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## **Understanding Primary State of Residence Webinar Video Transcript** ©2021 National Council of State Boards of Nursing, Inc.

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### **Presenter**

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Okay, I'm showing that it's 2:02 Central, so we're going to go ahead and get started. And maybe there'll be some people that join later. My name is Jim Puente. I'm the director of the Nurse Licensure Compact. Thanks for joining us today for this webinar about understanding primary state of residence. We hope you'll find the information helpful, but also hope that if you have any questions, you'll please either put your questions in the chat box or you may unmute yourself to ask a question as well.

This presentation is being recorded, and the recording will be available early next week. And it'll be posted on our website. I'm hoping you can see it, but I did post the presentation in the chat box.

But I don't know if you're able to see it since you're external to this organization. So if you can't...great, you're saying you can see it. Fantastic. So if you can see it, then you can download it.

So if you're interested in the PowerPoint, then feel free. Okay. So this presentation was last presented and we presented this in February. And I apologize because I hear my cat crying in the background. So I'm sorry about that noise.

We last presented this topic in February, but I have updated some of the slides with additional information. So it'll be similar but a little bit different in case you were on the February presentation. All right. So this is me. And I typically co-present this with Maggie, although she is out sick today.

So I'm alone today in the presentation. Okay. Well, I don't know if the last time you attended a presentation if we were up to 36 states yet. But in the last two weeks, Vermont enacted the compact. So you'll notice on this slide that Vermont is in a light blue, meaning that they have enacted it, although it still has yet to be implemented.

Now, fortunately for Vermont and for us, they already know their implementation date, which is February 1 of 2022. When you go to this map on our website and you hover over Vermont, you will see the implementation date pop up.

And so as we learn implementation dates of states, that's the way that you can learn about that date, by hovering with your mouse over the state on this map. And you will see the date if we know the date. Okay? So on this map, again, if you're newer to these presentations, the dark blue states are the current compact states.

And the green states are states that have legislation and are trying to join the compact. And if you are familiar with the legislative session or cycle, you'll know that we're coming to the end of most legislative sessions. Many of them end in June, if not for the year, at least for the summer. And so we don't anticipate a whole lot of activity after June for the remainder of the year.

It's certainly possible but not expected. I don't want to spend a lot of time on this slide because the focus of today's presentation is not so much of a legislative update. But I do want to let you know about Vermont as well as the fact that in the next few weeks, we expect Ohio and Pennsylvania to both pass and join the compact.

So, for the year, it looks like we will have had Guam join, which was about two months ago, Vermont, two weeks ago, and then coming up soon, Ohio and Pennsylvania. And then at some point throughout the year, we believe that the Virgin Islands will also pass their legislation.

All of the other states that are green that I didn't mention likely will not pass, and those are states that have opposition from nurse unions. Let's see if there's anything else I want to cover here. You'll notice two states are purple, Guam and New Jersey. Guam will implement the compact in 2022.

The exact date is not known. And New Jersey is getting to the end of their implementation work. And so we anticipate learning a date from them anytime soon. We believe that New Jersey will implement in July or potentially August. So we're very, very close.

And we will let you know the date as soon as we know. But again, it'll also be on this map. Okay? All right. So we don't get into great depth about what the compact is in this presentation because we take some assumptions that you have some basic knowledge.

But just for the sake of those who may be newer, you know that the compact idea is that you have one multi-state license by which you can practice in all compact states. So if I just take a quick reverse back to this slide, if I was a resident of Texas, had a Texas multi-state license, then while I'm a Texas resident, I can practice in any of the blue states.

And the only thing is that that is while I'm a Texas resident. Everything is based on your state of residency when it comes to a compact license. Okay? So let's go back to the terminology that multi-state license or a compact license are both the same thing. It's one license that's issued in your state of residency, which we also call home state.

And it allows you to practice in every other compact state whether in-person or through telehealth. All of the states in the compact are referred to as party states. That means that they're a member state of the compact. And a single-state license is the type of license that is issued in a non-compact state.

But compact states also issue single-state licenses to applicants that don't meet the requirements for a multi-state license. They are considered, then, for a single-state license. I think we talked about home state, which is your primary state of residence.

And when we say primary state of residence, we're talking about the state indicated on your legal documents. Obviously, you may live in a variety of different states in the course of the year, especially if you travel to different states. But we all have one state that we indicate as our primary state of residency for legal purposes.

