

OREGON'S PHYSICIAN VISA WAIVER PROGRAM
(2002-2010)

Oregon Health Authority

Office of Health Policy and Research

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Web Page: www.oregon.gov/OHA/OPHR/PCO/index.shtml

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PHYSICIAN VISA WAIVER PROGRAM (2002-2010)

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 20). The Oregon Office of Health Policy and Research (OHPR) examines each application for accuracy and completeness before sending it to the U.S. Department of State. The entire waiver approval process from the time the application arrives at OHPR until the waiver is granted typically takes two to three months. See [Attachment 1](#), Application Flow Chart, for more information.

HOW TO GET STARTED

1. Visit www.oregon.gov/OHPPR/PCO/index.shtml/index.shtml
2. Read the Application_1.2011, located at the bottom left of the web page, to become familiar with the required documentation.
3. Read the Administrative Rules (OAR-409-035) located at the bottom left of the web page.
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) ¹;
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;

¹ 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)

7. Copy of DS 3035 form previously submitted to U.S. Dept of State;
8. Copies of required documentation from physician listed in Application_1.2011.

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 OHPR;
4. Employer need to recruit for six months before considering a J-1 doctor;
5. Employer must enclose approved ETA 9035 as confirmation that J-1 physician will receive the prevailing wage;
6. At least 20% of patient visits during the prior six months must be Medicaid/OHP, Medicare, and low income, uninsured. Medicare may satisfy up to half of the 20%. Low income, uninsured is defined as 200% or less of the current Federal Poverty Guidelines ([Attachment 2](#));
7. Employer agrees to post a sliding fee scale and not to deny care because of the 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 states to recommend up to 20 waivers per year for J-1 physicians who agree to stay in the U.S. and practice in underserved areas.² 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 for Health Policy and Research) launched the Oregon Physician Visa Waiver Program in August 2002. The 2003 Legislature enacted HB 2151³ to codify the program and authorize the collection of application fees to fund the program. The \$2000 per-application fee covers processing, technical assistance and follow-up throughout the three-year employment contract. Refer to Attachment 1, “Physician Visa Waiver Application Process flow chart.”

² 8 U.S.C. 1182(e) and 1184(l)

³ 2003 Or Laws ch. 68

Types of Physicians

Overall, about 67% of the 161 placements are defined as “primary care.” Please refer to these illustrations for detailed analyses:

[Attachment 3](#) “Primary Care vs. Specialists

[Attachment 4](#) “Primary Care Breakdown”

[Attachment 5](#) “Subspecialist Breakdown”

When the DHS program started in 2002 the term “Hospitalist” was novel. Eight years later Hospitalists play a very large role in treating inpatients, thereby relieving attending doctors from hospital rounds. Oregon classifies these general internists as primary care physicians. Please refer to the chart below for yearly numbers:

Physicians	2002-2005	2005	2006	2007	2008	2009	2010	Grand Totals
Hospitalists	0	1	7	7	9	10	6	40
All Others	43	20	7	12	17	14	8	121
% of Total	N/A	5	50	37	35	42	43	23

The number of Medicare recipients continues to increase rapidly. The reimbursement rates are generally lower than those of private insurers, and less than providers’ customary fees. This translates to a narrower financial margin for health care providers. Accordingly, the requirements of OAR 409-035-0020(3)(c) (formerly OAR 333-005-0020(3)(c)) have been modified effective January 1, 2011 to allow Medicare patient visits to satisfy up to half of the 20% requirement.

Gender of Physicians

Of the total 161 placements 46 (approximately 29%) are females and 115 (approximately 71%) are males. [Attachment 6](#) graphs these figures.

Countries of Origin

The program has recruited physicians from 37 countries, as reflected in [Attachment 7](#) and [Attachment 8](#). Physicians from five new countries have been added during the past two years: Nepal and New Zealand in 2009; Bangladesh, Barbados, and Maldives in 2010. Although most J-1 doctors grew up in urban areas of their home countries, nearly all have integrated remarkably well into their new, often more rural, Oregon communities.

