

**To: Senate Finance Committee**

**From: Public Policy Partners**

**Bill: SB 187 – Health Occupations - Licenses, Certificates, and Registrations – Immigrants**

**Date: February 7, 2023**

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We are writing to provide background information on *Senate Bill 187 – Health Occupations – Licenses, Certificates, and Registrations – Immigrants*. We compiled this information to assist our client, Mr. Don Graham, in his support of the bill. We thought it might be helpful to also share this information with the Committee.

The purpose of *SB 187* is to remove barriers to licensure or certification under a health occupations boards for people who are immigrants and otherwise meet Maryland’s licensure requirements. The bill supports health care facilities and programs in recruiting and retaining qualified health professionals. The bill also provides clarity for foreign-born health professionals on the path to licensure in Maryland.

### **How do licensure barriers affect the health care system in Maryland?**

The Maryland health care system is in crisis because of a shortage of health professionals in all categories, including nurses, physicians, and behavioral health providers. Hospitals and other health care facilities are limited to their ability to recruit foreign-born clinicians who otherwise meet Maryland’s requirements.

## Which health care licensure applicants is Maryland turning away?

Maryland is turning away several categories of health professionals who are immigrants, even in the midst of a severe health care workforce shortage across all types of professions. Who is Maryland turning away?

- **Practitioners from Other Countries with Equivalent Licensure Requirements:** With the health care workforce shortage, hospitals sometimes turn to qualified practitioners, most commonly nurses, from other countries. If a country has educational and licensure requirements that align with Maryland, then the hospital can support foreign-trained clinicians in obtaining a work visa from the U.S. State Department. Maryland's law prevents, however, prevents these otherwise qualified clinicians from obtaining licensure in Maryland. If the clinicians are nurses, they can get licensed in Maryland through a complicated process that involves first getting licensed in a state without the barriers in Maryland's system. But this pathway can be cumbersome and lengthy – delaying a nurse being able to work in Maryland sometimes over a year. Some nurses may decide to practice in states without such barriers.
- **Foreign Students and Graduates of Maryland Clinical Programs:** People can attend certain clinical education program on a student visa if they meet the U.S. Department of State's qualifications.
  - Some students may be eligible to work while in school, depending on the type of student visa. For example, a nursing student could have the role of a certified nursing assistant - but only if Maryland's restrictions on licensure and certification were removed.
  - Some graduates from clinical programs may be able to stay in the U.S. for a certain period of time on a student visa, potentially allowing for time to obtain a work visa. However, they may not be able to secure work without a license. Thus, Maryland's system creates a catch-22 for Maryland clinical graduates on student visas. Maryland is missing opportunities to retain these Maryland-trained clinicians.

### **Which states are getting health professionals turned away by Maryland law?**

Maryland hospitals have reported that we are losing health professionals to other states with updated licensure laws. Which states are getting these health professionals? There is no definitive source of information on licensure for all health occupations, but the National Council on the State Boards of Nursing routinely surveys nursing boards in all 50 states<sup>j</sup>, and this information may serve as a proxy for requirements for other types of licensure. At least 19 state nursing boards report that social security numbers are not required for nursing licensure: *Alaska, Arkansas, Colorado, Connecticut, Delaware, Georgia, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, South Dakota, Texas, and Washington.*

We believe the number is actually higher, as some states, such as Florida, have a workaround process for licensing nurses who do not have social security numbers.

### **How does the bill update the law and remove barriers to licensure?**

Maryland has 20 health occupation boards under the Maryland Department of Health. We have reviewed the Board's requirements for licensure in Maryland, and we have found no requirements based on citizenship status. However, there are a couple of references in law related to a requirement for social security number for licensure. The social security number requirement acts as a de facto restriction for licensure of non- U.S. citizens.

- **Family Law Article § 10-119.3:** In 1997, the Maryland General Assembly enacted extensive statutory changes requiring compliance with federal law on child support enforcement. As a result, all occupational licensure boards are required to check with the Department of Human Resources on whether the applicant owes child support. While the law says that a board should use a "social security number", the law was enacted before the common use of ITINs, which was codified in federal law in 1996. There has also been federal guidance that states are required to collect a social security number if an individual has such a number, but other options are for the applicant to submit an ITIN or affidavit that they do not have social security number. The bill updates the law to reflect the federal interpretation of the law.

- **Health Occupations Article:** The bill clarifies that having a social security number or ITIN is not a condition of licensure. However, the bill clearly places responsibility that license and certificate holders must report their social security number or ITIN once it has been obtained.

### **What are some common questions on licensure and immigration status?**

We have compiled answers to several common questions

- **Do foreign-born clinicians with work visas have ITINs?** Clinicians with U.S. work visas do not need an ITIN to travel to the U.S. In fact, individuals may not be able to obtain ITIN number until an applicant has been present long enough in the U.S. to be required to pay taxes.<sup>ii</sup> For this reason, it is important to create a pathway to licensure for individuals without ITINs.
- **If Maryland clarifies licensure requirements, will employers be allowed to hire employees who are not in the U.S. legally?** Federal law still requires employers to verify the legal status of new hires using the I9 form.<sup>iii</sup>
- **Will Maryland licensees be eligible to practice in another state through an interstate licensure compact?** It depends on the compact rules. For example, nurses cannot practice in other states on a compact license, but they can still practice in Maryland on a Maryland nursing license.

### **Conclusion**

We would be happy to follow-up on any additional questions. Please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net) or Michael Paddy at [mpaddy@policypartners.net](mailto:mpaddy@policypartners.net)

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<sup>i</sup> [https://www.ncsbn.org/public-files/2021\\_Licensure\\_Survey.pdf](https://www.ncsbn.org/public-files/2021_Licensure_Survey.pdf)

<sup>ii</sup> <https://www.irs.gov/individuals/individual-taxpayer-identification-number>

<sup>iii</sup> <https://www.uscis.gov/i-9>

