



Maryland Department of Health

**Conrad 30 (J-1 Visa Waiver) Program
Policy and Procedures**

Revised: October 2022

Table of Contents

A.	Purpose	4
B.	Background	4
C.	Criteria and Policies for J-1 Exchange Visitor (J-1 Physician)	5
	1. Residency Training Program	
	2. Documentation	
	3. Employment Agreement or Contract	
	a. Contract Hours	
	b. Work Location	
	c. Additional Employment	
	d. Non-Compete Prohibition	
	e. INTCA Requirements	
	4. Office of Population Health Improvement (OPHI) Role	
	5. Timeline for Contract Submission	
	6. Accept All Patients Regardless of Ability to Pay	
	7. Monitoring	
	8. Recruitment Fee Prohibition	
	9. Verification of Employment	
	10. Notification of Disciplinary Action/Termination	
	11. Conditions Leading to and Consequences of Default	
	12. Additional Notes	
D.	Medical Practice Criteria and Policies	7
	1. Shortage Designation Requirement	
	2. Statement of Need	
	3. Provider Request Limitation	
	4. Contract Term/Compensation	
	5. Agreement to Serve the Underserved	
	6. Work-site Documentation Requirements	
	7. Annual Reporting Requirements	
	8. Notice of Disciplinary Action and/or Termination	
	9. Credentialing	
	10. Medical Practice Supplement Agreement	
	11. Prior Requirement Effort	
	12. Agree to Comply	
	13. Monitoring	
	14. Conditions Leading to and Consequences of Default	
	15. Note on OPHI Role in Contracts	
	16. Employer Attestation	
	17. Additional Notes	
E.	Application Period, Submission, and Review Process	9
F.	Application Content Requirements	10
G.	Utilizing Additional J-1 Visa Waiver Routes/ Resources: HHS and ARC	11

H.	J-1 Physician Site Changes	13
	1. Adding/Deleting a Site	
	2. Transfers	
I.	Letters of Support for Federal Agency Sponsorship	14
J.	J-1 Physician Retention Survey	15
K.	State Contact	16
L.	Signature Page	17

Maryland Department of Health
Conrad 30 (J-1 Visa Waiver) Program Policy and Procedures

A. Purpose

The Conrad 30 (J-1 Visa Waiver) allows qualified foreign-born physicians to remain in the United States to provide essential healthcare services in underserved areas of the nation. The program aims to address provider shortages to improve access to care. The State of Maryland, through the Maryland Department of Health's (MDH) Office of Population Health Improvement (OPHI), is able to request visa waivers on the behalf of qualified physicians who have submitted applications and intend to serve in areas of Maryland's greatest healthcare need, as determined by MDH. The purpose of this document is to specify the conditions under which the State may make a J-1 visa waiver request on behalf of a physician, and when the State may write letters of support for federal agency sponsorship.

B. Background

The Conrad State 30 and Physician Access Act and the Immigration Nationality Act allow foreign physicians who have a valid J-1 Exchange Visitor Visa to pursue graduate medical education or training in the United States (U.S.). The J-1 visa allows physicians to remain in the U.S. until their studies or training are completed. However, upon completion of their program, the physicians must return to their home country for at least two years before they will be able to return to the U.S.

Physicians who are subject to, but do not wish to comply with the two-year home country residence requirement may apply for a Waiver of that requirement under any of the five grounds provided by the Immigration and Nationality Act, Section 212(e):

1. The exchange visitor's government must state that they have no objection to the exchange visitor not returning to the home country to satisfy the two-year foreign residence requirement of Section 213(e) of the Immigration and Nationality Act, as amended, and remaining in the U.S. if the exchange visitor chooses to do so.
2. If the exchange visitor is working on a project for or of interest to a U.S. Federal Government Agency, and that agency has determined that the visitor's continued stay in the U.S. is vital to one of its programs, a waiver may be granted if the exchange visitor's continued stay in the U.S. is in the public interest.
3. If the exchange visitor can demonstrate that he/she will be persecuted upon return to the home country due to race, religion, or political opinion, the exchange visitor can apply for a waiver.
4. If the exchange visitor can demonstrate that his/her departure from the U.S. would cause extreme hardship to his/her U.S. citizenship or lawful permanent resident spouse or child, the exchange visitor may apply for a Waiver. (The mere separation from family is not considered to be sufficient to establish exceptional hardship.)
5. Pursuant to the requirements of Public Law 103-416, of October 25, 1994, foreign medical graduates who have an offer of full-time employment at a health facility in a designated Health Professional Shortage Area (HPSA); sign a contract to begin employment at such a facility within 90 days of receiving such Waiver; work at the health care facility within 90 days of receiving such a Waiver; continue to work at the health care facility for a total of 40 hours per week, and not less than three years; may obtain a waiver. The J-1 Visa Waiver Program is available only to (under the federal enabling law, Section 220, PL 103-416) an alien admitted to the U.S. as a non-immigrant under Section 101 (a)(15)(J) of the Immigration and Nationality Act or who acquired status under that section after admission to the U.S. to participate in an exchange program or graduate medical

education or training (as of June 1, 1996).

