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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF NURSING
MEETING TO RECEIVE PUBLIC COMMENT

IN RE:

PROPOSED ELIMINATION OF THE CGFNS QUALIFYING EXAMINATION

DEPARTMENT OF HEALTH PROFESSIONS
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA

JULY 21, 2009

11:30 A.M.

Farnsworth & Taylor Reporting, LLC
P.O. Box 333
Rockville, VA 23146
804-749-4277

1 APPEARANCES:

2

3 Board Members Present:

4 Lynne M. Cooper, Citizen Member, President
5 Patricia M. Selig, RN, FNP, Ph.D., Vice President
6 Peregrin C. Francisco, RN, MSA, Secretary
7 Brenda Hale, RN
8 Joyce A. Hahn, Ph.D., APRN, NEA-BC
9 John M. Horn, LPN
10 Florence Jones-Clarke, RN, MS
11 Evelyn Lindsay, LPN
12 Judith E. Piersall, RN, BSN
13 G. Maxine Ponn, LPN
14 Karen K. Schultz, Ph.D., MBA, Citizen Member

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12 ALSO PRESENT:

13 Howard M. Casway, Senior Assistant Attorney General
14 Jay P. Douglas, RN, MSM, CSAC, Executive Director
15 Jodi P. Power, RN, JD, Deputy Executive Director
16 Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
17 Paula B. Saxby, RN, Ph.D., Deputy Executive Director
18 Brenda Krohn, RN, MS, Deputy Executive Director
19 Jessica Ressler, RN, Nursing Education Consultant
20 Linda Kleiner, RN, Discipline Case Manager
21 Elaine Yeatts, DHP, Senior Policy Analyst
22 Amy Davis, Administrative Assistant
23 Ann Tiller, Compliance Manager
24 Jane Elliott, RN, Ph.D., Staff

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1 I would like to thank the state
2 Board of Nursing for giving us an opportunity today to
3 plead our case with regards to our petition to eliminate
4 the CGFNS. In October 2007, I filed the petition for
5 rulemaking on behalf of PNA Virginia to amend regulation
6 18VAC90-20-10 Section B-1 to eliminate the CGFNS qualifying
7 examination as a requirement for foreign-educated nurses
8 eligible to take the NCLEX exam.

9 What is the CGFNS? The CGFNS is
10 the Commission on Graduates of Foreign Nursing Schools.
11 It is an internationally-recognized authority on creden-
12 tials evaluation pertaining to education, registration and
13 licensure of nurses and other health care professionals
14 worldwide. Its mission is to protect the public by
15 ensuring that nurses and other health care professionals
16 educated in countries outside the United States are
17 eligible and qualified to meet licensure, immigration and
18 other practice requirements in the United States.

19 The CGFNS certification is com-
20 prised of three parts: credentials review, a qualifying
21 examination of nursing knowledge, and English language
22 proficiency examination.

23 Now, what are we petitioning for?
24 The proposal of the Philippine Nurses Association of
25 Virginia is to remove the CGFNS qualifying exam of nursing

1 knowledge for those applicants eligible to take the NCLEX
2 RN exam. The credentials review and the English language
3 proficiency examination will remain as required.

4 Now, why are we doing this? We
5 are doing this because in the United States we are in the
6 midst of a nursing shortage. This nursing shortage,
7 according to AAHPM, is so severe and expected to intensify
8 as baby boomers age -- that's me -- and need for health
9 care increases. Compounding the problem is the inability
10 of the nursing colleges to meet the enrollment demand to
11 meet the health care need. According to Peter Buerhaus in
12 the July issue today of Health Affairs even with the
13 current easing of nursing shortage through the current
14 recession the US nursing shortage is projected to grow
15 260,000 registered nurses by 2025.

16 Now, what does this mean? A
17 shortage of this magnitude will be twice as large as the
18 nursing shortage we experienced in this country since the
19 mid-1960s. Some of you have already been around that time
20 and will be able to recall how bad that was.

21 The US Bureau of Labor Statistics
22 reported that the health care sector of the American
23 economy is continuing to grow despite steep job losses in
24 nearly all major industries. When we lost 681,000 jobs in
25 February '09 because of the recession, 27,000 new jobs

1 were created in the health care industry in hospitals and
2 in different health care centers.

3 PNA, in their statement in their
4 facts about nursing shortage in Virginia, projects that by
5 2015 the number of registered nurses leaving the workforce
6 will exceed the number of RN graduates due to the aging RN
7 workforce. So it is estimated that in 2020 one in three
8 Virginians will not be able to get the health care they
9 need because of the severe nursing shortage.

