

**PRESENTATION OF THE
BOARD OF NURSING**

THE HOUSE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Tuesday, February 3, 2009
8:30 p.m.

TESTIMONY ON HOUSE BILL NO. 811, RELATING TO REGISTERED NURSES.

TO THE HONORABLE RYAN I. YAMANE, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Kathy Yokouchi. I am the Executive Officer of the Board of Nursing ("Board"). I appreciate the opportunity to present testimony on behalf of the Board in strong opposition to House Bill No. 811.

The purpose of this bill is to remove, for an unlicensed foreign nursing school graduate applying for a registered nurse ("RN") license in Hawaii, the requirement to have the RN's educational credentials evaluated by a professional evaluator. It would allow the RN's school to furnish a "breakdown of educational program for international nursing program form" along with a transcript that is in English or is translated into English.

Many years ago, the Legislature, in its wisdom, set forth the nurse licensing requirements of Hawaii which are consistent with forty-one other states and provide the most rational approach for assuring public safety as well as nurse mobility. The Board firmly believes that all international and domestic nurses should be equally qualified to safely practice nursing under the auspices of the laws and regulations of Hawaii. Reducing standards to expedite entry does not adequately protect the public. Increased consistency in licensure requirements with other state boards is also an appropriate direction for regulation in a rapidly shrinking world.

H.B. No. 811 cites cost as a factor, but does not address consumer safety. The Board, like forty-one other state boards, believes that domestic and international nurses must be held to the same standards of nursing education, training and testing. International nurses should receive comparable nursing education from a government-approved school (current federal requirements); possess effective English skills to safely practice in the U.S. healthcare environment; and have no current or previous disciplinary actions related to their international or domestic licenses.

The Commission on Graduates of Foreign Nursing Schools International¹ (“CGFNS”) is an immigration-neutral, nonprofit organization and is an internationally recognized authority on credentials evaluation pertaining to the education, registration, and licensure of nurses and other healthcare professionals worldwide. CGFNS protects the public by ensuring that nurses and other healthcare professionals educated in countries other than the United States are eligible and qualified to meet licensure, immigration and other practice requirements in the United States.

¹ The history of CGFNS International (formerly the Commission on Graduates of Foreign Nursing Schools) begins in the late 1960s when the United States experienced an increase in nurse migration from other countries. Immigration officials had a difficult time identifying who of the nurses educated abroad and applying for nursing occupational visas would be eligible for licensure as a registered nurse in the United States. On average, only 15 to 20% of nurses educated outside the United States were passing the U.S. registered nurse licensure exam on their first attempt.

This led the Division of Nursing of the then Department of Health, Education and Welfare (DHEW) to contract for two studies regarding RN licensure of internationally educated nurses in the United States. The findings of these landmark studies on international nurse migration conducted by the American Nurses Association (ANA) and Pace University were discussed at a 1975 DHEW conference attended by representatives of the American Nurses Association, the National League for Nursing (NLN), U.S. boards of nursing, the American Hospital Association (AHA), the American Medical Association (AMA), the U.S. Department of Labor, the U.S. Immigration and Naturalization Service, the New York State Education Department and the International Council of Nurses, among other organizations. The outgrowth of the conference was the establishment of CGFNS as a private, independent, not-for-profit organization tasked with developing and administering a predictive testing and credentials evaluation program for internationally educated nurses. The organization has expanded to perform credentials evaluations and verifications for other internationally educated health care professionals.

The requirement for uniform evaluation is connected to federal immigration laws. Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208) requires that all international health professionals, except physicians, must be certified by the Commission on Graduates of Foreign Nursing Schools International (CGFNS) or another independent, government-certified organization qualified to issue credentials. The certification and the course-by-course evaluation process verify that the international health care worker's education, training, or experience meets all applicable statutory and regulatory requirements for entry into the United States. In addition, any international license submitted must be validated as authentic and unencumbered.

Hawaii offers foreign school graduates two options. They can complete the CGFNS certification process which would meet the immigration requirements or they can have their educational credentials evaluated by the CGFNS on a course-by-course basis and take the NCLEX which is another route to meet the immigration requirements (the NCLEX or the CGFNS predictor examination for RNs are one of the requirements for VisaScreen).

