

**INFORMATION GUIDANCE
REQUEST FOR J-1 VISA WAIVER RECOMMENDATION
PRIMARY CARE and SPECIALIST PHYSICIANS**

The United States Citizenship and Immigration Services (USCIS) of the U.S. Department of Homeland Security, successor to the Immigration and Naturalization Service of the U.S. Department of Justice, is the federal agency that grants J-1 Visa Waivers.

The goal of the J-1 Visa Waiver Program is to improve accessibility to health care for underserved areas by supporting J-1 visa waiver requests on behalf of foreign medical graduates who have obtained a J-1 visa for graduate medical studies in the United States (“J-1 physicians”). Based on the information provided with a request, ADHS may recommend a waiver of the requirement that a J-1 physician must return to the physician’s home country for a period of two years after completing the graduate medical studies.

The J-1 Visa Waiver Program supports waivers for primary care physicians (family medicine, pediatrics, obstetrics/gynecology, and general internal medicine) or specialists in federally designated Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP), and for psychiatrists in mental health HPSAs.

Primary care physicians or psychiatrists may fill at least 22 of the 30 slots and up to seven (7) slots may be available to specialists providing full-time (40 hours/week) services in federally designated Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP).

The program does not support waivers for J-1 physicians in research positions or practicing in long-term care facilities, chronic care facilities, or rehabilitation facilities.

ELIGIBILITY

PHYSICIAN:

To be eligible, a J-1 physician must:

- Have an offer of full-time employment at an eligible service site located in a federally designated Health Professional Shortage Area (HPSA), a federally designated Medically Underserved Area (MUA), or Medically Underserved Population (MUP),
- Sign a contract to work at the approved service site full-time for a period of not less than three years, and
- Be eligible for an Arizona medical license.
 - Full-time employment is defined as a minimum of 40 hours per week or a total minimum of 160 hours per month.

SERVICE SITE:

To be eligible, a service site must:

- Be located in a federally designated HPSA or federally designated MUA, or in a federally designated MUP;
- Have been operational and providing care for at least six months as of the date of the request for an ADHS recommendation;
- Have tried to recruit a U.S. citizen physician for at least six months prior to the application submission and must be able to document recruitment efforts (recruitment dates must be documented);
- Use a sliding-discount-to-fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of current Federal Poverty Guidelines. They are available at <http://aspe.hhs.gov/poverty/index.shtml#latest>. The sliding-discount-to-fee-scale must be based on the current U.S. Department of Health and Human Services Federal Poverty Guidelines as published in the Federal Register and adhere to A.A.C. R9-1-504 sliding fee schedule

submission and contents available at:
http://apps.azsos.gov/public_services/Title_09/9-01.pdf.

THE EMPLOYER AND THE J-1 PHYSICIAN MUST:

- Accept all patients regardless of method of payment, including AHCCCS (Medicaid), Medicare, Kidscare assignment and ability to pay;
- Provide services to those who have no health insurance coverage;
- Charge patients at the usual and prevailing rates in this area; and
- Use a sliding-discount-to-fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines, including a policy for the use of the sliding fee schedule (SFS)
- Post a notice of SFS discount in a clearly visible location within the facility such as a patient waiting room.

If a service site does not meet all the requirements listed above, the site is not eligible, and an application **WILL NOT** be processed.

POLICY

Providing that the J-1 Visa Waiver Program is reauthorized by Congress, each federal fiscal year, October 1 through September 30, Arizona has 30 available slots for J-1 physicians.

Primary care physicians or psychiatrists may fill at least 22 of the slots. Specialists providing full-time specialty services may fill up to seven slots. The program will retain one slot to be used at the discretion of the ADHS. If this slot is not used by June 30, it will revert to an available position and all complete applications will be considered. ADHS will give priority to primary care physicians. At its discretion, ADHS may support more than 22 primary care physicians per year if there is an increased primary care demand for a waiver slot during the application year.

While waiver slots are not guaranteed, each service site could receive a maximum of two approved J-1 physicians per site per year.

The state program will open during the first week of October each year and will stay open for at least 2 months. Complete applications received by ADHS or post-marked on or before the due date will be considered for a waiver. If any slots remain to be filled after the first application period, an announcement will be made through the program's website at <http://www.azdhs.gov/j1visawaiver>.

