

Title 15: Mississippi State Department of Health

Part 9: Office of Health Policy and Planning

Subpart 96: MISSISSIPPI CONRAD STATE 30 J-1 VISA WAIVER GUIDELINES

Chapter 1. MISSISSIPPI CONRAD STATE 30 J-1 VISA WAIVER PROGRAM GUIDELINES

Rule 1.1.9. The review cycle begins upon MSDH receipt of the Site Predetermination Application and must be concluded within 180 days.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.1.12. J-1 Visa Waiver physicians must practice at sites physically located in a currently designated federal Health Professional Shortage Area (HPSA) or at a site currently providing services to residents of a currently designated HPSA.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 2. GENERAL GUIDELINES:

Rule 1.2.1. The State of Mississippi is prepared to request through the Program waivers for physicians holding J-1 Visas for the purpose of waiving the two-year foreign residence requirement. All conditions of the following Mississippi Conrad State 30 J-1 Visa Waiver Guidelines must be met. Employers are encouraged to impose additional provisions in order to assure that the delivery of care is consistent with their facility's policies.

1. Physicians who have completed a U.S. residency training program in family practice, general practice, general internal medicine, general pediatrics, and obstetrics/gynecology are considered primary care physicians and are eligible to participate in Mississippi's "Conrad State 30" J-1 Visa Waiver Program. Psychiatrists may also be considered for the program. Physicians with other specialties are not considered to be primary care physicians for the purpose of the Program.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.2. All requests must at a minimum, include the following:

1. Information describing the public benefit of approval of the placement.

2. Attestation that site provides health care services to Medicare and Medicaid-eligible patients, indigent patients, and uninsured patients. And, the percentage of Medicaid, Medicare, indigent, and uninsured patients served by site.
3. Proof that practice site is located in a HPSA or the documentation required to prove the practice is serving patients from a nearby HPSA.
4. Evidence that other avenues, regionally and nationally, to secure a physician not bound by the 2-year home residence requirement have been undertaken over a period of at least three (3) months. The recruitment effort must have occurred prior to submission of the Site Predetermination Application.
5. Information about the home government “No Objection” requirement.
6. A copy of notarized, dated, executed tentative employment contract indicating three (3) year full-time (40 hours per week) employment with the sponsoring medical facility.
7. Information about the applying physician.
8. Attestation that the physician will start employment within 90 days of receiving the waiver.
9. Attestation to submit the MSDH Annual J-1 Visa Waiver Physician Employment Verification Form.
10. The required documentation for specialist applicants.
11. A HIV test result and evidence of screening for latent and active tuberculosis for the applying J-1 physician. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) when reasonably available or a Mantoux tuberculin skin test (TST) when the IGRA is not available; and a chest x-ray with a written interpretation. Both the HIV test result and tuberculosis screening must have occurred within the past 6 months prior to the submission date of the Site Predetermination Application, with the exception, of the IGRA and TST if documentation of current or previous tuberculosis treatment completion is provided with the submission. For an applying physician showing signs of active tuberculosis, a MSDH approved plan for treatment, and an approved provision for payment of testing, treatment, and follow-up is required.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.3. [RESERVED]

Rule 1.2.7. The facility must have a schedule of discounts or an adopted sliding fee scale. Charges must be discounted for persons at or below 200 percent of poverty level. If the person is unable to pay the charge, such person shall be charged at a reduced rate in accordance with an adopted and utilized policy or not charged at all.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.11 [RESERVED]

Rule 1.2.15. [RESERVED]

Rule 1.2.16. The Site Predetermination Application must include a HIV test result and evidence of screening for latent and active tuberculosis for the applying J-1 physician. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) when reasonably available or a Mantoux tuberculin skin test (TST) when the IGRA is not available; and a chest x-ray with a written interpretation. Both the HIV test result and tuberculosis screening must have occurred within the past 6 months prior to the submission date of the Site Predetermination Application, with the exception, of the IGRA and TST if documentation of current or previous tuberculosis treatment completion is provided with the submission. For an applying physician showing signs of active tuberculosis, a MSDH approved plan for treatment, and an approved provision for payment of testing, treatment, and follow-up is required.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.17. [RESERVED]

Rule 1.2.19. Facilities not located in a HPSA must have at least 30% of their patients from the nearby HPSA(s) qualifying the application. The facility must submit in the Site Predetermination Application the facility's patient origin data (by county) for the previous calendar year.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.21. [RESERVED]

Subchapter 3. EMPLOYMENT CONTRACT:

Rule 1.3.8. For the statutorily required there can be no changes to the contract that would result in the J-1 physician leaving the agreed-upon site and treating the patients

he/she has agreed to treat in the manner agreed upon, unless the physician has petitioned the United States Citizen and Immigration Services.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 4. RECRUITMENT:

Rule 1.4.1. The medical facility must provide evidence that other avenues, regionally and nationally, to secure a physician not bound by the 2-year home residence requirement have been undertaken over a period of at least three (3) months. The recruitment effort must have occurred prior to submission of the Site Predetermination Application.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.2. Recruitment information must state the position available and the practice site location. Ads must contain date information that can be used to verify at least three (3) months of recruitment effort and regional and national reach.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.4. Documentation of recruitment efforts may include:

1. Copies of the regional and/or national print advertising ads (copies of ads must show publication date).
2. On line ads (ads must show the date the ad was on line).
3. Copies of certified letters to medical schools.
4. Other forms of recruitment documentation will be reviewed to determine if information for the specific position requested in the Mississippi Conrad State 30 J-1 Visa Waiver Application is clearly identified and to determine if sufficient date information is available to verify three (3) months of recruitment effort.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.5. [RESERVED]

Rule 1.4.6. The sponsoring health care facility is required to publish a legal notice in their local newspaper of general circulation in accordance with the following format in Rule 1.4.7. through Rule 1.4.9. The Proof of Publication of this notice must be submitted with the Site Predetermination Application.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.8. Letters of support or opposition may be sent to the Director, Office of Rural Health and Primary Care, Mississippi State Department of Health, P.O. Box 1700, Jackson, MS 39215-1700. Any interested party has 21 calendar days from the date of this publication- to submit letters.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.9. Copies of letters may be obtained from the Office of Rural Health and Primary Care at the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 5. PROHIBITIONS:

Rule 1.5.1. MSDH will not consider recommendations when the provisions of Subchapter 2 have not been met and under the following circumstances:

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 6. TRANSFERS:

Rule 1.6.1. The J-1 Visa waiver physician must remain in employment for a total of not less than three (3) years, at the site(s) listed in the Mississippi Conrad State 30 J-1 Visa Waiver Application and for which the waiver is approved, unless the physician petitions the United States Citizen and Immigration Services for early termination of the 3-year period because the practice site closes or due to extenuating circumstances.

11. The J-1 Visa Waiver physician must notify the MSDH in writing as soon as possible of their intent to petition the United States Citizen and Immigration Services for early termination of the 3-year period because the practice site closes or due to extenuating circumstances.

12. To work at another facility the J-1 Visa Waiver physician must amend or file a new H-1B petition with the United States Citizen and Immigration Services.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.2. [RESERVED]

Rule 1.6.3. [RESERVED]

Rule 1.6.4. The J-1 physician retains sole responsibility for notifying their current employer of the intent to petition the United States Citizen and Immigration Services for early termination of the 3-year period, and payment of any financial penalty caused by a breach of contract.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.5. [RESERVED]

Rule 1.6.6. [RESERVED]

Subchapter 7. FOREIGN PHYSICIANS RELEASED DUE TO TERMINATION, MUTUAL RELEASE, OR DEATH:

Rule 1.7.4. J-1 Visa Waiver physicians who are released from the sponsoring medical facility prior to the completion of the federally required three (3) year full-time service obligation must amend or file a new H-1B petition with the United States Citizen and Immigration Services to complete the service obligation at another facility. The J-1 Visa Waiver physician must notify the MSDH that he/she is petitioning.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 8. NATIONAL INTEREST WAIVER (NIW) SUPPORT LETTERS:

Rule 1.8.1. Please refer to the Mississippi State Department of Health National Interest Waiver Guidelines for the requirements for consideration of a support letter for a NIW application.

Title 15: Mississippi State Department of Health

Part 9: Office of Health Policy and Planning

Subpart 96: MISSISSIPPI CONRAD STATE 30 J-1 VISA WAIVER GUIDELINES

Chapter 1. MISSISSIPPI CONRAD STATE 30 J-1 VISA WAIVER PROGRAM GUIDELINES

Rule 1.1.9. The review cycle begins upon MSDH receipt of the Site ~~Pre-Determination~~ Predetermination Application and must be concluded within 180 days.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.1.12. J-1 Visa Waiver physicians must practice at sites physically located in a currently designated federal Health Professional Shortage Area (HPSA) or at a site currently providing services to residents of a currently designated HPSA. ~~Definition of a Health Professional Shortage Area (HPSA)*—Section 332 of the Public Health Service Act provides that the Secretary of Health and Human~~

~~Services shall designate HPSAs based on criteria established by regulation. HPSAs are defined to include geographical areas—urban and rural, population groups, and facilities with shortages of primary health care and mental health providers.~~

