

OREGON'S PHYSICIAN VISA WAIVER PROGRAM
(2002-2008)

Health Systems Planning

Office of Community Health and Health Planning

Oregon State Public Health Division

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PHYSICIAN VISA WAIVER PROGRAM

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Program Background

An international medical graduate wishing to complete graduate medical training in the United States may do so via a J-1 (Exchange Visitor) Visa. Immigration law requires the physician to return to his or her home country for at least two years upon completion of the residency or fellowship. In 1994 Senator Kent Conrad of North Dakota sponsored legislation allowing states to recommend up to 20 waivers per year for physicians who agree to stay in the U.S. and practice in underserved areas.¹ Congress increased the number of waivers to 30 per year in 2003. The terms “J-1 Visa Waiver Program” and “Conrad Program” (hereafter referred to as “program”) have been interchangeable.

Either an Interested [Federal] Government Agency or a state Health Department may sponsor a J-1 Waiver Program. By 1995 about half of the 50 states were requesting waivers; most were participating within five years. The U.S. Department of Agriculture, which had administered the Oregon program, withdrew sponsorship after September 11, 2001 due to security concerns.

In order to fill this void the Department of Human Services launched its Physician Visa Waiver Program in August 2002. The 2003 Legislature enacted HB 2151² to codify the program and authorize self-funding via the collection of application fees. The \$2000 fee covers processing, technical assistance and follow-up throughout the three-year employment contract. Please refer to Attachment 1 “Physician Visa Waiver Application Process” flow chart.

Federal requirements

The United States Department of State requires the following:

1. Letter offering a full-time job (40 hours per week)
2. Proof that the employer is located in a health care professional shortage area (HPSA) or Medically Underserved Area (MUA))³
3. An employment contract of at least three years’ duration.

¹ 8 U.S.C. 1182(e) and 1184(l)

² 2003 Or Laws ch. 68

³ Up 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

Federal requirements are relatively broad, allowing the states discretion in crafting program guidelines. For example, in addition to placing physicians in Health Professional Shortage Areas, Oregon will consider placements in locations classified as Medically Underserved Areas, with prior approval. Some states opt to accept primary care physicians only. Oregon’s emphasis is on primary care; however, we understand that specialists are also very important in the health care network. Overall, about 61% of the 123 placements are classified as “primary care.” Please refer to the following for specific information:

Sheet 2 “Primary Care vs. Specialists

Sheet 3 “Primary Care Breakdown”

Sheet 4 “Specialist Breakdown”

In order to ensure that American doctors have ample opportunity to apply, the medical provider must document broad recruitment attempts for at least six months prior to considering J-1 physicians.

A recent trend is the hiring of Hospitalists to treat inpatients, thereby relieving attending physicians from hospital “rounds.” Oregon classifies these general internists as primary care physicians. Hospitalists made up 50% of the total placements in 2006, 37% in 2007 and 34% in 2008. Please refer to the chart below for yearly numbers:

Physicians	2002-2004	2005	2006	2007	2008	Totals
Hospitalists	0	1	7	7	9	24
All Others	43	20	7	12	17	99

Some states require only that participating agencies and physicians “serve” Medicaid and low income, uninsured patients. At the other end of the spectrum is Oregon’s administrative rule requirement that 20% of total patient visits be Medicaid, i.e., Oregon Health Plan, and low income, uninsured. The term “low income, uninsured” is defined 200% or less of current the Federal Poverty Level. Please refer to Attachment 2, “Federal Poverty Guidelines,” for specifics.

Sliding Fee Schedule

Each application must include a copy of the agency’s posted Sliding Fee Schedule, as well as policy information. Serving those who have no insurance and who are unable to afford standard fees is a top program priority.

Gender of Physicians

The percentages have fluctuated from year to year. Overall, approximately 73% have been males and 27% females. The prevalence of males likely reflects cultural factors in some areas of the world. Please refer to Sheet 5 for more information.

Countries of Origin

The program has recruited 123 physicians representing 32 countries and five continents, as reflected in Sheets 6 and 7, through September 30, 2008. The vast majority have integrated well into their new communities.