C. Criteria and Policies for J-1 Exchange Visitors (J-1 Physicians)

To be eligible for J-1 visa waiver request and/or letter of support by the State of Maryland, a physician must:

1. Have completed a residency-training program in Family Practice, General Pediatrics, General Internal Medicine, Obstetrics and Gynecology, or Psychiatry (“medical practice”) or another Specialty and intend to practice in Maryland for a period of three consecutive years. All J-1 applicants for the State of Maryland must be practicing in Primary Care or Specialty Care. The following are considered primary care: Internal Medicine, Family Medicine, Pediatrics, Obstetrics and Gynecology, Psychiatry, and General Practice. Please note, Hospitalists are NOT considered as primary care. Any sub-specialty will be considered as a Specialist.
2. Provide documentation of successful completion of:
 - a. Steps 1, 2, and 3 of the United States Medical Licensing Examination
Note: Successful completion of a qualifying examination in Maryland is a licensure requirement in this State. Effective July 22, 2002, an applicant who has failed the exam more than three times is ineligible for licensure and will not receive State support of a J-1 visa waiver, COMAR 10.32.01.03;
 - b. License to practice medicine in the State of Maryland, or proof of application to obtain one;
 - c. Educational Commission for Foreign Medical Graduates Clinical Skills Assessment certification; and
 - d. Residential training certification.
3. Provide a signed employment agreement or contract with an eligible medical practice (see Section 4 for practice site eligibility). The contract submitted with the Waiver application should not be subsequently altered without prior approval of the MDH OPHI. Employers should not ask the J-1 physician to sign addendums to the contract or to sign additional contracts, nor should the J-1 physician sign any addendums or additional contracts without prior notification to the MDH OPHI. The employment agreement or contract must include:
 - a. Contract Hours: Statement that the J-1 physician will practice a minimum of 40 hours per week (at least 32 of the required 40 hours must be in direct patient care), not including hospital rounds, travel, and on-call time, for not less or more than the required three (3) years, at the approved practice site listed on the site application(s). In appropriate cases, the state may make exceptions to the minimum hours of direct patient care in order to make allowances for specific statewide specialty shortages.

Candidates are also advised to set maximum limits on the number of hours they are contractually obliged to work per week.

Also note that a break in service exceeding 60 days will result in an extension of the service obligation equal to the amount of time of the break in service. If the physician is absent from medical practice more than 180 consecutive days, the physician must submit to the OPHI a verification of status statement. This statement

must include: 1) the date when the physician stopped employment; 2) the date the physician expects to return to work; 3) the emergency reason as to why the physician had to be absent for more than 180 consecutive days; and 4) physician's current home address, e-mail, and telephone number.

OPHI is required to report all findings to U.S. Citizenship and Immigration Services (USCIS) who makes the final determination in the matter of the physician's immigration status.

- b. Work Location: Name and address of all medical practice sites, including hospitals, where the J-1 physician will be working must be included in the application. If the J-1 physician will be working at more than one site, all site applications must be submitted for approval. (See Section F for information about adding a site.) Each site listed should be located in a designated Health Professional Shortage Area (HPSA) or Medically Underserved Area or Medically Underserved Population (MUA/P). A location not in a HPSA, MUA, or MUA/P is known as a flex location.

Flex applications are recommended for physicians who are serving patients from a rural or underserved area even though the practice site is not geographically located within a federally designated area (HPSA or MUA or MUA/P). The state of Maryland has 10 flex slots available each cycle. Please note this is NOT in addition to the State's allotted 30 slots. To check on site eligibility for flex or non-flex locations, utilize the link:

<http://datawarehouse.hrsa.gov/GeoAdvisor/ShortageDesignationAdvisor.aspx>

- c. Additional Employment: No moonlighting is allowed. Any additional or outside employment in which the J-1 physician engages must be stipulated in the original contract or added to a new contract which must then be resigned by all parties and resubmitted to OPHI for recommendation for USCIS approval. J-1 physicians should not sign contracts with other employers as this is in violation of the Maryland prohibition of moonlighting, and in violation of the Federal regulations governing H1-B Visa holders. Further, any employment expectations regarding hours worked vs. hospital rounds and/or on-call requirements must be specified in the contract; the same applies to travel time.
- d. Non-Compete Prohibition: Do NOT include a non-compete clause or restrictive covenants preventing or discouraging the J-1 physician from continuing to practice in the service area of former employment.
- e. INTCA Requirements: Contain the contractual requirements set forth in Section 214 (k) (1) (B) and (C) of the Immigration and Nationality Technical Corrections Act.¹

4. OPHI's Role in Contracts: If OPHI becomes aware of issues of wrongdoing from either party or enforcement of labor standards, it will recommend seeking advice from an attorney or contacting the appropriate agency (i.e., Medicaid Fraud and Abuse, Department of Labor, United States Citizenship and Immigration Services).

1 Public Law 103-416 - October 25, 1994, provides that:

Waiver of the Two-Year Home Country Physical Presence Requirement for certain Foreign Medical Graduates Section 220 of the 1994 Technical Corrections Act created a new section 214 (k) of the Act, setting terms and conditions imposed upon State-based waivers including, among other things that the Foreign Medical Graduate will:

- (k) (1) "Submit to USIA a 'no objection' statement from the government of his or her home country, if he or she is contractually obligated to return to that country;
- (k) (2) Demonstrate an offer of full-time employment at a health care facility located in an HHS-designated shortage area and agree to begin employment within 90 days of receiving the waiver approval;
- (k) (3) Agree to practice medicine for that health care facility for at least three years; and
- (k) (4) Agree to practice medicine only in HHS-designated shortage areas during this three-year period."

5. Timeline for Contract Submission: The J-1 physician must begin work within 90 days of approval of Waiver by USCIS. OPHI will review applications of physicians who are able to begin work within four months of application or, at the latest, by July 1st of the following year.
6. Accept All Patients Regardless of Ability to Pay. This includes ensuring that at least 50 percent of patients seen by J-1 Visa physicians will be made up of Medicaid or Medicare recipients or sliding-fee scale patients. A sliding-fee scale based on the federal poverty guidelines should be used to discount services to low-income, un- and under-insured persons, and notice must be provided to the public that such a policy is in effect.
7. Monitoring: By signing this Policy, the J-1 physician agrees to be monitored by OPHI on a periodic basis for compliance with this agreement, occasional site visits, and provide documentation in the form required by Department, State, and Federal Law. A copy of a sample Maryland Site Monitoring Form is available on the MDH OPHI [website](#).
8. Recruitment Fee Prohibition: The J-1 physician may not sign an employment agreement or contract with an eligible medical practice that has charged a recruitment fee for physician referrals received from OPHI. The J-1 physician should submit a signed, notarized statement to the effect.
9. Verification of Employment: The J-1 physician will annually sign and submit a Verification of Employment Form to OPHI.
10. Notification of Disciplinary Action/Termination: The J-1 physician shall notify OPHI, in writing, within 30 days of disciplinary action and/or termination. In the event of any emergency termination due to circumstances bearing on the health or safety of patients or other individuals, OPHI must be notified no later than seven days after the emergency termination.
11. Conditions Leading to and Consequences of Default: Understand that a J-1 physician is in default if, at any time, he/she does not meet the conditions listed in this section. Violations may result in the J-1 physician and/or medical practice being disqualified for referral or sponsorship. Any violations of the conditions of state support shall be reported to OPHI and to the USCIS. A J-1 physician found in violation of these conditions may have his/her visa revoked by USCIS, and may be required to return to his or her home country.
12. Additional Notes:
MDH OPHI does not have the authority to mediate between employer and employees participating in the J-1 Visa Waiver Program, to investigate allegations of wrongdoing from either party, or to enforce labor standards. Further, OPHI assumes no responsibility for negotiations, content of employment contracts, or for termination of the contracts.

MDH recommends that each physician applying for a J-1 visa waiver work with an attorney or legal representative not affiliated with the physician's intended employer to complete and submit the Maryland J-1 visa waiver application and necessary state and federal documentation.

D. Medical Practice Site Criteria and Policies

To be eligible to employ a J-1 Visa Waiver physician, a medical practice must adhere to the following criteria and policies:

1. Shortage Designation Requirement: Be located in a federally designated Health Professional Shortage Area (HPSA) or federally designated Medically Underserved Area or Population (MUA/P) and have been operating at least six months before requesting a J-1 Visa physician.

