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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. C17-0141JLR

DECLARATION OF MARC OVERBECK

I, Marc Overbeck, hereby declare and affirm as follows:

1. I am over the age of 18 and competent to testify.

2. I am the Director, Primary Care Office, of the Oregon Health Authority. The mission of the Primary Care Office (“PCO”) is to promote health equity and access to quality medical, dental and behavioral health services for all people living in Oregon. The PCO works under a Cooperative Agreement with the US Health Resources and Services Administration (“HRSA”) to identify shortages of health care professionals in various communities around the state and help coordinate efforts to recruit and retain needed professionals in these areas. As part of that agreement with HRSA, each state is required to identify a PCO Director. One program within the PCO is the J-1 Visa Waiver (Physician Waiver) Program.

3. Oregon’s health care system, particularly in rural and underserved areas, is dependent on the presence of an adequate supply of health care providers to serve the population. J-1 physicians are international medical graduates who have been given a J-1 Visa to complete a

1 medical residency or fellowship in the United States. A stipulation of the J-1 Visa is that upon
2 completion of training, the physicians must return to their home country for two years. This
3 requirement is “waived” for a physician willing to work in a shortage area, in a position for
4 which recruitment of a U.S. physician has been unsuccessful. Oregon, like other states, has
5 30 J-1 slots per year, with up to 10 “flex” slots available outside of designated Health
6 Professional Shortage Areas, provided other program requirements are met.

7 4. There is a great deal of competition among states to obtain physicians willing to
8 work on the J-1 program. In the past, Oregon has been unable to utilize all of its available slots;
9 the Executive Order will very likely make this even more difficult by reducing the pool of
10 providers whom we may have to practice in Oregon under this program. Already, one physician
11 from a country affected by the Executive Order who had been willing to work in Florence,
12 Oregon, an area affected by a physician shortage, has indicated through his counsel that because
13 of the Executive Order, he was unlikely to obtain a waiver to remain in the country and practice
14 medicine in Oregon.

15 5. Since 2002, approximately 320 J-1 visa international physicians have practiced in
16 Oregon, including 16 physicians from the countries affected by the Executive Order. As
17 required by the visa, these physicians serve regions such as rural areas of southern and eastern
18 Oregon that have difficulty recruiting physicians domestically, particularly physicians who are
19 willing to accept the Oregon Health Plan or Medicare. J-1 visa physicians are also important to
20 staffing the Oregon State Hospital, our statewide psychiatric hospital, which currently employs
21 such physicians and is seeking to employ several more to address the shortages faced by our state
22 institution in serving the current and anticipated future patient population.

23 6. Currently, physicians from Iran and Iraq are practicing in underserved areas.
24 Without J-1 visa physicians, Oregon patients will have to either delay treatment or travel farther
25 to obtain it, resulting in additional Oregon Health Plan and Medicare costs to the State. Because
26

1 we are responsible for providing transportation to nearest available provider who can provide
2 services, this will result in additional costs to the State of Oregon.

3 7. J-1 Program directors in other states have identified similar concerns as the ones
4 we have identified about the negative effects to the program and the ability to recruit additional
5 providers imposed by the Executive Order.

6 **I declare under penalty of perjury that the foregoing is true and correct.**

7 EXECUTED on February 7, 2017.

8 
9 _____
10 MARC OVERBECK