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APPROVED  
OCT 15 1976

8/10/15/76

THE WHITE HOUSE  
WASHINGTON  
October 13, 1976

ACTION  
Last Day: October 19

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *Jim Cannon*

SUBJECT: S. 3682 - Relief of Dr. Oscar J. Briseno  
Sponsor: Sen. Eastland  
→ S. 3683 - Relief of Dr. Juan Bautista Lopez Ruiz  
Sponsor: Sen. Eastland

*Posted  
10/15/76  
Archives  
10/15/76*

Attached for your consideration are two enrolled bills which grant permanent residence to two alien physicians who entered the U.S. on temporary visas for the furtherance of their medical training.

Both of the beneficiaries have been recruited by hospitals in Mississippi, however, they are unable to practice there because State law requires physicians to be permanent residents or U.S. citizens.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg), NSC and I recommend approval of the enrolled bill.

RECOMMENDATION

- That you sign S. 3682 at Tab B.
- That you sign S. 3683 at Tab C.





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 3682 - Relief of Dr. Oscar J. Briseno  
Sponsor - Sen. Eastland (D) Mississippi
- (2) S. 3683 - Relief of Dr. Juan Bautista  
Lopez Ruiz  
Sponsor - Sen. Eastland (D) Mississippi

Last Day for Action

October 19, 1976 - Tuesday

Purpose

To grant permanent residence to two alien physicians who entered the United States on temporary visas for the furtherance of their medical training.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization  
Service

Approval

Department of State

No objection

Discussion

The beneficiaries of these two enrolled bills are alien physicians from Western Hemisphere countries who had been admitted to the United States on temporary visas to allow them to complete their advanced medical training in this country. Although on temporary visas, both physicians are practicing medicine in States which do not require permanent resident immigrant status or citizenship as a condition to obtaining a license to practice medicine. Both have been recruited by hospitals in Mississippi; however, they are unable to practice in Mississippi because Mississippi law requires that physicians practicing in that State be permanent residents or U.S. citizens.

The medical services of both Drs. Briseno and Lopez are critically needed by hospitals in Bay Springs and Jackson, Mississippi, respectively, because of their particular medical skills. Dr. Briseno, a citizen of Mexico, is a skilled physician and surgeon currently practicing medicine in Illinois; the Bay Springs, Mississippi hospital has had to close its surgical unit because of its recent loss of the services of two physicians. Dr. Lopez, who is a citizen of Nicaragua, is a specialist in the field of neonatology (newborn infants), currently practicing in a Pennsylvania hospital; Hinds General Hospital in Jackson, Mississippi faces having to close its nursery if a qualified physician such as Dr. Lopez does not take a position.

The Immigration and Nationality Act does not permit Western Hemisphere natives to adjust their immigration status while in the United States. Accordingly, both physicians would have to return to their respective countries and wait several months for an immigrant visa; this would seriously jeopardize the availability of certain medical services in the two Mississippi hospitals. The enrolled bills would grant both physicians permanent resident immigrant status upon payment of the required visa fee. In addition, both enrolled bills direct the Department of State to make an appropriate reduction in the number of preference visas available to the doctors' respective countries.

*James M. Fry*  
Assistant Director for  
Legislative Reference

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 25, D.C.

OCT 6 1976

AND REFER TO THIS FILE NO.

OFFICE OF THE COMMISSIONER

A21 155 820

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 3683 ; Office of Management  
and Budget request dated October 5, 1976.

Beneficiary or Beneficiaries Doctor Juan Bautista Lopez Ruiz.

Pursuant to your request for the views of the Department of Justice on  
the subject bill, a review has been made of the facsimile of the bill, the re-  
lating Congressional Committee report or reports, and all pertinent information  
in the files of the Immigration and Naturalization Service.

On the basis of this review the Immigration and Naturalization Service,  
on behalf of the Department of Justice:

- Recommends approval of the bill.
- Interposes no objection to approval of the bill

Sincerely,

  
Acting Commissioner

OCT 7 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of October 5, 1976, transmitting for comment enrolled bills, S. 3682, "For the relief of Doctor Oscar J. Briseno", S. 3683, "For the relief of Doctor Juan Bautista Lopez Ruiz", and S. 3556, "For the relief of Marciano Santiago and his wife, Eleanor L. Santiago".

This Department's files contain no information identifiable with the above cited bills, and in the absence of any derogatory information, this Department has no objection to the enactment of these bills.

Sincerely yours,

Kempton B. Jenkins  
Acting Assistant Secretary  
for Congressional Relations

The Honorable  
James T. Lynn,  
Director,  
Office of Management  
and Budget.

