HOUSE
RESEARCH
ORGANIZATION bill analysis          4/29/2009

HB 4353
Gonzales
(CSHB 4353 by Flores)

SUBJECT:        Licenses for nurses from Mexico with lower English language test scores

COMMITTEE:      Border and Intergovernmental Affairs — committee substitute recommended

VOTE:           7 ayes — Gonzales, Flores, Leibowitz, Moody, Olivo, Raymond, Shelton

                0 nays

                2 absent — Flynn, Guillen

WITNESSES:      For — Mehron Azarmehr; David Pearson, Texas Organization of Rural and Community Hospitals; Linda Resendez, Edinburg Regional Medical Center, Edinburg Children's Hospital; Elizabeth Sjoberg, Texas Hospital Association; (*Registered, but did not testify:* Elizabeth Lippincott, Texas Border Coalition)

                Against — None

                On — Mark Majek, Texas Board of Nursing

BACKGROUND:     The Test of English as a Foreign Language (TOEFL) is a widely used examination designed to assess an individual's English language proficiency. The test is administered both online and in person. The score range for the Internet exam is 0-120, and the range for the paper-based test is 310 to 677.

                The Texas Board of Nursing requires a minimum TOEFL score of 560 for international nurses to be licensed in Texas.

DIGEST:         CSHB 4353 would allow the Texas Board of Nursing to give temporary Texas nursing licenses to nurses licensed in Mexico if the person:

                - graduated from an accredited program in Mexico;
                - provided an acceptable report issued by an approved credentials evaluation service;
                - applied on an official form and paid the fee;
                - scored at least 475 on the TOEFL;

- scored at an acceptable level on the English version of the National Council Licensure Examination;
- was eligible to work the US; and
- agreed to practice in a border county.

Licenses would be valid only for one year, and the nurses would be allowed to practice only in border counties. After practicing nursing for one year in a hospital in border county, a nurse licensed in Mexico could apply for a standard nursing license. Nurses licensed in Mexico would not be entitled to multi-state practicing privileges. The licensing program established by the bill would expire on September 1, 2013.

The bill would take effect September 1, 2009.

SUPPORTERS
SAY:

CSHB 4383 would help address the shortage of nurses along the Texas-Mexico border. The nurse-to-population ratio in Texas is 609 nurses per 100,000 residents, which is much lower than the national average of 782 nurses per 100 residents. Along the border, the ratio is even lower, with less than 470 nurses per 100,000 residents in urban areas and less than 225 nurses per 100,000 residents in rural areas. The U.S. Department of Health and Human Services has classified the counties along the Texas-Mexico border as medically underserved areas. CSHB 4383 would increase the nurse-to-population ratio by enabling more nurses from Mexico to practice on the Texas side of the border.

CSHB 4353 would attract bilingual nurses to a primarily Spanish-speaking region of the state. The majority of patients in hospitals along the Texas-Mexico border speak Spanish as their first language. Advanced English language skills, as indicated by a TOEFL score of 560 or higher, are not as valuable along the border, where Spanish language skills are most important. CSHB 4353 would change the minimum TOEFL score requirement for nurses licensed in Mexico from 560 to 475, enabling more experienced nurses to practice in the medically underserved counties along the border.

The temporary nursing licenses in the bill would be given only to skilled nurses able to meet rigorous selection criteria established by the Texas Board of Nursing. The Texas Board of Nursing requires all nurses from other countries to pass the National Council Licensure Examination (NCLEX), an English-language nursing skills test. The nurses licensed under the program created by CSHB 4383 would not be exempt from

passing the NCLEX. Nurses would be required to have two years of experience, be eligible for employment in the United States, and have graduated from an accredited nursing program. The only standard altered by CSHB 4383 would be lowering the minimum TOEFL score requirement from 560 to 475.

The special license in the bill would be valid for only one year, and the entire program would sunset in 2013. CSHB 4353 would give nurses licensed in Mexico a year to improve their TOEFL score and earn a standard Texas nursing license. Additionally, the program would be evaluated in four years, at which time improvements could be implemented if necessary.

OPPONENTS
SAY:

CSHB 4353 potentially would decrease quality in nursing care because nurses with lower TOEFL scores may not be able to meet the important documentation and communication requirements in nursing. Nurses must be able to document medical information in English. Furthermore, nurses need good English skills in order to be able to communicate clearly with doctors, pharmacists, assistants, and patients who speak English as a first language. Even though Spanish is spoken more commonly than English in many areas along the border, advanced English skills are necessary to practice nursing effectively.

Participation in the program likely would be too low to warrant using the resources and staff time necessary to set up a new nurse licensing program. Mexico, unlike China or the Philippines, is not an exporter of registered nurses, and only a handful of nurses would qualify for a license under this program. CSHB 4353 would require the Texas Board of Nursing to create and administer a program that could have limited impact on the nursing shortage along the border.

NOTES:

The committee substitute differs from the original in that it would sunset the provisional nursing program in four years. The substitute also states that nurses certified under the temporary licensing program would not eligible for multi-state licensing privileges.