Geographical Trends

The program was, in a manner of speaking, “born” in Malheur and Douglas Counties. During 2002 and 2003 they accounted for 14 of the 24 physician placements. Expansion to 29 cities within 18 counties (Sheets 8, 9 and 10) confirms broadening awareness and appeal. For example, LaGrande, Reedsport, and Woodburn were first-time participants in 2008. The most “popular” counties during 2007 and 2008 were Douglas (9); Josephine and Lane (each 6); and Jackson (5). The Administrative Rules encourage geographic diversity, but remain flexible in order to meet statewide needs and allow participation by interested employers and physicians. This issue is becoming more relevant now that Oregon expects to fill all 30 slots during fiscal year 2009.

Federal legislation enacted in 2005 allowed up to five of the 30 physicians per year to be placed in non-designated areas, provided serve patients living in designated areas. For the first two years the program was willing, but unable, to utilize these “flex” slots. The program generated three flex placements in 2007 and two in 2008. Congress increased the flex slot allotment from five to ten for fiscal year 2009.

Oregon Recruitment

Placements held relatively steady (between 19 and 21) for the first three full years of the program. When they dipped to 14 in 2006, we redoubled our publicity efforts. DHS had historically mailed promotional material to Oregon county health departments, migrant clinics, rural health clinics, community mental health centers, tribal clinics and hospitals one or twice per year. In 2007 the mailing list expanded to include all medical clinics statewide, plus Family Practice Residency administrators nationwide. As a result, placements increased to 19 in 2007 and 26 in 2008.

Retention

<u>Total Placements (started work) by end of 2005</u>	<u>Completed Three-Year Contract Obligation</u>	<u>Continued Practicing in Same Community</u>	<u>Continued Practicing with Same Employer</u>
62	56	49	48

More than 90% of those who started work three or more years ago, i.e., on or before December 31, 2005, completed their contractual obligations in Oregon. Thirty five of the 40 contract “graduates” (87.5%) continued practicing with the same employer; one other doctor remained in the community with another clinic.

Challenges

Some employers and physicians need prompting, or even “prodding,” to submit the One-page semiannual report documenting Oregon Health Plan (Medicaid) and low income, uninsured patient visits. A few clinics have gone out of business due to serious employer illness or financial problems, requiring the physician to find another job. Two doctors needed to relocate due to special needs of their children. Occasionally, as in any other work environment, the physician does not mesh with the clinic due to 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. If a transfer is necessary, the preference is: a) another suitable job in the same community; b) another position within Oregon; c) out-of-state transfer.

Outlook for 2009

We received a flood of inquiries during the first five or six months of fiscal year 2008. The prospect of filling all 30 slots was a new experience for us. We tried to “reserve” positions in order to assure physicians and employers that their applications would be accepted. In March we posted an “all slots have been filled” bulletin on our web page, and advised candidates to consider other states. At least one employer turned away a ready, willing and able physician due to this information. Several expected applications did not materialize, leaving a total of 26. While 2008 was the best year so far, we want to do better in 2009.

Program coordinators in states that routinely use all 30 slots advised us to accept applications on a first come, first serve basis. As of December 31, 2008 we had received 40 inquiries and six completed applications. Business is so good that we have temporarily suspended our publicity efforts.

Program Legislation

Congress has temporarily extended the J-1 Visa Waiver Program through September 30, 2009. It would be very helpful for the new Congress to make the program permanent rather than subject to perpetual “extensions.” We also hope that a service requirement will be enacted for physicians currently studying in the U.S. on H-1B Visa status. This would likely increase the placements beyond 30, although we do not yet know the potential numbers.

