



July 10, 2020

The Honorable Mitch McConnell  
Senate Majority Leader  
U.S. Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
233 Cannon House Office Building  
Washington, D.C. 20515

Dear Leader McConnell and Speaker Pelosi:

On June 22, the President issued a continuation and amendment to Proclamation 10014 to address the economic recovery from the COVID-19 pandemic. The original proclamation issued on April 22, 2020, created exemptions from the immigration freeze for “physician, nurse, or other healthcare professional; to perform medical research or other research intended to combat the spread of COVID-19; or to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak.” The June 22 amendment to the proclamation incorrectly removed this exemption and it now creates an unnecessary burden on our health care system at a time when we are seeing an alarming rise in new COVID-19 infections. The College of American Pathologists, the largest organization of board-certified pathologists and leading provider of laboratory accreditation and proficiency testing programs, urges Congress to address this error through legislative action.

Some states are slowing or halting their efforts to reopen due to these new infections. Implementing the June 22 restrictions will make it more difficult to retain physician/scientists who wish to remain in the U.S. once they have completed their training, thereby making it more difficult for them to continue the important and valuable medical and scientific research they are undertaking.

Our hope is that the Administration will reverse its position as was requested by the American Medical Association. Moreover, we encourage Congress to consider two pieces of legislation to address the COVID-19 response and overall physician shortages by passing the *Health Workforce Resilience Act* and *Conrad State 30 and Physician Access Reauthorization Act*.

International medical graduates (IMGs) are an important part of our nation’s health care system. They currently represent 25 percent of the physician workforce. Even before the pandemic, the U.S. faced a shortage of physicians to treat our aging population, a problem exacerbated by the impending retirement of many physicians.

As such, non-U.S. citizen IMGs play a critical role in providing health care, especially in areas of the country with higher rates of poverty and chronic disease. Accordingly, the entry of every IMG is in the national interest of the U.S. especially during the current crisis, when physicians are needed in every specialty now more than ever.

The *Health Workforce Resilience Act* will make unused immigrant visas available to physicians and nurses who petition for such a visa before the date that is 90 days after the end of the declared national emergency relating to the COVID-19 (i.e., coronavirus disease 2019) outbreak. The legislation can



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recapture 15,000 unused employment-based immigrant visas and significantly help with current and projected shortages.

The *Conrad State 30 and Physician Access Reauthorization Act*, extends authority for the Conrad 30 Program through next year. It would increase the number of waivers for a state from 30 to 35. Another key provision is incentivizing qualified international medical graduates (IMGs) who are citizens of other nations to work in underserved communities. For agreeing to these terms, the physician will not have to leave the U.S. for two years before they are eligible to apply for an immigrant visa or permanent residence.

Diagnostic laboratory testing should only be performed by those individuals who possess appropriate clinical education and training, and under the supervision of licensed physicians, or consistent with non-waived testing requirements under CLIA 88. That is why improving the IMG program is so important. Further, the interpretation of clinical laboratory tests is the practice of medicine and should, therefore, be done solely by licensed physicians. No test is so simple and straightforward to perform that erroneous results cannot occur, and no incorrect test result is “risk free” or inconsequential with regard to potential harm.

At this crucial time in the health of our nation, we should not be limiting access to a trained physician workforce though immigration restrictions. We also can improve our current IMG programs to increase patient access to care, particularly in underserved and rural areas.

We sincerely appreciate your consideration of our request.

Sincerely,

Patrick Godbey, MD, FCAP  
President

cc: The Honorable Charles Schumer  
The Honorable Kevin McCarthy  
The Honorable Alex Azar  
The Honorable Mike Pompeo  
The Honorable Seema Verma