

July 30, 2018

Samantha L. Deshombres  
Chief, Regulatory Coordination Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services (USCIS)  
20 Massachusetts Avenue NW  
Washington, DC 20529

**Re: Extension, Without Change, of a Currently Approved Collection: Medical Certification for Disability Exception; OMB Control Number 1615-0060; Docket ID USCIS-2008-0021**

Dear Ms. Deshombres,

The American Association of Nurse Practitioners (AANP), representing more than 248,000 nurse practitioners (NPs) in the United States, appreciates the opportunity to provide comment on the extension of USCIS's Medical Certification for Disability Exception form.

NPs are advanced practice registered nurses (APRNs) who are prepared at the masters or doctoral level to provide primary, acute, chronic and specialty care to patients of all ages and walks of life. Daily practice includes: assessment; ordering, performing, supervising and interpreting diagnostic and laboratory tests; making diagnoses; initiating and managing treatment including prescribing medication and non-pharmacologic treatments; coordinating care; counseling; and educating patients and their families and communities. NPs practice in nearly every health care setting including clinics, hospitals, Veterans Affairs and Indian Health Care facilities, emergency rooms, urgent care sites, private physician or NP practices (both managed and owned by NPs), nursing homes, schools, colleges, retail clinics, public health departments, nurse managed clinics, homeless clinics, and home health. NPs hold prescriptive authority in all 50 states and the District of Columbia. It is important to note that 86.6% of NPs are certified in primary care, the majority of whom see Medicare and Medicaid patients. NPs complete more than one billion patient visits annually.

The focus of this agency extension application is Form N-648, Medical Certification for Disability Exceptions. This form is used by applicants for naturalization to seek an exception to the English and/or civics requirements for naturalization on the grounds that they have a physical or developmental disability or mental impairment.<sup>1</sup> Currently only medical doctors, doctors of osteopathy, and clinical psychologists are authorized to complete this form.<sup>2</sup>

Nurse practitioners have the education and clinical training to perform these examinations and certify that the applicant has a physical or developmental disability or mental impairment. Performing medical histories and physical examinations, and evaluating the patient for physical or mental disabilities or impairments, is well within the scope of practice for nurse practitioners. Nurse practitioners have served as Federal Motor Carrier Safety Administration medical examiners since 1992, authorized to perform medical examinations for interstate truckers, and more recently this was expanded to NPs in the Veteran's

<sup>1</sup> Instructions for Form N-648, Medical Certification for Disability Exceptions, OMB No. 1615-0060.

<sup>2</sup> Form N-648, Medical Certification for Disability Exceptions, OMB No. 1615-0060.

Administration. Nurse practitioners serve as primary care providers in the Veteran's Administration as well as the Indian Health Service. NPs are also reimbursed for performing the components of these examinations in the Medicare and Medicaid programs, demonstrating that other federal agencies have long recognized that NPs are qualified to certify health status through the performance of these examinations. Authorizing NPs to certify that applicants have physical or mental disabilities or impairments will strengthen USCIS's ability to evaluate the medical conditions of applicants for immigration status.

Additionally, barriers continue to exist for NPs to serve as civil surgeons to perform physical and mental examinations of applicants for immigration status. The USCIS and Department of Health and Human Services (HHS) have co-jurisdiction over the promulgation of rules and regulations related to the designation of a civil surgeon.<sup>3</sup> These regulations state that a civil surgeon must be a physician (M.D. or D.O.) with at least four years of professional experience.<sup>4</sup> However, civil surgeons are not defined in statute as "physicians." The Secretary of Homeland Security (as exercised by USCIS) has the authority to draft the administrative regulations for civil surgeons.<sup>5</sup> We would like to take this opportunity of this extension of information collection to request that USCIS update its regulations/guidelines, and any required forms, to include nurse practitioners as civil surgeons who perform physical and mental examinations for applicants for immigration status.

We thank you for the opportunity to comment on this proposed extension of information collection. We look forward to working on these issues with you. Should you have comments or questions, please direct them to MaryAnne Sapio, V.P. Federal Government Affairs, [msapio@aanp.org](mailto:msapio@aanp.org), 703-740-2529.

Sincerely,

David Hebert  
Chief Executive Officer

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<sup>3</sup> <https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume8-PartC-Chapter1.html#S-A>.

<sup>4</sup> See 8 CFR § 232.2(b); 42 CFR § 34.2(c).

<sup>5</sup> See 42 U.S.C. § 252; 8 U.S.C. § 1222; [Pub. L. 107-296](#), 116 Stat. 2135 (November 25, 2002); 8 CFR § 232.2(B).