Retention

Eighty eight percent of those who started work three or more years ago completed their contractual obligations in Oregon. Of those who finished the contract, 83% remained with the same employer and 86% remained in the community with the same or a different employer.

<u>Total Placements (started work) Through 2007</u>	<u>Completed Three-Year Contract Obligation in Oregon</u>	<u>Continued Practicing in Same Community (same or different employer)</u>	<u>Continued Practicing with same Employer</u>
95	84	72	70

Geographical Trends

Thirty cities within 19 counties ([Attachment 9](#), [Attachment 10](#) and [Attachment 11](#)) have hired J-1 candidates. The counties with the most placements during the past three years are: Lane (14); Jackson (10) and Douglas (8). 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.

Oregon Recruitment

Placements held relatively steady (between 19 and 21) for the first three full years of the program before dipping to 14 in 2006. During that time Oregon county health departments, migrant clinics, rural health clinics, community mental health centers, and tribal clinics received regular publicity mailings. The 2007 mailing list expanded to include all medical clinics statewide, plus Family Practice Residency Administrators nationwide. Placements increased to 19 in 2007 and to 26, the all-time high, in 2008.

Publicity mailings did not seem necessary in 2009 due to the “flood” of early inquiries. However, some of those did not materialize and the year-end placement total was 24. Statewide mailings resumed in 2010, plus canvassing of all U.S. Osteopathic Family Practice Residency programs. The disappointing results—only 14 placements and no Osteopath inquiries—has triggered a return to targeting the Family Practice Residency Administrators in 2011.

Health and Human Services (HHS)

HHS has had a J-1 Visa Waiver Program for a long time. It mainly served such institutions as federal prisons and veterans hospitals. However, it rarely overlapped Oregon’s state program because so few employers met the minimum HPSA score requirement⁴. This number has been lowered from 14 to 7, placing more Community Health Centers, Rural Health Clinics and Native American/Alaskan Native Tribal medical facilities under HHS jurisdiction. Even if the lower score (seven) requirement had previously been in effect, only 11 of the 161 total placements would have defaulted to HHS. On that basis we expect a minimal impact on Oregon’s program. We would like to be more successful in placing physicians with the safety net clinics. They claim it is difficult for them to compete with other more lucrative offers. We hope HHS will help to fill this gap.

⁴ The higher the score, the more severe the physician shortage

Challenges

OAR 409-0035-0050(2) requires 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. The Coordinator spends many hours each year tracking down late reports. Fortunately, email reminders and PDF documents are helping to streamline the process.

A few clinics have gone out of business due to employer illness, death, or financial problems. 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 order is: a) a suitable job in the same community; b) another position in Oregon; c) an out-of-state transfer.

Program Legislation

Congress has repeatedly extended the J-1 Visa Waiver Program for one or two years at a time. It would be very helpful for the current Congress to make the program permanent. We also hope that a service requirement will be enacted for physicians who study in the U.S. on H-1B Visa status. Currently this visa has neither a service requirement nor a restriction on where the physician may practice.