AND BUDGET  
OFFICE OF MANAGEMENT

38 OCT 1 1976

RECEIVED

## DR. JUAN BAUTISTA LOPEZ RUIZ

AUGUST 4, 1976.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany S. 3683]

The Committee on the Judiciary, to which was referred the bill (S. 3683), for the relief of Doctor Juan Bautista Lopez Ruiz, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Doctor Juan Bautista Lopez Ruiz. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Nicaragua who is currently in the United States on a temporary visa. He has established a priority date of August 6, 1974 on the Western Hemisphere waiting list; however, visas are currently available only to those whose priority dates are earlier than March 1, 1974. Dr. Lopez has filed a declaration of intention to become a U.S. citizen but he cannot obtain a license to practice medicine in Mississippi until he becomes a permanent resident alien.

Dr. Lopez is a trained pediatrician who specializes in the field of neonatology. His services are desperately needed at Hinds General Hospital in Jackson, Mississippi. The staff of the hospital's nursery has given notice that it will no longer perform its duties as a result of increasing pressure of malpractice insurance claims and premiums. The hospital faces the possibility of having to close its nursery if a



qualified physician such as Dr. Lopez is not found to assume responsibility. Attempts to secure temporary services until Dr. Lopez is able to obtain an immigrant visa have been unsuccessful. Absent enactment of this legislation, this delay may be as great as six months.

The Committee is in receipt of numerous letters of recommendation in behalf of Dr. Lopez, examples of which follow:

WISE CARTER CHILD STEEN & CARAWAY,  
Jackson, Miss., July 8, 1976.

Attention: Dr. Frank J. Morgan, Jr.  
MISSISSIPPI STATE BOARD OF HEALTH,  
State Board of Health Building,  
Jackson, Miss.

DEAR DR. MORGAN: Pursuant to our several telephone conversations and related conversations with the American Consulate Office in Halifax, Nova Scotia, we hereby request on behalf of Dr. Juan Lopez and Hinds General Hospital the issuance of a temporary license to practice medicine in the State of Mississippi in the name of Juan Bautista Lopez Ruiz.

The special circumstances surrounding and necessitating this request are as follows. In February of 1976 the staff pediatricians informed the administrator of Hinds General Hospital that as of June 30, 1976 they would no longer perform their customary duties regarding the care for the newborns in the nursery at the hospital. This announcement was the result of the increasing pressures from malpractice claims generally in the area of neonatology and the resultant significant increases in malpractice insurance premiums for coverage of this area of practice.

Having been put on notice by the staff pediatricians, the hospital administrator began a nationwide search for a fulltime neonatologist to provide the necessary coverage for the hospital nursery. It was envisioned that said neonatologist would become an employee of the hospital. Given the national scope of the crisis in this area, the hospital was fortunate to find a qualified doctor who was willing to accept its offer of employment. This doctor was Juan Lopez, M.D. who at that time was practicing as a neonatologist at the University of Pennsylvania Hospital in Philadelphia, Pennsylvania being duly licensed to so practice by the State of Pennsylvania. Dr. Lopez is a citizen of Nicaragua and at that time was in Philadelphia on an H-1 work visa.

When the initial contact was made with Dr. Lopez by the hospital administrator in April of 1976, it was the understanding at that time that Dr. Lopez would be eligible for a permanent resident visa in approximately 4 or 5 months. Furthermore, since Mississippi has a reciprocal licensing agreement with Pennsylvania it was assumed, perhaps erroneously after the fact, that licensing would be forthcoming in the State of Mississippi. On this basis an agreement was reached between Hinds General Hospital and Dr. Lopez for Dr. Lopez to come to Mississippi and assume the medical control of the newborn nursery at the hospital as of July 1, 1976. Dr. Lopez came to Jackson, Mississippi at the end of June, 1976 and is presently here under an H-1 visa. When Dr. Lopez interviewed with Dr. Frank Morgan on June 28, 1976 concerning his Mississippi license, it became apparent that Dr. Lopez had

misunderstood his own residence standing vis-a-vis the requirement of the State Board of Health that only aliens on a permanent resident visa can be issued a license to practice medicine in Mississippi. Dr. Lopez believed that his declared intention to become a citizen and seeking a permanent resident visa would satisfy any requirement for licensing. When this problem was brought to the attention of Dr. Lopez and the hospital by Dr. Morgan in his interview with Dr. Lopez, the office of the American Consulate in Halifax, Nova Scotia, where Dr. Lopez had made his application for a visa and expressed his intention of becoming a permanent resident, was contacted in order to establish the actual facts in the case. In response to telephone conversations with that office, a form response was received, a copy of which is attached hereto. As is seen on said response, Dr. Lopez's priority date is August 6, 1974 and, at present, priority dates on or before January 15, 1974 are now being processed for a permanent resident visa. There is obviously a gap of approximately 6½ months between Dr. Lopez's priority date and the present processing date.

