Virginia Department of Planning and Budget

Economic Impact Analysis

18 VAC 90-19 Regulations Governing the Practice of Nursing
Department of Health Professions
Town Hall Action/Stage: 7085 / 11276 Fast-Track
November 25, 2026

The Department of Planning and Budget (DPB) 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 17 (2026). The analysis presented below represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation

The Board of Nursing (Board) proposes to establish an exemption from the requirement to demonstrate English proficiency, which would only apply to persons seeking licensure by endorsement whose nursing education was received in another country.

Background

Currently, nursing applicants for licensure by endorsement whose basic nursing education was received in another country must demonstrate English proficiency by passing an English language proficiency examination approved by the Commission on Graduates of Foreign Nursing Schools (CGFNS), unless the applicant meets the CGFNS criteria for an exemption.

The impetus for this action is Board staff recognition that some individuals who come from a non-English speaking setting have already demonstrated proficiency in English, and that the Board should be able to approve an exemption for those individuals. For example, an applicant may provide proof that they: completed other educational programs in English in the United States, worked in the United States for a substantial period of time while using the English language, or maintained licensure in good standing in a non-compact state. The proposal

[1] See Code § 2.2-4007.04 (A).

would allow the Board to make an exemption from English language proficiency requirement on a case-by-case basis.

Estimated Benefits and Costs

According to the Department of Health Professions (DHP), the proposal would allow otherwise qualified applicants to obtain a license about five months sooner than otherwise. This would benefit the public and employers by increasing the available workforce in the Commonwealth. Additionally, an applicant who qualifies for a Board exemption would benefit from avoiding the need to pay exam fees or incur the time and any travel costs associated with taking one of the CGFNS approved exams. Currently, CGFNS approved exams with associated fee ranges include Cambridge English ($150-$250), International English Language Testing System ($280-$340), Michigan English Test ($105-$230), Occupational English Test ($455), Pearson PTE Academic ($275), Test of English as a Foreign Language-Internet-based Test ($270-$280), and Test of English for International Communication ($85-$200).[2]

Businesses and Other Entities Affected

This regulatory action would directly affect foreign-trained nursing graduates that qualify for a Board exemption from the requirement to demonstrate their English proficiency. DHP estimates that since July 1, 2026, the Board may have granted the proposed exemption to at least six applicants. This action would also indirectly benefit the public and employers.

The Code requires DPB to assess whether an adverse impact may result from the proposed regulation.[3] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[4] As noted above, the proposal would not increase costs or reduce benefits to foreign trained nursing applicants. Thus, no adverse impact is indicated.

[2] https://www.trumerit.org/services/credentials-evaluation/credentials-evaluation-service-professional-report/
[3] See Code § 2.2-4007.04 (D).
[4] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

Small Businesses[5] Affected:[6]

The proposed amendments do not adversely affect small businesses.

Localities[7] Affected[8]

The proposed change does not introduce costs for localities, nor does it disproportionately affect any locality.

Projected Impact on Employment

The proposal is expected to contribute to the available workforce in the Commonwealth by licensing at least six applicants five months more quickly.

Effects on the Use and Value of Private Property

No effects on the use and value of private property nor on real estate development costs are expected.

[5] 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."
[6] See Code § 2.2-4007.04 (A.2). and Code § 2.2-4007.1 (C).
[7] "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.
[8] Code § 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.