Each federal fiscal year, the J-1 Visa Waiver Program will close when all slots are filled.

APPLICATION REVIEW PROCESS

Requests for an ADHS recommendation will be reviewed for completeness, inclusion of all required supporting documents, eligibility of the provider and the service site, the J-1 physician's type of practice or specialty, and adherence to the J-1 Visa Waiver Program and to federal guidelines.

A decision for a letter of support typically takes approximately eight to twelve weeks from the program application cycle deadline and upon receipt of a complete application or receipt of missing items. The J-1 physician, sponsoring employer, and legal representative will be notified by ADHS, via mail or email, regarding the status of the application when the decision has been made.

SCORING

ADHS will conduct a scoring method when there is competition among primary care physicians or among specialists for the available waiver slots. Eligible J-1 primary care physicians will be prioritized such that ADHS could at its discretion fill all slots with primary care physicians if the demand exists during the program year and if warranted based on the need in the State.

Scoring of all complete applications will be conducted only when there are more applications within each physician category (primary care versus specialists) received than slots available. An application for a J-1 visa waiver recommendation will receive weighted points based on the information in the application and the total weighted score for all criteria

will be obtained. ADHS will identify the top scoring primary care or specialist physicians for consideration for an J-1 visa waiver recommendation. ADHS may consider other factors in the selection process that impact access to specific health care services, for example, service availability and accessibility, prevalent health issues in the community, etc. For details regarding the weighted scoring system, please link to <http://www.azdhs.gov/hsd/workforce/j-1-waiver/applications/preference-points.htm>.

AD HOC REVIEW COMMITTEE

An ad-hoc review committee may be convened to ensure slots were awarded based on the State's need. A three to five-member review committee that may consist of ADHS program staff selected under the authority of the ADHS Director, and staff from partner agencies such as the Arizona Rural Health Office and the Arizona Alliance for Community Health Centers may review requests for a J-1 visa waiver recommendation if:

- ADHS receives more than seven (7) complete applications for the specialist J-1 visa waiver slots, and two or more applicants have equal score, and only one specialist slot remains to be filled.
- ADHS receives more than two (2) complete applications for the same service site and all applications ranked high in the scoring process with equal scores.

The committee's decision will be discretionary and will be based on the needs of the community, where each J-1 physician with equal score proposes to practice and the physician's ability to meet the needs.

ADHS HELD HARMLESS

The ADHS reserves the right to deny support of a J-1 visa waiver application. If support is denied, ADHS will not forward the application to the U.S. Department of State (DOS) Waiver Review Division. The ADHS does not bear any liability for the denial of support of a J-1 visa waiver application, which includes, but is not limited to, the consequences arising from any practice arrangements or contracts entered into by the J-1 physician or proposed employer before or after requesting a J-1 visa waiver recommendation from ADHS.

In the event that an application is denied, the ADHS will notify the J-1 physician of the denial via mail or e-mail and return the application to the lawyer of record or to the J-1 physician if the physician is not represented by a lawyer.

In the event that a support waiver is granted and an employment situation arises that leads to a break in service or noncompliance to the program's service requirements, the J-1 physician's obligation may be extended to satisfy the 3 year full time (a minimum of 40 hours per week or a total minimum of 160 hours per month) service obligation required by the Federal J-1 Visa Waiver Program. The service obligation is specific to a Federally Designated Health Professional Shortage Area (HPSA), Medically Underserved Area/Population (MUA/MUP) in Arizona.

REQUIREMENTS

The ADHS requires all of the following documentation submitted by the due date:

Please submit the items, in the order and quantity listed, to:

J-1 Visa Waiver Program Manager
Arizona Department of Health Services
150 N 18th Avenue Suite 300
Phoenix, AZ 85007

Please Note: WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.

