

The ABC'S Of Immigration: Delta Regional Authority Physician J-1 Waiver Program

by Gregory Siskind

On May 17, 2004, the Delta Regional Authority formally unveiled its J-1 physician waiver program. The DRA has been sponsoring doctors for the last year and a half on a pilot basis.

Who is the Delta Regional Authority?

The Delta Regional Authority, created near the end of the Clinton administration, is a government agency headquartered in Clarksdale, MS. It is a federal-state partnership serving a 240-county/parish area in an eight-state region comprising parts of Mississippi, Louisiana, Alabama, Arkansas, Tennessee, Kentucky, Missouri, and Illinois.

The agency's mission is to "remedy severe and economic distress by stimulating economic development and fostering partnerships that will have a positive impact on the region's economy." The DRA will focus on basic infrastructure development and transportation improvements, business development, and job training services. The DRA is also committed to helping all residents of the Delta region have access to quality, affordable healthcare as an integral part of the region's economic development.

What types of physicians will DRA sponsor?

The DRA program, like other federal programs, is available to primary care physicians. Primary medical care includes general or family practice, general internal medicine, pediatrics, obstetrics, gynecology, and psychiatry.

How long must a physician serve to qualify for a DRA waiver?

A physician must serve at least three years beginning no later than 90 days after the visiting physician receives approval of his/her waiver request from USCIS.

What are the terms of the program for the visiting physicians?

Physicians seeking a waiver must commit to and sign a contract to provide primary care for not less than forty hours per week in a Health Professional Shortage Area ("HPSA"), a Mental Health Professional Shortage Area ("MHPSA"), a Medically Underserved Area ("MUA"), or a Medically Underserved Population ("MUP") in one of DRA's 240 counties or parishes. The contract will also include a liquidated damages and a non-compete clause.

Because the DRA is committed to ensuring that impoverished people in the region benefit from its program, physicians must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for the services, or (b) payment for the services will be available under Medicare or Medicaid.

What are the terms of the program for the physician's employers?

Employers seeking to hire physicians under the program must show they have made a good faith attempt to recruit an American doctor for six months in the same salary range without success.

What type of recruiting is acceptable and what kind of documentation is required?

The Delta Regional Authority requires evidence of recruitment on three levels: national, in-

state, and state medical school recruitment. Additionally, the employer may submit supplemental documentation such as advertisements in nationally recognized on-line medical job banks specifically targeted to the practice opportunity.

All documentation of advertising and recruitment must be specifically targeted to the employment opportunity (e.g., practice type, specific location, and specific employer) and must have been accomplished through established publishing media. Recruitment firms commonly run generalized advertisements such as these on a continuous basis, and internet-only based advertisements do not alone satisfy this advertising requirement. However, on-line advertisements that are specifically targeted to the practice opportunity may be submitted in order to supplement other recruitment documentation.

Acceptable documentation shall include copies of advertisements for the position published in newspapers, journals, copies of letters to state medical schools, targeted mailings, copies of on-line advertisements that specifically target the practice opportunity, and other supporting documentation which demonstrates a good faith effort to recruit American physicians. Additional documentation may also be included regarding written statements of other recruitment activity including phone conversations, personal visits, etc.

Examples of out-of-state publications that are acceptable include newspapers with national circulation (such as USA Today or The Wall Street Journal) or medical journals (such as JAMA or the New England Journal of Medicine).

Examples of in-state publications which are acceptable include newspapers with major in-state circulation (such as The Birmingham News, The Arkansas Democrat Gazette, or The Tennessean), publications which are circulated in the practice area such as local newspapers/magazines, or in-state medical journals or publications.

How often will the physician be evaluated by the DRA?

Both the visiting physician and his/her facility's administrator must complete site survey forms every six months during the physician's employment contract. This survey will ask confidential questions of the physician and employer, as well as request the number of Medicare, Medicaid, and indigent patients that the physician has treated in that six-month period.

The DRA may also conduct unannounced site visits at random during the three-year employment period. If the physician or employer is found to be out of compliance with the DRA's program terms, the DRA will notify the appropriate state and federal agencies and recommend appropriate enforcement actions.

What is the application processing fee?

\$2,000.00, made payable to the Delta Regional Authority.

What does the visiting physician have to submit in his J-1 Visa Waiver Application package?

- o DRA's J-1 Policy Guidelines with an original signature
- o J-1 Affidavit and Agreement, signed and notarized
- o Two copies of both the applicant's Department of State Data Sheet and Department of State case number

- o Curriculum Vitae, including Social Security Number
- o Notarized Department of State Exchange Visitor Attestation Form
- o Letters of Recommendation from those familiar with the J-1 physician's qualifications, such as medical directors who oversaw the physician's residency training
- o Copies of diplomas, licenses, board certifications, etc.
- o Copy of complete passport, including all blank pages
- o Copies of J-1 physician's IAP-66/DS-2019 forms for the entire period of her/her J-1 status
- o Copy of Form I-94
- o Physician Statement: a personal statement indicating
 - o Why the applicant does not wish to fulfill the two-year country residence requirement to which the physician agreed to at the time of accepting the exchange visitor status
 - o Reasons for practicing in this particular field of medicine
 - o How his/her expertise could impact the patients in the locality
 - o Reasons for accepting the employment contract with the chosen facility

What documentation is the employer required to submit for the J-1 Visa Waiver Application package?

- o G-28, if applicable
- o Cover letter with an original signature on the facility's letterhead, stating:
 - o The facility is in a designated shortage area
 - o The shortage area identifier number
 - o The Federal Information Processing Standards (FIPS) county code and census tract or block numbering area
 - o Patient data for the facility, including number and percentages of Medicaid, Medicare, and uninsured patients served for the past three years
 - o Current patient to physician ratios in the practice area
- o DRA's J-1 Policy Guidelines with an original signature
- o Copy of executed Employment Contract
- o Proof of Prevailing Wage Data

- o Documentation of employer's regional and national recruiting efforts (copies of advertisements for the position published in newspapers, journals, state medical schools, mail-outs, etc.)

 - o Proof of current HPSA, MUA, MUP, or MHPSA designation
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