

Indiana J-1 Visa Waiver Program Guidelines
The Indiana State Department of Health and the Indiana Primary Health Care Association

Applications for primary care physicians may be sent beginning November 1, 2010

Applications from specialists may be sent beginning March 1, 2011

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The Indiana J-1 Visa Waiver program targets primary care physicians who have completed a U.S. residency training program in one of the following practice areas **Family Medicine, General Pediatrics, General Obstetrics/Gynecology, General Internal Medicine or General Psychiatry**. Specialists may be considered on a case-by-case basis after March 1st, 2011 however primary care physicians will have priority whenever submitted.

Physicians must practice in federally designated Primary Care Professional Shortage Areas (HPSAs), Medically Underserved Areas (MUAs), or Medically Underserved Population (MUP) areas. Psychiatrists may practice in an underserved area or a Mental Health Professional Shortage Area.

The Bureau of Citizenship and Immigration Services (BCIS) of the U.S. Department of Homeland Security, successor to the Immigration and Naturalization Services of the U.S. Department of Justice, is the federal agency that ultimately grants J-1 visa waivers.

To Apply for this program please read and follow the instructions below.

Physician Eligibility

To be eligible, a J-1 physician must:

- Document an offer of full-time employment (at least 40 hours per week) at an eligible service site located in a federally designated Health Professional Shortage Area (HPSA) or in a federally designated Medically Underserved Area (MUA), or serving in a federally designated Medically Underserved Population (MUP).
- Sign a contract to work at an approved service site full-time for a period of not less than three years.
- Have an Indiana medical license before the application will be approved.

Service Site Requirements

To be eligible, a service site must:

- Be located in a federally designated HPSA or federally designated MUA, or in a federally designated MUP or Mental Health HPSA;
- Have been operational and providing care for at least six months as of the date of the request for an ISDH recommendation;
- Have evidence of efforts to recruit a U.S. citizen physician for a minimum of four (4) months before submission of the application and must be able to document recruitment efforts;
- Provide similar salary for local recruit and J-1 physicians;
- 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 Federal Poverty Guidelines;
- 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. See <http://aspe.hhs.gov/poverty/>.
- Indiana will not accept applications from facilities outside designated underserved areas.

The Employer And The J-1 Physician Applicant Must

- Accept all patients regardless of method of payment, including Medicaid, Medicare 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 and post for public viewing a sliding 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.
- The J-1Physician and the Chief Executive Officer or Administrator of the employing entity must provide ISDH a semiannual Verification of Employment (VOE) form which verifies the J-1Physician's employment at the practice site.
 - The first report must be submitted within 30 days of employment. Subsequent reports must be submitted **every six months** from the contract execution date with a final report due upon completion of the three year commitment.
 - If the employment contract is terminated prior to it scheduled end date, the J-1Physician and employer must provide written notification and explanation to the ISDH.

- The employer of a J-1Physician that transfers to another medical facility within Indiana must submit a final VOE form upon termination of the contract.
 - The new employer of a J1Physician who has transferred from within Indiana or another state must file the first work verification form within 30 days of the transfer.
 - Subsequent reports must be submitted every six months from the contract execution date with a final report due upon completion of the contract.
 - Failure on the part of the J-1Physician to submit accurate and truthful semiannual forms will result in a report of noncompliance to the U.S. Citizenship and Immigration Service. Failure on the part of the Chief Executive Officer or Administrator of the employing entity to submit accurate and truthful semiannual reports will jeopardize future eligibility for J-1placement at the practice site and may result in an out-of-compliance report for the J1Physician.
- Send VOE reports to:
 J-1 Reports/ Office of Primary Care
 Indiana State Department of Health
 2 North Meridian, 2 J
 Indianapolis, Indiana 46204

If a service site, employer and applicant do not meet/agree to all the requirements listed above, the site/employer is not eligible, and an application **WILL NOT** be considered.