Ten (10) out of the 30 Maryland J-1 Visa Waiver slots are available for sites located in non-designated areas but are still providing services to an underserved population. To see if a site is located in a designated or undesignated area, utilize the following link:
<http://datawarehouse.hrsa.gov/GeoAdvisor/ShortageDesignationAdvisor.aspx>.

2. Statement of Need: Submit a statement as to why the J-1 physician is needed at the site or in the community. Also include the types of services that the physician will be providing to the community.
3. Provider Request Limitation: A practice site may not request more than a total of **three** J-1 physicians in any given cycle either through the site's human resources process or through an employment agency.
4. Contract Term/Compensation: Agree to employ the J-1 physician for no less or no more than the required three years at a market rate. Employment agreements or contracts must incorporate by reference the conditions of J-1 Visa Waiver Policy provided in this document and must meet the conditions described in section C (3) above.
5. Agreement to Serve the Underserved: Accept all patients regardless of ability to pay, accept Medicaid and Medicare on assignment, and use a sliding-fee scale based on federal poverty guidelines to discount services to low-income uninsured persons. The Medical Practice must provide notice to the public that such a policy is in effect and apply these access standards to the entire medical practice, not simply to those patients treated by the J-1 physician. These requirements should be in place for at least three months immediately preceding the request for Waiver.
6. Work-site Documentation Requirements: Submit a separate site application for each site at which the J-1 physician will be required to work. This will include all practice sites as well as hospitals. See Section F for more information about adding a site.
7. Annual Reporting Requirements: Report annually, in writing, to the OPHI on the status of each J-1 physician via verification of employment form. Sample monitoring forms are available on the MDH OPHI [website](#).
8. Notice of Disciplinary Action and/or Termination: Notify OPHI, in writing, within 30 days of disciplinary action and/or termination of the J-1 physician. In the event of any emergency termination due to circumstances bearing on the health or safety of patients or other individuals, OPHI must be notified, no later than seven days after the emergency termination.
9. Credentialing: Assume responsibility for credentialing and for quality assurance of J-1 physician applicants. OPHI does not credential, nor does it make any representations concerning the qualifications or competency of physicians placed under this program; these responsibilities rest solely with the sponsor.
10. Medical Practice Supplemental Agreement: Sign an agreement with OPHI indicating that if, any time, OPHI finds the medical practice in default of this Policy, violations may result in the medical practice and/or the J-1 physician being disqualified for referral or support and (if applicable) any present J-1 physician employed by the medical practice may be transferred to another eligible medical practice.
11. Prior Recruitment Effort: Provide proof of at least six-months recruitment efforts within the last year (does not have to be continuous) to recruit a U.S. citizen or a permanent resident physician. Recruitment/retention notices must be described, and copies of these efforts along with a comprehensive summary must be provided. Supporting documentation shall demonstrate a reasonable number of appropriate sources utilized for recruitment such as newspaper advertisements, national, and State medical journal announcements most likely to

bring responses from qualified, available doctors, and job opportunity notices placed in medical schools, including all medical schools in Maryland.

If exceptional circumstances exist that prevented this recruitment, a detailed statement of difficulty in recruiting U.S. citizen physicians will be considered and could reduce this requirement. Exceptional circumstances include, but are not limited to the following: sudden loss of a sole practitioner in a rural community; the absence of physicians in a targeted specialty who will accept Medical Assistance patients; small (under 100 beds) or rural hospitals; or loss of more than 50 percent of practitioners in a specific specialty in the county where the practice is located. Sites can verify a circumstance outlined above by providing a brief summary describing in detail the recruitment process. The U.S. Department of State (DOS) is the final authority in determining the adequacy of the recruitment process. Therefore, applicants should be prepared to provide additional documentation regarding recruitment efforts to either OPHI or DOS, if requested.

12. Agree to Comply: The site must agree to comply with the physician eligibility requirement listed in Section C of this document.
13. Monitoring: By signing this Policy, medical practice site agrees to be monitored by OPHI on a periodic basis for compliance with this agreement, occasional site visits, and provide documentation in the form required by the Department, State, and Federal Law. Sample monitoring forms are available on MDH OPHI [website](#).
14. Conditions Leading to and Consequences of Default: Understand that a medical practice is considered in default if, at any time, the conditions listed in this section are not met. Violations may result in the J-1 physician and/or medical practice being disqualified for referral or support. Any violations of the conditions of J-1 visa waiver support shall be reported to the USCIS. A medical practice found in violation of these conditions is ineligible for placement of J-1 Visa Waiver physicians.
15. OPHI's Role in Contracts: If the OPHI becomes aware of issues of wrongdoing from either party or enforcement of labor standards, it will recommend seeking advice from an attorney or contacting the appropriate agency (e.g. Medicaid Fraud and Abuse, Department of Labor, United States Citizenship and Immigration Services).
16. Notarized Employer Attestation: This is a signed application component signifying that the medical practice has not paid a recruitment fee to OPHI or a recruitment service for employment referrals originating with OPHI.
17. Additional Notes:
MDH OPHI does not have the authority to mediate between employer and employees participating in the J-1 Visa Waiver Program, to investigate allegations of wrongdoing from either party, or to enforce labor standards. Further, OPHI assumes no responsibility for negotiations, content of employment contracts, or for termination of the contracts.