H.B. No. 811 refers to California's use of a document known as "the breakdown of educational program for international nursing programs form". The form is completed by the foreign graduate's school. The evaluation is hardly objective and the nursing programs around the world do not use a uniform standard of measure. California does require that the nurse undergoes a credential review by specialists within their agency. (Like most boards, the Hawaii Board does not have the manpower or the expertise to do this.) This means that foreign school graduates must have their transcripts and a course

summary statement from their nursing school sent directly to the California Board of Nursing as well as documents verifying their license from the licensing authority in their country. Unfortunately, California will not accept the VisaScreen by the CGFNS or any other credential evaluation. They will review a copy of a credential certificate from another source, but California still must complete its own review of the transcript. Since the immigration law specifically requires the VisaScreen, foreign school graduates applying for licensure in California, must be **credentialed twice**, and have the forms and transcripts sent to both California and the CGFNS. CGFNS will not accept the California Board of Nursing Credential Review. Neither California nor the CGFNS will recognize their respective credential review, leaving the nurse with two sets of fees and the potential for delays when documents are not received. The most common cause for delays in the completion of the credentialing by both agencies is not receiving the required documents from the licensing agency and also from the nursing school in a timely manner.

In conclusion, the Board believes that preserving uniform licensing requirements ensures consumer safety and nurse mobility in times of crisis and emergencies. Uniform requirements lessen confusion for patients, nurses, other health team members and third party payers, as well as legislators and policy makers. It is crucial that we avoid simply choosing the least expensive and seemingly easier route.

We respectfully request that this measure be held in Committee. Thank you for this opportunity to testify on H.B. No. 811.

nishimoto2-Bryce

From: Elizabeth Ojala [ojala@hawaii.edu]
Sent: Monday, February 02, 2009 12:18 PM
To: HLTtestimony
Subject: HB 811

To Whom it May Concern:

The faculty of Hawaii Community College Nursing Programs fully supports the testimony provided by the Board of Nursing regarding HB 811.

Elizabeth Ojala, Ph.D., R.N.
Director of Nursing Programs/Chair Nursing & Allied Health Hawaii Community College 200 West
Kawili Street Hilo HI 96720 (808)974-7560 <http://hawaii.hawaii.edu/nursing>

HAWAII PACIFIC UNIVERSITY**SCHOOL OF NURSING**

February 2, 2009

RE: Testimony on House Bill No. 811

On behalf of the Hawaii Pacific University School of Nursing, we strongly oppose House Bill No. 811 and strongly endorse the Hawaii Board of Nursing's opposition to it. We believe that all RN's, domestic as well as international, must be held to identical standards of nursing education, training and testing. Nurses from foreign countries must receive equivalent nursing education from a government-approved school (current federal requirements); possess effective English skills to communicate in a safe manner in our healthcare arena; and have no current or previous disciplinary actions related to their international or domestic licenses.

It is clear, that for the safety of the consumer, foreign graduates must meet the same criteria as those graduates from approved U.S. Schools. Therefore, we respectfully request that this measure be held in Committee. Thank you for this opportunity to testify on H.B. No. 811.

Sincerely,

Randy M. Caine, EdD, RN, ACNS-BC, ANP-BC
Dean and Professor
Hawaii Pacific University
School of Nursing

**Hawaii Campus**

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Support for Testimony
 House Committee on Health
 House Bill 811, Relating to Registered Nurses

My name is Glenda Tali. I am the Campus College Chair for Nursing and Health Care administration at the Hawaii Campus of the University of Phoenix.

I am writing to voice my support for the testimony given by Kathy Yokouchi, Executive Officer for the Board of Nursing.

I believe that removing the requirement to have the RN's educational credentials evaluated by a professional evaluator will be detrimental the health and well-being of the people of the State of Hawaii.

As a registered nurse for more than 20 years, a nurse practitioner for 12 years, and a nurse educator for 11 years, I believe that removing the requirement will open the door for foreign nurses to come into Hawaii and practice without meeting the standards set forth for registered nurses. This can only lead to poor outcomes for our patients, the people of the State of Hawaii, which we must not tolerate.