Outlook for 2011

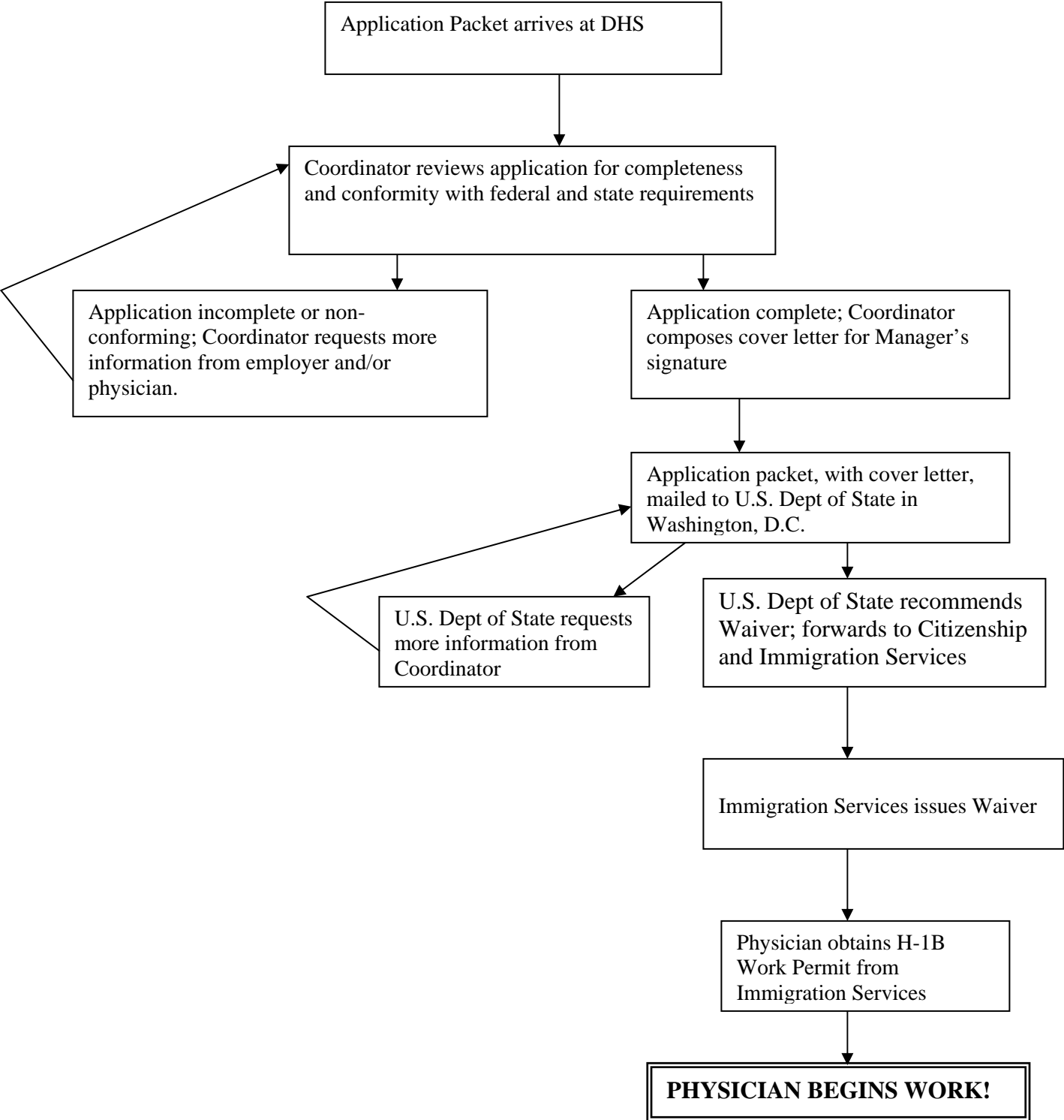
Based on the record number of 26 placements in 2008 followed by 26 in 2009, Oregon expected to fill between 25 and 30 slots in 2010. We netted only 14 placements, possibly because of the poor economy. With health care reform signed into law, the physician shortage is glaringly obvious. Employers who have been reluctant to hire a J-1 may reconsider; those who are already participating may redouble their recruiting efforts. We are expanding our publicity efforts and look forward to a more active year in 2011.

American medicine is entering a new phase. We are excited to participate in these changes and believe the Physician Visa Waiver Program will continue to offer increased access to quality care for Oregonians.

