

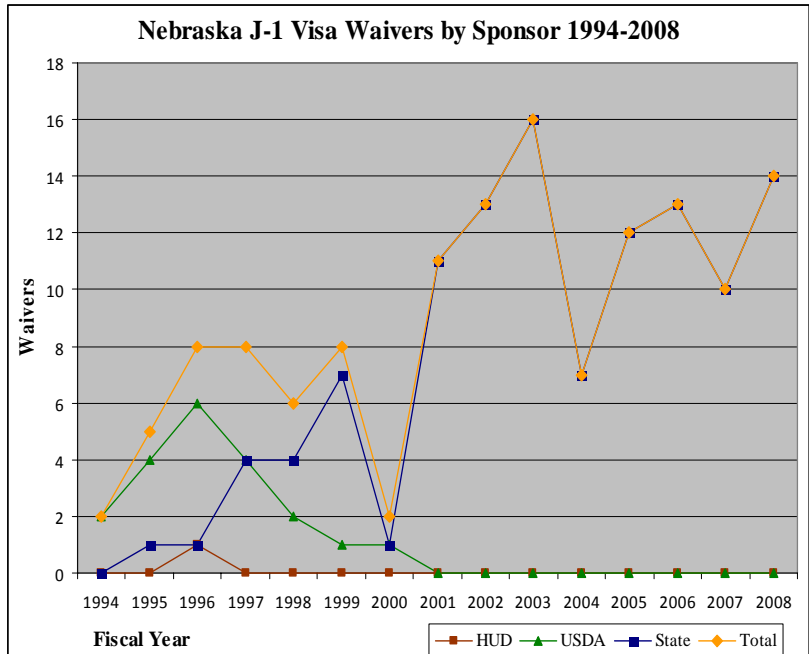
The Nebraska State 30 J-1 Visa Waiver Program Summary, 1994-2008

The J-1 visa waiver program (also known as the Conrad state-based waiver program, after Senator Kent Conrad of North Dakota) is one of many methods the state of Nebraska uses, in coordination with other state and federal incentive programs, to address health care provider access in medically underserved areas. Utilizing foreign physicians to fill the vacancies in underserved areas has proved beneficial for both the communities and the physicians.

Under normal circumstances, a foreign physician is required to return to his or her country of origin after completing their medical training in the U.S. under a J-1 visa. However, with a J-1 visa waiver, a foreign physician commits to serving a three-year period in a medically underserved community in exchange for the right to remain in the United States. Since 1994, 135 physicians have been placed in Nebraska with a J-1 visa waiver. Currently, up to 30 waivers each year are permitted (including 10 “Flex slots” for non-shortage areas) in response to requests from the state. This year, October 2007 through September 2008, a total of 14 J-1 visa waiver applications were approved and submitted by the Department of Health and Human Services, or DHHS, (Table 1).

Table 1 & Chart 1. Nebraska J-1 Visa Waivers FY 1994-2008 by Year & Sponsorship.

Fiscal Year	Sponsor			Total
	HUD	USDA	State	
1994	0	2	0	2
1995	0	4	1	5
1996	1	6	1	8
1997	0	4	4	8
1998	0	2	4	6
1999	0	1	7	8
2000	0	1	1	2
2001	0	0	11	11
2002	0	0	13	13
2003	0	0	16	16
2004	0	0	7	7
2005	0	0	12	12
2006	0	0	13	13
2007	0	0	10	10
2008	0	0	14	14
Total	1	20	114	135
%	1%	15%	84%	100%



