

Congress of the United States
Washington, DC 20515

April 27, 2004

The Honorable Tom Ridge
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Ridge:

We write in regard to a crucial issue confronting health care providers and patients in Michigan. Within the last year, the Department of Homeland Security (DHS) issued a final rule to carry out section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208). Under this section, any alien who comes to the United States for the purpose of working as a health care professional (except physicians) is inadmissible unless the alien presents a certificate issued by the Commission on Graduates of Foreign Nursing Schools (CGFNS) or another DHS approved credentialing body. This rule, will severely impact health care in Michigan and all along the Northern Border by halting the crossing of Canadian nurses to serve American patients in American hospitals. We respectfully request that DHS allow ample time necessary for non-immigrating health professionals working in Michigan to work through the process of certification, and also urge DHS to find a long term solution that will ensure nurses already providing care in Michigan are able to continue to do so.

According to the final rule, the current grace period ends July 26, 2004. After that date certain non-immigrating foreign health professionals who work in the United States will be required to present a certification from the Commission on Graduates of Foreign Nursing Schools (CGFNS) – the only approved credentialing body. As we have heard from our constituent hospitals, many Canadian nurses are attempting to comply with the regulation. However, due to the increase in applications to comply before the July deadline and the fact that only one organization can process the applications, we are very concerned that the current pool of employed nurses will be reduced.

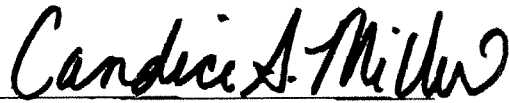
Hospitals and health care organizations in several areas of the state of Michigan rely heavily on the services of the health care professionals who live in Canada and work in the United States. We know that more than 3,000 employees in Michigan hospitals and health care facilities or home care settings are commuting from Canada. Michigan hospitals already face a nursing shortage. This rule will only exacerbate the problem. Given the number of Canadian nurses currently employed by our hospitals and the overall shortage of trained nurses, the sudden loss of Canadian nurses would have an immediate and profoundly detrimental impact on patient care.

Allowing ample time for the final rule is particularly important because it appears that CGFNS cannot meet the demand for review created by this regulation. CGFNS has acknowledged they were unaware of the thousands of Canadian Temporary NAFTA (TN) status commuters and resident health care professionals currently working in Michigan and other parts of the United States. Because the regulation did not recognize the existence of large numbers of workers on TN status in the United States, it did not account for the difficulty these workers face in securing documents that in some cases are more than 30 years old.

Further, we are requesting review of re-certification and re-testing requirements in the regulation with regard to non-immigrants who have established a work history in the United States. We hope for an appropriate solution for processing the thousands of applications necessary for Michigan-employed nurses. Again, this requires additional time and an extension of the implementation date of the rule to provide the period necessary to implement these solutions.

We look forward to your response and working with you on this important issue to the citizens of Michigan.

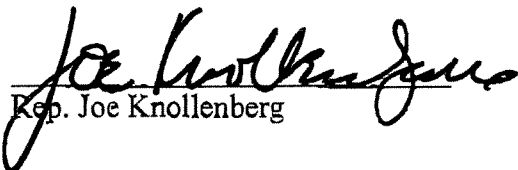
Sincerely,



Rep. Candice Miller



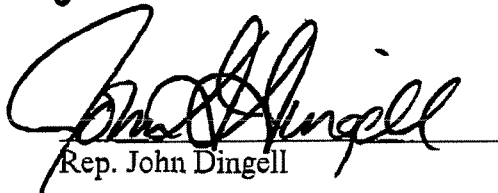
Rep. Mike Rogers



Rep. Joe Knollenberg



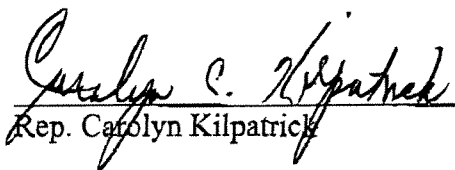
Rep. Fred Upton



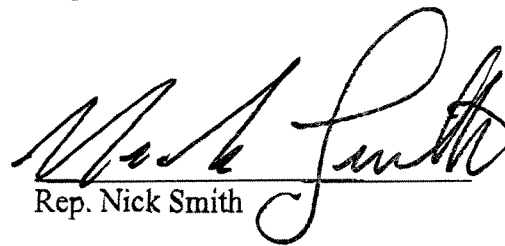
Rep. John Dingell



Rep. Dale Kildee

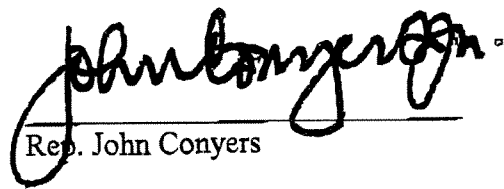


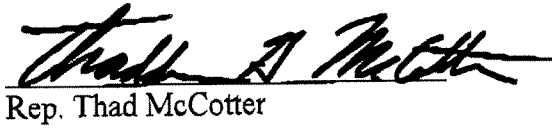
Rep. Carolyn Kilpatrick

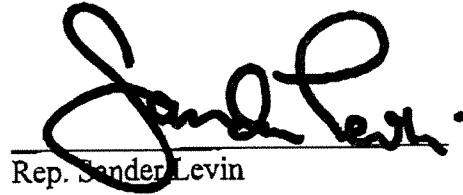


Rep. Nick Smith

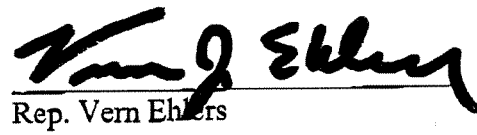

Rep. Dave Camp


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