10 Last year there were 51,373
11 internationally-educated candidates who passed the NCLEX
12 exam. This represents about twenty-four and a half
13 percent of the total RN pool for this time period alone.
14 We feel that the recruitment of nurses from other
15 countries can help alleviate the shortage in Virginia if
16 the CGFNS qualification exam is not a requirement for
17 practice here in nursing.

18 Currently, there are already 22
19 states that do not require the CGFNS qualification exam,
20 and 12 of the states are members of nurse licensure
21 compact states with which the state of Virginia already
22 shares a multistate licensing privilege to practice
23 nursing. Specifically, our neighbors Delaware, Maryland,
24 South Carolina are part of the compact states that do not
25 require the CGFNS exam.

1 The CGFNS qualifying exam re-
2 quirement we feel drives nurses away from Virginia. As an
3 unnecessary barrier, it only encourages foreign-trained
4 nurses to seek employment in compact states that do not
5 require the CGFNS exam.

6 The basic tenant for our proposal
7 is that the availability of NCLEX testing in several
8 countries outside the continental United States eliminates
9 the need for the CGFNS qualification exam. The NCLEX RN
10 exam is sufficient to test the knowledge, skills and
11 abilities essential to the safe and effective practice of
12 nursing at the entry level.

13 The successful elimination of the
14 CGFNS exam as requirement by 22 states' board of nursing I
15 believe is a resounding validation for this petition. It
16 has been one year and nine months since we initially filed
17 for regulatory change to eliminate the CGFNS exam. Every
18 day that passes by is a lost opportunity for Virginia to
19 recruit and augment the nursing workforce in the state. I
20 hope that today that the Virginia Board of Nursing will
21 grant the final approval the regulatory change.

22 Thank you.

23 MS. COOPER: Thank you very much.

24 Nancy A. Dimaano.

25 MS. DIMAANO: Good morning. My

1 name is Nancy Dimaano, a Filipino RN. I own and work for
2 a home health agency in Virginia Beach that is Medicare
3 and Medicaid certified and JCAHO accredited. I have been
4 in business for 21 years, and I'm speaking today from the
5 aspect of hiring.

6 I have encountered problems with
7 hiring qualified nurses because of the CGFNS requirement.
8 In my point of view, CGFNS requirement is an added
9 deterrent to hiring of qualified nurses.

10 I left the Philippines as a
11 graduate nurse and CGFNS was not then required. After a
12 year's stay in Mississippi, my first state, I successfully
13 passed both TOEFL, which is a test of English as a foreign
14 language, and NCLEX. The content of CGFNS is similar to
15 TOEFL and NCLEX combined.

16 And there is also a fee to pay.
17 Most of the Filipino nurses who dream to come to this
18 great nation are already financially strapped and to ask
19 them to pay for CGFNS before they can actually take and
20 pay the TOEFL and NCLEX exams is not just redundant but
21 both unfair and not necessary.

22 Thank you.

23 MS. COOPER: Thank you.

24 Becky Bowers-Lanier.

25 MS. BOWERS-LANIER: I made 20

1 copies. I don't know if it's enough.

2 Hi. I'm Becky Bowers-Lanier and
3 I'm here on behalf of the Virginia Nurses Association.
4 And the Virginia Nurses Association is pleased to write in
5 support of these changes, the proposed regulatory changes,
6 for foreign-educated nurses.

7 You have a copy of my statement
8 and so I won't read it, but pretty much to summarize, the
9 remarks of the previous two individuals are completely
10 consistent with our beliefs that the CGFNS qualifying exam
11 is one whose day has passed primarily because of the
12 ability for nurses in foreign countries to take the NCLEX
13 exam.

14 We do support the English
15 proficiency requirements. The CGFNS credentialing process
16 states that nurses should have -- that applicants should
17 take TOEFL or another English qualifying exam. And we
18 also support the credentialing process for CGFNS, but we
19 do support the change in the language that provides
20 flexibility to the Board to use other kinds of creden-
21 tialing processes should they become available.

22 So, in summary, we support these
23 proposed regulatory changes, and I'd be glad to -- you
24 have my remarks and of course we're available for any
25 questions you may have.

1 MS. COOPER: Thank you.

2 Guia Caliwagan.

3 MS. CALIWAGAN: Good afternoon.

4 My name is Guia Caliwagan and I was president when we
5 first filed this petition. I am here to tell everyone
6 that I have taken all the tests -- TOEFL, CGFNS -- because
7 it was required when I came here in the mid-1980s and to
8 say that TOEFL is the test for English language proficiency
9 for foreign graduates.

10 When I read the proposal here it
11 said about approved by the CGFNS and I was just wondering
12 if that -- I mean is TOEFL supposed to be approved by
13 CGFNS? Because TOEFL is accepted in all universities as a
14 test of proficiency in the English language. And so I
15 took that too.

