

November 9, 2020

The Honorable John P. Pallasch
Assistant Secretary for Employment and Training
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Assistant Secretary Pallasch:

As organizations that together represent over 590,000 frontline physicians, the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American College of Physicians, the American Osteopathic Association, and the American Psychiatric Association write to express significant concerns with the interim final rule *Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*. The rule, which immediately took effect without the opportunity for public input, significantly increases the minimum required salary that hospitals and practices must pay physicians with H-1B visas. These steep increases will make it challenging for health systems and physician practices to hire physicians with H-1B visas, and in turn disrupt the pipeline of physicians in training and jeopardize our health care workforce amid a global pandemic and national public health emergency. Accordingly, we strongly oppose this change for physicians with H-1B visas.

More than 10,000 physicians are employed each year through the H-1B program to provide essential patient care across the nation.¹ Health systems rely on H-1B physicians to fully staff hospitals and outpatient clinics, including in rural and other underserved communities. International medical graduates are more likely to practice in underserved areas and become primary care physicians, making them critical to addressing worsening physician shortages.^{2,3} These existing physician shortages also emphasize that this rule should not apply to H-1B physicians, as the H-1B program is not negatively impacting employment opportunities for physicians born in the U.S. On the contrary, our communities depend on H-1B physicians to maintain access to primary, specialty, and mental health care services.

The COVID-19 pandemic has revealed just how vulnerable and overburdened our health care system is, as well as the importance of having a robust health care workforce. We are very concerned that the changes made in this interim final rule will have wide reaching negative impact on patient care. By increasing the prevailing wage rates for H-1B physicians and physicians in training well beyond the current market rate, this rule will force hospitals and clinics to terminate employment relationships with H-1B physicians who are providing care on the frontlines of the pandemic and hinder their ability to hire the brightest international physicians in the future.

This rule will also harm the financial wellbeing of physician practices at a time when practices are facing financial strain and uncertainty from the COVID-19 pandemic. The Department of Labor identifies "Offices of Physicians" as one of the types of small businesses that will be most negatively impacted by

this rule.⁴ Small and independent physician practices are essential to maintaining access to care for patients in their own communities.

Our organizations are alarmed that the Department of Labor (DOL) implemented this rule without first considering public comments, given the significant impact that this proposed rule will have on our health care system.

In order to ensure Americans' continued access to health care and our nation's ability to respond to the COVID-19 pandemic, we urge DOL to take swift action to exclude H-1B physicians and their employers from the changes made in this interim final rule.

Thank you for your attention to this important issue. Should you have any questions, please contact David Tully, Director of Government Relations at the American Academy of Family Physicians, at dtully@aafp.org or 202-655-4908.

Sincerely,

American Academy of Family Physicians
American Academy of Pediatrics
American College of Obstetricians and Gynecologists
American College of Physicians
American Osteopathic Association
American Psychiatric Association

¹ Kahn PA, Gardin TM. Distribution of Physicians With H-1B Visas By State and Sponsoring Employer. *JAMA*. 2017;317(21):2235-2237. doi:10.1001/jama.2017.4877

² Thompson MJ, Hagopian A, Fordyce M, Hart LG. Do international medical graduates (IMGs) "fill the gap" in rural primary care in the United States? A national study. *J Rural Health*. 2009 Spring;25(2):124-34. doi: 10.1111/j.1748-0361.2009.00208.x. PMID: 19785577.

³ The National Resident Matching Program. Results and Data: 2020 Main Residency Match. 2020. Available at: https://mk0nrmp3oyqui6wqfm.kinstacdn.com/wp-content/uploads/2020/06/MM_Results_and-Data_2020-1.pdf

⁴ 85 Fed. Reg. at 63,911-63,912. Available at: <https://public-inspection.federalregister.gov/2020-22132.pdf?1602015317>