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Foreign nurses decry hurdles to jobs in the U.S.

By Thomas Ginsberg
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Pam Ladds is livid. The British nurse has been trying for years to get a job in the United States, which faces a persistent shortage of nurses.

Instead, a little-known screening company rejected Ladds' credentials because her nursing-school credits were not tallied up. And it told her three times that she had to pay for a test to prove proficiency in English.

"They must be joking! I speak English better than you do," said Ladds, a Yorkshire native now living in Catskill, N.Y., and looking for work.

The demands emanated from a nonprofit company in University City that serves as the nation's gatekeeper for immigrant nurses - with no competition and little government oversight.

The Commission on Graduates of Foreign Nursing Schools expects to take in \$15 million this year from more than 56,000 nurses worldwide. That's over three times more than in 1996, when it was granted sole authority to screen foreigners seeking a U.S. nursing visa or license.

But some nurses, nurse recruiters, immigration experts and hospitals say the company has delayed or fumbled the applications of an unknown number of qualified immigrants. They say it functions as a monopoly with forbidding, sometimes inaccessible, customer service.

At the same time, the nonprofit corporation since 1995 has spent \$1.5 million on lobbying, litigation and legal advice in Washington and abroad to secure and expand its business, according to IRS filings.

The company's "grip" over nurse credentialing, in one recruiter's words, is colliding with the labor shortage that has left one in 10 nursing jobs vacant.

With immigrants now accounting for a third of new U.S. nurses each year, some hospitals, recruiters and regulators are demanding alternatives or improvements to the company's screening process, which can take six months to two years.

Some experts fear that the waiting times may worsen in July, when the company starts screening thousands of Canadian nurses, whose current NAFTA-based exemption will end under a new federal rule.

"Foreign recruitment is one technique" for dealing with the shortage, said Joseph Mircucci, human resources director at Philadelphia's Methodist Hospital. "So anything that slows recruitment is something we're concerned about."

The company defends its work, saying that some people are bound to get upset by its rigorous process of scrutinizing education and credentials, testing nursing knowledge, verifying language ability, and checking for fraud. It says the vast majority of qualified nurses pass its reviews smoothly.

"We believe that we maintain the minimum standard of nursing practice worldwide," said Barbara L. Nichols, executive director of the Commission on Graduates of Foreign Nursing Schools.

Nichols and other executives concede that the company had trouble with its filing and customer-service systems and has made costly investments in the last year to fix them.

They say the nonprofit company is carrying out a job mandated by Congress - a job that Sen. Arlen Specter (R., Pa.) explicitly bestowed on the agency in an amendment to a 1996 law limiting immigration.

"Would you want some [nurse] whose documents were never checked to take care of your children?" said Donna Rae Richardson, the company's director of operations and governmental affairs. "So, yes, it is worth any amount of time to check."

Nichols noted that for-profit recruiters, who charge hospitals \$8,000 to \$25,000 per nurse, complain about any delay that cuts into their business.

And many outside experts defend the company. "They are... pro-nurse and interested in responsible recruitment," said Linda Aiken, director of the University of Pennsylvania's Center for Health Outcomes and Policy Research. "It's all to keep people from coming here who have no possibility of practicing."

Most critics, however, do not question the issue of quality control. They fault poor service and the lack of competition.

"They're good people; they're not out to do harm," says Sylvia Boecker, a Chicago-based recruiter. "But something in their system doesn't work."

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Ladds, the British nurse, figures she has spent four years and \$7,000 trying to prove she is just as qualified as an American nurse - the standard by which the company operates.

She took an extra course at Thomas Jefferson University Hospital, only to have the company question its transcript. She flew to London to cajole British authorities to reissue her credentials with course credits tallied up, as the company demanded.

In November, after getting a company supervisor to intercede, Ladds was approved to take the qualifying test needed to apply for a U.S. license.

"They come across as hostile and uncaring," Ladds, 54, said. "Clearly, the training they get is inadequate, if I'm being told I have to take the English test."

Richardson, the executive who interceded, said Ladds apparently had lacked the required course credits and later fell victim to outdated and conflicting nursing-school records.

Richardson acknowledged, however, that the company customer-service representatives erred when they told Ladds to take an English test, which is waived for people from English-speaking countries.

"It does happen, occasionally," Richardson said.

Beyond screening nurse-visa applicants, the company runs interference for state nursing boards. Forty states, including Pennsylvania and New Jersey, require foreign-educated nurses seeking a license first to pass the company's qualifying test.

Its test, given a few times a year at 40 foreign and 9 U.S. cities, predicts whether the applicant will pass the national nursing-board exam, the key to a state license.