PHYSICIAN VISA WAIVER PROGRAM STATISTICS
Attachment Guide
2002 – 2010

Attachment 1	Physician Visa Waiver Application Process
Attachment 2	Federal Poverty Guidelines
Attachment 3	J1 Visa Waiver Placements (Primary Care vs. Specialists)
Attachment 4	Primary Care Breakdown
Attachment 5	Subspecialist Breakdown
Attachment 6	Gender Breakdown
Attachment 7	Physician Home Countries (alphabetical)
Attachment 8	Physician Home Countries (numerical ranking)
Attachment 9	Physician Placements (by county)
Attachment 10	Physician Placements (by city)
Attachment 11	Physician Placements (cities within each county)
Attachment 12	Waiver Employment Status Form (verification of employment)

PHYSICIAN VISA WAIVER APPLICATION PROCESS



2009-2010 FEDERAL POVERTY GUIDELINES (FPG)

100% FPG Monthly Income

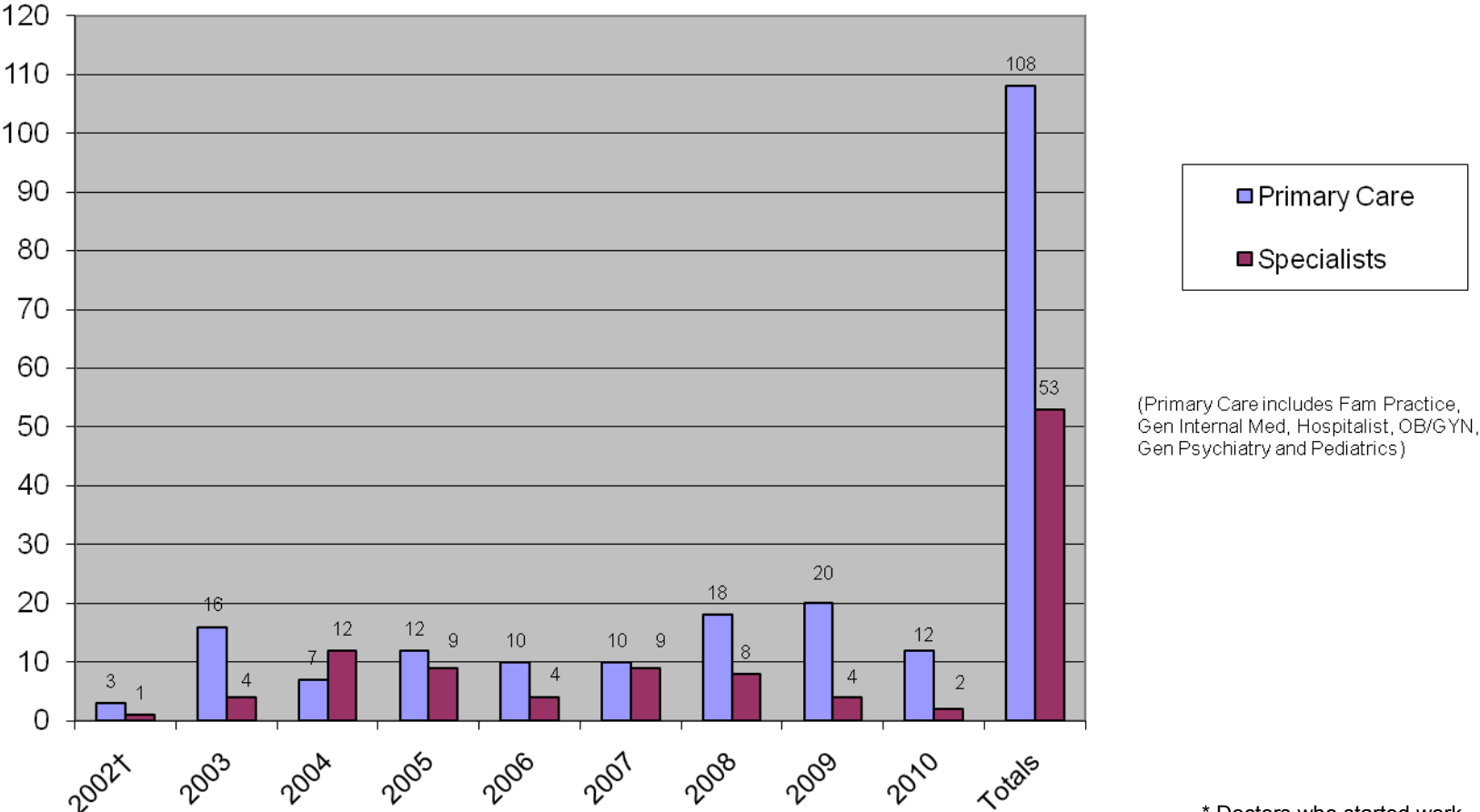
Size of Group	Standard
1	\$ 903
2	1,215
3	1,526
4	1,838
5	2,150
6	2,461
7	2,773
8	3,085
9	3,396
10	3,708
+1	+312

