

**“RECRUITING AND RETAINING
INTERNATIONAL MEDICAL GRADUATES
TO MEET WORKFORCE NEEDS”**

Arizona Rural Health Conference

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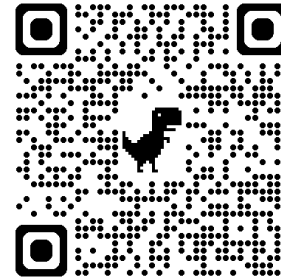
WHAT WILL YOU
TAKEAWAY
FROM THIS
PRESENTATION?

- Basic physician immigration terminology
- Most common hiring paths for International Medical Graduates (IMGs)
- Basic process to apply for a J-1 waiver
- H-1B options for employment
- Permanent Residency “Green Card” Pathways

DID YOU KNOW ...
ARIZONA IS THE IDEAL PLACE TO RECRUIT
AN INTERNATIONAL MEDICAL GRADUATE?

- There are 546 federally designated Health Professional Shortage Areas (HPSAs) in Arizona
- “Arizona needs between 497 to 667 primary care physician (PCP) full time equivalents (FTEs) to eliminate its current primary care physician shortage. Every county in Arizona contains some Health Professional Shortage Areas.” - AzCRH Workforce Reports & Briefs
- Arizona has 37 Medically Underserved Areas

Data found here:

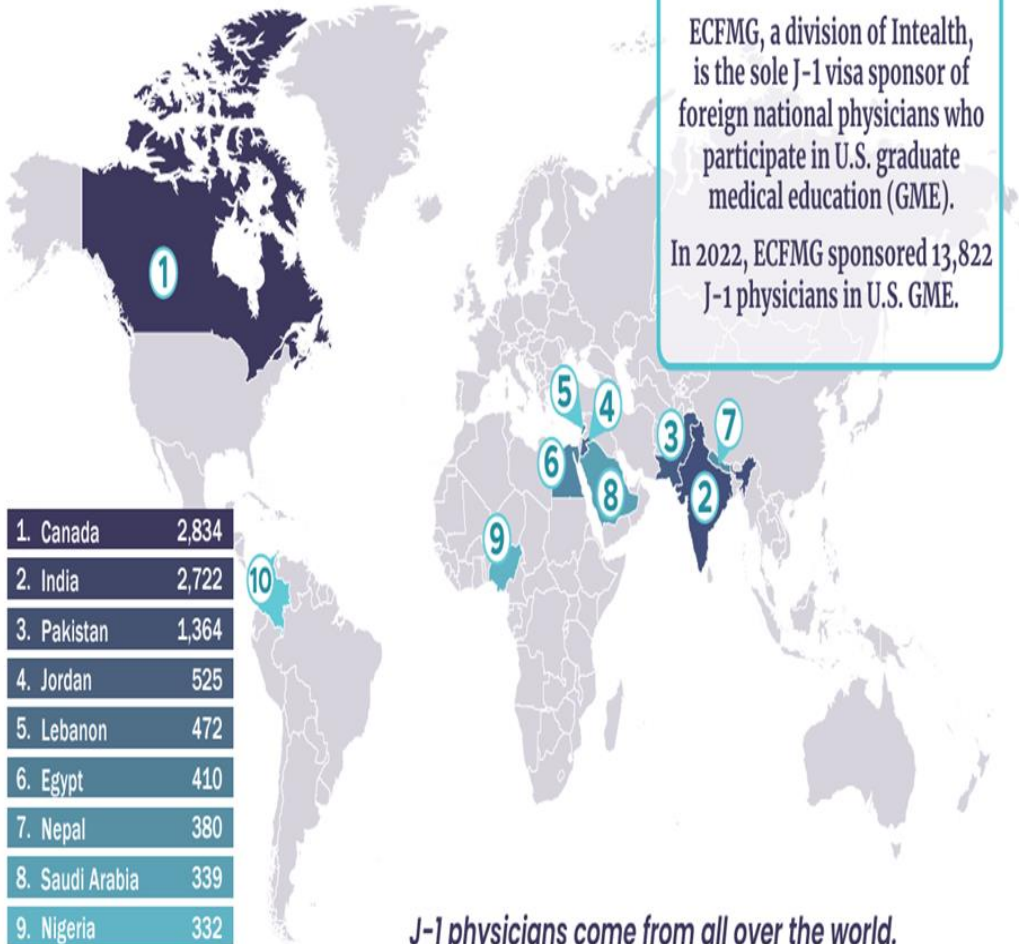




WHY DO THOSE NUMBERS MATTER FOR IMG RECRUITMENT?

