

PHYSICIAN VISA WAIVER PROGRAM (2002-2015)

BRIEF PROGRAM DESCRIPTION

The Physician Visa Waiver Program (synonymous with J-1 Visa Waiver Program and Conrad Program) allows international medical graduates who have completed residencies or fellowships in the United States to remain in this country to practice in federally designated shortage areas. Each state may submit up to 30 waivers per fiscal year (October 1- September 30). The J-1 Visa Waiver Program Office in the Oregon Health Authority (OHA) examines each application for accuracy and completeness before sending it to the U.S. Department of State. USDOS recommends the candidate to Homeland Security, which issues the waiver. The entire approval process from the time the application arrives at OHA until the waiver is granted typically takes three to four months. See ([Attachment 1](#)), Application Flow Chart, for more information.

HOW TO GET STARTED

1. Visit www.oregon.gov/oha/OHPR/PCO/Pages/J1-.aspx
2. Read the Application 11.2015, located at the bottom left of the web page, to become familiar with the required documentation.¹
3. Read the Administrative Rules (OAR-409-035). The link is located in the “Application” paragraph.
4. Consult Dia Shuhart, Program Coordinator dia.shuhart@state.or.us (503) 373-0364, for guidance before starting the application process.

General Federal requirements

1. Employer letter offering a job for 40 hours per week or equivalent;
2. Employment contract of at least three years duration;
3. Proof that the employer is either located in a shortage area (HPSA or MUA), or will serve patients who reside in an underserved area (Flex Option)²;
4. Confirmation that the physician will start work within 90 days of receiving the waiver;
5. Confirmation that the employer provides care to Medicaid/OHP, Medicare and low income, uninsured patients;
6. Physician may only have one application pending at a time;
7. Copy of DS 3035 form and bar code page previously submitted by the physician to the U.S. Department of State;
8. Copies of required documentation from physician listed in Application 11.2015.

¹Up to ten of the thirty waivers per year may be for facilities not located in a shortage area that serve patients from underserved area(s)

Oregon Specifications

1. We fill slots on a first-come basis, so there is no application deadline;
2. We give priority to primary care, but we also accept subspecialties;
3. The “Flex Option” requires prior approval from OHA;
4. Employer must try to actively recruit an American doctor for at least six months before considering a J-1 doctor;
5. Effective October 1, 2015 at least 40% of all patients of the clinic or hospital must be comprised of Medicaid/OHP, Medicare, and low income uninsured. At least 20% of the 40% must be Medicaid eligible. Low income, uninsured is defined as 200% or less of the current Federal Poverty Guidelines ([Attachment 2](#)). Note: The 24% requirement is subject to change at the start of each program year, depending on the statewide number of Medicaid enrollees and the total state population.
6. Employer agrees to post a sliding fee scale and not to deny care due to an inability to pay.

MORE PROGRAM BACKGROUND

How It All Started

The J-1 (Exchange Visitor) program laws require physicians to return to their home countries for two years upon completion of graduate coursework in the United States. In 1994 Senator Kent Conrad of North Dakota sponsored legislation allowing each state to recommend up to 20 waivers per year for J-1 physicians who agree to stay in the U.S. and practice in underserved areas³. Congress increased the number of waivers to 30 per year in 2003.

The U.S. Department of Agriculture, which previously administered the program in Oregon, discontinued sponsorship in 2002. In order to fill this void the Department of Human Services (now Office of Health Policy and Research) launched the Oregon Physician Visa Waiver Program in August 2002. The 2003 Legislature enacted HB 2151⁴ to codify the program and authorize the collection of fees to fund the program. The \$2000 per-application fee covers expenses including staff, application processing, technical assistance, and follow-up during the three-year employment contract.

Flex Placements

In 2004 Congress gave states the option to place up to 10 of their yearly allotment in clinics that treat patients from underserved areas, although they are not located in designated areas. Oregon typically uses this option once or twice per year.

Types of Physicians

The Program is part of the Primary Care Office; therefore, our placement priorities are Family Medicine, General Internal Medicine, Pediatrics, OB/GYN and General Psychiatrists. OAR 409-035-0040 requires 80% of placements to be primary care, with exceptions allowed in order to meet Oregon’s needs. Approximately 30% of the 288 placements since 2002 have been specialists. Please refer to these illustrations:

³ 8 U.S.C. 1182(e) and 1184(l)

⁴ 2003 Or Laws Ch. 68

- [Attachment 3](#) “Primary Care vs. Specialists”
- [Attachment 4](#) “Primary Care Breakdown”
- [Attachment 5](#) “Specialist Breakdown”

Geographical Trends

Thirty-five (35) cities in twenty-one (21) counties ([Attachment 6](#), [Attachment 7](#), and [Attachment 8](#)) have hired J-1 candidates. The counties with the most placements during the past three years have been: Jackson (23); Lane (18); and Coos/Marion (7 each). The Administrative Rules encourage geographic diversity, while recognizing the importance of flexibility in order to meet statewide needs and encourage participation by interested employers and physicians. Program years 2013 and 2014 each yielded 29 placements; the total for 2015 is 26.