The remote states are every other state in the compact other than your home state. Throughout the presentation and in our literature, you'll see primary state of residence with the acronym PSOR.

And that authority for you to practice in other states is referred to as the privilege to practice, or PTP. You always have to remember that primary state of residence is key. And by that we mean that it's very central to the multi-state license. You're issued a multi-state license in your primary state of residency.

And as you've probably heard before, that the nurse compact works the same way as the driver's license compact. As you know, your driver's license is issued by the state that you live in. The state that's your primary state of residency.

And that's the same way the nurse compact works. Your primary state of residency is where your compact license is issued. So what that means is that if you were to change your primary state of residency now and because the primary state must issue your multi-state license, that means you need to get a new compact license in your new state of residency, which is exactly the way it works with the driver's license.

If you change your state of legal residency within the U.S., then you move to your new state, you're going to get a new driver's license right off the bat. And not everyone may know the law in that regard, but that's how it works. And that's how the nurse compact works.

Okay. So we covered some of this already, saying that the primary state of residency is the state that you can prove where you legally reside for legal purposes. And when you obtain a driver's license, when you obtain a voter's registration card, you are signing a legal attestation that says, "This is my legal state of residency."

And that's why those are acceptable pieces of proof for a board of nursing as acceptable proof that that state is your primary state of residency because you've legally attested to it, you've signed your name under penalty of perjury.

And when you obtained your driver's license or your voter's card, you had to show proof that you resided there as well. And so that's why these documents can be proof when you're obtaining a nursing license in...a multi-state license in your primary state of residency. The big misunderstanding, however, is that when we talk about primary state of residence, we're not talking about where you own a home or where you own property.

You may, in fact, not own any property whatsoever, but you still reside somewhere, you still likely have a driver's license, you still have a legal state of residency. So don't let that misnomer kind of trip you up into thinking that it's about where you have property. You will always only have one primary state of residency the same way that you will always only have one driver's license.

Obviously, it makes no sense to have more than one driver's license because one of them will be illegal. You can only have one in your primary state of residency. And that's an expectation on us, that we should know those types of laws, that when we live in a state, whether it's a state ID or a driver's license, it's from that state we live in and that we vote in the state that we live in.

We don't go and vote in other states where we're not a resident. Those are just expectations, and we should know the law in that respect. And so that's why there is one primary state of residency because

you may live in different states in the course of a year, but the word primary designates that it's the main one, the main state.

Someone asked if we can speak to military spouse. I can talk about that a little bit later. We do a different presentation for military spouses. But I will address that a little bit later in the presentation.

Okay. And hopefully, people are organized, that all of their legal documentation is in one state. Because those are the things where you're saying, "I'm a resident of the state." So if you have a driver's license in one state and the voter's card in a different state, you're saying to both of those states, "I'm a resident of your state."

And you can't be, as a primary resident. You can't have more than one state. Now, in terms of the multi-state license, when do you have to prove residency? It's at the time you apply for the multi-state license. So once you get your multi-state license, you're not going to have to show that proof again to a board of nursing.

But it's always been the expectation and the rule for any state board of nursing that you are required to notify the board of nursing when you have a change of address, even if it's a change of address within the same state. That is a rule in every state for every board of nursing, regardless of the compact. Okay.

All right. So now we're going to look at some of the rules related to changing your primary state of residency. Now that we understand what primary state of residency means, let's take a look at the rules. First of all, if you are changing your primary state of residency, meaning moving from one state to another, yes, you can apply.

In bold here on this slide, it says, "The nurse may apply in advance of a change of primary state of residency. And we're going to talk a little more about that later on because unless you let the board of nursing know that you're going to be moving to their state, how will they know? And there's a place to indicate that in the application.

Okay. In the next couple slides, we're going to look at the responsibilities of the applicant. One of those responsibilities is to complete a declaration of primary state of residency form. And that's what this role pertains to, that when you're getting a license in the compact state, one of the forms in that application is going to be a form called a declaration of primary state of residency.

You are required to complete that. It's a legal attestation. So that's where you're swearing that that state is your state of legal residency. And then attached to that, the board of nursing may ask you to provide some pieces of proof, which is oftentimes a driver's license, and could be a voter's card.