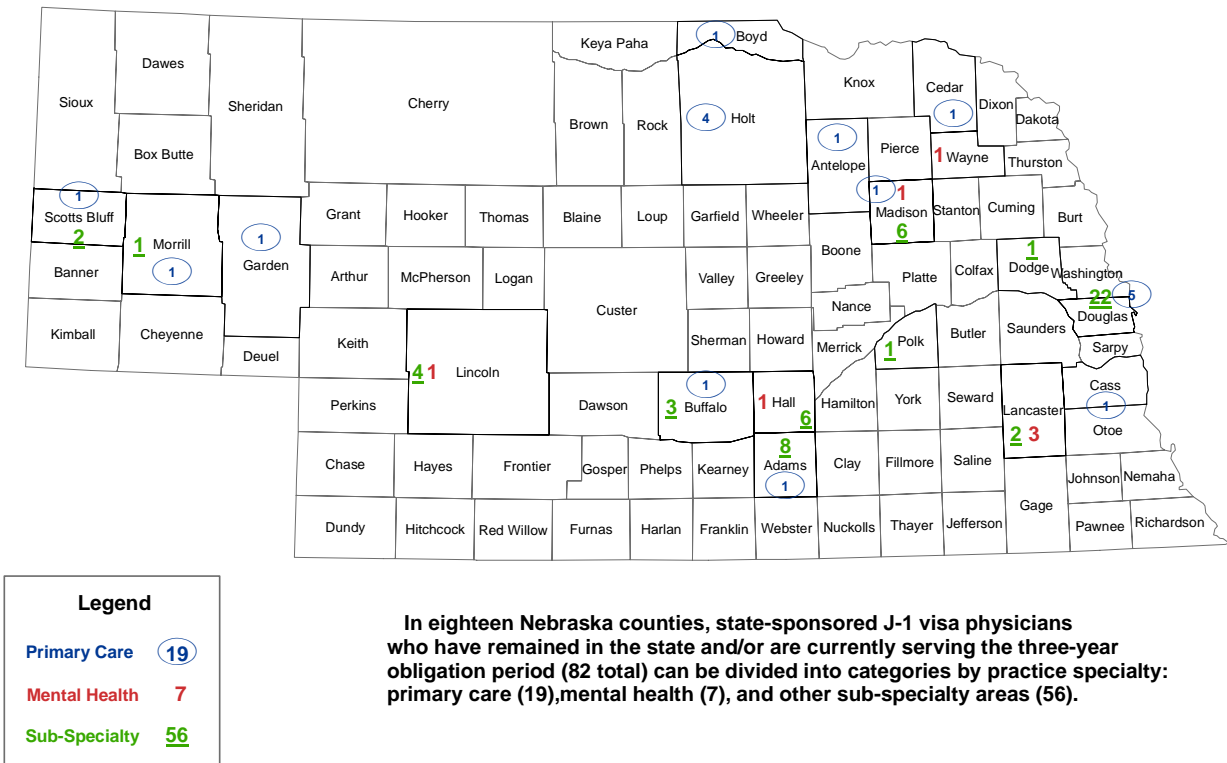
Prior to 1994, J-1 visa waivers could only be requested by a federal agency. Therefore, the U. S. Department of Agriculture (USDA) sponsored a program to place foreign physicians in underserved rural areas and Housing and Urban Development (HUD) sponsored a program to

place foreign physicians in urban areas with underserved populations, such as the urban poor, homeless, minorities, immigrants, and high numbers of Medicare/Medicaid patients.

Since the passage of the Conrad State Waiver Program act in 1994 states have also been able to sponsor foreign physicians to work in medically underserved areas or with medically underserved populations. This was originally called the State 20 program, as 20 waivers were then allowed, but in 2002, this was expanded to 30 waivers per year, including 5 “Flex slots.”

In the fall of 2008, Senator Conrad of North Dakota proposed an extension to the J-1 visa waiver program. This proposal included an increase in the number of annual “Flex slots” from 5 to 10 slots. An increase in the number of “Flex slots” will allow more flexibility for states to recommend waivers for areas not necessarily medically underserved, but nevertheless, demonstrate the need for particular services in the community. These “Flex slots” allow up to 10 foreign physicians to be placed in areas otherwise considered fully-served, often in response to a lack of certain specialists in large rural and urban hospitals.