- Because employers located in HPSAs and MUA/MUPs, as well as Federally Qualified Health Centers qualify to sponsor an International Medical Graduate (IMG) physicians who requires a “J-1 Waiver.”

ONE SOLUTION
TO PHYSICIAN
RECRUITMENT:
INTERNATIONAL
MEDICAL
GRADUATES



ECFMG, a division of Intealth, is the sole J-1 visa sponsor of foreign national physicians who participate in U.S. graduate medical education (GME).
In 2022, ECFMG sponsored 13,822 J-1 physicians in U.S. GME.

*J-1 physicians come from all over the world.
In 2022, they represented about 150 home countries.*

Source: Intealth database. Data current as of January 23, 2023.
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THE J-1 VISA

An Exchange Visitor visa for those participating in an approved Exchange Program to study, research, teach, or receive graduate medical training

All IMGs in J-1 status must satisfy a 2-year home residency requirement upon completion of the J-1 program

- **Unless**, the IMG is able to receive a waiver of that home residency requirement.

THE J-1 WAIVER PROCESS THROUGH AN INTERESTED GOVERNMENT AGENCY/CONRAD 30 WAIVER

Basic requirements include:

- Commitment to be employed full-time in H-1B status in a medically underserved area (HPSA/MUA/P) for 3 years
- Agreement to begin employment within 90 days of the receipt of the waiver
- A recommendation from State Health Dept. (ADHS) or other Interested Government Agency (IGA)

ADDITIONAL
REQUIREMENTS
FOR AN
ARIZONA
CONRAD 30
WAIVER

The employer must:

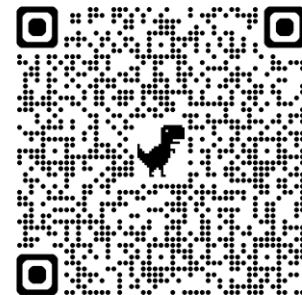
- Accept all patients regardless of their ability to pay.
- Accept State Medicaid (AHCCCS) and Medicare assignments.
- Charge patients at the usual and prevailing rates in the area.
- Provide services to those who have no health insurance coverage.
- Use a sliding fee schedule for all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines. The sliding-fee schedule must be based on current Federal Poverty Guidelines.
 - Post a notice of discount in a clearly visible location such as a patient waiting room.
- Have proof of unsuccessful recruitment efforts of a US citizen physician for at least six months prior to the J-1 application submission (recruitment dates must be documented).
- Have been operational and providing care for at least six months as of the date of the request for an ADHS recommendation.
- Have the financial means to support the J-1 physician including salary, benefits, and malpractice insurance expenses, for a minimum of 3 years.
- Provide 3 letters of community support.



