



Institutional Compliance and the Foreign National Physician in Training

October 14, 2009

Learning Objectives

To understand:

- The requirements for a foreign national physician to “maintain valid visa status”
- What, when and how to document personnel and training issues involving foreign national physicians
- Best practices

Maintaining Valid Visa Status

- Full-time participation in pre-approved program
 - Unauthorized employment = violation of status
- Valid government records & documents
 - Valid passport
 - Form DS-2019 & current SEVIS record
 - I-94 Card (notated: “J-1 D/S”)

Maintaining Valid Visa Status

- Medical and accident insurance
- Mandatory residential address reporting
 - OASIS www.ecfm.org
 - USCIS – Form AR-11 (www.uscis.gov)

Required Reporting

- Arrival / Delays (within 30 days of SEVIS start date)
- Proposed Changes to Approved Training Plan
 - Leave of absence
 - Remedial training
 - Resignation or termination
 - Gaps in training (i.e. licensure delay)
- Legal Concerns

Leaves of Absence

- Medical, FMLA, Educational, etc.
 - Host institution must seek ECFMG's pre-approval

Basic Question:

Will the institution continue to take responsibility for the physician as a member of the residency training program?

Key Considerations

- Type of leave
- Dates and total duration
- Contract, salary, medical / accident insurance
- Location – U.S. or abroad
- Institutional contact and oversight
- Non-clinical assignments / credits

Remedial Training

- Per J-1 Regulations, a maximum of 12 months of repeat training may be granted based on the request of program director

Basic Question:

Is the request consistent with GME requirements for academic progression?

Key Considerations

- Rationale
- Credits / rotations
- Academic plan / duration
- Periodic evaluations
- Delays / promotion
- Amended contract

Resignations or Terminations

- ECFMG must be advised in advance of any contract termination

Basic Questions:

What are the issues for the program and the physician, in the short-term and long-term?

Key Considerations

- Notify ECFMG <http://www.ecfm.org/evsp/evspterm.pdf>
- Official date of release
- Grievance process / timeline
- 30-day grace period to depart United States
- Form I-644, “good-standing” as a J-1
 - Required for future J-1 sponsorship

Gaps in Training

- Training dates are not always contiguous; ECFMG will consider options to continue sponsorship and meet regulatory compliance

Basic Questions:

What constitutes a “legitimate” gap? Will your program be responsible for the physician during a gap in training?

Key Considerations

- Evidence of off-cycle training
 - Delays in visa issuance, licensure
- Dates and duration
- Location – United States or abroad
- Institutional oversight
- Educational training options
 - Contract, salary, medical / accident insurance

Moonlighting

- J-1 physicians are only authorized to participate in official training activities; unauthorized employment is a violation of J-1 visa status

Basic Question:

Who defines official training activities?

Key Considerations

- Discussion with U.S. Department of State
- Activities outside approved training
<http://www.ecfm.org/evsp/evspemot.pdf>
- “80 hour work week”- ACGME restrictions

Questions?

Exchange Visitor Sponsorship Program

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