

Guidelines: Recruiting and Hiring Internationally Educated Physical Therapists



HOD G06-20-33-27 [Initial: HOD G06-94-34-45] [Guideline]

1. The employer complies with the “Labor Condition Application” process required by the Department of Labor.¹
2. The employer complies with the H1-B or other appropriate visa regulations set forth by the United States Citizenship and Immigration Services.²
3. The employer, when assuming the legal responsibility for the application process for a candidate, monitors the completion of the educational credentialing process for the physical therapist, including monitoring that any additional required course work is from regionally accredited institutions.
4. The employer discloses to the physical therapist details of ownership of the practice and the setting type (such as contract or specific facility).
5. The employer orients the physical therapist regarding ethical business practices, including fraud and abuse statutes, and reports to the physical therapist any instances of violation by the employer.
6. A no-penalty bailout provision is provided to the physical therapist in the event of change of ownership.
7. Avoidance of noncompete clauses is recommended; if there is reasonable limitation of time and distance, one may be incorporated if allowed under applicable law.
8. The employer advises the physical therapist that their interest is best served by obtaining appropriate counsel prior to signing the contract.
9. The contract is written for the territorial jurisdiction(s) in which the physical therapist will practice.
10. All agreements are presented to the physical therapist in English with an option for a copy in their preferred language.
11. The employer provides services for cultural orientation of the physical therapist.

REFERENCES

1. Employment Law Guide. Work Authorization for non-U.S. Citizens: Workers in Professional and Specialty Occupations (H-1B, H-1B1, and E-3 Visas). US Department of Labor. 2016. <https://webapps.dol.gov/elaws/elg/h1b.htm>.
2. US Citizenship and Immigration Services Policy Manual. 31.3 H1-B Classification and Documentary Requirements. US Dept of Homeland Security. <https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-13593/0-0-0-13813.html>.

Explanation of Reference Numbers:

HOD P00-00-00-00 stands for House of Delegates/month/year/page/vote in the House of Delegates minutes; the "P" indicates that it is a position (see below). For example, HOD P06-17-05-04 means that this position can be found in the June 2017 House of Delegates minutes on Page 5 and that it was Vote 4.

P: Position | S: Standard | G: Guideline | Y: Policy | R: Procedure

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