MDH recommends that each physician applying for a J-1 visa waiver work with an attorney or legal representative not affiliated with the physician's intended employer to complete and submit the Maryland J-1 visa waiver application and necessary state and federal documentation.

E. Application Period, Submission, and Review Process

1. Applications will be accepted October 1 to December 1, (Generally, October 1 – December 1 of each calendar year).

2. Application packets shall be submitted via postal mail to the contact/address noted in Section J. In addition, an electronic copy shall be sent to the email address noted in Section J in order for the application to be considered complete and to be reviewed.
2. Please note, MDH gives priority to primary care providers. Sub-specialty providers may also be considered. (See Section C for primary care and sub-specialty definitions).
3. The MDH OPHI review panel spends approximately 8 weeks after the application closing date reviewing all complete applications. MDH OPHI does not review nor make recommendation for J-1 visa waivers until after the application closing date. MDH OPHI's recommendation to the Department of State (DOS) will be based on the current workforce shortage of the State, areas of the State with specific need (rural and undeserved areas), type of primary care/ specialist service provided, [OPHI's Office of Primary Care's Needs Assessment](#), site location in a [HPSA](#), [MUA](#), or [MDH designated area](#), and other state priorities. Upon review, OPHI will send the J-1 visa waiver recommendations to DOS.
4. The Maryland Department of Health cannot guarantee application processing times for either the [U.S. Department of State \(DOS\)](#) or the [U.S. Citizenship and Immigration Services \(USCIS\)](#). Approval of J-1 Visa Waivers will be communicated according to USCIS policies and procedures.

F. UPDATED! Application Content Requirements

In order to apply for a J-1 visa waiver request from MDH, an application package must be submitted, including an original *and* one copy of the entire waiver request package, by the noted deadline. All applications submitted to MDH must include the review file number and J-1 physician's last name on each page of the application packet. The MDH Office of Population Health Improvement's Office of Workforce Development (OPHI) must receive the following packet documents, organized in the order listed:

1. Cover Letter from the employer wishing to hire the J-1 physician for three years, stating:
 - a. Physician's name (consistent with each page of application packet)
 - b. J-1 Visa Waiver application file case number of the physician (consistent with each page of application packet);
 - c. Home country of the physician;
 - d. Type of provider;
 - e. Why the physician is needed by the employer;
 - f. The types of services that the physician will be providing to the community;
 - g. That the physician will work a minimum of 40 hours a week, of which at least 32 will be in direct patient care;
 - h. All sites where the physician will work;
 - i. Whether each site is in a federally designated shortage area or not (as appropriate, indicate the HPSA ID number and/or MUA ID number, the FIPS County Code, and Census Tract Number); and
 - j. That the employer accepts all patients regardless of ability to pay.
2. HPSA/MUA evidence documents (as applicable);
3. Employment agreement or contract between the J-1 physician and an eligible practice. (See section C (3) for details);

4. J-1 physician's curriculum vitae;
5. Exchange Visitor Attestation (signed and notarized);
6. Copies of all DS-2019 forms;
7. Form G-28/Letter of Representation;
8. Completed Data Sheet (DS3035);
9. Statement of Reason;
10. Third Party Barcode page;
11. Waiver Division Barcode page;
12. Proof of at least six-month's efforts by employer within the last year (does not have to be continuous) to recruit a U.S. citizen or a permanent resident physician. (See section D (11) for details);
13. Copy of all physician diplomas;
14. Copy of all physician academic transcripts;
15. Copy of all physician licenses and/or proof of paid application for Maryland licensure;
16. Copy of Educational Commission for Medical Graduates credentials;
17. Copy of U.S. Medical Licensing Examination Score Reports for Steps 1, 2 and 3;
18. Letter(s) of recommendation supporting the J-1 physician's waiver application;
19. Sliding Fee Scale and Sliding Fee Scale Policy for medical practice;
20. J-1 Site Application(s) with required attachments. One application for every site, hospital or private practice, is needed where the J-1 physician will be required to work;
21. Employer Attestation (signed by President/CEO and notarized);
22. Signed J-1 Visa Waiver Policy and Procedure requirements signifying agreement by the J-1 physician, medical practice, and medical representative;
23. J-1 Visa/National Interest Waiver Programs Verification of Employment; and
24. Statement of Financial Obligation in lieu of No Objection Letter (signed and notarized).