200% (FPG) Monthly Income

(Maximum for fee reduction)

Size of Group	Standard
1	\$1,805
2	2,429
3	3,052
4	3,675
5	4,299
6	4,922
7	5,545
8	6,169
+1	+624

J-1 VISA WAIVER PLACEMENTS*
(Primary Care vs Specialists)



(Primary Care includes Fam Practice, Gen Internal Med, Hospitalist, OB/GYN, Gen Psychiatry and Pediatrics)

* Doctors who started work
† Partial Year (Aug - Sep)

Attachment 4**PRIMARY CARE BREAKDOWN***

Practice Area	2002†	2003	2004	2005	2006	2007	2008	2009	2010	Total
Gen Internist (Outpatient)	1	12	7	6	2	2	4	6	3	43
Gen Internist (Hospitalist)				2	7	7	9	10	6	41
Pediatrics		1						1		2
Family Practice	2	1		2	1		5	2	3	16
OB/GYN				1				1		1
Psychiatrist		2		1		1				4
Totals	3	16	7	12	10	10	18	20	12	108

* Doctors who started work

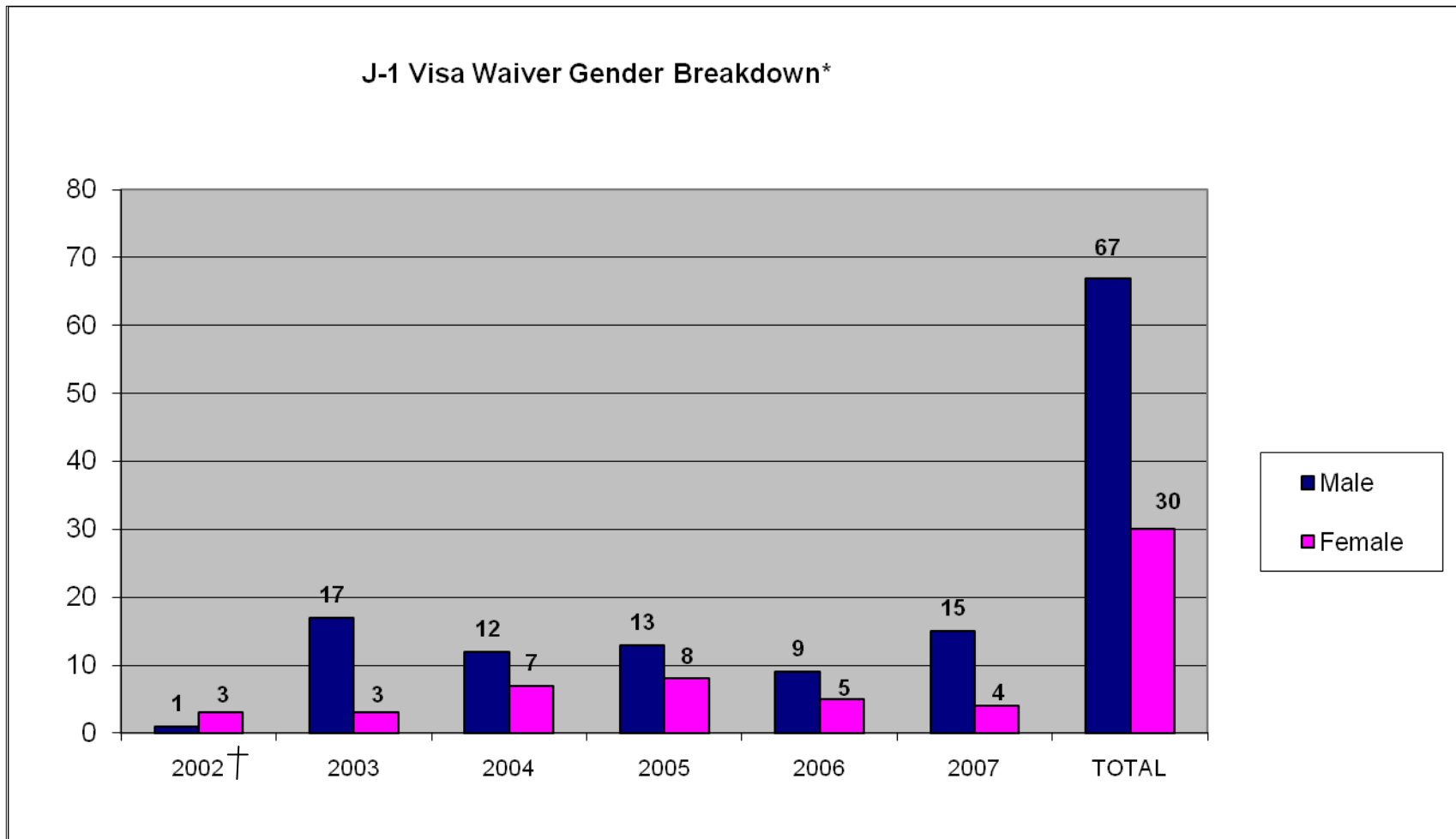
† Partial Year (Aug - Sep)