Conclusion

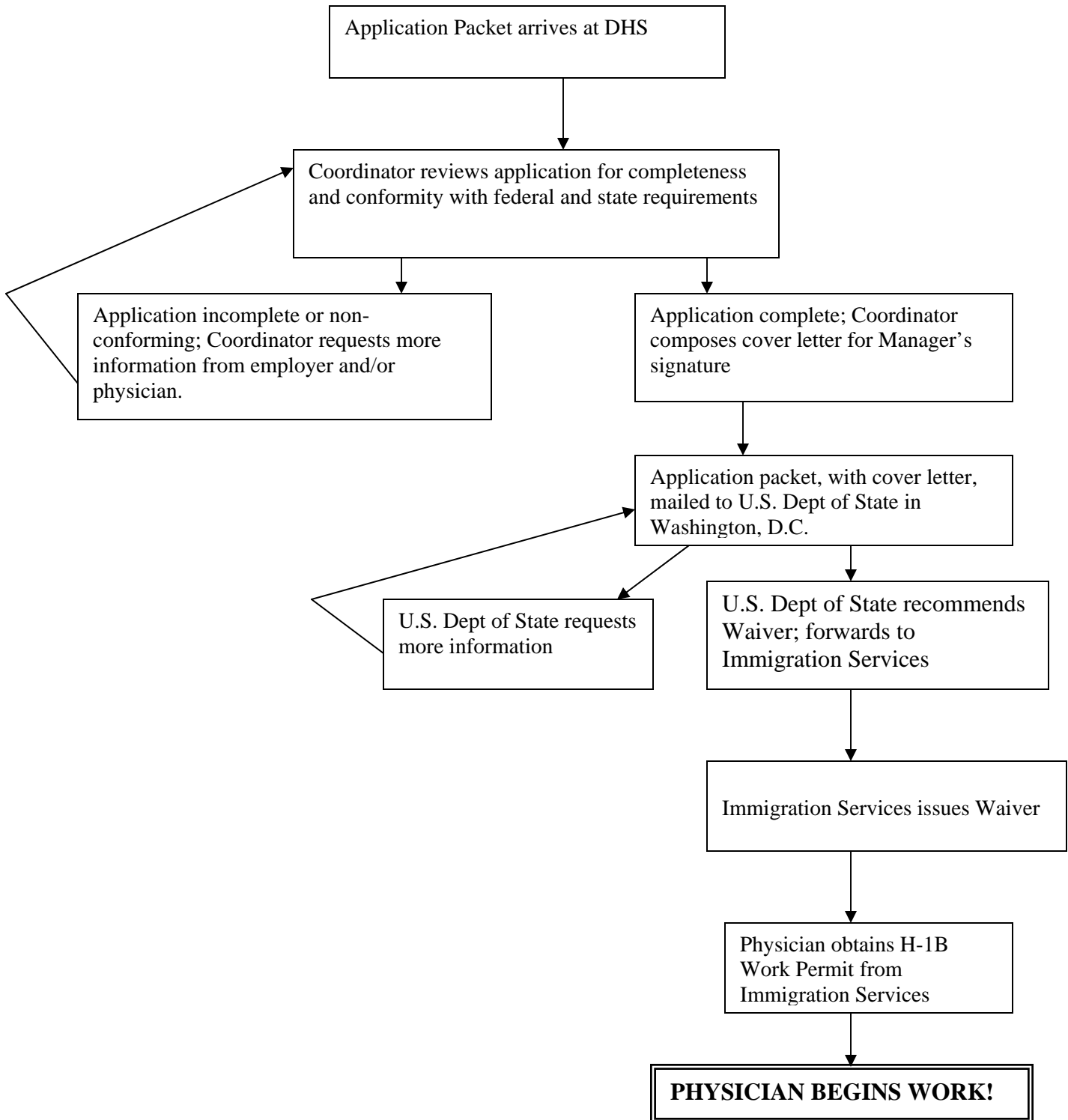
J-1 physicians have contributed a great deal in filling the access and workforce gaps in our state during the past six years. More than 86% of those who completed their contracts have remained with the same employer, offering continuity and stability of medical services in their communities. Thanks to the Physician Visa Waiver Program many more Oregon Health Plan and low income, uninsured patients now have access to primary and specialist care on both an outpatient and inpatient basis.

