

**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 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 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 meet the following requirements:

- 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 an eligible service site full-time for a period of not less than three years
 - Full-time employment is defined as a minimum of 40 hours per week or a total minimum of 160 hours per month.
- Be eligible for an Arizona medical license.

SERVICE SITE:

To be eligible, a service site must:

- Be located in a federally designated HPSA, a federally designated MUA, or 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. based physician (defined as a physician who is legally able to work in the United States such as a U.S. or naturalized citizen and do not require J1-visa sponsorship) 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 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 <https://aspe.hhs.gov/poverty-guidelines>. The sliding 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 the area;
- Use a sliding fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of the Federal Poverty Guidelines;
- Implement a sliding fee scale policy; and
- 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 from 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 30 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 ADHS. ADHS may use the discretionary slot at any time. 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. Employers may

submit two J-1 applications for the same service site during the first application cycle typically between October 1 and November 30 of each year. ADHS will consider additional J-1 applications from the same service site after the conclusion of the first application cycle and if slots remain available.

Even if the application and supporting documents were successfully submitted via the electronic application portal, the required hard copy documents must be received by ADHS or post-marked on or before the due date for the application to be considered for a waiver slot. 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 waiver 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. Processing times may be extended if ADHS receives an incomplete application where additional documents must be obtained to complete the application. The J-1 physician, sponsoring employer, and legal representative will be notified by ADHS via email regarding the status of the application when ADHS has made its final decision.

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 a 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 if needed to ensure slots were awarded based on the State's need. A two to four-member review committee will consist of ADHS program staff and other individuals identified to have knowledge and expertise on the State's workforce shortages and health care needs. The ad-hoc committee may review requests for a J-1 visa waiver recommendation if:

- ADHS receives more than twenty-two (22) primary care or more than seven (7) specialist applications for the J-1 visa waiver slots, and two or more applicants within the primary care or specialty category have equal total weighted scores, but only one primary care or specialist slot remains to be filled. ADHS receives more than two (2) complete applications for the same service site and all applications are on equal ranking resulting from the scoring process. While a service site could receive 2 J-1 physician placements per site per year, ADHS may, at its discretion, approve or deny any J-1 application. 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

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, ADHS will notify the lawyer of record via e-mail and return the application to the lawyer of record. Otherwise, ADHS will notify and return the application to the J-1 physician if the physician is not represented by a lawyer.

In the event that a waiver support is granted and an employment situation arises that leads to a break in service or noncompliance with 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 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

ADHS requires all of the following documentation submitted electronically in the Provider Management System (“the portal”) by the application submission due date:

THE FIRST 7 ITEMS ON THIS LIST MUST ALSO BE SENT TO ADHS IN THE ADDRESS BELOW IN THE ORDER LISTED. HARD COPIES MUST BE RECEIVED BY ADHS OR POSTMARKED NO LATER THAN THE APPLICATION SUBMISSION DUE DATE.

J-1 Visa Waiver Program Manager
Arizona Department of Health Services
150 N 18th Avenue Suite 320
Phoenix, AZ 85007

Please Note: ALL SUBMITTED DOCUMENTS MUST HAVE A CASE NUMBER ON EACH PAGE. ALL 16 ITEMS MUST BE UPLOADED IN THE PORTAL.

1. **DS-3035, Review Application Form, Data Sheet (current edition).** Please include the bar code page. **One (1) copy must be sent to ADHS and one (1) copy for upload.** 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. **HARD COPY NEEDED.**
2. **A letter from the head of the organization that wishes to hire the J-1 physician.** The **Original** hard copy must be sent to ADHS and one (1) copy for upload. The letter on company letterhead 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. **A valid contract of full-time employment from the time USCIS grants a waiver of the two-year home-country residency requirement.** One (1) hard copy must be sent to ADHS and one (1) copy for upload.
 - The contract must specify the name and address of the service site(s) where the J-1 physician will provide services.
 - The contract must be for at least three (3) years from the estimated start date of the contract and within 90 days of the J-1 physician receiving a J-1 visa waiver.

