, including those providing health care, infrastructure and other services critical to disaster recovery. To respond to COVID-19, states are also exploring the temporary suspension of licensure requirements for volunteers and aid workers.

Many of the occupations that will be in high demand during the COVID-19 crisis are regulated in a way that can limit the flow of necessary skilled professionals across state lines. This includes many health care professionals, such as nurse practitioners and certified nurses' aides, who may be critical

in any state's response to the virus. A number of states are already responding to the COVID-19 outbreak by activating emergency-response licensure laws that allow volunteers to come in from other states and practice their profession without being required to seek a state-specific license.

Uniform Emergency Volunteer Health Practitioner Act

The Uniform Emergency Volunteer Health Practitioner Act (UEVHPA) is model legislation developed in 2006 by the Uniform Law Commission. The legislation allows any state that has enacted it to recognize out-of-state licenses for a variety of health practitioners during a state of declared emergency. Participating states must maintain a registration system under which all volunteer practitioners must register. As of 2020, 18 states and the District of Columbia have enacted UEVHPA legislation.

The state of Washington, one of the earliest and hardest hit states so far, has activated its emergency volunteer health practitioners in preparation for surging demands on the state's health care system. Under its own UEVHPA statute, the state's Department of Health (DOH) can allow volunteers to practice immediately without obtaining a Washington license as long as they are in good standing in the other states in which they are licensed.

The states with enacted UEVHPA legislation are:

- Arkansas
- Colorado
- District of Columbia
- Georgia
- Illinois
- Indiana
- Kentucky
- Louisiana
- Maine
- Nevada
- New Mexico
- North Dakota
- Oklahoma
- Oregon
- Tennessee
- Texas
- Utah
- Washington

- West Virginia

Existing Health Care Professions Compacts

Apart from emergency declarations allowing states to bypass licensing laws during crises, it is worth noting that existing occupational licensure compacts may also be helpful in these circumstances. The Enhanced Nurse Licensure Compact (eNLC), for example, allows nurses who are licensed and in good standing in one of the compact member states to practice in any of the others automatically. Intended to increase cooperation, information-sharing and the supply of trained workers in a high-demand field, 32 states are currently members of the eNLC compact and three states are considering legislation that would allow them to join in 2020. The Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) is similar and allows EMS personnel licensed in any one of the 19 compact states to practice in any of the other member states.

Other State-Specific Responses

Some states are modifying their licensure laws in more targeted ways. The Florida Legislature passed legislation in response to COVID-19 that will allow qualified nurse practitioners to independently operate primary care practices without an attending doctor. Advanced nurse practitioners would need to have completed some graduate-level coursework and have at least 3,000 hours of experience logged under a physician to qualify. Florida Governor Ron DeSantis has already signed the legislation into law.

In South Carolina, several of the state's licensing boards that regulate health care professionals are issuing "emergency" nursing and medical licenses. The state permitted its medical board to expedite temporary, out-of-state licenses for physicians, physician's assistants and respiratory care practitioners. While the state is a party to the eNLC, the nursing board is also currently authorized to expedite nursing licenses for individuals licensed in states outside of the compact. Georgia and Texas have also pursued similar strategies, allowing for expedited licenses of nurses and physicians at this time.

The governors of Colorado and New York have both urged former health care practitioners who may no longer be working in the field, but who still have an active license, to consider volunteering their skills during this time. New York Governor Andrew Cuomo is asking former doctors and nurses to "reconnect" with their past employers in order to create a reserve of health care professionals who may be called on to help respond to the coronavirus. Colorado Governor Jared Polis said, "I'm asking you to reconnect with your past employer in the event that we need surge capacity" at a press conference on March 13th. Colorado is also taking executive action to allow pharmacists, nurses and doctors licensed in other states to be able to immediately practice in the state through a reciprocal licensing push led by the state's main licensing authority, the Department of Regulatory Agencies.

NCSL is tracking state actions related to licensed workers as part of the COVID-19 response. The below table is a comprehensive list of actions states have taken so far.

| State | Type of Emergency Action | Description |
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| Arizona | Executive Action | Allows the Arizona Department of Health and Safety to waive licensing requirements to provide healthcare officials with assistance in delivering services during times of heightened demand. |
| Colorado | Executive Action; Executive Action | Colorado's Governor is asking for former healthcare professional to "reconnect" with past employers to create a reserve bank of workers. Colorado is also taking executive action to allow pharmacists, nurses and doctors licensed in other states to be able to immediately practice in the state through a reciprocal licensing push led by the state's main licensing authority, the Department of Regulatory Agencies. |
| Connecticut | Executive Action | Authorizes the Commissioner of Early Childhood to waive certain licensing and other requirements to maintain and increase the availability of childcare. Waives certain occupational regulations for pharmacists and face-to-face interview requirements. |
| Florida | Executive Action; Legislative Action | Florida's Governor issued an executive order allowing medical professionals, social workers and counselors licensed in other states to practice in Florida immediately during this emergency with the condition that their services be rendered free-of-charge. The Legislature also passed legislation to allow qualified nurse practitioners to independently operate primary care practices without an attending doctor. |
| Georgia | Executive Action; Executive Action | Georgia's Governor issued a declaration on March 14th to allow some nurses from other states to get temporary licenses to practice in the state. Then on March 17th acted to extend the deadline for 3,396 EMTs whose licenses would expire on March 31, 2020 to June 30, 2020. |
| Idaho | Executive Action | State licensing entities are authorized to temporarily exercise enforcement discretion, implement temporary rules and waive licensing and related requirements to maximize access to health care services and provider support in response to COVID-19. |
| Iowa | Executive Action | With the issuance of a State of Public Health Emergency, parts of Iowa's Disaster Emergency Plan have been enacted to allow the state to implement a number of public health measures. This includes allowing a variety of medical practitioners to volunteer their skills and services even if their license is inactive or has lapsed. |
| Maryland | Executive Action | Allows healthcare practitioners licensed in another state to immediately practice in Maryland and extends any licenses that are due to expire during the current state of emergency to be extended until at least the 30th day after the state of emergency is lifted. |
| Massachusetts | Executive Action | Governor Charlie Baker announced nurses and other medical professionals who are licensed in any other state can now be licensed in Massachusetts within a day. Retired physicians will also be allowed to reactivate their license. |
| Missouri | Legislative Action | HB 2046 would allow individuals licensed in certain trades who move to Missouri to be eligible for state license reciprocity. The individual would need to have had their out-of-state license for at least a year and be in good standing. This legislation is still pending. |
| New York | Executive Action | New York is Asking former doctors and nurses to "reconnect" with their past employers, in order to create a reserve workforce of healthcare professionals. The state's Department of Health has also been asked to accelerate the processing of license renewals in order to expedite the process. |
| South Carolina | Executive Action | The State Medical Board is authorized to expedite temporary licensure for out-of-state physicians, physician's assistants and respiratory care practitioners within 24 hours. |

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| Texas | Executive Action | The Governor has asked the Texas Medical Board and the Texas Board of Nursing to expedite temporary licenses for out-of-state practitioners and to allow for the provision of limited emergency licenses. Doctors retired less than two years may also apply for a temporary license under the new directive. |
| Washington | Executive Action | The state Department of Health is easing certain licensing requirements under a declared state of emergency. This includes allowing doctors, nurses and other practitioners to work in Washington without an active state license. The allowance applies to health care practitioners now licensed in other states, or those who have inactive Washington licenses. Those eligible can register with the Health Department as an “emergency volunteer health practitioner.” |

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