

IMMIGRATION

ALERT

PA DOH TO BEGIN ACCEPTING ARC J-1 WAIVER APPLICATIONS

By: Catherine V. Wadhvani

The Pennsylvania Department of Health (PA DOH) announced on September 12, 2013, that with the start of the new fiscal year on October 1, 2013, it will begin accepting J-1 Waiver applications under the Appalachian Regional Commission (ARC) Waiver Program.

The waiver programs were established to waive the two-year home-presence requirement of foreign medical graduates who complete their graduate medical education and training in the United States under the J-1 Exchange Visitor visa. The home-presence requirement can be waived if the foreign physician contracts to work for three years providing care to medically underserved patient populations.

For years, DOH had only accepted J-1 Waiver applications for physicians under the Conrad 30 Program. And for years, that was enough to meet demand. Recently, however, there has been an increase in the number of J-1 Waiver applications filed by health care employers, resulting in an insufficient number of J-1 Waiver spots for applicants.

Traditionally, DOH has given priority to primary care (i.e., Family Practice, Internal Medicine, Pediatrics, Psychiatry and Obstetrics/Gynecology) waiver applications. With demand outstripping the availability of J-1 Waiver number spots, many waiver sponsors and beneficiaries in the medical specialty fields were left with a great deal of uncertainty. Employers wanted some degree of assurance that they would ultimately be able to employ much-needed specialists, whom they sponsored for J-1 waivers, to work in designated medical shortage areas. Foreign specialist physicians wanted confidence that if they waited out

DOH's J-1 Waiver processing phases, they would have a reasonable chance of waiver approval, so that they could obtain status to begin working for their waiver sponsors (rather than finding themselves without a job after the lengthy wait). It is speculated that this questionability may have caused specialists to focus their job searches in other states. With much of the Commonwealth being rural and in need of specialist physicians, that was not a favorable situation. Of course, even with the acceptance of ARC J-1 Waiver applications, there is no guarantee that each and every specialist waiver application will be approved.

Physician employers looking to hire primary care physicians should be aware of the ARC recruitment requirements, which are specific. It would be prudent to try to comply with the ARC requirements just in case no U.S. physician can be found for hire.

A few details about the ARC J-1 Waiver Program:

- Only applications sponsoring primary care physicians are eligible.
- The physician must work in an HHS-designated Health Professional Shortage Area (52 of Pennsylvania's 67 counties are within the Appalachian Region).

Of course there are more details regarding the program, and DOH has indicated that it will soon publish additional information and guidelines.

If you have any questions, please contact Catherine V. Wadhvani, partner in Fox Rothschild's [Immigration Practice Group](#), at 412.394.5540 or cwadhvani@foxrothschild.com.

Attorney Advertisement

© 2013 Fox Rothschild LLP. All rights reserved. All content of this publication is the property and copyright of Fox Rothschild LLP and may not be reproduced in any format without prior express permission. Contact marketing@foxrothschild.com for more information or to seek permission to reproduce content. This publication is intended for general information purposes only. It does not constitute legal advice. The reader should consult with knowledgeable legal counsel to determine how applicable laws apply to specific facts and situations. This publication is based on the most current information at the time it was written. Since it is possible that the laws or other circumstances may have changed since publication, please call us to discuss any action you may be considering as a result of reading this publication.