Those are the most common and easy things for someone to pull out of their wallet or purse. Okay. Let's take a quick look at Jessica Davis's question, "Can you speak to the military spouse? Their primary state of residence, taxes, voting may be different than the state that the spouse has a driver's license, and they may be different than the state the spouse lives in."

That seems to be contrary to what we were saying. So if your primary state of residence is where you're voting and paying taxes, it seems that you should also have your driver's license there. And I see in your question that you're saying it may be different.

What I can tell you is that when it comes to the multi-state license, you're going to need to be able to show proof that you reside in the state that you say you're residing in. So, if we go back to the Texas example that I looked at earlier when we showed the map, if I'm a resident of Texas and I am applying for a compact license in Texas, when I complete the declaration of primary state of residence, I'm going to put Texas on that line, and I'm going to sign my name.

Then the board of nursing is going to ask me to give some proof. So if the proof that you have is your tax documents and your voting card, that is what I would give to them. If the proof that you have is your driver's license, that is what I would give to them. But I think that it behooves anyone to have the driver's license and voting and all that all in the same state.

And I think that that seems to make sense to me, though those aren't difficult things to obtain, a voter's card or a driver's license. So, hopefully, that helps. Now, keep in mind that when you're applying to a board of nursing, the point at which you're showing proof is at the point that you're applying, and not after that.

And that's because of what we said earlier, that if you're changing your state of residency after that, then you're expected to notify the board of that change in residency. You may have to show proof to your employer, however, and that's another story. So whatever documents your employer asks for is not necessarily the same types of documents that the board of nursing is going to ask for.

Because an employer asks for proof according to whatever their policies are. And the policies of an employer obviously don't need to mirror the compact. So this is what a typical declaration of primary state of residency form...I wouldn't say what it looks like, but this is what the text of it was probably going to look like.

And I just kind of cut and pasted the text from that form and pasted it on the slide. So you can see the different options there. There are five options. In actuality, they're checkboxes. So when you're filling out this form, you're checking that box that pertains to you.

Let's look at them very quickly. And at the top, it gives a definition of primary state of residence, which is your fixed and permanent home or your principal home for legal purposes, as we said earlier. Number one, I'm declaring such and such state as my primary state of residence. So, for example, I'm a resident of Texas, I already live there, I'm applying for a Texas license, I would check number one, I'm declaring Texas as my PSOR.

Done deal. And each of this pertain to a different situation. Number two, "I'm declaring a non-compact state as my primary state of residence." Okay. So let's pick a non-compact state. California, okay?

We know California is not a member of the compact. So when you fill out this form and you check the box, "I declare a non-compact state as my PSOR," that tells the board of nursing that you're not only not moving to their state but you're staying where you are in that state, non-compact state. So that means that they're not going to consider you for a compact license because you're not a resident of a compact state nor do you say you're going to be a resident of a compact state.

You're basically telling them, "I want to make it clear, I'm not eligible for a multi-state license because I live in a non-compact state." Number three, "I am currently a resident of another compact state, and I'm in the process of moving to your state."

So this is the one you're going to check if you're moving from one compact state to another and you're applying in advance because it tells them, "I'm in the process of moving to your state." What that means is that they can start to process your application, but they're not going to issue the multi-state license until you actually move there, until you actually have that proof that you're a resident, but you want to apply in advance.

Now, if you're living in another compact state, you actually aren't required to apply in advance, you can apply after you move there. All right? And number four, "I'm declaring another compact state as my primary state of residence." Okay.

So in this situation, the person is, let's say, a resident of Florida, but their job requires them to practice in Texas, okay? But in their home state of Florida, they're not eligible for a multi-state license. Therefore, they need to apply for single-state licenses in every state since the multi-state is not an option for them.

And that's why number four, it says, "Another compact state is my primary state of residence, not this one, not Texas." So, obviously, they wouldn't get a Texas multi-state license because they're not a resident of Texas, but they're a resident of another state where they should be getting their multi-state license. But as it goes on to say, "I'm not eligible for multi-state, therefore I'm requesting a single-state."

And then lastly, "I'm declaring another compact state as my primary state of residence, and I'm not eligible for a multi-state or a single-state in that state." So in that case...and sometimes people are completing an application in a state without understanding how the compact works.