- The contract must provide full-time employment for 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).
- The contract may not include a Non-Compete Clause.
- 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.*"
- The contract must provide that 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.
- The contract must be fully executed by both the J-1 physician and the employer signing the 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). One (1) hard copy must be sent to ADHS and one (1) copy for upload.

Refer to <https://data.hrsa.gov/tools/shortage-area> for the official listing of designated HPSAs and 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. One (1) hard copy must be sent to ADHS and one (1) copy for upload. IAP-66/DS-2019 forms must be submitted in chronological order with the "Begin a new program" first.

6. Current Curriculum Vitae. One (1) hard copy must be sent to ADHS and one (1) copy for upload.

7. Form G-28, Notice of Entry of Appearance as Attorney or Representative One (1) hard copy must be sent to ADHS and one (1) copy for upload. 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 for upload. The description of the provider's 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. This document may be used by ADHS to determine the J1 applicant serving a community with the most compelling need, in addition to health status data from published ADHS reports. For providers serving at more than one location, the description MUST include a **narrative** of the proposed schedule including the estimated hours per day and days per week at each location. **ADHS will NOT accept stand-alone schedules in a table format in lieu of a narrative.**

9. Recruitment documentation. Upload one (1) copy of a NARRATIVE description of recruitment efforts AND one (1) copy of each form of DATED recruitment documentation i.e. online or print advertisements, or announcements in support of the narrative. The narrative description MUST include the following:

- Commencement date of the employer’s recruitment efforts for the specific position
- Methods used to advertise for the position
- Length of time the vacancy has been posted using various methods
- Total number of physicians who responded to the advertisements or announcements including the number of US-based physicians (defined as those who are legally able to work in the United States and do not require J1-visa sponsorships)
- Number of physicians interviewed and outcome of any interviews

8.1. The employer MUST demonstrate that it has made a good faith effort to prioritize and recruit a qualified US-based physician before resorting to hiring a J-1 physician for the specific job opportunity in the same salary range and must clearly demonstrate that the employer could not find a US-based physician through traditional recruitment methods.

8.2. The employer MUST provide evidence of active and ongoing recruitment that began at least six months prior to the application submission. For example, if the employer has been recruiting for two years for the position, the documentation must show a continuum of recruitment efforts from the start date of posting to the most current active posting.

8.3. The employer must submit documentations that support the recruitment narrative. ADHS will **NOT** accept the following stand-alone documentation of recruitment without an accompanying narrative except as otherwise noted:

- Copy of contract with recruitment firms. This does not show evidence of

active and ongoing recruitment. However, ADHS will accept a copy of the contract with the recruitment firm with attached copies of dated advertisements, postings, and other recruitment documentation done by the firm for the specific position that the employer is hiring for.

- Recruitment documentation from a third party where its relationship with the employer is unknown. For example, a private Hospitalist group recruiting on behalf of the hospital. ADHS will accept either a contract between a third party group and the employer OR a statement from the employer that clarifies the relationship between the two entities and that clearly indicates that the employer authorized the third party to recruit on behalf of the employer. In addition to a copy of the contract or statement from the employer establishing the relationship, please submit dated recruitment advertisements or postings for the specific position conducted by the third-party group.
- Employer's website traffic analytics. This does not show evidence of active and ongoing recruitment and will not be accepted. ADHS, however, will accept documentation of dated job postings on the employer's website and a history of the job posting for the specific position. Job posting histories must clearly show at a minimum the position and the date of posting.
- A statement including sworn affidavits from the employer or the employer's recruiter. However, ADHS will accept affidavits along with dated advertisements, postings, and other documents that support the statement in the affidavit.
- List of physicians considered for interview, those who were interviewed, and outcome of interviews. This will be accepted to support the recruitment narrative.
- CVs of physicians who applied for the position. ADHS will consider this only if submitted as evidence to support the list of physicians considered for the position per the recruitment narrative.
- Word or pdf document of the job posting submitted to the employer's Human Resources, recruiter or recruitment firm for posting. ADHS will only accept actual DATED ads that were posted on the website.
- Copy of ads on websites where the general physician population may not be able to access. For example, the Bureau of Health Workforce Connector, National Health Service Corps website. ADHS will accept this documentation only in conjunction with other ads and related documents to show evidence that various methods were used to recruit physicians.