Applications must be submitted in the order that is listed above and contain only documentation relevant to the physician application. Applications missing noted documentation, received in the wrong order, or with data regarding non-applicant physicians will not be accepted.

G. Utilizing Additional J-1 Visa Waiver Routes/ Resources: HHS and ARC

If a physician appears to qualify for the U.S. Department of Health and Human Services' Exchange Visitor Program (HHS) or The Appalachian Regional Commission Program (ARC), MDH will automatically direct that physician's application to be considered for the appropriate program. If a physician's application is eligible for HHS or ARC, MDH will contact the physician's attorney with further instructions. A brief overview of each program and required application documents follows.

1. U.S. Department of Health and Human Services (HHS)

HHS manages the Exchange Visitor Program that offers a J-1 visa waiver if the physician is practicing primary care and doing research or clinical care. The primary care specialties include family medicine, general internal medicine, general pediatrics, obstetrics & gynecology or general

psychiatry who have completed their primary care or psychiatric residency training programs no more than 12 months before the date of commencement of employment under the contract. The physician must also be working at a site that has a HPSA score of 7 or higher. In order to request for a Letter of Acknowledgement from our office, the following must be submitted for the HHS application:

A letter request to our office that states you are requesting a letter of acknowledgement. The letter should include detail regarding physician and facility eligibility (i.e. site location HPSA score information and physician's specialty).

2. Appalachian Regional Commission (ARC)

ARC will request a waiver of immigration requirements for foreign-trained physicians doing residency work in the United States under a J-1 visa. Physicians receiving these waivers must be contracted to practice primary care or as a hospitalist for at least three years. Waiver recommendations may be made for physicians who are specialists if a strong demonstration of need is provided. For physicians practicing in Maryland, the program requires a recommendation from the Governor. The Appalachian region of Maryland includes Allegany, Garrett, and Washington Counties. ARC applications must meet the following criteria:

- a. The sponsor must demonstrate that it has made a reasonably good faith effort to recruit a U.S. doctor for the job opportunity in the same salary range without success during the six months immediately preceding the request for waiver. The sponsor shall demonstrate, with such supporting documentation as the Federal Co-Chair may require, that it has undertaken such recruitment through a reasonable number of appropriate sources including, but not limited to, advertisements in newspapers and medical journals of national and statewide circulation most likely to bring responses from able, willing, qualified, and available U.S. doctors, and job opportunity notices placed in appropriate medical schools, including all medical schools in the state in which the hospital or clinic is located.
- b. The physician agrees to provide primary medical care for at least forty (40) hours a week at a site in a Health Professional Shortage Area, as designated by the United States Public Health Service, within the legislatively defined Appalachian Regional Commission service area for a minimum of three years or longer, as a specific state policy may require. Travel or on-call time may not be included in the 40 hours required by this paragraph. However, in appropriate cases the state may make exceptions to allow travel or on-call time for obstetricians.
- c. The employment contract between the physician and the sponsor may not contain a restrictive covenant or non-compete clause which prevents or discourages the physician from continuing to practice in any HPSA after the period of obligation under this policy has expired.
- d. The physician must be employed directly by the hospital facility and not through a third-party organization or contractor.
- e. The physician, prior to employment, must be licensed by the state where he or she will practice and must have completed a residency in one of the following specialties: family practice, general pediatrics, obstetrics, general internal medicine, or psychiatry. Waiver recommendations for physicians who will practice specialty medicine may be made with an appropriate showing of need.
- f. The physician must not have been "out of status" (as defined by the United States

Citizenship and Immigration Services of the United States Department of Homeland Security) for more than 180 days since receiving a visa under 8 U.S.C. 1182(j) of the Immigration and Nationality Act, as amended. The physician shall provide the Federal Co-Chair all copies of his or her Certificates of Eligibility for Exchange Visitor (J-1) Status, forms IAP-66, and every other document needed to verify status.