ADDITIONAL
CONSIDERATIONS FOR
ARIZONA CONRAD 30 WAIVER

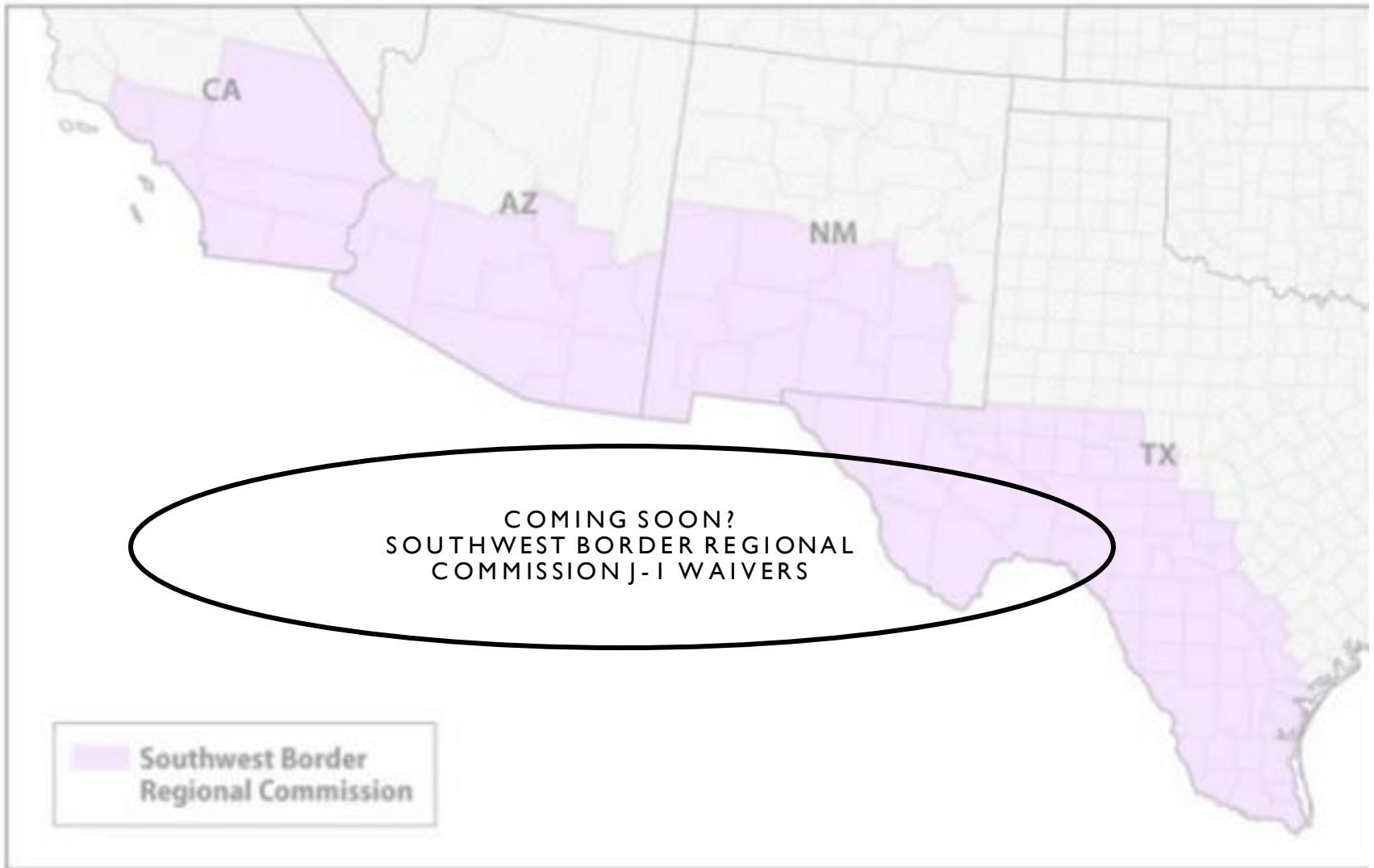
- Primary care physicians or psychiatrists may fill at least 22 of the 30 slots.
- Up to 7 slots may be available to specialists.
- The remaining 1 (one) slot can go either way.
- Each service site may apply for 2 slots.

Scoring criteria:



HEALTH AND HUMAN SERVICES (HHS) J-1 WAIVER REQUIREMENTS

- Only available to primary care, or general psychiatry physicians.
- Employment site must be in a Primary Care HPSA that scores 7 or higher or must be one of the following:
 - A health center as defined under Section 330 of the Public Health Service Act, and which is receiving a grant from the U.S. Health Resources and Services Administration under this section;
 - A rural health clinic as defined under Sections 1102 and 1871 of the Social Security Act; or
 - A Native American/Alaskan Native tribal medical facility as defined by the Indian Self-Determination and Education Assistance Act (P.L. 93-638).
- If the employer has posted the position on the National Health Service Corps (NHSC) Opportunities List, they may only sponsor a J-1 waiver if the position remains unfilled by an NHSC scholar or loan repayer eligible for placement at the end of the NHSC Placement Cycle.



Graphic Source: Congressional Research Service

STEPS IN THE PROCESS

1

Step 1: State Health Agency/IGA J-1 waiver application and recommendation

- Arizona's first application cycle will open on October 1 and close November 30
- HHS waivers available throughout the year

2

Step 2: U.S. Department of State J-1 waiver review and approval

3

Step 3: U.S. Citizenship and Immigration Services J-1 waiver review and approval

4

Step 4: U.S. Citizenship and Immigration Services H-1B petition review and approval

H-1B EMPLOYMENT

- H-1B is a nonimmigrant (temporary) status
 - Allows a foreign national to work for the sponsoring employer for up to three years, renewable for up to a total of six years, with possible further extensions if the employee has reached progress points in the permanent residency process.
- H-1B workers are professionals who are working in “specialty occupations.”
- Spouses and minor children may accompany the H-1B to the United States on H-4 status, but generally do not have work authorization.