- Airline tickets to attend a marketing event
- Hotel accommodations where marketing events took place. This may be accepted only if submitted to support the recruitment narrative and if the documentation supports recruitment for the specific position that the J1 physician is being hired for. For example, ADHS will not accept evidence of attendance in the Annual Rural Recruitment and Retention Conference (3RNet) as this event is primarily for state offices where there will be no interface with actual physicians.
- Registration fee receipts for marketing events. This may be accepted only if submitted to support the recruitment narrative.
- A statement from the employer certifying that recruitment was done by word-of-mouth. ADHS will not consider an application where no evidence of recruitment from the employer can be presented. Generally, even if recruitment is by word-of-mouth, employers should be able to provide evidence of recruitment i.e. scheduling for interviews, email correspondences with applicants, site visit coordination, travel arrangements for site visits, etc. If the employer is unable to present anything, ADHS will not be able to determine if the employer in fact made a good faith effort to recruit a qualified US-based physician and the application will be deemed ineligible for a waiver slot.

8.4. The employer 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 active and ongoing recruitment starting from at least 6 months prior to the application submission.

10. Physician Application. Upload one (1) copy of a fully completed, signed and NOTARIZED application

11. Service Site application. Upload one (1) copy of a fully completed, signed AND NOTARIZED application.

12. A sliding fee scale (SFS). One (1) copy of the SFS for upload.

The sliding fee scale must be based on current Federal Poverty Guidelines available at: <https://aspe.hhs.gov/poverty-guidelines> 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.*

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

Policy is a document that describes the facility's process in implementing the SFS. For additional information, please click [here](#).

14. A SFS notice (signage posted on the premises to inform about the availability of SFS). One (1) copy for upload. The SFS notice must at a minimum include that the facility offers a SFS discount based on the patient's family income AND must provide that the facility does not discriminate in the provision of health services by basis of ability to pay.

15. Three current letters of community support. -One (1) copy of each letter for upload. Letters of support should not be from members or affiliates of the sponsoring employer or service site. Community support letters may be obtained from organizations outside of the medical community as long as supporters can speak about the need in the community. Examples of letters of support include: Letters from the county health department or county administration, providers in the service area where the J-1 physician is being recruited to, faith based health care organizations, federally funded programs (community health centers, rural health clinics) or state funded programs in the service area that can verify that employment of the J-1 physician will benefit delivery of primary care or specialty services in the area.

16. Copy of the J-1 physician's Arizona medical license. In lieu of the Arizona medical license, a receipt or email confirmation of the Arizona medical license application filing from the Arizona Medical Board may be submitted, if license is not yet issued. One (1) copy of the license, receipt or email confirmation for upload. Contact the Arizona Medical Board at (480) 551-2700 or at: <http://www.azmd.gov/>.

ALL DOCUMENTS MUST HAVE A CASE NUMBER ON EACH PAGE.

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

PROCEDURE

Your case number is very important.

Be sure to write or type the full case number on any documentation submitted.

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 1-16 to ADHS via the application portal. Please note that hard copies of the first 7 items on the checklist must be sent to ADHS postmarked no later than the application due date. Otherwise, it will not be considered for a waiver slot.

STEP 4. If ADHS decides to support a J-1 visa waiver application, ADHS will submit a support letter with all required documents enclosed 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, ADHS will notify the lawyer of record or the J-1 physician of the denial via 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 once obtained.

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: <https://data.hrsa.gov/tools/shortage-area>
- For J-1 Visa Waiver Contract Guidelines refer to: <https://www.azdhs.gov/documents/prevention/health-systems-development/workforce-programs/j-1-visa-waiver/eligibility-requirements/contract-guidelines-august-2016.pdf>
- For sites that offer a sliding fee scale, refer to the Sliding Discount-to-Fee Providers at <https://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: <https://aspe.hhs.gov/poverty-guidelines>
- For additional information on the J-1 visa waiver 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: <https://www.aachc.org>
- The University of Arizona Center for Rural Health Office:
<https://crh.arizona.edu/>
- Arizona Rural Recruitment and Retention Network (3Rnet):
<https://www.3rnet.org/>