The screening process, or "VisaScreen" - a test, and credential and language reviews - costs \$325. That equals 11/2 months' average nursing pay in the Philippines, the biggest source of foreign nurses.

"Sometimes people get black-market loans to pay for it," said Celese Calo, a Filipino nurse now at Philadelphia's Roxborough Memorial Hospital. "That's why you have to pass."

Only after nurses get their certificate from the Commission on Graduates of Foreign Nursing Schools may they apply for a visa at a U.S. consulate - a longer process itself since 9/11.

Zoya Khrystova, 27, an emergency-room nurse living in Brooklyn, said she had been waiting seven months for the company to check her Ukrainian credentials. Among the delays, the company has repeatedly told her it did not get her application fee.

However, Khrystova's credit card statement shows that payment was made in May.

"Please help me," said Khrystova, who came from Kiev with her family in 2002. "I just need a green light to work. I have three propositions already."

Richardson responded that two online applications were made under Khrystova's name, causing the repeat billing. Its new information system is designed to prevent duplicates and credit-card "difficulties."

Still, complaints about the company were filed in the last year to the Pennsylvania Bureau of Consumer Protection. Spokeswoman Barb Petito, while declining to give details under bureau policy, said the bureau could open an investigation if it detected a pattern of illegal or improper behavior.

The Better Business Bureau of Eastern Pennsylvania also has received complaints concerning "credit or billing disputes, delivery issues, selling practices and service issues." It said the company had responded satisfactorily to complaints.

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"Certainly, there are people who have valid complaints," Richardson said. "We're not perfect. What we want people to do is contact us so we can correct a situation."

But just contacting the company has been the number-one complaint.

According to the company, between a third and a half of the 1,300 daily phone calls to its customer-service line in Philadelphia - a quarter from overseas - end in busy signals, hang-ups or automatic disconnects after a long wait.

Such an abandonment rate is "atrocious," said Scott Broetzmann of Customer Care Measurement & Consulting in Virginia. "Most companies would set a target of losing no more than 5 percent."

"I've waited anywhere from five minutes to 45 minutes on the phone," said Jeaneen McPherson, controller of California-based American Staffing L.L.C., a recruiting firm. "Then they will only talk to you about two nurses at a time... . You have to call back, but it's hard to reach the same person."

The company said it was working on the problems. Applicants can now check their status through a new automated phone system or through the Web. It also has more customer-service representatives to answer phones or e-mails.

The staff has grown from 32 employees to 140 in the last six years and will hit almost 200 this year, said the company's chief financial officer, Domenic Giandomenico.

The expansion came after years of growth. From 1996 to 2003, the agency received and processed 165 percent more applications, going from roughly 17,000 to 46,000 a year, company figures show.

But revenues grew twice as fast - from \$2.5 million to \$11.1 million. The executive director's compensation rose 70 percent in five years, to \$185,979.

Critics say that customer service likely will be the company's Achilles' heel as long as it remains a monopoly.

"There is not much incentive for [the company] to be efficient," said Carl Shusterman, a California lawyer and publisher of a Web-based immigration newsletter. "They get paid no matter what."

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Specter's 1996 amendment giving the gatekeeper role to the Commission on Graduates of Foreign Nursing Schools, left room for competitors. But only if they were "approved by the Attorney General in consultation with the Secretary of Health and Human Services."

No others sought approval, largely because the government failed to say who could apply or how until last year.

Nichols, the executive director, denied that the nonprofit company had abused its market position, scoffing at people who call it "the Microsoft of nurse recruitment."

"From a business standpoint, we have become this 'monopoly' but we have not attempted to create it," Nichols said.

Campaign finance records contain no indication of donations to Specter from people tied to the company before or after the vote.

Still, it has spent a lot of money protecting its franchise. According to IRS filings, it paid \$1,526,455 to Washington-based lawyers and lobbyists between 1995 and 2002, the last year that records were available.

Its lobbyist, attorney Carl Hampe, now with the law firm Baker & McKenzie, has won crucial victories in Congress, courts and regulatory agencies on behalf of the company.

Under rules issued in September - eight years after Specter's amendment - the company may now get some rivals and may itself come under government review. Two firms have expressed interest in competing.

The Philadelphia company said it welcomed the competition.

"I don't see any problem with others trying to do this. But it's not easy," said Phyllis Kritek, the company's board president. "There are days when I think it would be good to have a reality test from a competitor."

Commission on Graduates of Foreign Nursing Schools' Web site is www.cgfns.org. Contact staff writer Thomas Ginsberg at 215-854-4177 or tginsberg@phillynews.com.