DHS strives to fill all 30 slots every year. We try to make the application process as friendly and non-bureaucratic as possible, in order to attract physicians that meet the needs of Oregon patients and their communities. We hope Congress will finalize program permanency and add a service requirement for H-1B visa physicians. We are excited about the program’s success and look forward to the future.

**PHYSICIAN VISA WAIVER PROGRAM STATISTICS
(2002-2008)**

Attachment 1	Application Processing Flow Chart
Sheet 2	Primary Care vs Specialist Analysis
Sheet 3	Primary Care Breakdown
Sheet 4	Subspecialist Breakdown
Attachment 2	Federal Poverty Guidelines
Sheet 5	Gender Breakdown
Sheet 6	Physician Home Countries (Alpha)
Sheet 7	Physician Home Countries (Numerical)
Sheet 8	Physician Placements by County
Sheet 9	Physician Placements by City
Sheet 10	Physician Placements (Cities within each county)

PHYSICIAN VISA WAIVER APPLICATION PROCESS



2008 HHS Poverty Guidelines

Persons in Family or Household	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$10,400	\$13,000	\$11,960
2	14,000	17,500	16,100
3	17,600	22,000	20,240
4	21,200	26,500	24,380
5	24,800	31,000	28,520
6	28,400	35,500	32,660
7	32,000	40,000	36,800
8	35,600	44,500	40,940
For each additional person, add	3,600	4,500	4,140

SOURCE: *Federal Register*, Vol. 73, No. 15, January 23, 2008, pp. 3971–3972

PRIMARY CARE BREAKDOWN

Practice Area	2002*	2003	2004	2005	2006	2007	2008	Total
Gen Internist (Outpatient)	1	12	7	6	2	2	4	34
Gen Internist (Hospitalist)				2	7	7	9	25
Pediatrics		1						1
Family Practice	2	1		2	1		5	11
OB/GYN				1				1
Psychiatrist		2		1		1		4
Totals	3	16	7	12	10	10	18	76

SUBSPECIALIST BREAKDOWN

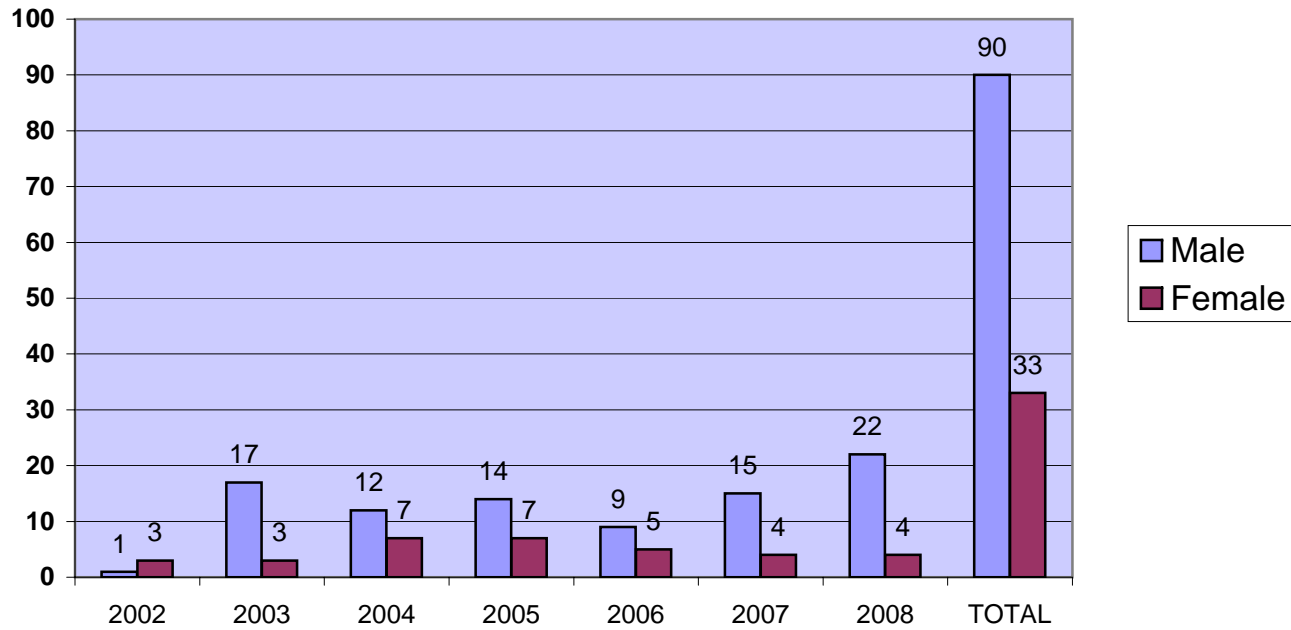
Subspecialty	2002	2003	2004	2005	2006	2007	2008	Total
Anesthesiology				2				2
Cardiology				3			2	5
Critical Care						2		2
Dermatology							1	1
Endocrinology		1		1	1	1		4
Gastroenterology			2					2
General Surgery			1			1	1	3
Geriatrics							1	1
Hematology/Oncology		1			1			2
Neonatology				1				1
Nephrology			1		1		1	3
Neurology			3	1			1	5
Orthopedics						1		1
Pathology						1		1
Pediatric Surgery						1		1
Pulmonology	1		4	1	1	2	1	10
Radiology		1	1					2
Rheumatology		1						1
Totals	1	4	12	9	4	9	8	47