Application Review Process

The Indiana Primary Health Care Association assists the Indiana State Department of health with application processing. Based on a calendar year, applications will be reviewed by an ISDH committee of physicians and staff for completeness, inclusion of all documents, appropriateness of the service site, the J-1 physician’s type of practice and adherence to the Indiana J-1 Visa Waiver Program and to federal guidelines **every quarter**. For 2010 this review will occur around the 15th of December, March, June, and September. Recommendations will be issued on day 6 or 7 of each quarter beginning January 2011.

Applicants may be notified by email if there are correctable deficiencies in the application. The reviewer (IPHCA or PCO) must receive corrected materials via email within five business days or the application will not continue to be processed.

ISDH Held Harmless

The ISDH reserves the right to deny recommending any J-1 visa waiver application. If support is denied, ISDH will not forward the application to the U.S. Department of State (DOS) Waiver Review Division. The ISDH 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 an ISDH J-1 waiver recommendation.

In the event that an application is denied, the ISDH will notify the J-1 physician or his/her representative of the denial via mail or e-mail.

APPLICATION PROCEDURE

The applicant's case number must be included on every page of all documentation.

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

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

The instruction sheet from DOS may include a list of documents that are required by the Waiver Review Division (ISDH 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 Indiana requirement list, be sure to include that item.*

STEP 3. Submit documentation described in the requirements 1-16 below to the Indiana Primary Health Care Association (IPHCA).

STEP 4. If the ISDH J-1 Committee decides to support a J-1 visa waiver application, the ISDH will submit all required documents and letters relating to the application to the DOS Waiver Review Division. At this point, the ISDH is no longer directly involved in the process. The ISDH will inform the J-1 physician or the lawyer of record when this happens. The J-1 physician may check on application status by accessing this web site: <http://169.253.2.79/>

In the event that an application is denied, The J-1 physician's attorney, the physician or the employer will be notified by mail or E-mail.

STEP 5. The DOS Waiver Review Division will send its recommendation directly to BCIS. 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 ISDH J-1 Waiver Program Manager, Primary Care Office, Indiana State Dept. of Health, 2 N. Meridian St., Indianapolis, Indiana, 46204, a copy of the J-1 Visa Waiver approval from US Citizenship and Immigration Services

Requirements

The Indiana J-1 Visa Waiver Program requires the following documentation:
Please submit **three copies of all items**, in the order and quantity listed, to:

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Shortage Designations and National Health Service Corps Program Director
Indiana Primary Health Care Association
1006 E. Washington Street, Suite 200
Indianapolis, IN 46202
Phone: 317-630-0845
Fax: 317-630-0849
nbrown@indianapca.org

WRITE YOUR DOS CASE (DEPARTMENT OF STATE) CASE NUMBER ON EACH PAGE SUBMITTED.

1. An Indiana J-1 Visa Waiver Application Sheet

2. DS-3035, Review Application Form, Date Sheet (current edition)

Refer to <http://www.state.gov/m/a/dir/forms/>. Click "DS-3035 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.

3. A "JUSTIFICATION LETTER" from the head of the facility at which the physician will be employed that:

- Describes the facility, including the nature and extent of its medical services and the need for a J-1 physician
- Describes the facility's percent of the patient population to which the sliding fee has pertained in the last year; the percent of Medicaid, Medicare and privately insured, self-pay, and charity care.
- Describes the effect a waiver denial will have on the area.
- Describes 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.
- Presents the J-1 physician's supervisor's rationale for wanting to hire the particular applicant.
- Describes the recruitment process and employment environment:
 - Who recruited?
 - What questions were asked of the applicant?
 - What was the level of community involvement?
 - Does your operation have a quality management system in place?
 - Will the J-1 physician provide hospital-based care?
 - Is the candidate hospital certified?
 - Is there a physician retention plan?
 - Is there a physician quality improvement system in place?
 - Do you require board certification?
 - Do you have a continuing medical education allowance or formalized opportunities with partners to enable the candidate to maintain her/his board eligibility/certification?
 - When was your last client satisfaction survey performed and what was the outcome?
 - How would you describe the candidate's verbal and written communication skills?
 - Does the candidate have the performance competencies to meet the needs of the population he/she will serve?
 - Approximately how many patients will the candidate carry?

