

# EXHIBIT 38

## HEALTH

# Trump's Travel Ban, Aimed at Terrorists, Has Blocked Doctors

By DONALD G. McNEIL Jr. FEB. 6, 2017

The Trump administration has mounted a vigorous defense of its ban on travel from seven majority-Muslim nations, saying it is necessary to prevent terrorists from entering the United States. But the ban, now blocked by a federal judge, also ensnared travelers important to the well-being of many Americans: doctors.

Foreign-born physicians have become crucial to the delivery of medical care in the United States. They work in small towns where there are no other doctors, in poor urban neighborhoods and in Veterans Affairs hospitals.

Forty-two percent of office visits in rural America are with foreign-born physicians, according to the American Academy of Family Physicians.

Foreign-born physicians "are the doctors in small towns in Maine and Iowa," said Dr. Patricia F. Walker, the associate director of the University of Minnesota's Global Health Pathway, which helps refugee doctors practice in the United States.

"They go to the places where graduates of Harvard Medical School don't want to go," she said.

Across the United States, more than 15,000 doctors are from the seven Muslim-majority countries covered by the travel ban, according to The Medicus Firm, a firm

that recruits doctors for hard-to-fill jobs. That includes almost 9,000 from Iran, almost 3,500 from Syria and more than 1,500 from Iraq.

Dr. Hooman Parsi, an oncologist so talented that he has an O-1 visa granted to individuals with “extraordinary ability or achievement,” was to start seeing patients on Wednesday in San Bernardino, Calif.

A federal judge in Seattle lifted the administration’s travel ban on Friday, and a federal appeals court has declined to restore it. Yet Dr. Parsi is still stuck in Iran, waiting for a delayed visa amid the confusion while his American employer fumes.

“We need him desperately,” said Dr. Richy Agajanian, the managing partner of the Oncology Institute of Hope and Innovation, which had just hired him. “We had an office completely constructed — we spent three months on it, and it was supposed to open Feb. 1. Now we can’t open it. This is really sad and frustrating.”

The 30-doctor practice does a lot of work in the Inland Empire, in San Bernardino and Riverside Counties, Dr. Agajanian noted. “It’s very sparse in doctors out there — many miles between oncologists,” he said. “The patients he would be seeing have to travel another 25 miles now. Our doctors are already overworked, and now they’ll have to be on call more often.”

The United States has a persistent doctor shortage, even though 31 new medical schools have opened since 2002 and many existing ones have increased class sizes, according to Merritt Hawkins, a Dallas-based medical recruiting firm.

It also noted that there are 22 percent more residencies available each year than there are American graduates to take them. Graduates of foreign medical schools now fill that gap; the largest number come from India, followed by Pakistan, China, the Philippines, Iran and Israel.

(Iran is on Mr. Trump’s exclusion list; Pakistan, a Muslim-majority country with a history of internal and external terror attacks, is not.)

Many foreign graduates have J-1 visas, which give them about three years to complete their residencies. “They must pass licensing exams and they must do a

residency to practice here, even if they're superstars where they come from," said Phillip Miller, a Merritt Hawkins spokesman.

Foreign-born graduates have often worked at world-class institutions and have published academic papers, so they have higher average scores than American graduates on the medical knowledge portions of the licensing examinations, according to Merritt Hawkins research — though most initially score lower on the clinical skills portions, which include English and communication skills.

"I had to work my butt off to get here," said Dr. Abdelghani el Rafei, a first-year resident at the University of Minnesota. "They only take the top graduates from schools in countries like mine."

Such foreign-born graduates must return home when their visas expire, but they can get extensions if they agree to work in an area that the Department of Health and Human Services considers "medically underserved," which is roughly defined as having less than one primary care doctor for every 3,000 people.

Those who practice in an underserved area for several years can apply for green cards. "After that, they can practice anywhere, but at least you've had three or four years of a physician in your town, and that's pretty significant," Mr. Miller said.

Citing figures from the Iowa Board of Medicine, The Des Moines Register reported last week that 172 doctors practicing in Iowa were from the seven countries subject to Mr. Trump's travel ban, and that 23 percent of the state's 13,000 practicing doctors were born outside the United States.

Andrea Clement, a spokeswoman for Medicus, said that 76 percent of the foreign doctors it placed last year had gone to areas with fewer than 25,000 people or to small to medium-size cities of 25,000 to 500,000.

It placed more foreign doctors in Wisconsin than in any other state, she said, followed by California, Texas, Maryland, Oregon, Missouri, Tennessee, Ohio and Arizona.

Some urban areas are medically underserved, too. While Manhattan's Upper East Side has five times the number of doctors it needs to be adequately served

under federal guidelines, parts of the Bronx and Brooklyn have acute doctor shortages.

More than 150,000 residents of Brooklyn's Bedford-Stuyvesant section, for example, are rated as medically underserved under federal guidelines. One of the doctors stranded overseas last week, according to Pro Publica, was Dr. Kamal Fadlalla, an internal medicine specialist from Sudan who is a second-year resident at Interfaith Medical Center, which serves Bedford-Stuyvesant and Crown Heights.

Many foreign-born doctors, experts said, go into family medicine, pediatrics, internal medicine, general surgery and other front-line specialties where they see thousands of patients a year, including many on Medicare and Medicaid, rather than pursuing lucrative urban specialties like plastic surgery.

As an oncologist, Dr. Parsi was an exception. He moved to the United States in 2007 for postdoctoral work in molecular biology. Then, after passing his medical exam, he completed his residency at the University of Cincinnati and a fellowship in hematology and oncology at the University of Pittsburgh Medical Center.

Because he had to leave the country to get his new visa stamped into his passport, he had flown to Dubai, in the United Arab Emirates. He cleared a security vetting there, he said, but had to wait a few days for the visa, so he flew to Tehran to see his father.

But the new court ruling affects only those who had current visa stamps in their passport, so even though he is being issued a new visa, he still cannot return to the United States, he said on Saturday.

"Everyone, including me, would like to keep the bad people out," said Dr. Naeem Moulki, a Syrian citizen who is finishing his medical residency in Minneapolis and plans to begin a cardiology fellowship in Chicago in the fall. "But this is not the best way to do it. If I have to leave, it affects my patients."

Dr. El Rafei said that the ban, which means he cannot go home to see his family, had depressed him.

"I felt like I was back in Syria again," he said. "You feel hunted there, as if you did something wrong, even if you didn't. Now I feel the same way here."

He sees patients one day a week at the V.A. Hospital in Minneapolis, where he is sometimes asked where he is from.

"One of my patients, he was a veteran in his 60s, said to me, 'Why do you people hate us?' " he said. "I told him about Syria. I said: 'We don't hate you. The bad people you see on TV are the same people who make us suffer, too.' "

"I love this country," he added. "There's a time in our residency when we can work in Africa or someplace. I want to work in a small American town, to show people that we're not all bad. The U.S. gives us a lot, so we want to give back what we can."

*Correction: February 6, 2017*

An earlier version of this article misattributed a quotation about the preparation necessary for a foreign doctor to get work in the United States. It was said by Dr. Abdelghani el Rafei, a first-year resident at the University of Minnesota, not Dr. Naeem Moulki, a Syrian citizen who is finishing his medical residency in Minneapolis. Like the Science Times page on Facebook. | Sign up for the Science Times newsletter.

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