So in other words, they live in one compact state, and they're applying to a different compact state, and sometimes a nurse isn't aware that they have a compact state in the state where they live. And so this helps to weed that out because they indicate that they're in another compact state, not this one, therefore, they shouldn't even be applying to this one.

And the board will advise them of that. Okay. So, we're continuing on with the rules, and this one, again, is about applicant responsibilities. A nurse who changes primary state of residence to another compact state shall apply for a new license in the new compact state.

Okay? So we said that earlier because the compact license is tied to your state of primary state of residency, if you're going to change your primary state of residency, that's when you need to apply for a new license. And it goes on to say, "...when the nurse declares to be a resident of that new state and obtains privileges that ordinarily would not be given to a non-resident.

So in other words, if I move from Texas to Florida and I get a Florida driver's license, that's not something that Florida gives to someone who's a non-resident, okay? The fact that I got that Florida driver's license means I'm a resident now.

And that's what this means, when the nurse declares to be a resident of the state and obtains a privilege, like a driver's license or voting, those are privileges that would not be normally given to someone who's not a resident. Okay. Moving on to Rule 403, the nurse who changes their primary state of residency from one compact to another compact state may continue to practice under the existing multi-state license, okay?

So, I'm a Texas nurse, I have a Texas multi-state license, I'm changing my state of residency to Florida. Upon moving to Florida, I can immediately start working in Florida under my Texas multi-state license.

However, as it goes on to say, "...while the application is being processed and until the new multi-state license is issued in the new state.

So I continue to practice under my Texas multi-state license as long as it takes the Florida Board of Nursing to process my new application in Florida. And then what happens after Florida issues that new license? That's what number two is about, that upon issuing the new license in the new state, the former state deactivates that license, okay?

So that's exactly what happens with your driver's license, okay? When I was a Texas resident, I had a Texas driver's license. When I became a Florida resident, I got a Florida driver's license, and that took the place of my Texas driver's license. I don't continue living with two driver's licenses, the new one replaces the former one.

And that's the same way that this works with the nurse compact when you change from one compact state to another and get a new license in the new state. The important piece is that you have the benefit of continuing to practice under your old license when you move from one compact to another compact state until your new license is issued.

So you don't have a lapse in practice. And this is important for employers to understand because you may recruit someone from another state and they're coming to your state to work, and they're moving to your state, but you shouldn't have to wait for them to get the new license in your state because they can start immediately under their current license from their old state.

And this slide talks a little bit more about that. So the employers can be assured that they're taking the right steps when they do hire someone. And it really goes down to the question in the second bullet, the employer needs to determine is the nurse changing his or her PSOR or not?

That's the big question of the day. So, you know, sometimes it's obvious, sometimes you're moving across the country, like from Texas to Florida, and you're accepting a permanent job in Florida. Well, obviously, if the nurse tells me and I'm the Florida employer, and the nurse tells me, "Oh, no, I'm still a Texas resident," I would think twice about that because the nurse just accepted a full-time permanent job in Florida.

How can you still be a Texas resident? You're living here in Florida primarily now. If you're an employer, sometimes nurses don't understand it, understand the compact. But sometimes in a new state that joined the compact not too long ago, sometimes the employer doesn't understand the compact because there is that learning curve.

It takes time for people to understand how it works. So the key items here is the third and fourth bullet. If the nurse is changing their PSOR, then they need to get a new license, and you do that by applying for license by endorsement. Okay? So that means that the nurse is leaving, they're giving up their residency in one state and becoming a resident of another state.

Whereas in the fourth bullet, the nurse is not changing their primary state. If they're not changing their primary state, then they're going to work under their existing license. So let's look at the same two states. I'm a Texas nurse with a multi-state license, and I'm going to Florida as a travel nurse for two or three months, then I'm returning back to Texas.

In that scenario, I'm not changing my PSOR, Texas remains my primary state of residence, and that's why I'm able to continue working in that travel nurse job in Florida under that multi-state license issued by Texas.

That same scenario is how this works for military spouses. They have a home state, just like the travel nurse, and they are able to practice in another state, which they're visiting for a period of time, maybe two or three years, but they're going to work under the license issued by their home state.

Why? Because they don't intend to make the state where they're stationed temporarily for a few years their new legal state of residency. They are only there temporarily as a visitor to the state, okay? And lastly, employers are always under the gun to make sure that the nurse is appropriately licensed. And so once you determine is the nurse changing or not changing their primary state of residency, if they are changing and they need to get a new license, I see many employers implementing policies by which the nurse needs to take the steps that they need to to get a new license and show the employer proof within a certain number of days, and that's all according to the employer's policy.