SUBSPECIALIST BREAKDOWN*

Specialty	2002†	2003	2004	2005	2006	2007	2008	2009	2010	Total
Anesthesiology				2						2
Bariatric Surgeon								2		2
Cardiology				3			2			5
Critical Care						2				2
Dermatology							1			1
Endocrinology		1		1	1	1				4
Endovascular Neurosurgery									1	1
Gastroenterology			2							2
General Surgery			1			1	1			3
Geriatrics							1			1
Hematology/Oncology		1			1					2
Neonatology				1						1
Nephrology			1		1		1	1		4
Neurology			3	1			1			5
Orthopedics						1				1
Otolaryngology (ENT)									1	1
Pathology						1				1
Pediatric Surgery						1				1
Pulmonology	1		4	1	1	2	1			10
Radiology		1	1							2
Rheumatology		1						1		2
Totals	1	4	12	9	4	9	8	4	2	53

* Doctors who started work

† Partial Year (Aug - Sep)



* Doctors who started work

† Partial Year (Aug - Sep)

PHYSICIAN HOME COUNTRIES (ALPHABETICAL)*

Attachment 7

COUNTRY	2002†	2003	2004	2005	2006	2007	2008	2009	2010	TOTAL
Argentina		1							1	2
Bangladesh									1	1
Barbados									1	1
Bulgaria			2			2				4
Canada				1	1	2	4	1		9
Costa Rica				1						1
Dominican Republic							2	2		4
Egypt			1			1				2
Germany		1		1		1			1	4
Ghana		1		1						2
India		4	3	6	7	3	5	8	5	41
Iran				1						1
Jordan						1				1
Lebanon		2		1		1	1	1		6
Malaysia						1	1			2
Maldives									1	1
Mexico		1					1	1		3
Moldova							1			1
Nepal								1		1
New Zealand								1		1
Nigeria	1									1
Pakistan		3	1	1	1	1	1	1		9
Peru			1		1					2
Philippines			4	2	1		7	3	2	19
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		2
Syria	1		2	1	1	3		1	1	10
Taiwan						1				1
Thailand			1	1				2		4
Turkey			1					1		2
United Kingdom		2	1		1	0	1		1	6
Total	4	20	19	21	14	19	26	24	14	161