Nebraska State-Sponsored J-1 Visa Physicians by Specialty, 2008



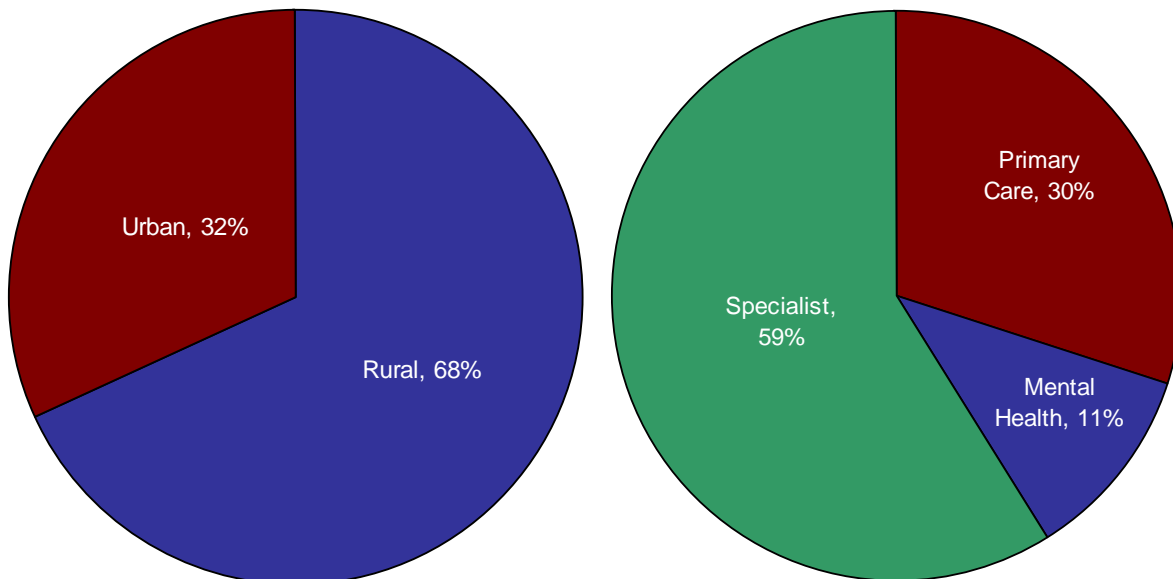
In eighteen Nebraska counties, state-sponsored J-1 visa physicians who have remained in the state and/or are currently serving the three-year obligation period (82 total) can be divided into categories by practice specialty: primary care (19), mental health (7), and other sub-specialty areas (56).

Cartography: Monica Sanford, monica.sanford@nebraska.gov

From the inception of the J1 Program in 1994, 68%, or 77 of 114, of the state-sponsored J-1 visa applications have been located in rural areas, whereas 32% have been located in urban areas. When the data is further divided by specialty, 30% of J-1 physicians practice primary care, 11% practice mental health, and 59% practice in a sub-specialty area (Table 2).

Table 2. Nebraska State Sponsored J-1 Visa Waivers 1994-2008 by Rural & Urban Distribution.

Type	Rural	Urban	Total	Percentage
Primary Care	28	6	34	30%
Mental Health	9	4	13	11%
Specialist	40	27	67	59%
Total	77	37	114	
Percentage	68%	32%		



