GUIDELINES: RECRUITING AND HIRING INTERNATIONALLY EDUCATED PHYSICAL THERAPISTS HOD G06-94-34-45 [Guideline]

1. The employer shall comply with the H-1B visa regulations and the “Labor Condition Application” (LCA) process required by the Immigration and Naturalization Service and the Department of Labor.
2. There should be disclosure by the employer of ownership of the practice and the setting type (contract or specific facility).
3. There should be notification by the employer to the physical therapist if the practice is involved in any situation in which a referring practitioner can profit as a result of referring patients/clients for physical therapy and notification that the American Physical Therapy Association (APTA) is opposed to such situations.
4. There should be a clearly delineated, fair, and reasonable buy-out provision in which the physical therapist understands the legal commitment to pay back the recruitment fees in the event that there is dissatisfaction or reason for release from the contract on the physical therapist’s part at any time during the term of the agreement. The exact dollar amount should be clearly stated from the beginning of the agreement.
5. A no-penalty bailout provision should be provided in the event of change of ownership, but the physical therapist may be held to adhere to a reasonable payback schedule.
6. The employer shall notify the physical therapist that if the established relationship is terminated, the sponsorship of the physical therapist is invalidated.
7. Avoidance of noncompete clauses is recommended but if there is reasonable limitation of time and distance, one may be incorporated.
8. The employer should advise the physical therapist that his or her interest may best be served by obtaining appropriate counsel prior to signing the contract.
9. The contract should be written for the territorial jurisdiction(s) in which the physical therapist will practice.
10. The employer should give the physical therapist, before signing the contract, a copy of the “Labor Conditions Application” (LCA) that is filed with the US Department of Labor Office.
11. The employer should give the physical therapist a copy of the prevailing wage survey presented to the US Department of Labor Office with the LCA.
12. All agreements should be presented to the physical therapist in both English and the language native to the internationally educated physical therapist.
13. The employer, when assuming the legal responsibility for the application process for a candidate, should monitor the completion of the educational credentialing process for the physical therapist.
14. The employer should provide services for cultural orientation of the physical therapist.

Relationship to Vision 2020: Professionalism; (Executive Department, ext 3145)

Explanation of Reference Numbers:
BOD P00-00-00-00 stands for Board of Directors/month/year/page/vote in the Board of Directors Minutes; the "P" indicates that it is a position (see below). For example, BOD P11-97-06-18 means that this position can be found in the November 1997 Board of Directors minutes on Page 6 and that it was Vote 18.