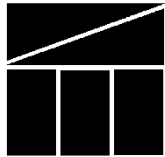


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

18 VAC 90 -19 Regulations of the Board of Nursing
Department of Health Professions
Town Hall Action/Stage: 4871 / 8005
September 13, 2017

Summary of the Proposed Amendments to Regulation

In regard to applying for licensure by endorsement, the Board of Nursing (Board) proposes to allow the waiving of a (new) credentials review by the Commission on Graduates of Foreign Nursing Schools (CGFNS) and examination of English proficiency for a person whose nursing education was received in another country, if the applicant has been licensed in another state and she can provide evidence that those requirements were met for licensure in the other state.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Applicants for nursing licensure by endorsement whose basic nursing education was received in another country must pass a CGFNS credentials review and a CGFNS-approved examination of English language proficiency.¹ The CGFNS review must show that the applicant's secondary education and nursing education are comparable to those required for

¹ The passage of an English language proficiency examination is not required if: 1) the entry-level professional education occurred in the United Kingdom, Australia, Barbados, Canada (except most of Quebec), Ireland, Jamaica, New Zealand, South Africa, Trinidad & Tobago, or the United States, and 2) English was the language of instruction, and the language of the textbooks.

registered nurses in the Commonwealth.² English proficiency can be demonstrated by achieving passing scores in either the TOEFL iBT³ or the IELTS exams.⁴

The Board proposes to waive the requirements for passing the CGFNS credentials review and a CGFNS-approved examination of English language proficiency if the applicant can provide evidence from another United States jurisdiction of passing: a) a CGFNS credentials evaluation for educational comparability and b) English language proficiency examination approved by the CGFNS, unless the applicant met the CGFNS criteria for an exemption from the requirement.⁵ CGFNS charges \$350 for a credentials review.⁶ Under the current regulation the applicant would need a new CGFNS credentials review specific to Virginia. The proposed regulation would thus save the applicant who already had a satisfactory credentials evaluation for another state the \$350 fee for a new review, plus the time waiting for the review to be completed.

If the applicant had already passed the English language proficiency exam for a different state, she would not need to take it again even under the current regulation. She would just need to have the examination organization send the scores to the Department of Health Professions (DHP). ETS, the producer of the TOEFL iBT exam, does not charge for sending additional recipients examination scores.^{7,8} Thus the proposed regulation would not significantly affect costs in regard to the English language proficiency examination.

The proposed amendments introduce no new costs and do not change the required qualifications for nursing licensure. The reduced cost for foreign-trained nurses already licensed in another state may moderately increase the number of such individuals who seek licensure and

² See <http://www.cgfns.org/services/ces-professional-report/>

³ See <https://www.ets.org/toefl/ibt/about>

⁴ See <https://www.ielts.org/en-us>

⁵ See footnote #1.

⁶ Source: <http://www.cgfns.org/services/ces-professional-report/> accessed on September 13, 2017.

⁷ Source: <https://www.ets.org/toefl/institutions/scores/reporting>

⁸ Information concerning whether there is a charge for sending additional recipients IELTS scores was not available at the time this report was published. Nevertheless, the TOEFL iBT is believed to be more commonly used.

nursing employment in the Commonwealth. Given the cost savings for the affected nurses, the Board's proposal would therefore create a net benefit.

Businesses and Entities Affected

The proposed amendments affect foreign-trained nurses who are already licensed in another United States jurisdiction and are considering applying for nursing licensure in Virginia. The number of such individuals is unavailable. According to DHP, the Board approves licenses for approximately 1,800 Registered Nurse applicants and 400 Licensed Practical Nurse applicants each quarter. Most nurses work for medical practices, long-term care facilities, or hospital systems.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed regulation reduces costs for nurses whose nursing education was received in another country, if the applicant has been licensed in another state and she can provide evidence that a satisfactory credentials review by CGFNS was completed by the other state. Such nurses may be more likely to apply for licensure and employment in the Commonwealth.

Effects on the Use and Value of Private Property

The proposed amendments do not affect the use and value of private property.

Real Estate Development Costs

The proposed amendments do not affect real estate development costs.

Small Businesses:

Definition

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

The proposed amendments do not significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendments do not adversely affect small businesses.

Adverse Impacts:

Businesses:

The proposed amendments do not adversely affect businesses.

Localities:

The proposed amendments do not adversely affect localities.

Other Entities:

The proposed amendments do not adversely affect other entities.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

lsg