2008 HHS Poverty Guidelines

Persons in Family or Household	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$10,400	\$13,000	\$11,960
2	14,000	17,500	16,100
3	17,600	22,000	20,240
4	21,200	26,500	24,380
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6	28,400	35,500	32,660
7	32,000	40,000	36,800
8	35,600	44,500	40,940
For each additional person, add	3,600	4,500	4,140

SOURCE: *Federal Register*, Vol. 73, No. 15, January 23, 2008, pp. 3971–3972

Gender Breakdown



2002	1	3
2003	17	3
2004	12	7
2005	14	7
2006	9	5
2007	15	4
2008	22	4
TOTAL	90	33

J-1 VISA WAIVER PLACEMENTS BY HOME COUNTRY

COUNTRY	2002	2003	2004	2005	2006	2007	2008	Cumulative
Argentina		1						1
Bulgaria			2			2		4
Canada				1	1	2	4	8
Costa Rica				1				1
Dominican Republic							2	2
Egypt			1			1		2
Germany		1		1		1		3
Ghana		1		1				2
India		4	3	6	7	3	5	28
Iran				1				1
Jordan						1		1
Lebanon		2		1		1	1	5
Malaysia						1	1	2
Mexico		1					1	2
Moldova							1	1
Nigeria	1							1
Pakistan		3	1	1	1	1	1	8
Peru			1		1			2
Philippines			4	2	1		7	14
Portugal				1				1
Romania	2	4	2	2		1		11
Russia				1				1
St. Vincent						1		1
Serbia/Montenegro							1	1
Slovak Republic							1	1
South Korea		1						1
Sweden					1			1
Syria	1		2	1	1	3		8
Taiwan						1		1
Thailand			1	1				2
Turkey			1					1
United Kingdom		2	1		1		1	5
Total	4	20	19	21	14	19	26	123

PHYSICIAN HOME COUNTRIES (NUMERICAL RANKING)

COUNTRY	2002*	2003	2004	2005	2006	2007	2008	Cumulative
India		4	3	6	7	3	5	28
Philippines			4	2	1		7	14
Romania	2	4	2	2		1		11
Canada				1	1	2	4	8
Pakistan		3	1	1	1	1	1	8
Syria	1		2	1	1	3		8
Lebanon		2		1		1	1	5
United Kingdom		2	1		1		1	5
Bulgaria			2			2		4
Germany		1		1		1		3
Dominican Republic							2	2
Egypt			1			1		2
Ghana		1		1				2
Malaysia						1	1	2
Mexico		1					1	2
Peru			1		1			2
Thailand			1	1				2
Argentina		1						1
Costa Rica				1				1
Iran				1				1
Jordan						1		1
Moldova							1	1
Nigeria	1							1
Portugal				1				1
Russia				1				1
St. Vincent						1		1
Serbia/Montenegro							1	1
Slovak Republic							1	1
South Korea		1						1
Sweden					1			1
Taiwan						1		1
Turkey			1					1
Total	4	20	19	21	14	19	26	123