But I understand where the employer's coming from because they want the nurse to be licensed appropriately so there are no issues from a compliance perspective or from a reimbursement perspective. Employers are always held to ensuring that all of their providers, not only nurses, are appropriately licensed or credentialed.

And that means doing the right thing when you're changing your state of residency with a compact license. Okay. Nursys.com is that site of the national database where employers should be going to determine whether a nurse has a multi-state license or not and whether it's active.

You go to nursys.com, and go to the Quick Confirm section of that website. And you look to see, first of all, as in the middle here, the license status, if it's unencumbered, meaning there are no restrictions or limitations, and then the final column, compact status, is it multi-state or single-state?

And if you're not certain what multi-state means, you can click on the question at the top, "Where can this nurse practice?" And you click on View Now, and it will show you a map that looks a little like this little one here on this slide.

But that map is customized to that particular nurse, and it shows every state where that nurse can legally practice based on the licenses that, that nurse holds, okay? And if you're not familiar, many states don't have a hard copy paper license anymore.

Most states are going electronic. So that means when you need to prove to someone that you have a nursing license, the employer or whatever entity you're proving it to should be looking it up in a database, not asking you for a piece of paper. And that's because of the fraudulent activity that occurs with pieces of paper, like a license, okay? So this is the site where you do that.

We have a few people on, and we do have some time left over. So I just want to take a couple of minutes to go through two or three different examples of scenarios. And I'd like to ask if you wouldn't mind to type in your response to the question.

So we're back to the map. And if you all don't mind typing in the chat box quickly, I want to make sure that we're clear on how this works in terms of primary state of residency.



Okay. I am...and you can all see this map, we're looking at the blue states. Of course, the gray and the green states are all non-compact states. Okay. So I'm a nurse whose primary state of residency is in Arizona, and I am not moving, and I'm working a travel nurse job in Colorado.

Do I need to get a Colorado license? Yes or no? "No." Correct because you're not changing your primary state of residency, you work in another compact state under your current license.

Okay. Well, let's do a twist on that. The same Arizona nurse accepted a job in Georgia, and this is a full-time permanent job in Georgia. The Arizona nurse is moving to Georgia and is going to relocate there. That's going to be her new primary state of residence.

Question number one, Upon arriving in Georgia, may she start working under her Arizona compact license? "Absolutely." Correct. And question number two, upon arriving in Georgia, does she need to apply for a Georgia license by endorsement?

"Yes." Okay, perfect, perfect, everyone has that. One more. Washington State, a non-compact state. I'm a resident of Washington State, and I'm applying for a Idaho license because I live near the border with Idaho.

My job is in Idaho. I'm a Washington State resident. When I apply to the Idaho Board of Nursing, will they issue me an Idaho compact license? Yes or no? "No." "No." Why? Because she's not an Idaho resident.

You got to be a resident of a compact state, she's a resident of Washington State. Perfect. One final one. We all know that Kansas has a Kansas City and Missouri has a Kansas City, and they are divided by a river. It's a big city on both sides of the state.

And I am a Kansas resident, but my career is in Kansas City, Missouri, but I'm a resident of Kansas, the state of Kansas. Which state issues my compact license, Kansas or Missouri? My residency is Kansas, I'm working in Missouri.

Which state issues my...? Right, "Kansas if you live there." Right, exactly. Kansas is my PSOR, that's the state that issues my license. Okay, beautiful. Let's go to the very end, then to the last slide.

This is my email address, nursecompact@ncsbn.org. You could always reach me there with any questions that you have. All of our resources are in our toolkit at the toolkit link. And then our overall website is nlc.gov. But in the toolkit, you'll see videos and fact sheets, and in map, you will see at nlc.gov.

Okay. Does anyone have any closing questions before we wrap up? And if you don't have them now, you can always email them to me at another time at that email address.

Okay. All right. So you should have the slides in the chat box, the very top of the chat if you'd like to download that, otherwise the recording will be available next week on the website. Thank you...I got someone else typing. Maybe there's a question coming in.

"Thank you for your time." Oh, you have a great day, too. All right. Take care, everyone. Bye-bye.