* Doctors who started work
† Partial Year (Aug – Sep)

PHYSICIAN HOME COUNTRIES (NUMERICAL RANKING)

COUNTRY	2002†	2003	2004	2005	2006	2007	2008	2009	2010	TOTAL
India		4	3	6	7	3	5	8	5	41
Philippines			4	2	1		7	3	2	19
Romania	2	4	2	2		1				11
Syria	1		2	1	1	3		1	1	10
Canada				1	1	2	4	1		9
Pakistan		3	1	1	1	1	1	1		9
Lebanon		2		1		1	1	1		6
United Kingdom		2	1		1		1		1	6
Bulgaria			2			2				4
Dominican Republic							2	2		4
Thailand			1	1				2		4
Germany		1		1		1			1	4
Mexico		1					1	1		3
Egypt			1			1				2
Ghana		1		1						2
Malaysia						1	1			2
Peru			1		1					2
South Korea		1						1		2
Turkey			1					1		2
Argentina		1							1	2
Bangladesh									1	1
Barbados									1	1
Costa Rica				1						1
Iran				1						1
Jordan						1				1
Maldives									1	1
Moldova							1			1
Nepal								1		1
New Zealand								1		1
Nigeria	1									1
Portugal				1						1
Russia				1						1
St. Vincent						1				1
Serbia/Montenegro							1			1
Slovak Republic							1			1
Sweden					1					1
Taiwan						1				1
Total	4	20	19	21	14	19	26	24	14	161

* Doctors who started work
† Partial Year (Aug-Sep)

J-1 VISA WAIVER PLACEMENTS*
(By County)

Attachment 9

COUNTY	2002†	2003	2004	2005	2006	2007	2008	2009	2010	TOTAL
Benton						1				1
Columbia		1								1
Clatsop								1		1
Coos			1	5	1			2	1	10
Deschutes				2						2
Douglas	1	5	4	3	1	2	7	2		25
Jackson		1	2	1	6	5	5	3	1	24
Josephine		1	2	1	2	6		2		14
Klamath		2	2	1			1	1	1	8
Lane		1	3		2	2	4	5	4	21
Lincoln		1			1					2
Malheur	3	4		2			1	1		11
Marion		2	1	2	0	2	2		4	13
Multnomah			1	1				1		3
Tillamook		1	0	1	0	0				2
Umatilla		1	3	1	0	0	3	1	1	10
Union							2	2		4
Wasco		0	0	0	0	1			1	2
Yamhill		0	0	1	1		1	3	1	7
Total	4	20	19	21	14	19	26	24	14	161

* Doctors who started work

† Partial Year (Aug - Sep)

J-1 VISA WAIVER PLACEMENTS
(By City)

CITY	2002†	2003	2004	2005	2006	2007	2008	2009	2010	TOTAL
Ashland			1							1
Astoria								1		1
Bend				2						2
Canyonville				1						1
Coos Bay				5				2	1	8
Coquille			1		1					2
Corvallis						1				1
Cottage Grove							1			1
Creswell							1			1
Eugene			1			2			2	5
Florence		1	2				1	1	1	6
Grants Pass		1	2	1	3	6		2		15
Hermiston			3	1			3	1		8
Klamath Falls		2	2	1			1	1	1	8
LaGrande							3	2		5
Lincoln City		1			1					2
McMinnville				1	1		1	3	1	7
Medford		1	1	1	6	5	4	3	1	22
Nyssa	1									1
Ontario	2	4		2			1	1		10
Pendleton		1							1	2
Portland			1	1				1		3
Reedsport							1			1
Roseburg	1	5	4	2		2	6	2		22
Salem		2	1	2		2	1		4	12
Springfield					2		1	4	1	8
St Helens		1								1
The Dalles						1			1	2
Tillamook		1		1						2
Woodburn							1			1
TOTAL	4	20	19	21	14	19	26	24	14	161