1. **DS-3035, Review Application Form, Data Sheet (current edition).** Please include the bar code page. **Two (2) copies.** Refer to <https://travel.state.gov/content/visas/en/study-exchange/student/residency-waiver/ds-3035-instructions.html>. Link to 'J-1 Visa Waiver Review Application' for the current data sheet and processing instructions. Please note: DOS WILL ACCEPT ONLY CURRENT DATA SHEET APPLICATIONS. Applications with other versions of the Data Sheet will be returned to the sender without processing.
2. **A letter from the head of the organization that wishes to hire the J-1 physician** **Original and one (1) copy.** The letter should include this wording verbatim: "(Name of Organization) *requests the Arizona Department of Health Services act as an interested government agency and recommend a waiver for the physician*".
3. **Valid contract of full-time employment from the time USCIS grants a waiver of the two-year home-country residency requirement.** **Two (2) copies of the signed employment contract.**
 - The contract must specify the name of the service site(s) and address where the J-1 physician will provide services.
 - The contract must be for at least three (3) years, a minimum of 40 hours per week or a total minimum of 160 hours per month, and must specify the specific primary care or specialty services that will be provided.
 - The physician must agree to begin employment at the approved service site(s) within 90 days of receiving a J-1 visa waiver (must state in contract).
 - Both the J-1 physician and the employer must sign the contract.
 - The contract may not include a Non-Compete Clause.
 - The contract may only be terminated for cause and may not be terminated by mutual agreement.
 - The contract must include this wording verbatim, "*The J-1 physician and the employer may not change, by contractual amendment or otherwise, the*

essential terms of the employment contract as required by the J-1 Visa Waiver Program.”

- Until the J-1 physician completes the three-year commitment, the J-1 physician must provide services:
 - At the service site(s) specified in the employment contract,
 - To the patients specified in the employment contract, and
 - In the manner specified in the employment contract.

4. Evidence that the facility is in a federally designated Health Professional Shortage Area (HPSA), a federally designated Medically Underserved Area (MUA) or Medically Underserved Population (MUP). Two (2) copies.

Refer to <http://hpsafind.hrsa.gov/> for official listing of designated HPSAs, and <http://muafind.hrsa.gov/> for official listing of designated MUAs and MUPs.

5. Legible copies of the physician’s IAP-66/DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status forms, covering every period the physician was in J-1 status. Two (2) copies

IAP-66/DS-2019 forms must be submitted in chronological order with the “Begin a new program” first.

6. Current Curriculum Vitae. Two (2) copies.

7. Form G-28, Notice of Entry of Appearance as Attorney or Representative Two (2) copies. If applicable.

8. A description of the J-1 physician's proposed responsibilities AND schedule at the site (hours per day and days per week). One (1) copy.

The proposed responsibilities MUST include a statement of how the J-1 physician’s employment will satisfy important unmet needs, including the health care needs of the specific community and preventive programs the physician will initiate or continue that address health problems prevalent in the specific community, etc.

If the J-1 physician will be assigned to multiple locations, the schedule MUST include the proposed or estimated hours per day and days per week at each location.

9. Recruitment documentation. One (1) copy of advertisements or announcements and one (1) copy of the description of recruitment efforts.

The employer MUST demonstrate that it has made a good faith effort to recruit a United States citizen J-1 physician for the specific job opportunity in the same salary range and MUST provide evidence of active and ongoing recruitment that began at least six months prior to the application submission. The employer MUST describe the recruitment efforts, including the number of United States citizen physicians who responded to the advertisements or announcements, the number of United States citizen physicians interviewed, and outcome of any interviews. The description of recruitment efforts must clearly demonstrate that the employer could not find a United

States citizen physician through traditional recruitment methods. The employer must submit documents that support the recruitment description and may submit recruitment evidence from the start date of recruitment for the specific job opportunity through the most recent period as long as it reflects ongoing recruitment starting from at least 6 months prior to the application submission. The documentation MUST include **dated** advertisements or announcements in news papers or professional journals, residency programs, etc.

10. **Physician application** **One (1) copy of a fully completed application.**

11. **Service Site application.** **One (1) copy of a fully completed application.** **If applicable, complete a service site application for each additional service site.** Available at <http://www.azdhs.gov/documents/prevention/health-systems-development/workforce-programs/j-1-visa-waiver/applications/service-site-application-august-2015.pdf>.

12. **A sliding discount-to-fee schedule (SFS).** **One (1) copy of the SFS.**

The sliding discount-to-fee schedule must be based on current Federal Poverty Guidelines available at: <http://aspe.hhs.gov/poverty/index.shtml#latest> and adhere to A.A.C. R9-1-504 sliding fee schedule submission and contents available at: http://apps.azsos.gov/public_services/Title_09/9-01.pdf. *Please note: Discounts must be offered to all patients at the facility who are uninsured and at or below 200% of current Federal Poverty Guidelines.* An Encounter Report, indicating use of the sliding discount-to-fee schedule, must be filed with the ADHS on a quarterly basis, after the start of the J-1 physician's employment at the service site.