The Rise of the Hospitalist

When the DHS program started in 2002 the term “Hospitalist” was novel. Within a few years the discipline had exploded on the medical scene. These primary care general internists and family practitioners provide continuity of care for inpatients, while relieving the primary care physician from hospital rounds. Please refer to the chart below for yearly numbers:

PHYSICIANS	2002-2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	TOTAL
Hospitalists	0	1	7	7	9	10	6	10	8	11	10	12	91
All Others	43	20	7	12	17	14	8	17	10	18	19	14	199
Percent of Total	N/A	5%	50%	37%	35%	42%	43%	37%	44%	38%	34%	46%	31%

Gender of Physicians

Of the 290 total placements 91 (approximately 31 %) have been females and 199 (approximately 69 %) have been males. [Attachment 9](#) graphs these figures.

Countries of Origin

The program has recruited physicians from 55 countries ([Attachment 10](#) and [Attachment 11](#)). Doctors from three new countries joined the program in 2015: Iraq, Israel and Saudi Arabia. Although most J-1 doctors grew up in large urban areas of their home countries, nearly all have integrated remarkably well into their new Oregon communities.

Retention

Eighty-eight percent of those who started work three or more years ago have completed their contractual obligations in Oregon. Eighty-eight percent of those who finished their Oregon contracts stayed with the same employer after “graduation.” An additional four doctors remained in the same community but worked for a different employer, while one doctor moved across the state for a post-contract job.

Total Placements (started work Through 2012)	Completed Three-Year Contract Obligation in Oregon	Moved practice to another Oregon Community	Same Community, Different Employer	Continued Practicing with Same Employer	No Post-Contract Oregon Practice
204	179	1	4	159	16

Oregon Recruitment

Oregon filled 26 slots in 2015 available. This follows 29 in each of the preceding two years. Yearly placements have fluctuated between lows of 14 (2006 and 2010) and highs of 29 in 2013 and 2014.

It has been difficult to place physicians in FQHCs (Federally Qualified Health Centers, partially due to the more lucrative salary and working conditions that many hospitals and other clinics offer. Federal regulations and OAR 409-035-020(1) allow waiver requests related to FQHC’s with HPSA scores of 7 or above may either apply to the Health and Human Services J-1 Visa Program, or to the Oregon J-1 Visa Waiver Program.

The coordinator is now maintaining a list of J-1 physicians registered with the National Rural Recruitment and Retention Network (3RNet) who want to work in Oregon. This list can be sent to any interested employer upon request.

Two rule revisions went into effect on February 1, 2015. The first gives OHA the option of limiting a given employer to a maximum of six placements per year. One employer submitted six; two others submitted three each, so this was not an issue during 2015. The second provides for annual reevaluation of the minimum required percentages of Medicaid patients for employer eligibility, due to a large Medicaid increase resulting from the Affordable Care Act.

Note: The minimum program year 2016 requirement is a combination of Medicaid, Low Income Uninsured, and Medicare that equals at least 40% of all patient visits. Of that 40%, at least 20% must be Medicaid and/or Low Income Uninsured patients.

Challenges

OAR 409-0035-0050(2) and the signed application form require the employer and doctor to submit semiannual Verification of Employment forms ([Attachment 12](#)). These reports are crucial in tracking the number and types of patients the J-1 physicians serve, as well as work schedules. Although timely submission is required by rule and contract, the Coordinator still spends many hours each year tracking down late reports.

Occasionally, as in any other work environment, the physician does not integrate well into the clinic due to a variety of factors. These may include personality conflicts or a poor “fit” between the J-1 doctor’s skills and the specific needs of the employer. These problems are usually resolved so that the contract can be completed. A few clinics have closed their doors due to employer illness, death, retirement or financial problems. If a transfer is necessary, the

preference order is: a) a suitable job in the same community; b) another position in Oregon; c) an out-of-state transfer.

Program Legislation

Congress in 2012 extended the J-1 Visa Waiver Program for three years, which expired in 2015. The Program currently exists under the authority of Continuing Resolution, meaning that no changes have been made to the terms of the Program.

The Conrad State 30 Improvement Act, still pending before Congress, proposes to do the following:

- a) Delete the requirement that the physician agrees to start work within 90 days of receiving the waiver, which has caused some technical problems
- b) Include physicians who study in the U.S. on H-1B Visa status. Currently this visa has neither a three-year service requirement nor any restriction on where the physician may practice;
- c) Require the employment contract to specify work hours, on-call hours, and work locations;
- d) Make it easier for a doctor to transfer from an abusive employer/employee relationship to a suitable position in an underserved area;
- e) Expedite the process of obtaining a Green Card after completing the three-year J-1 contract obligation;
- f) Under certain circumstances give additional slots to states that have used their allotment of 30.

Oregon is continuing to review the potential impact of these changes, should they be made. Currently, many are concerned the fear of terrorism may prevent Congress from either making the program permanent or extending it. In that case, no new physicians would be granted J-1 Exchange Visa Waivers for U.S. residencies or fellowships, and the pipeline would run dry within two to three years. It is important that employers are aware of this potential consequence to a failure to re-establish the Program.

Outlook for 2016

The program passed the 300 physician placement milestone in February! As of March 31, 2016 Oregon has received 23 applications – 14 primary care and nine specialists. Three other physicians have signed contracts. Interested practices and physicians should contact the Program Office right away.

Although program activity is somewhat unpredictable, we are very optimistic of filling all slots this year. We hope to expand the opportunity of hiring J-1 physicians into more Oregon counties, especially the more rural ones. We encourage employers who have been reluctant to hire a J-1 physician to reconsider this solution to their recruitment needs, and hope those who have participated will continue to utilize the program. We believe the Physician Visa Waiver Program will continue to offer increased access to quality care for Oregonians, and are proud of the quality of our program.