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## RURAL PHYSICIAN RECRUITMENT: USING HPSAS AND MUAS TO YOUR ADVANTAGE

It is no secret that physician recruitment in rural areas can be challenging for hospitals and other health care entities. Though some doctors may be drawn to living in areas with less hustle and bustle, many prefer areas with larger populations and more opportunities. Rural health care needs are sometimes difficult to address, but there are possible solutions. One such solution is hiring foreign physicians.

### OVERVIEW

There are now over 6,000 Health Professional Shortage Areas ("HPSAs") for primary care in the United States, and 67 percent of these HPSAs are in rural areas. It is estimated that over 65 million people live in a primary care HPSA with a ratio of primary care providers to patients of less than 1 physician per 3,000 patients. Any physician shortage in the United States is uniquely felt by the people living in these areas. Not only must rural patients worry about access to care, they must also worry about the quality of care they will receive once they find a physician to treat them.

Many rural entities may qualify for a HPSA or a Medically Underserved Area ("MUA") federal designation or may already have this designation for a myriad of other reasons including qualifying for federal programs and benefits. Qualifying entities also have the option of sponsoring foreign physicians for a Conrad 30 waiver.

#### *Conrad 30 Waiver*

A Conrad 30 waiver is a waiver of the two-year home residency requirement that J-1 physicians are obligated to complete before working in the United States. A waiver allows a J-1 physician to change status to H-1B in exchange for providing medical services in a federally designated shortage area. Each state has its own requirements for Conrad 30 waivers, but all waivers must be sponsored by an employer with worksites in an MUA or HPSA. The J-1 physician also must enter into a full-time employment agreement of at least three years with the employer. Utilizing this avenue for physician recruitment is a smart way for rural entities to deepen the pool of providers in primary care or other underserved specialties.

#### *Physician National Interest Waiver*

Another option that health care entities may want to pursue in recruitment and, more importantly, retention of physicians is to consider the physician National Interest Waiver ("NIW"). Foreign physicians can become lawful permanent residents (green card holders) through employer sponsorship for a physician NIW. Like with the Conrad 30 waiver, only employers with worksites in a HPSA or a MUA are able to sponsor physicians for this option. To be eligible, a physician must:

- Agree to work full-time in a clinical practice (for most physician NIW cases, the required period of service is five years);
- Work in primary care (such as a general practitioner, family practice petitioner, general internist, pediatrician, obstetrician/gynecologist or psychiatrist) or be a specialty physician;
- Serve either in a HPSA, Mental Health Professional Area (for psychiatrists only), a MUA or a Veterans Affairs facility or serve as a specialist in a Physician Scarcity Area; and
- Obtain a statement from a federal agency or a state department of health that has knowledge of his/her qualifications as a physician and that states his/her work is in the public interest.

There is no guarantee that these physicians will remain at the sponsoring entity after the completion of their service obligation, and employers should work to retain physicians that are a good fit for the organization. As with any job and any physician, quality of experience and a multitude of other factors will ultimately determine how long the physician stays past the applicable service obligation.

### PRACTICAL TAKEAWAYS

Rural hospitals and other health entities should consider foreign physicians when struggling to recruit in medically underserved or other shortage areas. An employment immigration attorney can help guide you through the risks and benefits of foreign physician recruitment.

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