I recognize that there exists a severe nursing shortage both here in Hawaii as well as across our nation, but strongly disagree that this is the way to alleviate that shortage. We must maintain quality in education and practice for every registered nurse in this and every state. We must not be short-sighted in thinking that removing this requirement will be beneficial to the state or to our people.

As a nurse educator, I recognize that there exists a large deficit in the language, knowledge and skills of our foreign-educated nurses. This fact cannot be ignored. I have worked with foreign-educated nurses in an effort to bring their knowledge and skills up to the set standards. We must maintain these standards as set forth by the Legislature previously. The current process does not exclude foreign-educated nurses from practicing, but rather provides much-needed quality assurance for our profession and our patients.

I believe with the Board of Nursing that preserving uniform licensing requirements ensures consumer safety and nurse mobility in times of crisis and emergencies. I also agree with the Board that it is crucial that we avoid simply choosing the least expensive and seemingly easier route. We must maintain the standards for the health and well-being of our people.

I also respectfully request that this measure be held in Committee. Thank you for the opportunity to share my comments.

Glenda Tali

nishimoto2-Bryce

From: Danielle Bass on behalf of Rep. Ryan Yamane
Sent: Monday, February 02, 2009 1:53 PM
To: HLTtestimony
Subject: FW: Vote against HB 811

-----Original Message-----

From: Cecilia Mukai [mailto:cmukai@hawaii.edu]
Sent: Monday, February 02, 2009 1:20 PM
To: Rep. Ryan Yamane
Subject: Vote against HB 811

Dear Representative Yamane, Chair, House Health Committee

I am writing as an individual citizen and strongly urge you to vote against HB 811.

As a nurse practitioner and nurse educator, I have always had concerns about the quality of nursing care in Hawaii. Any efforts to lower the oversight of that quality would be a disservice to the citizens of Hawaii. This bill's cancellation of an independent, expert review of foreign transcripts would put the onus on the Board of Nursing (BON) to verify academic quality, which is wrongly putting the responsibility and cost onto the BON for academic review and, sometimes, foreign translation and determination of equivalencies. The BON does not have adequate resources to do this. I urge the health committee to reject HB 811 and any other measures to lower the requirements for the education of Registered Nurses.

Aloha, Cecilia Mukai, PhD, APRN
Associate Professor in Nursing
UH Hilo
Hawaii Board of Nursing member

Wailua Brandman APRN-Rx BC
Ke'ena Mauiola Nele Paia, LLC
615 Piikoi Street, Suite 1509
Honolulu, HI 96814

February 1, 2009

To: Representative Brian Yamane, Chair
Members of the House Committee on Health
Date: Tuesday, February 3, 2009, 8:30 a.m.
Conference Room 329
Re: **H.B. 811 Relating to Nurses**

Aloha and good morning, Chair Yamane and Members of the House Committee on Health. My name is Wailua Brandman. Thank you for the opportunity to present testimony, as an individual, in **opposition** to HB 811. I am an APRN in private practice in Honolulu. My specialty is Adult Psychiatric Mental Health Nursing. I am the President of the Hawai'i Association of Professional Nurses. My other professional responsibilities include being the O'ahu Board Member-at-Large of the American Psychiatric Nurses Association Hawai'i Chapter, and I am a committee member of the APRN Advisory Committee to the Hawai'i Board of Nursing (Board).

I am in agreement with the testimony of Kathleen Yokouchi, Executive Officer of the Board. The current regulation of Foreign Nurses was initiated and continues to serve as a means of consumer protection. While Foreign Nurses are encouraged to practice in Hawai'i, it is necessary to ensure that the standards of their practice here meet the minimum standards of U.S. educated nurses. This is accomplished by requiring that they show equivalent education and safety as well as the ability to communicate with their patients in our national language.

Thank you for your consideration. I strongly urge you to hold this bill in committee.

Warmest Aloha,

Wailua Brandman APRN-Rx BC