- ~~1. Geographical Area Designated HPSAs—Three basic determinations are required for this request: (1) the geographical area involved must be rational for the delivery of health services, (2) a specified population-to-practitioner ratio representing shortage must be exceeded within the area, and (3) resources in contiguous areas must be shown to be over utilized, excessively distant, or otherwise accessible.~~
- ~~2. Population Designated HPSAs—Requests for a J-1 physician to practice in a population-designated HPSA must include evidence that at least 51 percent of the facility's patients are members of the designated population.~~
- ~~3. Facility Designated HPSAs—This applies to correctional facilities and state mental hospitals. Some public and non-profit private facilities located outside designated HPSAs may be designated if they are shown to be accessible to and serving a designated geographic area or population group HPSA.~~
- ~~4. *Definitions obtained from the Office of Shortage Designation in Bethesda, Maryland~~

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 2. GENERAL GUIDELINES:

Rule 1.2.1. The State of Mississippi is prepared to request through the Program waivers for physicians holding J-1 Visas for the purpose of waiving the two-year foreign ~~residency~~ residence requirement. All conditions of the following Mississippi Conrad State 30 J-1 Visa Waiver Guidelines must be met. Employers are encouraged to impose additional provisions in order to assure that the delivery of care is consistent with their facility's policies.

1. Physicians who have completed a U.S. residency training program in family practice, general practice, general internal medicine, general pediatrics, and obstetrics/gynecology are considered primary care physicians and are eligible to participate in Mississippi's "Conrad State 30" J-1 Visa Waiver Program. Psychiatrists may also be considered for the program. Physicians with other specialties are not considered to be primary care physicians for the purpose of the Program.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.2. ~~All requests must be fully documented as to the need for the primary care or mental health physician in the community. At a minimum, include the following:~~

1. Information describing the public benefit of approval of the placement. a geographic description or rural character of the service area;
2. ~~Attestation that site provides health care services to Medicare and Medicaid-eligible patients, indigent patients, and uninsured patients. And, the percentage of Medicaid, Medicare, indigent, and uninsured patients served by site. a description of the unmet need “such as gaps in service, waiting times, environmental factors, ethnic health care issues, etc.) within the community; discussions of barriers to the specific medical service or unique circumstances in regards to environment, community or service; percentage of medically indigent patients served by the site, not including Medicare or Medicaid patients; and how the J-1 Visa physician will satisfy and reduce the unmet need;~~
3. ~~Proof that practice site is located in a HPSA or the documentation required to prove the practice is serving patients from a nearby HPSA. a list of all health care resources in the community, i.e., primary care clinics, hospitals, number of primary care physicians by specialty. A list of primary care/psychiatric physicians, including J-1 and H-1B, and loan repayment physicians, currently practicing in the HPSA must also be included; and~~
4. ~~a description of the activities that have occurred to recruit a U. S. physician. Refer to the “Recruitment” section for specifics. Evidence that other avenues, regionally and nationally, to secure a physician not bound by the 2-year home residence requirement have been undertaken over a period of at least three (3) months. The recruitment effort must have occurred prior to submission of the Site Predetermination Application.~~
5. Information about the home government “No Objection” requirement.
6. A copy of notarized, dated, executed tentative employment contract indicating three (3) year full-time (40 hours per week) employment with the sponsoring medical facility.
7. Information about the applying physician.
8. Attestation that the physician will start employment within 90 days of receiving the waiver.
9. Attestation to submit the MSDH Annual J-1 Visa Waiver Physician Employment Verification Form.
10. The required documentation for specialist applicants.

11. A HIV test result and evidence of screening for latent and active tuberculosis for the applying J-1 physician. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) when reasonably available or a Mantoux tuberculin skin test (TST) when the IGRA is not available; and a chest x-ray with a written interpretation. Both the HIV test result and tuberculosis screening must have occurred within the past 6 months prior to the submission date of the Site Predetermination Application, with the exception, of the IGRA and TST if documentation of current or previous tuberculosis treatment completion is provided with the submission. For an applying physician showing signs of active tuberculosis, a MSDH approved plan for treatment, and an approved provision for payment of testing, treatment, and follow-up is required.

