

3/19/02

## Oregon Conrad 20 Program Guidelines

### **Applicant facility eligibility:**

- Oregon State accepts J-1 Visa Waiver applications from employers. Applicants can be and are not limited to publicly funded provider health care facilities or private entities.
- Priority will be given to practice locations within Health Professional Shortage Areas. However, applicants proposing a site within a Medically Underserved Area will be considered based on documentation substantiating the area's need.
- Facility must be licensed to do business in Oregon State. Include the street address of the practice site, zip code, telephone number and the name of the medical facility director.
- Facility must have been providing care for a minimum of six months in the state of Oregon (or supply evidence of stability such as HRSA funding) prior to submitting an application.
- Facility must currently serve Medicare patients; Medicaid patients; low-income patients; uninsured patients and the population of the federal designation. A minimum of 20% of the total patient visits must be Medicaid, and/or other low-income clients.
- A sliding fee schedule must be posted in the primary language of the population being served. A copy of the sliding fee scale and the posted notice must be submitted with the application.
- Facility must provide evidence of active recruitment for at least six months prior to submission of the application. Copies of recruitment advertisements must be submitted as well as documentation of efforts to recruit American physicians for the position to be filled.
- An executed employment contract between the physician and the health care organization with original signatures which specifies: the name and the complete address of the physician and health care

organization; the term of the contract; the physician's medical specialty; the name and complete address of the practice site; the salary; and the specific geographic area within Oregon state in which the physician will practice medicine. The contract shall not include a non-compete clause or restrictive covenant which prevents or discourages the physician from continuing to practice in any HPSA after the period of obligation has expired. The contract must also include statements to the effect that:

- The physician will treat all patients regardless of their ability to pay;
  - The physician will practice on a full-time basis for a minimum of 40 hours per week in Health Professional Shortage Area(s)/Medically underserved Population(s); and
  - The term of the contract shall be for a minimum of three years from the effective date of the H-1B visa. (It is understood that the sponsoring employer will support the applicant's efforts to obtain H-1B status and will sign all forms required by federal agencies.)
- A signed US Department of Labor Prevailing Wage Form (ETA-9035) must be submitted.

**Physician eligibility criteria includes but is not limited to:**

- Sixteen slots allotted each year will be granted to physicians who will practice in the primary care areas of family practice, internal medicine, pediatrics, OB/GYN and psychiatry. Priority will be given to family practice and psychiatry. These physicians must be trained only primary care areas of family practice, internal medicine, pediatrics and psychiatry. Physicians with subspecialty or fellowship training are not eligible for the primary care slots.
- Four of the 20 slots allotted each year will be granted to other disciplines. Communities must substantially document unique need or the lack of availability of physicians practicing in that specialty area and demonstrate how the requested specialty will improve primary care in the community.

- The physician must have an active Oregon State medical license or must document having applied for the Oregon State medical license.
- The physician must be board eligible or board certified.
- At least one recommendation from the physician's primary care residency program if applying for a primary care slot, or the physician's fellowship or subspecialty training program if applying for a specialist slot.
- Proof of passage of all examinations required by INS.
- Evidence of the physician's graduation from the residency program or subspecialty-training program. Under some circumstances, evidence of pending graduation may be acceptable. A letter from the residency program director stating the expectation that the physician will graduate within the following six month period is needed for verification.
- An eligible physician must agree to begin employment with the health organization within 90 days from the later date of : a) granting of the waiver; or b) receiving Oregon medical license; or c) graduation from residency program
- Medical degree or diploma.
- Copies of all IAP-66 Forms are required.
- A curriculum vitae including the physician's date of birth, city and country of birth.
- The international medical graduate seeking the J-1 Visa waiver must provide a signed and dated statement that shall read as follows:

"I", (name of exchange visitor), hereby declare and certify that I do not now have pending nor am I submitting during the pendency of this request, another request to any United States Government department or agency or any State Department of Public Health, or equivalent, other than the Oregon Department of Human Services, to act on my

behalf in any matter relating to a waiver of my two year home country physical presence requirement.”

- The J-1 Visa Waiver Physician and the Chief Executive Officer of the employing entity must provide the Oregon Department of Human Services Conrad 20 Program a semi-annual report which verifies the physician’s employment at the practice site. The first report is due six months after employment begins, and every six months thereafter, until the three-year commitment is complete. Failure on the part of the J-1 Visa Waiver physician to submit accurate reports, every six months, that comply with the DHS Conrad 20 Guidelines will result in a report of non-compliance to INS.

### **Application Review Process:**

- Physicians need to submit the U.S. Department of State data sheet and \$230 processing fee to the Department of State in order to establish a case number prior to submission of the application to the Oregon Department of Human Services.
- A \$2,000 fee must be paid to the Oregon Department of Human Services, Conrad 20 Program with submission of applications to Oregon.
- Within fifteen working days of receipt of the application and fee, an initial review is completed. All incomplete applications are returned along with the fee. Incomplete applications that are resubmitted with the additional required documentation are considered new applications, the fee must be included and processing will begin as of the new date.
- The state may request 20 waivers per federal fiscal year (October 1 through September 30). Twelve slots will be given priority for placement in Safety Net clinics or the State Mental Health System. These slots will be reserved until August 1 of every year. Any of the twelve reserved slots remaining open in August may be used by other communities to fulfill their needs for a waiver physician.

- Complete applications undergo a full review that takes approximately 2-3 weeks per application. Applicants are notified in writing of the results of the full review.
- Upon approval, the Oregon Department of Human Services (DHS) will forward the application to the Department of State (DOS). DOS must approve the application before it is sent to the Immigration and Naturalization Services (INS) for final approval.
- The Oregon Department of Human Services Conrad 20 Program guidelines are completely discretionary and voluntary and may be modified or terminated at any time without notice. In all instances, DHS reserves the right to recommend or decline to recommend any request for a waiver. An employer's failure to comply in good faith with these guidelines will be considered in the evaluation of other applications involving the same sponsor.
- DOS customer service number, to check the status of applications, is 202-663-1600.
- INS customer service number, to check the status of applications, is 1-800-375-5283.

### **Transfer of J-1 Waiver Physician Obligation**

- A physician who is granted a visa waiver and who encounters a practice failure due to extenuating circumstances may, with the approval of the DHS and the federal government, continue the service obligation at another approved location. A transfer request must be submitted to the DHS documenting the need for the transfer.
- The transfer request should include, in writing, the intent to transfer, the reason for the transfer, the proposed new employer, facility director's name, practice name, address, telephone number and proposed date of transfer.
- The original employer must provide a letter releasing the J-1 Waiver physician from the employment contract and providing an explanation for the termination.

- The new employer must:
  - provide a letter of intent to employ the J-1 Waiver physician;
  - provide a copy of the employment contract;
  - meet facility eligibility requirements of the Oregon Department of Human Services Conrad 20 Program Guidelines; and
  - work with the J-1 Waiver physician to jointly submit semi-annual Verification of Employment Forms as required by DHS.

**Applications and Questions may be directed to:**

**Oregon Conrad 20 Program  
Department of Human Services  
800 NE Oregon Street, Suite 930  
Portland, OR 97232**

**Dia Shuhart  
Phone: 503-945-9467      FAX: 503-731-4078  
Dia.Shuhart@state.or.us**