

3RNet Conference - 2017

LUNCHTIME WITH BOB:

IMMIGRATION, J-1 WAIVERS,
HEALTHCARE REFORM:
WHAT'S FOR DESSERT?

Bob Aronson
Fredrikson & Byron, P.A.
September 13, 2017

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BYRON, P.A.

Introducing: Loan Huynh

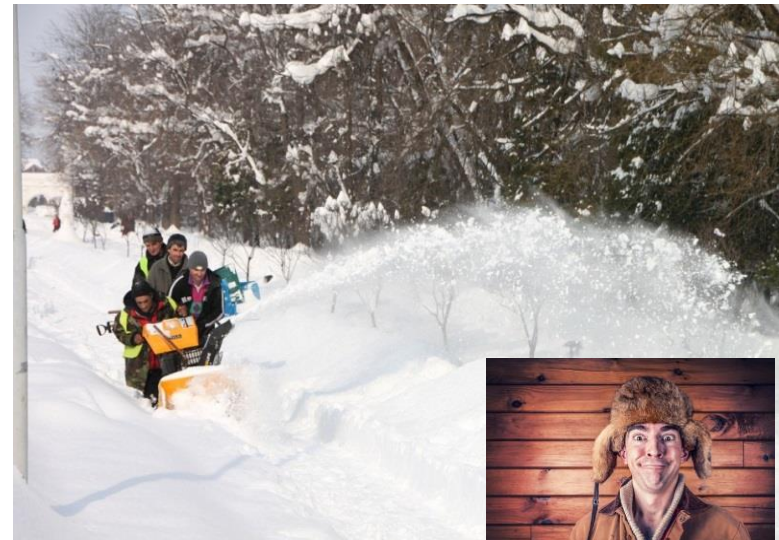


Door Prizes for the “Make Aronson Sweat” Project



Mike Shimmens' car

Vacation in Minnesota



“Golf is a good walk spoiled” –
Mark Twain

“Immigration is a ...

- Gift to enhance your competitive position in the physician marketplace?
or
- An unbearable hassle?



Topics for Today's Lunchtime Discussion:

- What is the Purpose of the Conrad Waiver Program?
- Short Review of J-1 & H-1B Visas
- Why is a Waiver Needed?
- Federal J-1 Waiver Requirements
- What Can the States Do?
- Emerging J-1 Waiver Reform Issues
- Intersection of Immigration Law and IMG Recruitment



Purpose of Conrad Waiver Program

- Recognize Shortages/Maldistribution Patterns of Physicians
- Induce IMG's to commit to professionally challenging placements, particularly in Rural America
- Recruitment element & retention element



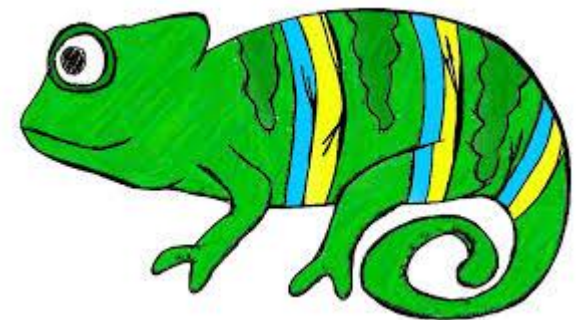
Short Review: J-1 & H-1B

- Essence of Nonimmigrant Visas
- Letter-Number Combination:
 - Limited Time
 - Limited Scope of Activity



J-1 Visas

- The Chameleon of all Visas
- Limited to Medical Training
- 7 Year Limit
- Mandatory, across-the-board two-year home residence obligation



H-1B Visas

- Workhorse of professional employment
- Authorizes professionals/physicians to work
- Limitations:
 - Employer specific
 - Facility specific
 - Six year limit



Why the Waiver

- All clinical J-1 physicians need to return home for two years
- Result: Ineligible for H-1B visa or permanent residence
- Waiver options:
 - Persecution
 - Hardship to an anchor relative
 - Government sponsor (Conrad)



4 Federal Requirements

- 30 waiver limit
 - 10 FLEX slots
 - Balance in medically underserved areas (HPSA/MUA/P)
- 3 year H-1B employment obligation
- 90 day requirement
- State departments of health empowered to recommend waivers



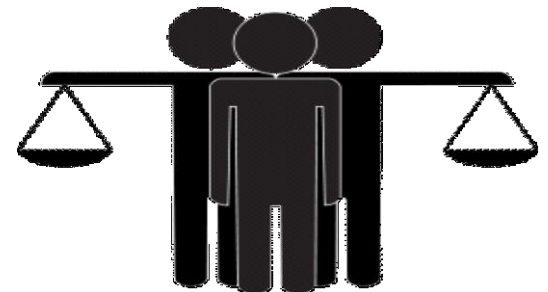
State Policies

- FLEX
- Primary Care vs Specialty Care
- Merit-Based or FIFO
- Types of underserved designations
- Limitations on employer types
- Non-Competes
- Liquidated damages
- Reporting Requirements
- Application fees
- Application Window



Reform Measures (Klobuchar)

- Extension to 2021 (or perhaps permanently)
- Step-ups in waiver ceiling (35/40/etc)
- Work authorization to spouses
- Eliminating home residence obligation for spouses
- Contractual protections to physicians
- Greater mobility, particularly during 3-year obligation



Immigration, Recruitment, and Retention

- Role of your Immigration Attorney
- Figuring out your Carrots and Sticks
- Develop your Competitive Edge





Questions?

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