

DECLARATION OF MARC OVERBECK

1 ELLEN F. ROSENBLUM
Attorney General
2 SCOTT J. KAPLAN, WSBA #49377
CARLA SCOTT, WSBA #39947
3 Senior Assistant Attorneys General
Oregon Department of Justice
4 100 SW Market Street
Portland, OR 97201
5 971-673-1880
Email: scott.kaplan@doj.state.or.us
6 carla.a.scott@doj.state.or.us
Attorneys for Plaintiff State of Oregon
7

8
9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE WESTERN DISTRICT OF WASHINGTON**

12 STATE OF WASHINGTON, et al.,
13 Plaintiffs,
14 v.
15 DONALD TRUMP, et al.,
16 Defendants.

CIVIL ACTION NO. 2:17-cv-00141-JLR
SUPPLEMENTAL DECLARATION OF
MARC OVERBECK

17
18 I, Marc Overbeck, declare:

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

20 2. I am the Director, Primary Care Office, of the Oregon Health Authority. The
21 mission of the Primary Care Office ("PCO") is to promote health equity and access to quality
22 medical, dental and behavioral health services for all people living in Oregon. The PCO works
23 under a Cooperative Agreement with the US Health Resources and Services Administration
24 ("HRSA") to identify shortages of health care professionals in various communities around the
25 state and help coordinate efforts to recruit and retain needed professionals in these areas. As part
26

1 of that agreement with HRSA, each state is required to identify a PCO Director. One program
2 within the PCO is the J-1 Visa Waiver (Physician Waiver) Program.

3 3. Oregon's health care system, particularly in rural and underserved areas, is
4 dependent on the presence of an adequate supply of health care providers to serve the population.
5 J-1 physicians are international medical graduates who have been given a J-1 Visa to complete a
6 medical residency or fellowship in the United States. A stipulation of the J-1 Visa is that upon
7 completion of training, the physicians must return to their home country for two years. This
8 requirement is "waived" for a physician willing to work in a shortage area, in a position for
9 which recruitment of a U.S. physician has been unsuccessful. Oregon, like other states, has 30 J-
10 1 slots per year, with up to 10 "flex" slots available outside of designated Health Professional
11 Shortage Areas, provided other program requirements are met.

12 4. There is a great deal of competition among states to obtain physicians willing to
13 work on the J-1 program. In the past, Oregon has been unable to utilize all of its available slots;
14 the September 24, 2017 Presidential Proclamation ("Proclamation") will very likely make this
15 even more difficult. In particular, candidates for J-1 visas need to be able to travel to Oregon to
16 interview for positions, most often either on a tourist or business visa. However, under the
17 Proclamation, candidates who are nationals of the five Muslim-majority countries subject to the
18 Proclamation--Chad, Iran, Libya, Syria, and Somalia--are unable to do so. Additionally, the
19 physician's families and friends would be unable to visit them in the United States and they
20 would face the risk of not being to return if they left. All of these factors will make recruiting J-1
21 visa physicians very difficult.

22 5. Since 2002, approximately 350 J-1 visa international physicians have practiced in
23 Oregon, including 10 physicians from the countries affected by the Proclamation. As required by
24 the visa, these physicians serve regions such as rural areas of southern and eastern Oregon that
25 have difficulty recruiting physicians domestically, particularly physicians who are willing to
26 accept the Oregon Health Plan or Medicare. J-1 visa physicians are also important to staffing the

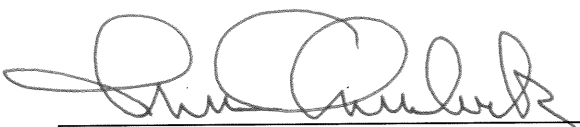
1 Oregon State Hospital, our statewide psychiatric hospital, which currently employs such
2 physicians and has expressed its desire to employ several more to address the shortages faced by
3 our state institution in serving the current and anticipated future patient population.

4 6. Currently, one physician from Iran is practicing in Oregon's underserved areas.
5 Another physician from Iran has signed an employment contract to work in Oregon. Without J-1
6 visa physicians, many Oregon patients will have to either delay treatment or travel farther to
7 obtain it, resulting in additional Oregon Health Plan costs to the State, as well as increased costs
8 for Medicare-covered patients. Because we are responsible for providing transportation to nearest
9 available providers who can provide services, this will result in additional costs to the State of
10 Oregon.

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

14 **I hereby declare that the above statement is true to the best of my knowledge and**
15 **belief, and that I understand it is made for use as evidence in court and is subject to penalty**
16 **for perjury.**

17 DATED October 9, 2017.

18 
19 MARC OVERBECK