It is our understanding that once Dr. Lopez obtains his permanent resident visa that there will be no problem in obtaining his license to practice medicine in Mississippi. We are, therefore, formally requesting that a temporary license be issued to Dr. Lopez to cover what should be no more than approximately 6½ months before he obtains his permanent resident visa and would thus qualify for his license under what I understand to be your present regulations. This request is made because of the seriousness, immediacy and compelling nature of the present situation in an excellent health care facility that serves a significant portion of Hinds County. Since July 1, 1976, the staff pediatricians at the hospital have continued to staff the nursery on an interim basis. Said physicians have again placed the hospital administrator on notice that this interim coverage could cease on any given day. Efforts have been made to obtain doctors to staff the nursery on an interim basis until Dr. Lopez could obtain his license but all to no avail. Obviously, once medical coverage of the nursery ceases, which could happen at any time, the nursery at Hinds General Hospital would have to be closed immediately with the result that the entire obstetrics service would be closed. Without doubt, if this eventuality took place, severe and lasting damage would be done to the community, the hospital and the medical profession in the community and state. This hospital serves the most rapid growth area in Hinds County and the resulting injury and inconvenience caused to residents of this area would be difficult to ever overcome. Six staff obstetricians and approximately 35 to 40 skilled support personnel would be placed in an extremely difficult position with the support personnel possibly having to seek other employment. Additionally, once the nursery and obstetrical care service was closed, significant problems would be encountered in returning them to an active status at a later time.

Due to the necessitous circumstances in which we find ourselves, your quickest attention possible to this request would be appreciated. We stand ready to be of immediate assistance in any way possible to aid you in dealing with this request.

Very truly yours,

WISE CARTER CHILD STEEN & CARAWAY,  
By GEORGE Q. EVANS.



## CURRICULUM VITAE

Name: Juan Bautista Lopez Ruiz.

Place of birth: Chinandega, Nicaragua, Central America. May 19, 1947.

Age: 28.

Marital status: Married.

Nationality: Nicaraguan.

Medical school: University Autonoma of Guadalajara, Guadalajara, Mexico.

Date of graduation: June 1969.

Degree: Medical doctor.

Professional thesis: Congenital hypertrophic Pyloric Stenosis. Regina General Hospital, Regina, Saskatchewan, Canada. Revision 1959-69.

Junior rotating internship: Regina General Hospital, Regina, Saskatchewan, Canada, June 1969-70.

Teaching: Instructor in the Department of Public Health, University Autonoma of Guadalajara, Guadalajara, Mexico, July 1970-71.

Residency in pediatrics: Winnipeg Children's Hospital, Winnipeg, Manitoba, Canada, July 1971-73.

Neonatology fellowship: Milwaukee County General Hospital, Wisconsin Medical College, Milwaukee, Wis., U.S.A., July 1973-74; The Izaak Walton Killam Hospital for Children, Halifax, Nova Scotia, Canada, July 1974-75.

Exams: E.C.F.M.G.: 1970; L.M.C.C.: 1973; FLEX: 1974.

American Board of Pediatrics: Certified September 1975, Royal College of Physicians and Surgeons: Pediatrics fellowship, written part: September 1974.

Articles: Intrauterine Impetigo due to group B beta hemolytic streptococcus. Submitted for publication, Pediatrics Journal, March 1976.

Interests: Teaching and clinical perinatology.

Present position: Neonatologist, Associate School of Medicine, University of Pennsylvania, Pennsylvania Hospital, Philadelphia, Pa.

Present Address: Pennsylvania Hospital, 8th & Spruce Streets, Philadelphia, Pa., telephone number: Area code 609-829-3230. Home telephone number: Area code 609-779-7563. Home address: 14A Franklin Drive, Maple Shade, N.J.

J. B. LOPEZ RUIZ.

WISE CARTER CHILD STEEN & CARAWAY,  
Jackson, Miss., June 14, 1976.

Re Juan Lopez, M.D., Hinds General Hospital, Jackson, Miss.

Mr. CHESTER COOK,

U.S. Department of Justice, Immigration and Naturalization Service,  
New Orleans, La.

DEAR MR. COOK: Our firm serves as general counsel for Hinds General Hospital, and I am writing pursuant to several conferences I have had with Mr. Bob Wilson, Administrator of said hospital.

Mr. Wilson informs me that in the course of submitting a petition for an H-1 visa for Dr. Juan Lopez, who will become an employee of Hinds General Hospital, that you raised some questions concerning

recent changes in Mississippi statutes pertaining to graduates of foreign medical schools or physicians who are residents of foreign countries. Mr. Wilson asked me to review the pertinent statutes in order to properly respond to your inquiry.

Possibly your concern grows out of some recent changes made by the 1976 Mississippi Legislature in the Nursing Practice Act. Section 73-15-19, Miss. Code Ann, 1972, was amended by the 1976 Legislature to read in pertinent part as follows:

"(1) Qualifications of applicant—An applicant for a license to practice nursing as a registered nurse shall submit to this board written evidence of qualifications, verified by oath, that said applicant: (a) Is of good moral character; (b) Is a citizen of the United States or has legally declared the intention of becoming a citizen; . . ."

