Department of Health Professions

DIRECTOR'S POLICY # 76-33

Foreign Applicants and Social Security Numbers

Effective Date: November 15, 2013

Approved By: D. Reynolds-Cane MD

Dianne Reynolds-Cane, M.D., Director

Purpose: The purpose of this Policy is to provide guidance on the processing of applications from foreign applicants who do not possess a permanent social security number or control number issued by the Virginia Department of Motor Vehicles.

Policy: This Policy addresses implementation of provisions in § 54.1-116 of the Code of Virginia relating to social security or control numbers and the authority for a board to issue a temporary license or authorization to practice.

Background:

- Certain foreign applicants for licensure, certification or registration by the health regulatory boards encounter obstacles in the effort to obtain work visas, social security numbers, and the authorization required to pursue their professions in Virginia. An applicant reportedly cannot obtain a work authorization from the Immigration and Naturalization Service (INS) unless the applicant has a license, registration or certification to practice his/her profession.

- Va Code § 54.1-116 requires an applicant for license, registration or certification by a health regulatory board to provide a social security number (or a control number issued by the Department of Motor Vehicles) on his/her application. Even the legislation passed in 2002 Session of the General Assembly that allows certain Canadian nurses to be licensed as Registered Nurses by endorsement requires a "proper application" to the Board, which is interpreted as requiring a social security number. *Va. Code § 54.1-3001(4).*

- The Social Security Administration, however, requires a foreign applicant for a social security number to have a work permit before it will issue a social security number.

- To address this circular dilemma, § 54.1-116 was amended in 2003 to allow a health regulatory board of the Department of Health Professions to issue a temporary license or authorization to practice, effective for not longer than 90 days, to an *otherwise qualified applicant* for a license, certificate or registration who is a foreign national and cannot provide a social security number o control number a the time of application.

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Procedure:

An application from someone outside the United States Every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth pursuant to this title, and every applicant for renewal thereof, shall provide on the application either his social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. An initial application or renewal application which does not include either identifying number shall not be considered or acted upon by the issuing entity, and no refund of any fees paid with the application shall be granted.

B. Notwithstanding the provisions of subsection A, a health regulatory board of the Department of Health Professions may issue a temporary license or authorization to practice, effective for not longer than 90 days, to an otherwise qualified applicant for a license, certificate or registration who is a foreign national and cannot provide a social security number or control number at the time of application.

- If an applicant's credentials are otherwise acceptable, however, you may respond in writing, advising that under Virginia law, the application must be regarded as incomplete in that it lacks a social security number but, based on a preliminary review of the potential applicant's credentials as reflected in the information submitted, you find him/her otherwise eligible for the requested licensure, certification, or registration. You may reiterate that provided all submitted information is accurate and remains unchanged, the applicant need only to provide a social security number to complete his/her application.