16 And I agree with all those who
17 have spoken before me that the NCLEX is a sufficient test
18 for basic nursing content and skill and competency and so
19 it represents an unnecessary burden to nurses both from
20 the financial and mental stress of taking a test for them
21 to practice in the state of Virginia which is needing so
22 much nurses, even from other states.

23 Thank you.

24 MS. COOPER: Thank you.

25 This is for everyone's informa-

1 tion. We're not allowed to respond in this type of forum,
2 but any questions certainly may be asked of the staff once
3 this is concluded.

4 Carmen Roaquin.

5 MS. ROAQUIN: Hello. Good
6 afternoon. My name is Carmen Roaquin. I'm a family nurse
7 practitioner. Everything that I would like to talk about
8 today has already been mentioned, so there's no point of
9 repeating it, but I'm hoping that our request will be
10 granted.

11 Thank you, everybody.

12 MS. COOPER: Amor Collera.

13 MS. COLLERA: Good afternoon. My
14 name is Amor Collera and I have a bachelor's in nursing
15 and I was recruited by Henry Ford Hospital in Detroit and,
16 yes, I had to pass the CGFNS before I came here. At that
17 time, it only cost \$95 to pay for the CGFNS and then I had
18 to take the NCLEX and then I had to pay a hundred dollars
19 more to do that.

20 Presently, CGFNS now in the
21 Philippines costs \$400. On top of that, after you pass it
22 and if you want to come here then you have to pay another
23 \$400 for the NCLEX. And as you all know, I think most of
24 you know now, that NCLEX is offered in the Philippines.
25 So at least they don't have to go to China or Hong Kong,

1 because it used to be that they had to go to China or Hong
2 Kong to get the NCLEX if they had to come here.

3 So in terms of economy, that's
4 what I wanted you to at least consider, that in this
5 economy it is very unnecessary to have these done for the
6 purpose of that.

7 And if the CGFNS is concerned
8 about proficiency, I can vouch that our curriculum in the
9 Philippines is in tune with the curriculum of the United
10 States because we use the books. I can remember Brunner
11 and Suddarth. I think we still use that. And in terms of
12 skills, I can vouch for the Filipino nurses who are
13 skilled in all types of, you know, technical stuff.

14 So I am appealing to you that I
15 have experienced this test, both NCLEX and CGFNS, and I
16 believe that I felt that it was really -- there is no
17 difference actually in both tests except of course for the
18 English proficiency. And I like the English proficiency
19 because I think it's really needed for all foreign
20 graduates to take the proficiency exam, but to take both
21 the CGFNS and the NCLEX is really unnecessary.

22 Thank you very much.

23 MS. COOPER: Thank you.

24 Merla Marcelo.

25 MS. MARCELO: Good afternoon,

1 everyone. My name is Merla Marcelo. I am the president
2 of the Philippine Nurses Association of Virginia. I have
3 been a practicing nurse for almost 31 years here in the
4 States and mostly here in Virginia. So I am proud that I
5 have been a nurse and I'll be a nurse for a long time yet.

6 I am a 100 percent supporter of
7 the petition to remove the CGFNS here in the state of
8 Virginia. I say that because considering the global
9 shortage of nursing Virginia is not an exception. We have
10 to think ahead that in the years 15, 20, 25 years from now
11 there will be less nurses. There will be registered
12 nurses retiring and we don't have the nurses. The impact
13 of that is that we need nurses to care for us when we come
14 to age so that the request to eliminate the CGFNS here in
15 Virginia will entice and encourage foreign graduate nurses
16 to take the state board here in Virginia and more likely
17 that if they the pass exam they will practice nursing here
18 in Virginia.

19 Also, I felt like this is a
20 duplicate nursing exam. Taking the NCLEX alone is
21 sufficient enough to test the skills, the knowledge and
22 the abilities of the nurses to practice nursing safely.
23 So I hope that you do consider the petition that we have
24 put for removal of the CGFNS here in Virginia.

25 Thank you.

1 MS. COOPER: Thank you.

2 Frank Presswalla.

3 MR. PRESSWALLA: Good afternoon.

4 My name is Faruk Presswalla. I am a retired medical
5 examiner from Virginia. I basically support this petition
6 because I don't see the rationale of having to do one test
7 when NCLEX in the main test required. So why does one
8 have to do a test that would be redundant?