13. **A SFS Policy or Procedure for its use.** **One (1) copy**

14. **A SFS notice (signage posted on the premises to inform about the availability of SFS).** **One (1) copy**

15. **Three current letters of community support.** - **Please provide the original of each letter.** Community letters of support for employing the J-1 physician to provide primary care or specialty services at the service site. Examples of letters of support include: Letters from the county medical society and/or from a representative sample of providers in the service site area; and letters of support from any federally funded program (community health center, National Health Service Corps) or state funded program in the service site area verifying that employment of the J-1 physician will benefit delivery of primary care services in the area. **Letters of support should not be from members or affiliates of the sponsoring organization or service site.**

16. **Copies of the J-1 physician's Arizona Medical license or Arizona Medical license application, if license is not yet issued.** **One (1) copy of the license or license application.** Contact the Arizona Medical Board at (480) 551-2700 or at: <http://www.azmd.gov/>.

WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.

To ensure that a request for a J-1 Visa Waiver application will be considered, **ALL** required Step 3 items should be received by ADHS or be post-marked on or before the established deadline.

PROCEDURE

Your case number is very important.

Be sure to write the full case number on any documentation submitted and on the outside envelope of all future correspondence.

STEP 1. Apply for a case number from the United States Department of State (DOS). (Please refer to Requirement #1).

STEP 2. Receive your case number and an instruction sheet from DOS.

The instruction sheet from DOS may include a list of documents that are required by the Waiver Review Division (ADHS requires items 1-13 of the Requirements in order to consider the request for a letter of support). *If the DOS Waiver Review Division asks for an item that is not on the ADHS Requirement list, be sure to include that item.*

STEP 3. Submit all required documents 1-13 to the ADHS.

STEP 4. If the ADHS decides to support a J-1 visa waiver application, the ADHS will submit all required documents and letters relating to the application to the DOS Waiver Review Division. At this point, the ADHS is no longer directly involved in the process. The ADHS will inform the J-1 physician or the lawyer of record when this happens. The J-1 physician may check on application status **ONLY** by calling DOS at (202) 663-1600 and by providing the case number.

In the event that an application is denied, the ADHS will notify the J-1 physician of the denial via mail or e-mail and return the application to the lawyer of record or to the J-1 physician, if the physician is not represented by a lawyer.

STEP 5: The DOS Waiver Review Division will send its recommendation directly to USCIS. The J-1 physician should receive a copy of that recommendation at the address listed on the J-1 physician's data sheet. **The J-1 physician must provide to the J-1 Visa Waiver Program Manager a copy of the J-1 Visa Waiver approval notice from USCIS.**

Thank you for your interest in serving the medically underserved in Arizona.

IMPORTANT RESOURCES

- For information regarding primary care HPSAs, MUAs, and MUPs, and mental health HPSAs, refer to: <http://www.azdhs.gov/prevention/health-systems-development/shortage-designation/index.php>
- For J-1 Visa Waiver Contract Guidelines refer to: <http://www.azdhs.gov/j1visawaiver>
- For sites that offer a sliding discount-to-fee scale, refer to the Sliding Discount-to-Fee Providers at: <http://www.azdhs.gov/prevention/health-systems-development/sliding-fee-schedule/index.php#clinic-locations>
- For Arizona sliding discount-to-fee scale submission and content requirements refer to R9-1-504 on this document: http://apps.azsos.gov/public_services/Title_09/9-01.pdf
- Federal Poverty Guidelines refer to: <http://aspe.hhs.gov/poverty/index.shtml#latest>
- For additional information on the J-1 visa waiver federal program: <http://j1visa.state.gov/participants/videos/j-1-visa-exchange-visitor-program/>

Other sources for job search are:

- The Arizona Alliance for Community Health Centers: <http://www.aachc.org>
- The University of Arizona Center for Rural Health Office: <http://crh.arizona.edu/>
- Arizona Rural Recruitment and Retention Network (3Rnet): <https://www.3rnet.org/>