March 26, 2020

Dear Governor Ricketts:

We write this letter on behalf of the Platte Institute asking you to take action to allow the state of Nebraska to temporarily ease some of the occupational licensing requirements for health care workers during the COVID-19 pandemic.

The state of Nebraska needs this now. Yesterday, one of us spoke with the Executive Director of Carter Place, an assisted living facility located in Washington County. Two residents have tested positive for COVID-19. One is hospitalized and one is self-quarantined. Staffing has been affected, as some staff members are unable to work because they are symptomatic and at home under self-quarantine.

Many of these staff are subject to occupational licensing, including the nursing director and medication aides. Carter Place is owned by Enlivant, and the company has facilities in other states including neighboring states Iowa and Kansas. Unfortunately, Nebraska’s occupational licensing laws don’t allow Carter Place’s administrator to ask employees from these other facilities to come to Nebraska and work. Also of note, paramedics involved in the transfer of the hospitalized COVID-19 positive patient are self-quarantined. Paramedics and other EMS personnel, too, must be licensed.

This is just the impact on one facility and the immediate surrounding area. With the anticipated increase in COVID-19 positive cases, it is highly likely more health care facilities in the state will be impacted by worker shortages in a similar fashion, and we need to be prepared to fill those needs—perhaps with retired professionals, or with those who are from out of state.

The Platte Institute suggests the following immediate actions be taken:

1) That Nebraska recognizes occupational licenses of all health care workers from other states—including physicians, nurses, physician assistants, certified nursing assistants, medical assistants, EMS personnel, respiratory therapists, and any others who might be involved in patient care. This is consistent with what is happening in at least a dozen other states, including several of Nebraska’s neighboring states.

2) That Nebraska allow health care workers who have let their licenses lapse due to retirement or change of occupation be allowed to temporarily practice during this crisis. Again, numerous states have already taken these steps in order to maximize the care options available.

3) A third step that should be taken—as retired or inactive medical personnel voluntarily re-activate in order to provide help: provide liability immunity for those who are providing care in particular “hot zones,” should Nebraska reach that point. No volunteer who has re-taken up their practice in an
emergency such as the one that we face should have to fear for their future economic well-being because they are not still carrying malpractice liability insurance.

Other states have taken these actions, and it is time for Nebraska to do so as well. We thank you for your consideration.

Respectfully,

Nicole Fox
Director of Government Affairs

Laura Ebke
Senior Fellow for Job Licensing