

## **Conrad State 30 & Physician Access Act**

### **Section-By-Section**

The United States is facing a daunting shortage of doctors in the coming years. The Conrad State 30 program has brought thousands of foreign physicians, trained in the United States, to rural, inner city, and other medically underserved communities since 1994. After completing residencies in the U.S. on J-1 visas, foreign doctors are required to return to their home country for two years. Under Conrad 30, in exchange for three years of service in an underserved area, doctors receive a waiver of the home return requirement. Congress has reauthorized the act several times, and every state has utilized the program. The *Conrad State 30 and Physician Access Act* expands and improves the program.

#### **Section 1 – Title**

**Section 2 – Conrad 30 Authorization** – Reauthorizes the program for three years, until September 30, 2021.

**Section 3 – Employment Protections** – This section would institute a number of employment protections for doctors in the Conrad program and make technical fixes to program operation.

- Under current law, doctors must begin work within 90 days after receiving a waiver. The bill creates flexibility by extending that date to the later of 90 days after receiving the waiver, completing graduation medical education, or receiving employment authorization.
- The bill clarifies the extenuating circumstances under which a Conrad 30 doctor may change jobs. A Conrad 30 doctor may change jobs without extenuating circumstances but only if the doctor performs an additional year of service in an underserved area.
- The bill clarifies that Conrad 30 service must be carried out in H-1B status.
- When a state denies a Conrad 30 waiver because its slots are full, a physician receives a sixth-month extension to the doctor's status in order to seek a waiver in another state that has not requested the maximum number of waivers.
- The physicians' employment contracts must specify the number of on-call hours the doctors must work, whether the employer would provide malpractice insurance, and the exact facilities at which the doctors would work. The contracts cannot include non-compete provisions.
- Doctors whose employment is terminated have 90 days to begin new employment in an underserved area, unless extenuating circumstances would justify an extension. If the doctor leaves the state, the state may recapture the visa and use it in the same year.

**Section 4 – Allotment of Conrad Waivers** – All states would receive an additional 5 waivers each time 90% of the nationwide waivers are used in a year. States that receive fewer than 5 waivers in a year would not be included in the calculation so that states with very inactive programs would not prevent the program from expanding. Any such increases in the cap would be maintained indefinitely until there is a 5% decrease nationwide compared to the last year in which there was an increase in the cap.

- Once the cap reaches 45 waivers, it would become more difficult for the cap to increase further. To go above 45, 95% of nationwide slots would have to be filled and any state that received at least 1 waiver would count in the calculations.
- These increase and decrease mechanisms are designed to let the program expand while not harming states that struggle to attract doctors under the program.
- **Academic Medical Centers** - Creates an additional 3 waivers per state that can only be used by academic medical centers and provided that the work performed by the doctor is in the public interest.

#### **Section 4 – Other Changes to Physician Immigration**

- **Visa Eligibility** – The Secretary of State will issue guidance clarifying that expressing an intention at a future date to receive a Conrad 30 waiver does not prohibit a nonimmigrant from obtaining a J-1 visa for graduate medical education or training.
- **Dependents of J Visa Holders** - Spouses and children are not the subject to the two-year home country return requirement solely on account of their derivative nonimmigrant status to the Conrad 30 physician.