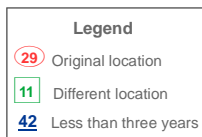
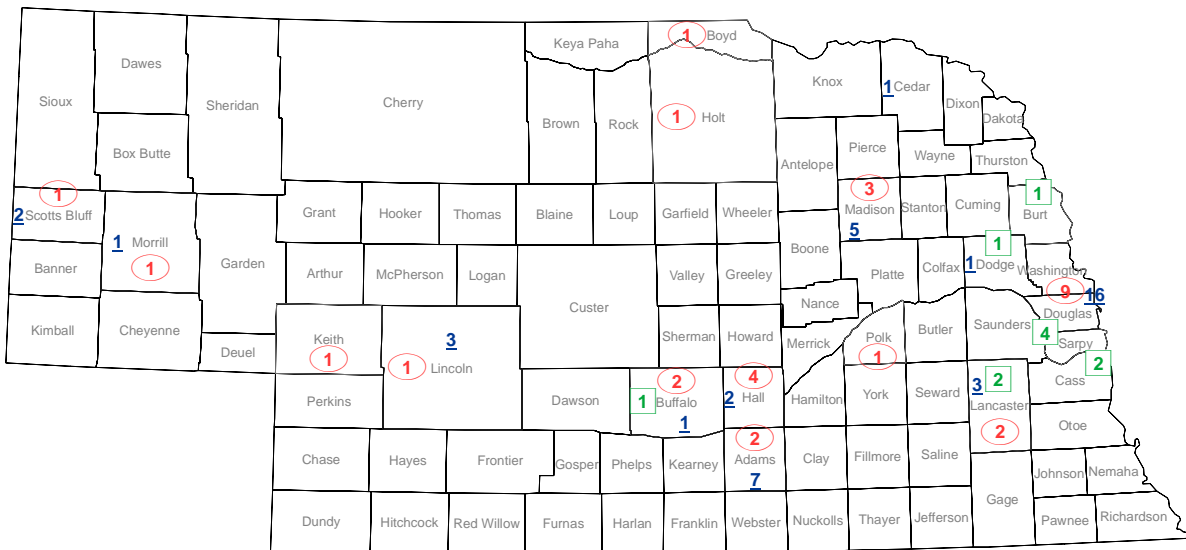
The U.S. Government Accountability Office (GAO) conducted a review of the J-1 visa waiver program in 2005. The results of the study showed that the J-1 visa program continues to serve as an important tool in placing physicians in underserved areas. In contrast to over 10 years ago, states are now the primary entity requesting waivers for foreign physicians to practice in underserved communities. When surveyed on the annual waiver limit, 80% of states reported that 30 waivers per year to be adequate, whereas 13% reported that the 30-waiver limit was less than adequate. Twenty-five of the 44 of the states did not always request the limit of J-1 waivers; however, they reported a willingness to have unused waiver allotments redistributed. On the other hand, 14 of these states did not want leftover waiver allotments redistributed to other states.

The State 30 program has been the only method for sponsoring J-1 visa waivers in Nebraska since 2001, with the USDA and HUD both having gradually phased out their programs as state sponsored waivers became the norm. Participation by the state of Nebraska is voluntary

and done in response to requests from employment entities. Applications for J-1 visa waivers are submitted by the sponsoring employer to the Nebraska DHHS, which then sponsors the application to the Department of State and the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) for approval. The DHHS reviews J-1 visa waiver applications from sites wishing to sponsor a physician for a three-year commitment, and acts as an interested government agency to sponsor the application. The Nebraska J-1 visa waiver program application and review process may be found at the following DHHS website: <http://www.dhhs.ne.gov/orh/J1.htm>.

According to our October 2008 analysis of J-1 visa physicians in Nebraska, the state has sponsored 96 J-1 visa waivers since 2001 (Table 1). As of October 1, 2008, about 56%, or 40 of 72, of state-sponsored J-1 physicians have remained in Nebraska after completion of the three-year obligation period, and about 44%, or 32 of 72, have left Nebraska after serving the program requirement (Table 3). Of the 40 physicians who have remained in Nebraska, 29, or about 72%, have remained at their original location, and 11, or about 28%, have moved to a different location within the state of Nebraska (Table 3). The state-sponsored program has had a better retention rate than the earlier HUD or USDA programs, of which 0% and 20% of physicians remained in Nebraska, respectively, after their obligation period ended.

