

# Filipino Reporter

**FAIR, FEARLESS, FACTUAL**

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## Visa qualifying test for alien MDs voided

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Amendments have been passed by both Houses of the US Congress that will exempt certain foreign medical graduates from the requirement to pass the National Board of Medical Examiners' exam, or its equivalent known as the Visa Qualifying Examination (VQE). The signature of the President is expected shortly.

The amendments have been prompted by the great concern expressed by many quarters, including hospitals and FMGs. It has also been noted in the **Congressional Record** that actions of the department of health, education and welfare, the department of justice, and the NBME hardly have been consistent with the clear need for expeditious and effective implementation of the amendments.

The **Congressional Record** further noted that some actions which have been taken do not reflect the intention of the Congress in enacting the 1976 amendments.

The new amendments which are awaiting the President's signature are:

¶An alien who is a graduate of a medical school shall be considered to have passed parts I and II of the NBME exams if the alien was: (a) on January 9, 1977 a doctor of medicine fully and permanently licensed to practice medicine in a state; (b) held on that date a valid specialty certificate issued

by a constituent board of the American Board of Medical Specialties; and (c) was on that date, practicing medicine in that state.

¶Aliens who are of national or international renown in the field of medicine are excluded from the term "graduates of a medical school" found in Section 602 of the Health Professions Educational Assistance Act.

¶The immigration provision that renders foreign medical graduates ineligible to receive immigrant visas and excludable from admission to the US if they have not passed parts I and II of the NBME exams or its equivalent is amended to apply only to a graduate of a medical school not accredited by a body approved by the commission of education regardless of whether the school is in the US.

¶If the exchange visitor FMG is a graduate of a school of medicine accredited by a body approved by the commissioner of education regardless of whether the school is in the US, he will not be subject to the requirements that he pass the NBME exam.

Additionally, his country is no longer required to give an assurance that he will be appointed to a position in that country. Said country will only be required to give a written assurance that there is a need in that country for persons with the skill the alien will acquire as a participant in the exchange program.

No amendment has been proposed by Congress on the H visa for FMGs. However, the conference report criticized the INS' interpretation that an H-1 classification is open only to FMGs coming solely to teach or conduct research. The report noted that the INS' interpretation is restrictive and that it was the intent of Congress to limit H-1 physician classification to those coming primarily to engage in research or teaching, but that patient care incidental to teaching or research impermissible.