



Department of Health and Human Services Nevada State Health Division

J-1 Visa Waiver Program for Foreign-born Physicians

Expanding Access to Primary Care

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EXHIBIT E HEALTH CARE

Meeting Date: 2-17-10

Document consists of 10 pages.

Entire Exhibit provided.

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Background Information

J-1 Visa for Non-Immigrants

- Administered by federal Department of State and Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS)
- Allows an international medical graduate to come to the US under an educational exchange program for up to seven years
- Upon expiration, the physician must return to his/her own country for at least two years before applying for a permanent US visa

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J-1 Visa Waiver

- Eliminates the two-year home/foreign residency requirement
- Allows the physician to remain and practice in the US, in medically underserved communities
- Request by a designated state health agency
- Exempt from H-1B cap
- Can be applied to specialists, as well as primary care physicians if there is a shortage of specialists
- Displacement of an American-born physician is prohibited

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Conrad State 30 Program

- Allows state health agencies to request up to 30 J-1 Visa Waivers per federal fiscal year
- An important source of qualified physicians for medically underserved rural and urban communities. In Nevada, J-1 physicians constitute 9% of our total physician workforce in HPSA areas.
- Requirements
 - Full-time offer of employment (40 hours per week) in a HPSA area
 - Letter of support from the state health agency
 - 3-year employment contract

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Program Problems

- **Sometime in 2001 – 02:** Historic oversight by State Board of Health ceased for reasons unknown
- **September 2007 – January 2008:** Las Vegas Sun “Indentured Doctors” investigation was published, detailing program problems and deficiencies
- **October 31, 2007:** Health Division first status report about J-1 Visa Waiver Program presented to interim Legislative Committee on Health Care
- **December 14, 2007:** J-1 Physician Visa Waiver Program public meeting held to discuss proposed changes to program guidelines and to obtain feedback regarding physician recruitment and retention

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Program Problems

- **January 14, 2008:** PCDC restoration to Health Planning Unit and renamed Primary Care Office (PCO)
- **March 2008:** US Citizenship and Immigration Services subpoenaed 28 physician files of certain employers in the Las Vegas area.
- **April 11, 2008:** First meeting of the Health Division Primary Care Advisory Council, piloting a new, transparent application review process
- **June, 2008:** Policies and Procedures adopted
- **September 2008:** Physician and Employer surveys conducted
 - 52% of physicians were satisfied with the J-I Program
- **December 2008 – January 2009:** On-site visits conducted to 28 employer sites representing 43 physicians

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Program Problems

- **January 2009:** Site visits revealed that seven physicians were not working in their designated HPSA site. All but one employer corrected the situation. Dr. Joshi, an employer of a J-1, had repeated non-compliance; the J-1 physician was assisted with a transfer to another employer.
- **September 10, 2009:** Peter Lazaro, US Immigration and Customs Enforcement and Crane Pomerantz, US Attorney's Office requested a meeting with the PCO. They indicated that they had evidence of possible H-1B violations for several employer sites in Las Vegas. Mr. Pomerantz felt that Nevada might be short changing American physicians by allowing foreign physicians to work in areas that the Department of Labor had not approved.

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Program Problems

- **November 2009:** Two physicians from El Dorado Medical Center alleged patient safety was threatened due to heavy patient assignment. They also alleged they were threatened by their employer and that they had not been receiving prevailing wage.
- **November, December 2009:** The Health Division reported the complaint to the Board of Medical Examiners – they immediately conducted an investigation. The State Attorney General's Office has been involved with the case from the onset and has guided the Health Division's actions.
 - Immigration and Department of Labor have been notified, and sent supporting documentation; however there has been no response from Immigration and a delayed response from the Department of Labor.

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Program Review and Analysis

- Complaints received prior to January 2008 went unaddressed, leading to critical program deficiencies, J-1 Visa physician abuse and decreased participation
- Lack of transparency and oversight, with ambiguous ability to enforce federal rules
- Lack of detailed evaluation of applications, including employment contracts, to ensure compliance with federal rules and the spirit of the program
- Annual site visits not being done
- Inconsistent tracking of physicians, after H-1B visa received
- De facto program policies and procedures, with reliance on federal program guidelines that were somewhat vague
- Employers, J-1 physicians, and immigration attorneys ignorant or confused about program rules and requirements

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Information about the Primary Care Council

❖ Members

- ❖ Gabriel Bonnet, MD, Retired Pediatrician/Neonatologist and former Medical Director for Renown Health, Reno, NV
- ❖ Senator Maggie Carlton – Community Development Director, Great Basin Primary Care Association, Las Vegas, NV
- ❖ Caroline Ford, MPH – **Vice Chairperson**, Assistant Dean/Director, Center for Education and Health Services Outreach, University of Nevada, School of Medicine, Reno, NV
- ❖ Antoine Bou Doumit, MD – Medical Director of Health Access Washoe County and a former J-1 Visa Waiver physician
- ❖ Lawrence P. Matheis – Executive Director, Nevada State Medical Association, Las Vegas, NV
- ❖ Amir Z. Qureshi, MD – **Chairman**, Infectious Disease Specialist, Las Vegas, NV and a former J-1 Visa Waiver physician
- ❖ Charles Duarte – Administrator, Nevada Division of Health Care Financing and Policy, Carson City, NV