* Doctors who started work

† Partial Year (Aug - Sep)

PHYSICIAN PLACEMENTS
(cities within each county)

Attachment 11

<i>COUNTY/CITY</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>Totals</i>
Benton										
●●Corvallis						1				1
Clatsop										
●●Astoria								1		1
Columbia										
●●St Helens		1								1
Coos										
●●Coos Bay				5				1	1	7
●●Coquille			1		1			1		3
Deschutes										
●●Bend				2						2
Douglas										
●●Canyonville				1						1
●●Reedsport							1			1
●●Roseburg	1	5	4	2		2	5	2		21
Jackson										
●●Ashland			1							1
●●Medford		1	1	1	6	5	5	3	1	23
Josephine										
●●Grants Pass		1	2	1	3	6	1	2		16
Klamath										
●●Klamath Falls		2	2	1			1	1	1	8
Lane										
●●Cottage Grove							1			1
●●Creswell							1			1
●●Eugene			1			2			2	5
●●Florence		1	2				1	1	1	6
●●Springfield					2		1	4	1	8
Lincoln										
●●Lincoln City		1			1					2
Malheur										
●●Nyssa	1									1
●●Ontario	2	4		2			1	1		10
Marion										
●●Salem		2	1	2		2	1		4	12
●●Woodburn							1			1
Multnomah										
●●Portland			1	1				1		3
Tillamook										
●●Tillamook		1		1						2
Umatilla										
●●Hermiston			3	1			3	1		8
●●Pendleton		1							1	2
Union										
●●LaGrande							2	2		4
Wasco										
●●The Dalles						1			1	2
Yamhill										
●●McMinnville				1	1		1	3	1	7
TOTALS	4	20	19	21	14	19	26	24	14	161

OREGON J-1 VISA WAIVER EMPLOYMENT STATUS FORM

Reporting period from _____ to _____

(Please report each six-month period separately during the first three years at the sponsoring facility)

Physician's Name: _____

_____ Street Address

_____ City State ZIP

Home Phone No: () _____ Employment Start Date _____

1. I maintain a full-time clinical practice at (if more than one address, please attach separate sheet):
 Name of Medical Practice: _____
 Street Address: _____
 City/State/ZIP: _____
 Telephone Number: () _____

2. During the reporting period, I maintained office hours *use "X" for day not usually practicing).
 DO NOT include "on call" status time.

	Sun	Mon	Tues	Wed	Thur	Fri	Sat
From:							
To:							

1. During the reporting period, approximately _____ hours/week were required to treat hospital patients of the practice at _____ Hospital.
2. During the reporting period, I was absent from the practice for _____ days due to illness, vacation or for continuing professional education.
3. For this reporting period:
 - a. Number of patient visits (do not include telephone consultations): _____
 - b. Number of total uninsured, low income patients (those at or below 200% of the Federal Poverty Level) who received services at a rate less than usual customary fee _____
 - c. Number of patient visits for which a Medicaid claim was submitted _____
 - d. Number of patient visits for which a Medicare claim was submitted _____
 - e. Source of data (verifiable by OHPR audit) _____

CERTIFICATION

I CERTIFY THAT THE INFORMATION REPORTED ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE AND ACCURATELY REFLECTS ACTIVITIES RELATED TO THE PHYSICIAN VISA WAIVER PROGRAM.

Physicians Name (Print of Type)

Date

Physician's Signature

EMPLOYER ENDORSEMENT

I CERTIFY THAT THE INFORMATION REPORTED ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE AND ACCURATELY REFLECTS ACTIVITIES RELATED TO THE PHYSICIAN VISA WAIVER PROGRAM.

Signature: _____

Date: _____

Title: _____