H-1B – ISN'T
THERE A
LOTTERY FOR
THOSE VISAS?

Normally, there is a “Cap” of 65,000 H-1B visas available each year, plus 20,000 additional for the “U.S. Master’s Degree Cap” and so a “lottery” takes place each year in April for those slots.

An employee may be exempt from the Caps if:

The Petition is for an Extension or a Change of Employer (employee was previously selected in a Cap lottery); or

The employer is a cap-exempt entity (Institute of Higher Education, Research Institute, or a non-profit associated with one of those entities)

The employee will spend the majority of his or her time working “at” a cap-exempt facility

Or, the employee has a personal cap exemption from their IGA/Conrad30 J-1 Waiver



H-1B CAP EXEMPTIONS

- Employed **by** Institute of Higher Education, Government Research Organization; or Related or Affiliated Nonprofit Entity
 - Must demonstrate “active, working relationship” if relying on affiliation with institute of higher education
 - Must demonstrate that one of the nonprofit entity’s “fundamental activities” directly contributes to research or the educational mission of the government research organization/institute of higher education.



H-1B CAP
EXEMPTIONS
(CONTINUED)

- Employed “at” Institute of Higher Education, Government Research Organization; or Related or Affiliated Nonprofit Entity
 - May be employed by a for-profit, private employer.
 - Must spend majority of time at the qualifying entity and the work performed must *directly and predominately* further the normal, primary or essential purpose, mission, objective or function of the institution.

H-1B PORTABILITY

- The H-1B is employer-employee specific, meaning that the H-1B employee is only authorized to work for that particular employer.
- In order to change employers, the new employer must prepare and file a new H-1B petition on behalf of that employee.
- If the employee wishes to change employers, the employee is afforded certain benefits:
- The Change of Employer petition is not subject to the H-1B quota (so long as the employee was previously counted against the cap).
- The employee becomes work-authorized with the new employer on the day the employer files the H-1B petition. The employee may but does not have to wait for approval of the petition to start employment with the new employer.

CONCURRENT ("MOONLIGHTER") H-1B

An individual may work for more than one employer, so long as there is an H-1B petition approved for each employer.

If the main H-1B petition is for a cap-exempt employer, the H-1B employee may have additional concurrent "moonlighting" petitions approved on his or her behalf.

- Any concurrent petition for a cap-subject employer will only be approved for the length of the main, cap-exempt petition.

(Think of opportunities for collaboration with other employers in your area! Ex: University physician employees.)