- In what way will you welcome the physician to the community and work to retain him/her in your facility?

4. A copy of a fully-executed valid contract of full-time employment from the time BCIS grants a waiver of the two-year home-country residency requirement. The contract must include the following:

- The contract must specify the service site (s) where the J-1 physician will provide services.
- The contract must be for at least three (3) years, 40 hours per week.
- The physician must agree to begin employment at the approved service site within 90 days of receiving a J-1 visa waiver.
- The contract may contain a non-compete clause that is not overly burdensome.
- Both the J-1 physician and the employer must sign the contract.
- The contract may be terminated for cause and may not be terminated by mutual agreement.
- The J-1 physician and the employer may not change, by contractual amendment or otherwise, the essential terms of the employment contract.
- 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.
- Documentation that services will be provided at a salary comparable to the area (<http://www.flcdatacenter.com/OesWizardStart.aspx>)

5. Evidence that the facility is in a federally designated Health Professional Shortage Area (HPSA) or federally designated Medically Underserved Area/Population (MUA/P.)

- The site census track number and the HPSA and/or MUA Name and ID are sufficient proof. Refer to (<http://datawarehouse.hrsa.gov> or <http://bhpr.hrsa.gov> or <http://hpsafind.hrsa.gov>) for official listings of designated HPSAs, MUAs, and MUPs.

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

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

7. Proof of passage of examinations required by Immigration and Naturalization Services (i.e., Flex and ECFMG) Scores should be included.

8. Curriculum Vitae.

9. Two letters of recommendation from the physician's primary care residency or fellowship program.

10. Form G-28, Notice of Entry of Appearance as Attorney or Representative.

11. A completed J-1 Visa Waiver Program Affidavit and Agreement

12. Recruitment documentation.

- Copies of advertisements, announcements, and or placement agreements and a summary description of recruitment efforts.
- Documentation demonstrating that the employer made a good faith effort to recruit a United States citizen for the job opportunity in the same salary range for at least four (4) months before the request for an ISDH J-1 visa waiver recommendation and that the effort was not successful. The documentation may include advertisements or announcements in news papers or professional journals, residency programs, etc. The employer must describe the recruitment efforts including 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 primary care physician through traditional recruitment methods.

13. A sliding discount-to-fee schedule (SFS) and the procedure in place for its use.

- The sliding discount-to-fee schedule must be based on current Federal Poverty Guidelines available at <http://aspe.hhs.gov/POVERTY/08poverty.shtml>
- The schedule and policies for its use must be posted in a prominent location for public viewing within the facility.
- Discounts must be offered to all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines.

14. Two (2) letters prepared within the year (12-month span) of application.

- Provide originals of each letter.
- Letters of support suggesting the need from the community for employing the J-1 physician to provide primary care services at the service site.
- Examples: 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) or state funded program in the service area verifying that employment of the J-1 physician will benefit delivery of primary care services in the area.

15. Copy of the J-1 physician's Indiana Medical license. A J-1 waiver request will not be processed without a current Indiana Medical License.

16. Copy of license to practice in states other than Indiana even if license has expired.

RESOURCES

For information regarding primary care HPSAs, MUAs, MUPs, and mental health HPSA's refer to: <http://bhpr.hrsa.gov/shortage/>

For information on the J-1 Visa Waiver Federal Program:

<http://www.globalhealth.gov/exchangevisitorprogram/index.html>

Department of State:

http://travel.state.gov/visa/tempvisitors_info_waivers.html

2008 HHS Poverty Guidelines

<http://aspe.hhs.gov/POVERTY/08poverty.shtml>