- g. The facility or practice sponsoring the physician must agree to provide health services to individuals without discriminating against them because (a) they are unable to pay for those services or (b) payment for those health services will be made under Medicare and Medicaid. The sponsor may charge no more than the usual and customary rate prevailing in the HPSA in which services are provided. In addition, charges must be discounted on a sliding fee scale for persons at or below 200 percent of poverty. Persons with third-party insurance may be charged the full fee for service. A notice must be posted in a conspicuous location in the patient waiting area at the practice site notifying patients of the charges for service as required in this paragraph. Such notice must contain at least the information set forth in the sample notice. Sponsors seeking a placement in a special population HPSA must demonstrate their recent record of serving Medicare, Medicaid, and medically indigent patients, as well their continuing intentions to serve such individuals.
- h. The physician must sign and have notarized the Federal Co-Chair's "J-1 Visa Policy Affidavit and Agreement" prior to consideration by the Federal Co-Chair of the request and must comply with the terms and conditions set forth in that document.
- i. All requests approved initially by the Federal Co-Chair and approved subsequently by the United States Citizenship and Immigration Services of the United States Department of Homeland Security will be subject to review by ARC's inspector general for compliance with this policy statement and other applicable laws. A sponsor's failure to comply in good faith with this waiver policy will be considered in the evaluation of other applications involving the same sponsor.

MDH will provide technical assistance to any provider who qualifies for either of these programs. For more information, contact mdh.providerworkforceprograms@maryland.gov.

H. J-1 Physician Site Changes

1. Adding/Deleting a Site

If an employer is adding or deleting a work location, the employer and physician must agree to the changes in site location and hours. The new site application must be signed by both parties (employee and employer). The application must be sent to OPHI for approval. If the current site(s), not including the new site, had originally been approved as a "regular" Waiver (in a HPSA or MUA), the new site **must** also be located in a HPSA or MUA as it was the original granted approval by USCIS. Both parties must submit a new signed contract addendum showing that the physician is agreeing to the new work location.

2. Practice Site Transfers

A J-1 visa waiver application is approved for a specific location, and an employer cannot

place the J-1 physician at another address or stop the J-1 physician from working at a site without first submitting a formal request for transfer with OPHI and receiving approval from USCIS.

- a. Same Employer Transfers: This rule applies even if there is no change in employer, only change in site(s). Movement of a J-1 physician to a location that has not been approved by OPHI will result in the J-1 physician and site being in non-compliance with the program and may be reported as such to USCIS. OPHI prefers that transfers from one employer to another be a choice of last resort. However, if circumstances warrant a transfer, it will be recommended when the appropriate documentation has been received. If OPHI determines, in its sole discretion, that an employer has excessive transfers, the employer may not be eligible for a placement in the next fiscal year. J-1 participants wishing to transfer must submit the required documents before the transfer will take place. If all necessary information is provided and found to be appropriate, OPHI will send a letter of support for transfer to USCIS, with a copy to petitioner, within 30 days after receipt of the request. If the J-1 physician is unemployed for a time during the transfer, that time will not count towards the three-year obligation.
- b. Transferring Employers from Maryland to Another State/ Within the State/ to Maryland from Another State: The J-1 physician must:
 - a. Notify OPHI, in writing, of the intent to transfer, detailing the reasons for the transfer.
 - b. Provide the complete name, address, and phone number of the new employer and date of transfer.
 - c. Copy of new contract.
 - d. Site application (if transferring within Maryland).
 - e. Proof of HPSA/MUA designation for new employer sites (if applicable)
 - f. The original employer must provide a letter to OPHI releasing the J-1 physician from employment which explains the reasons for termination along with a completed J-1 Verification of Employment form.
 - g. Department of State Approval letter for original Conrad 30 slot in the originally approved state (if transferring to Maryland)

Note: If the original employer refuses to release the J-1 physician from the employment contract and the J-1 physician believes that the employer is in violation of the employment contract, the J-1 physician should seek the advice of his or her own legal counsel about terminating the contract. OPHI will not review a transfer request without a letter of release from the original employer, unless the contract has been legally terminated. If a J-1 physician terminates the employment contract without cause, the employer should seek the advice of the employer's legal counsel. OPHI does not have the authority to determine legal grounds for terminating an employment contract. The transfer approval letter will be forwarded to USCIS.

I. Letters of Support for Federal Agency Sponsorship

MDH OPHI will write a letter of support for sponsorship, if the request aligns with the requirement of the J-1 Visa Waiver Program and Maryland J-1 Visa Waiver Policy. MDH OPHI has the **right to refuse** to write a letter of support. Please allow at least 14 business days to process the request and to receive the signed letter. Example of State support letters are: Completion Letter, National

Interest Letter, and Public Interest Letter.

1. Completion Letter: Document showing J-1 service obligation completed in the State of Maryland. Letter will show dates obligation began and completed as well as the site physicians completed the service.
2. National Interest Letter (NIW): A NIW letter of support from the State will show previous and future commitment to working in an underserved or rural part of the State. Site location must be in HPSA or MUA.