Permanent Residency



O-1 Alien of Extraordinary Ability



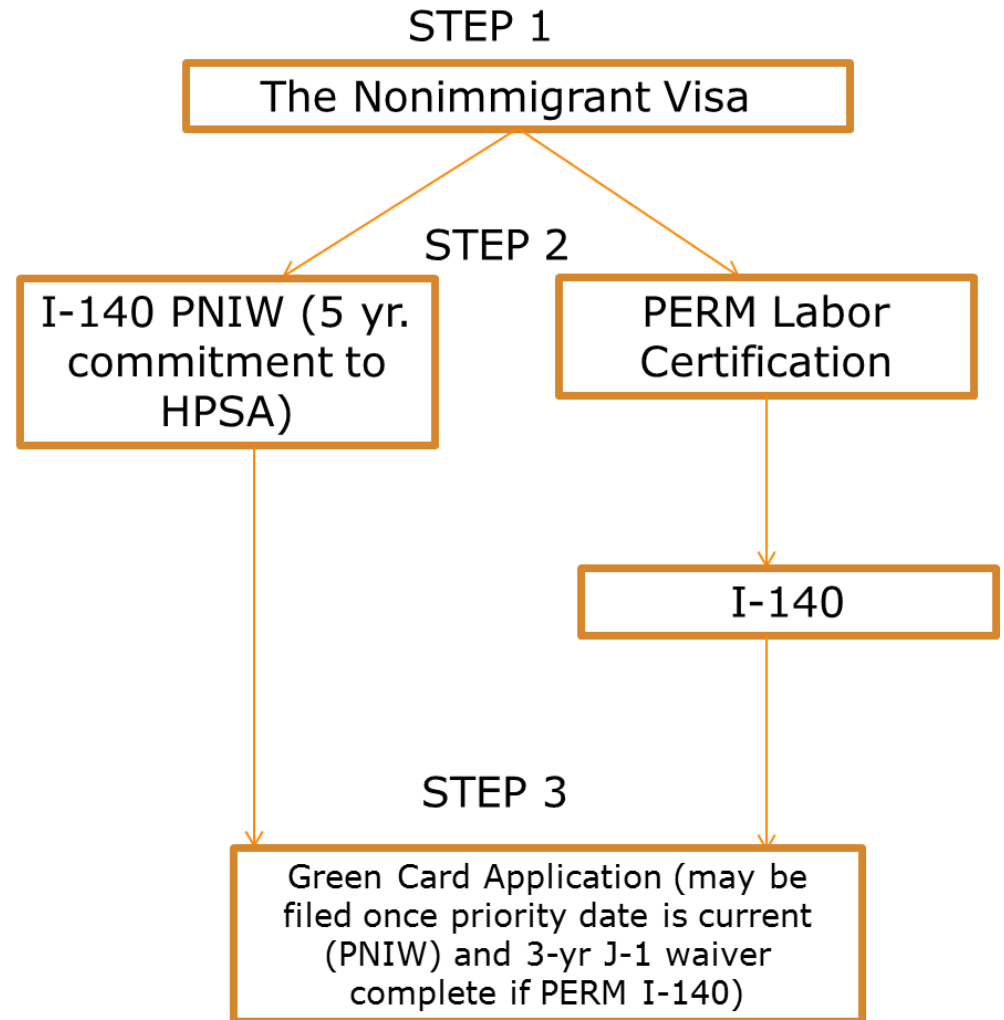
H-1B1 & E-3 (only available to nationals of Chile, Australia and Singapore)

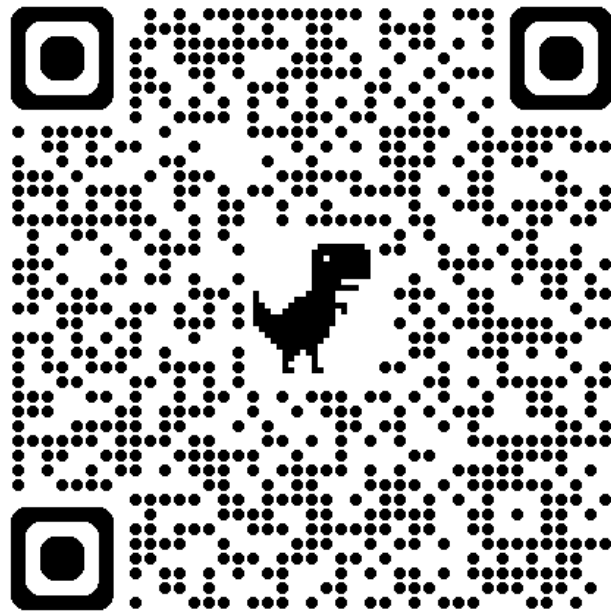


TN NAFTA (only available to citizens of Mexico and Canada and not available for physicians providing direct patient care)

H-1B ALTERNATIVES

GREEN CARD OPTIONS





A SUCCESS STORY!

- “The terms of Abdullah's waiver were up about a year and a half ago, but he has stayed in Marana because of the connection he feels with the community.”
- “The newborns that I started taking care of four years ago, now they're giving me high-fives on their way out,” Abdullah said. “The teenagers that I was taking care of four years ago, they completed high school and they're going to college and they say they were inspired by me, that means the world to me.”

QUESTIONS?

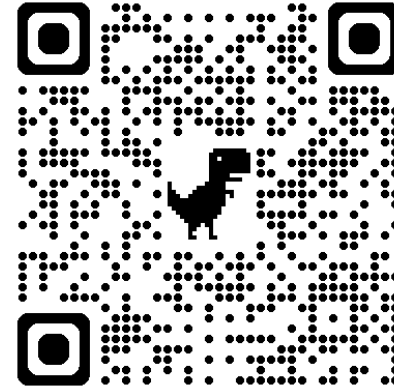


"Don't worry, you won't hurt my feelings. I'm a lawyer."

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