Previously, subsection (b) of this statute read as follows:

"(b) Is a citizen of the United States or has legally declared the intention of becoming a citizen or has been legally resident in the United States for at least one year; . . ."

The change made by deleting the language "or has been legally resident in the United States for at least one year", through made for other reasons by the Legislature, has inadvertently, I am informed, caused foreign nurses a problem in attempting to get licensed in Mississippi if they are in the Country on a H-1 visa since, apparently, a declaration of a person's intention of becoming a citizen, which a foreign nurse would have to make in order to meet the requirements to become an applicant for a license to practice nursing, would, at the same time, violate a provision of an H-1 visa. It was in response to this problem that the Attorney General's office of the State of Mississippi was requested to and did in fact write an Attorney General's opinion.

I have not had an opportunity to see said opinion but was told by Mr. Hugo Newcomb, Sr., the Assistant Attorney General who wrote the opinion that said opinion basically advised the Mississippi Board of Nursing not to license any foreign nurses in the State on an H-1 visa because the requisite declaration of intention of becoming a citizen would be in violation of their visa. Mr. Newcomb informed me in a telephone conversation that this opinion was given out of necessity because of the situation which had been inadvertently created and that that situation would probably be rectified by the next session of the Legislature.

I have discussed this change in the Nursing Practice Act and the companion Attorney General's opinion in some detail because I believe this is the change in Mississippi statutes about which you were thinking when you were discussing Dr. Lopez's case with Mr. Wilson. There have been absolutely no changes made in the Mississippi statutes relating to the licensing of physicians from foreign countries. Nor, according to Mr. Newcomb, who serves as the attorney for the Mississippi Board of Nursing and the Mississippi Department of Health in the Attorney General's office, has there been any Attorney General's opinion concerning physicians. Mr. Newcomb informed me that he has talked to a Mr. Richard in your office in New Orleans concerning the Attorney General's opinion regarding the change in the Nursing Practice Act and would be happy to discuss this with you if you would like. His number is area code 601-354-7130.

I hope this letter will resolve any questions you may have concerning changes in Mississippi law which might affect the visa of a foreign physician. As I am sure Mr. Wilson has told you, it is important to Hinds General Hospital to do everything possible to remove any problems involved with Dr. Lopez assuming his duties at the hospital on July 1, 1976. If you have any questions or if I may be of any further assistance, please feel free to call me. Thank you for your cooperation in this matter.

Very truly yours,

WISE CARTER CHILD STEEN & CARAWAY,  
By GEORGE Q. EVANS.

HINDS GENERAL HOSPITAL,  
Jackson, Miss., May 20, 1976.

Mr. CHESTER COOK,  
U.S. Department of Justice, Immigration and Naturalization Service,  
New Orleans, La.

DEAR MR. COOK: Enclosed is a petition for Dr. Juan Lopez who currently has an H-1 Visa and is employed at Pennsylvania Hospital, Philadelphia, Pennsylvania. Dr. Lopez requested citizenship by naturalization in 1974. Also enclosed is his departure and arrival card and other pertinent documents.

Dr. Lopez is a Neonatologist, a new subspecialty in Pediatrics and one of the few in the United States. He is coming to Hinds General Hospital as an employee to care for sick and well babies in our hospital Nursery. He will be a hospital based physician. We have been notified by our Pediatricians they will cease to provide medical care to babies in the Nursery after June 30, 1976. It is, therefore, imperative that Dr. Lopez arrive on or before that date.

Dr. Lopez has been informed by the immigration officials in Philadelphia he should ask for an extension through June 30, 1976, inasmuch as his visa expires June 10, 1976, and that failure to do so would cause him to have to leave the country before another visa could be issued. Pursuant to our conversation, you disagreed with this and stated we should send you the enclosed material. Also you stated Dr. Lopez could move to Jackson anytime after June 10, 1976.

Since this move is important to us, and time is short, I shall call you during the week of May 24 to determine if any other information is necessary to confirm that Dr. Lopez can move to Jackson on or after June 10. He has made application for license in Mississippi and only today received the application forms; there is no anticipated problem in getting this license.

As an ex-hospital administrator, you can understand the position we are in; and I appreciate every effort on your part to expedite this petition.

My kindest regards,  
Sincerely,

ROBERT G. WILSON,  
Administrator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3683) should be enacted.

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

For the relief of Doctor Juan Bautista Lopez Ruiz.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act and section 21(e) of the Act of October 3, 1965, Doctor Juan Bautista Lopez Ruiz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to special immigrants as defined in section 101(a)(27)(A) of the Immigration and Nationality Act.*

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*