Nebraska State-Sponsored J-1 Physicians by Location, 2008

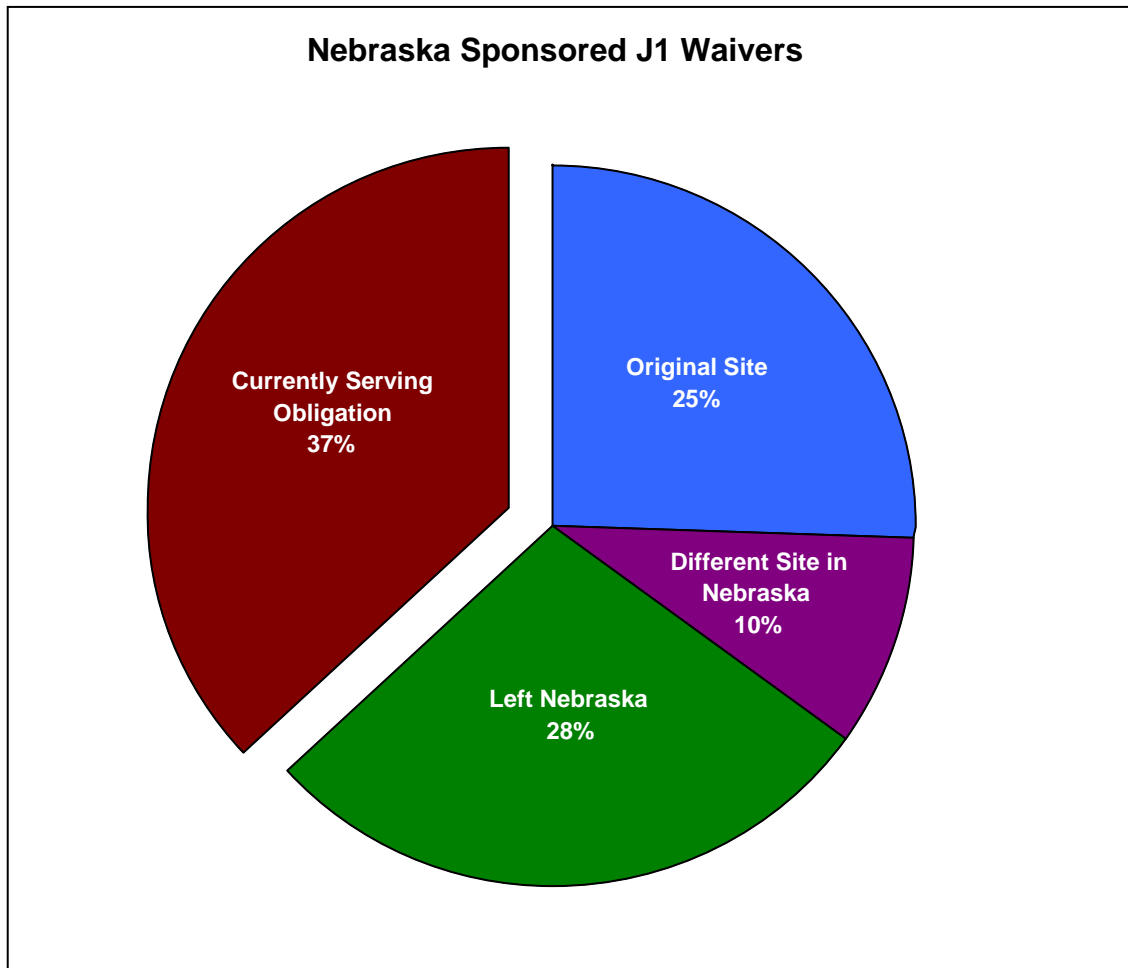


In seventeen Nebraska counties, there are currently 82 state-sponsored J-1 physicians that have either remained at their original location (29), moved to a different location within the state (11), or are currently serving the three-year obligation period (42). An additional 32 physicians left the state after their obligation period ended.

Cartography: Monica Sanford, monica.sanford@nebraska.gov

Table 3. Nebraska J-1 Visa Waivers 1994-2008 by Sponsorship, Location, and Retention.

Location	HUD	USDA	State	Total	Percentage		State Program Only	
Obligation Served								
Original Site	0	1	29	30	22%	33%	25%	35%
Different Site in NE	0	3	11	14	10%		10%	
Different State	1	16	32	49	36%	31%	28%	37%
Currently Serving Obligation	0	0	42	42	31%		37%	
Application Pending	0	0	0	0	0%		0%	
Total	1	20	114	135	100%		100%	



Source: Nebraska Department of Health and Human Services, Office of Rural Health and Primary Care, January 28, 2009. This document was prepared by Thomas Rauner with the assistance of Monica Sanford and Cassie Manhart.