J-1 VISA WAIVER PLACEMENTS*
(By County)

COUNTY	2002+	2003	2004	2005	2006	2007	2008	Cumulative
Benton						1		1
Columbia		1						1
Coos			1	5	1			7
Deschutes				2				2
Douglas	1	5	4	3	1	2	7	23
Jackson		1	2	1	6	5	5	20
Josephine		1	2	1	2	6		12
Klamath		2	2	1			1	6
Lane		1	3		2	2	4	12
Lincoln		1			1			2
Malheur	3	4		2			1	10
Marion		2	1	2	0	2	2	9
Multnomah			1	1				2
Tillamook		1	0	1	0	0		2
Umatilla		1	3	1	0	0	3	8
Union							2	2
Wasco		0	0	0	0	1		1
Yamhill		0	0	1	1		1	3
TOTAL	4	20	19	21	14	19	26	123

J-1 VISA WAIVER PLACEMENTS*
(By City)

CITY	2002+	2003	2004	2005	2006	2007	2008	Cumulative
Ashland			1					1
Bend				2				2
Canyonville				1				1
Coos Bay				5				5
Coquille			1		1			2
Corvallis						1		1
Cottage Grove							1	
Creswell							1	
Eugene			1			2		3
Florence		1	2				1	3
Grants Pass		1	2	1	3	6		13
Hermiston			3	1			3	4
Klamath Falls		2	2	1			1	6
LaGrande							3	
Lincoln City		1			1			2
McMinnville				1	1		1	2
Medford		1	1	1	6	5	4	18
Nyssa	1							1
Ontario	2	4		2			1	8
Pendleton		1						1
Portland			1	1				2
Reedsport							1	1
Roseburg	1	5	4	2		2	6	20
Salem		2	1	2		2	1	8
Springfield					2		1	2
St Helens		1						1
The Dalles						1		1
Tillamook		1		1				2
Woodburn							1	
TOTAL	4	20	19	21	14	19	26	123

J-1 VISA WAIVER PLACEMENTS*
(By City within Each County)

COUNTY/CITY	2002+	2003	2004	2005	2006	2007	2008	Cumulative
Benton								
●●Corvallis						1		1
Columbia								
●●St Helens		1						1
Coos								
●●Coos Bay				5				5
●●Coquille			1		1			2
Deschutes								
●●Bend				2				2
Douglas								
●●Canyonville				1				1
●●Reedsport							1	1
●●Roseburg	1	5	4	2		2	5	19
Jackson								
●●Ashland			1					1
●●Medford		1	1	1	6	5	5	19
Josephine								
●●Grants Pass		1	2	1	3	6	1	14
Klamath								
●●Klamath Falls		2	2	1			1	6
Lane								
●●Cottage Grove								
●●Creswell							1	1
●●Eugene			1			2	1	4
●●Florence		1	2				1	4
●●Springfield					2		1	3

J-1 VISA WAIVER PLACEMENTS*
(By City within Each County)

Lincoln								
●●Lincoln City		1			1			2
Malheur								
●●Nyssa	1							1
●●Ontario	2	4		2			1	9
Marion								
●●Salem		2	1	2		2	1	8
●●Woodburn							1	1
Multnomah								
●●Portland			1	1				2
Tillamook								
●●Tillamook		1		1				2
Umatilla								
●●Hermiston			3	1			3	7
●●Pendleton		1						1
Union								
●●LaGrande							2	2
Wasco								
●●The Dalles						1		1
Yamhill								
●●McMinnville				1	1		1	3
TOTAL	4	20	19	21	14	19	26	123