How to Apply for a National Interest Waiver (NIW)

If you were approved for a J-1 Visa Waiver in Maryland AND are working in a Health Professional Shortage Area (HPSA) OR in a Medically Underserved Area/Population (MUA/P), and are requesting a NIW, you will need to submit the following information:

1. Letter requesting NIW (indicate the date in which physician began J-1 obligation and all the sites he/she will be working);
2. Revised agreement reflecting the dates of service;
3. Verification of Employment form;
4. Site application(s) if adding or deleting site;
5. I-797 A form; and
6. Updated signed contract with employer showing new obligation years.

If you were approved for a J-1 Visa Waiver and are transferring from another state or are on a H1-B and are requesting a 5- year NIW AND are working in a Health Professional Shortage Area (HPSA) OR in a Medically Underserved Area/Population (MUAP), you will need to submit the following:

1. Letter requesting NIW (indicate the date in which physician began J-1 obligation and all the sites he/she will be working);
 2. Contract/Agreement;
 3. Site Application(s);
 4. Form G-28/Letter of Representation;
 5. I-797 A form (J-1 only)
3. Updated! Public Interest Letter (PIL): A PIL from the State is to show previous or current commitment to working in a rural or underserved area of the State. Site location **MUST** be in a HPSA or MUA.

How to Apply for a Public Interest Letter (PIL)

1. Signed contract reflecting dates requested;
2. Proof that site is in HPSA or MUA
3. I-797A

J. UPDATED! J-1 Physician Retention Surveying

Healthcare provider retention is one intended outcome of the Conrad 30 (J-1 Visa Waiver) Program, defined by the number of providers who continue service in a priority specialty or geographic area after completing any obligated service mandated via program participation. In order to track J-1 physician retention, MDH works with the National Rural Recruitment and Retention Network (3RNet) to gather and manage retention data regarding OPHI provider program participants. 3RNet's Provider Retention & Information System Management (PRISM) provides a standardized method to gather real-time data from clinicians that serve in Maryland's service obligation programs. This data

gathering system routinely surveys clinicians as they serve in these public programs to provide quality, consistent, real-time, convenient and ongoing data to inform the management and retention of clinicians in service programs.

1. Tracking and Monitoring

MDH OPHI will utilize PRISM for gathering data regarding J-1 physician experiences in Maryland during service obligation and post completion of service obligation intervals. Tracking will be conducted via an electronic survey tool issued via email to J-1 physicians at the start of their service obligation, the end of each year, end of contract, and in the time period following the service obligation. If a provider is unable to be reached via electronic survey, verification of employment will occur by contacting the site contact at the original practice site. In addition, practice site administrators will be contacted via PRISM in order to document their experiences with the program.

2. Expectations

Signing this policy shows agreement by the J-1 Program applicant and Authorized Medical Practice Representative that they will complete PRISM surveys as received during and following any USCIS approved J-1 service obligation.

K. Maryland Conrad 30 (J-1 Visa Waiver) Program State Contact

All correspondence should be directed to:

Workforce Coordinator

Office of Population Health Improvement

Maryland Department of Health

201 West Preston Street, 4th Floor

Baltimore, MD 21201

Phone: 410-767-6123 • Fax: 410-333-7501

mdh.providerworkforceprograms@maryland.gov

L. Maryland Conrad 30 (J-1 Visa Waiver) Program Policy and Procedure Signature Page

Per Section F, send the signed copy of this page as a section of the J-1 Visa Waiver application packet

MDH's request for a J-1 visa waiver on the behalf of an eligible physician applicant is contingent upon the completion of all required and necessary national and international educational, employment, criminal, and national security background checks of the Applicant by the Bureau of Citizenship and Immigration Services (USCIS) and by any other federal agency or program charged with conducting security checks on foreign nationals and/or resident aliens in the United States.

A request by MDH as a Designated State Public Health Department should not be construed as a certification, endorsement, or waiver by OPHI of any security procedures and background investigations that are required or necessary and that may have been conducted by the USCIS or any other federal agency responsible for authorizing the applicant to enter, reside, and work in the United States on any basis.

I have read, understand, and agree to the foregoing terms. I further understand that failure to comply with these requirements may result in denial or loss of J-1 visa waiver status.

J-1 Visa Waiver Applicant Physician:

Physician Signature: _____ Date: _____

Physician Name: _____

Medical Practice:

Name: _____

Authorized Medical Practice Representative:

Signature: _____ Date: _____

Name: _____

Title: _____