



Minnesota Hospital Association

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April 14, 2020

Governor Tim Walz
State of Minnesota
75 Rev. Dr. Martin Luther King Jr. Blvd., Ste. 130
Saint Paul, MN 55155-1611

Dear Gov. Walz:

Minnesota's hospitals and health systems are preparing for a surge of COVID-19 patients and working to determine how to staff up to accommodate that anticipated surge. To care for acutely ill COVID-19 patients, hospitals will need physicians and nurses who specialize in ICU level of care, as well as respiratory therapists. We will likely need more hospital staff than we currently have, and we have to take into account the health care workforce that may be exposed and become ill from COVID.

Our hospitals and health systems are asking you to issue an executive order that would waive the current health professional licensing process to allow any duly licensed health care professional to come to Minnesota. Upon notification, the Board of Medical Practice and the Board of Nursing could verify that the individual holds a license that is in good standing in their home state. This process could be done in 24 hours. We are only asking for this during the time of the declared emergency.

There are national float pools of nurses, particularly ICU nurses, and we need Minnesota to be able to compete for these highly sought-after care providers, particularly for those from the Midwest who may find it easier to travel to Minnesota than other high-demand areas.

Specifically:

1. **Permit healthcare workers licensed in other states to provide care in Minnesota by temporarily waiving/suspending licensure requirements.** We need to be able to easily transfer doctors, nurse practitioners, nurses, CNAs, and other licensed healthcare workers quickly and without having to navigate the various regulations imposed by the state licensure boards;
2. **Expedite licensure processing and/or provide short-term provisional 90-day licenses.** This is critical to allow new health care graduates to begin to provide patient care. With all NCLEX testing suspended until April 16th and possibly beyond, we need a solution to get more staff, especially nurses, in our facilities.
3. **For providers who have already passed internal employment checks, including fingerprinting and background checks, waive the state's criminal background check requirement that exhaust resources and unnecessarily adds time in the approval process.** With many fingerprinting offices closing as non-essential services, we need regulatory relief to ensure these providers, who have already undergone internal criminal background checks, are not prevented from providing care due to duplicative regulatory requirements;

4. **Postpone or waive license renewals and continuing education requirements for the next 90 days.** During these uncertain and challenging times, it is imperative that our staff prioritize patient care. The time required to complete and satisfy continuing education requirements should be devoted to ensuring health care workers have all possible resources to continue to respond to the COVID-19 outbreak.

As Governor, you have the statutory authority outlined in two places in Minnesota Statute to waive licensure requirements during a state of emergency:

- Both Minnesota Statute § 12.42 and Subdivision 5 of Minnesota Statute § 192.89 permit the governor, as part of his announcement of a state of emergency, to give recognition to a license issued to a professional by another state in a time of a declared emergency.
- Subdivision 5 of Minnesota Statute § 192.89 adds the additional qualifier that such recognition will be given during a time of a declared emergency and when requested by a compact state. This statute codifies the Interstate Emergency Medical Assistance Compact (EMAC) in Minnesota Statute. All 50 states, and most US territories are a part of the EMAC.

While the federal 1135 waiver that was approved by the United States Department of Health and Human Services states that there is regulatory relief from medical doctor licensure requirements, this only extends to the care of Medicare patients for purposes of reimbursement. This does not require the state licensure boards to give full reciprocity to providers from other states as would be provided for in the activation of the EMAC statutes. By simply amending your current Executive Order, you can assure that providers from other EMAC states can be given full reciprocity to provide care during this state of emergency.

We request that you, Governor Walz, amend Emergency Order 20-01 with a clarification to trigger reciprocal licensure:

The State of Minnesota formally requests the assistance of member states to the Interstate Emergency Medical Assistance Compact (EMAC) during the COVID-19 emergency, including the assistance of licensed professionals in delivering medical care as needed in our state's private and public medical facilities. Should those facilities require additional professionals to meet patient demand during the COVID-19 emergency, whether in-person or by remote means, the State of Minnesota will grant full recognition to the licenses held by professionals issued by any compact member state, in accordance with EMAC.

We will need all hands on deck as we all respond to this unprecedented pandemic. Thank you.

Sincerely,

A handwritten signature in black ink that reads "R. Koranne." The signature is written in a cursive, slightly slanted style.

Rahul Koranne, M.D.