9 Also, from a practical viewpoint,
10 several other states with which Virginia has a consortium
11 accept this one test. So anybody who gets licensed there
12 ultimately can automatically come to Virginia and would
13 not have done the CGFNS test. So I don't see any
14 practical reason why one should have that. It only acts
15 as a hindrance for recruitment of nurses, and since I am
16 right now already in my retired elderly stage but I do
17 expect to need nursing care ten years from now I really
18 want Virginia to have its share of excellent nurses. And
19 I think this applies not only to the Philippines but to
20 other foreign graduates who are able to take the NCLEX in
21 their country.

22 Thank you very much.

23 MS. COOPER: Thank you.

24 Rummy Mohta.

25 MR. MOHTA: Good afternoon, Madam

1 President. Good afternoon, board members. My name is
2 Romy Mohta. I'm currently the chair for the Asian-
3 American Association of Virginia. I have also been
4 appointed by both the two governors in the past for the
5 last six years as a commissioner on several different
6 boards.

7 My purpose here, number one, is
8 to support the petition. I am not a nurse. I am not in
9 the medical field like all the past speakers that have
10 been here, but the purpose is to draw light from you-all
11 to understand that the nursing shortage that is predicted
12 by US Census is going to reach 29 percent by the year
13 2020. I certainly hope that that data is wrong as it has
14 been in the past, but I somehow doubt that.

15 But if that is true, Virginia is
16 not going to be an exception. In fact, Virginia, Delaware
17 and Georgia have been identified to have the most crisis
18 on the eastern seaboard of the other states. Again, this
19 is the US Census Bureau. And again I hope that they are
20 wrong in that too.

21 But as we are getting into our
22 prime and we're planning to retire, we will have a certain
23 number of shortage of nurses. Fine nurses coming in from
24 overseas will certainly help us reduce that shortage to
25 manageable crisis. And if we could do that, that would

1 help. Removing the CGFNS qualifying test is only one step
2 that we need to take because, as others have spoken, it
3 was redundant for them and a burden in certain countries
4 for them to take two exams, the NCLEX and the CGFNS. If
5 we remove one of the burdens, it will help us bring in
6 more nurses, all qualified, all taking good care of you
7 and I and everybody else concerned in hospitals. Removing
8 the qualifying test is not going to make them any less
9 responsible in their duties when they are working with us
10 in the hospital. So I certainly hope you-all will make
11 the right decision and pass that.

12 Thank you.

13 MS. COOPER: Thank you.

14 Is there anyone else in the
15 audience who didn't have an opportunity to sign in on the
16 sign-up sheet that wishes to speak to the Board?

17 NOTE: There was no response.

18 MS. COOPER: Thank you. And I
19 believe we have the address for each of the speakers so
20 that we could get back if we need to.

21 I would like to remind everyone
22 written comments should be directed to Jay Douglas,
23 executive director of the board, or electronic comments
24 can be posted on the Virginia Regulatory Town Hall or sent
25 by e-mail. The comment period will close on July 24,

1 2009, and this concludes our hearing. Thank you very
2 much.

3 MS. YEATTS: Madam President, if
4 I may, may I explain to those who have come to speak that
5 the Board has already adopted the proposed request. The
6 language is in the document that I know was available to
7 all the board members and we certainly could provide
8 copies to anyone in the audience who does not have that,
9 but this is a lengthy process and outside of the Board
10 there are requirements for approval and review. So the
11 process requires by law that the Board allow 60 days for
12 comment on the proposed amendment which has already been
13 adopted by the Board. So the amendment that the speakers
14 were requesting has already been adopted by this board.

15 That comment period closes on the
16 24th. You are required by law to wait at least 15 days
17 before you adopt final regulation. So your September
18 meeting will be your first opportunity to adopt this again
19 as final recommendation -- excuse me -- as a final
20 amendment considering all comment that has come during the
21 60-day comment period. But, once again, it has to go back
22 to the Department of Planning and Budget, the secretary
23 and the governor for approval before it can become an
24 effective regulation.

25 So I just wanted to explain the

1 process and to let everybody know that the Board has
2 indeed already adopted the language that you've requested.

3 MS. COOPER: Thank you, Ms.
4 Yeatts.

5 Thank all of you in the audience.
6 Thank you and these public comments will be part of what
7 we see in September also in addition to hearing them
8 today, so thank you.

9 NOTE: The hearing concluded at
10 12:12 p.m.

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12 HEARING CONCLUDED

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CERTIFICATE OF COURT REPORTER

I, Wanda T. Blanks, hereby
certify that I was the Court Reporter at the Board of
Nursing Public Hearing to receive public comment on
Elimination of the CGFNS Qualifying Examination held on
July 21, 2009, at the time of the hearing herein.

I further certify that the fore-
going transcript is, to the best of my ability, a true and
accurate record of the incidents of the hearing herein.

Given under my hand this 29th day
of July 2009.

Wanda T. Blanks
Court Reporter