SOURCE: Miss. Code Ann. §41-3-17

~~Rule 1.2.3. Only the number of physicians needed to eliminate the physician shortage will be recommended. The number of J-1 physicians approved for placement within a currently designated HPSA will generally be limited to the threshold, i.e. the number of additional primary care physicians needed for the area to meet a population to physician ratio of 3000:1. Consideration will be given to placement of physicians in areas which do not meet the threshold requirement if there is a documented critical need for a particular primary care specialty. All full-time equivalent U. S. primary care providers and foreign providers, placed through the J-1 Visa Waiver programs, will be counted when determining threshold capacity.~~

~~*SOURCE: Miss. Code Ann. §41-3-17*~~

~~Rule 1.2.7. The facility must ~~post~~ have a schedule of discounts or an adopted sliding fee scale. ~~in its waiting room.~~ Charges must be discounted for persons at or below 200 percent of poverty level. If the person is unable to pay the charge, such person shall be charged at a reduced rate in accordance with an adopted and utilized policy or not charged at all. ~~The notice in the waiting room must contain at least the information set forth in the sample notice provided in this application package.~~~~

~~*SOURCE: Miss. Code Ann. §41-3-17*~~

~~Rule 1.2.11 The waiver request must include support letters from the majority of the local practicing physicians, area hospital administrator(s) and community leaders.~~

~~*SOURCE: Miss. Code Ann. §41-3-17*~~

~~Rule 1.2.15. Job transfers must be approved by MSDH before the transfer occurs so that it can be determined if the new area is rural and still underserved. Refer to "Transfer" section for related procedures and minimum requirements.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.16. The Site Predetermination Application must include a HIV test result and evidence of screening for latent and active tuberculosis for the applying J-1 physician. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) when reasonably available or a Mantoux tuberculin skin test (TST) when the IGRA is not available; and a chest x-ray with a written interpretation. Both the HIV test result and tuberculosis screening must have occurred within the past 6 months prior to the submission date of the Site Predetermination Application, with the exception, of the IGRA and TST if documentation of current or previous tuberculosis treatment completion is provided with the submission. For an applying physician showing signs of active tuberculosis, a MSDH approved plan for treatment, and an approved provision for payment of testing, treatment, and follow-up is required.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.1.17. ~~A MSDH approved plan for treatment and an approved provision for payment of testing, treatment, and follow-up for a J-1 physician showing signs of active tuberculosis.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.19. Facilities not located in a HPSA must have at least 30% of their patients from the nearby HPSA(s) qualifying the application. The facility must submit in the Site Predetermination Application the facility's patient origin data (by county) for the previous calendar year. ~~submit in the Site Predetermination Application, patient origin information indicating that at least 3025% of the patients served by the facility are from a nearby HPSA. The patient origin information must be current (not to exceed 18 months prior to the submission date of the Site Predetermination Application).~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.2.21. ~~Please refer to Section 107 NATIONAL INTEREST WAIVER (NIW) LETTER REQUESTS for the requirements for submitting a request for consideration of a national interest waiver letter of support.~~

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 3. EMPLOYMENT CONTRACT:

Rule 1.3.8. For the statutorily required there can be no changes to the contract that would result in the J-1 physician leaving the agreed-upon site and treating the patients he/she has agreed to treat in the manner agreed upon, unless the physician has petitioned the United States Citizen and Immigration Services. ~~contract of resulting transfer has been approved by the MSDH.~~

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 4. RECRUITMENT:

Rule 1.4.1. The medical facility must provide evidence that other avenues, regionally and nationally, to secure a physician not bound by the 2-year home residence requirement have been undertaken over a period of at least ~~the six (6)~~ three (3) months. The recruitment effort must have occurred prior to ~~the submission date~~ of the Site Predetermination Application.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.2. ~~Recruitment efforts must include regional and national print advertising, and certified letters to at least four medical schools.~~ Recruitment information must state the position available and the practice site location. Ads must contain date information that can be used to verify at least three (3) months of recruitment effort and regional and national reach.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.4. Documentation ~~4~~ of recruitment efforts ~~must~~ may include:

1. ~~Copies of the regional and national print advertising ads (copies of ads must show publication date).~~ Copies of the regional and/or national print advertising ads (copies of ads must show publication date).
2. On line ads (ads must show the date the ad was on line).
3. Copies of ~~at least four (4)~~ certified letters to medical schools.
4. ~~Advertising bill and payment receipts may be included.~~ Other forms of recruitment documentation will be reviewed to determine if information for the specific position requested in the Mississippi Conrad State 30 J-1 Visa Waiver Application is clearly identified and to determine if sufficient date information is available to verify three (3) months of recruitment effort.
5. ~~Include copies of recruitment firm contracts, if applicable.~~
6. ~~Copies of CVs/resumes submitted in response to recruitment efforts.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.5. ~~Names of non-foreign physicians applying and/or interviewed and detailed justification on reasons not hired. Priority hire must be given to physicians other than J-1 physicians (presumably H-1Bs) who apply for the waiver job and are qualified. The employer must show that hiring a J-1 physician is a last resort.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.6. ~~In addition to items 1, 2, 3, and 4, the~~ The sponsoring health care facility is required to publish a legal notice in their local newspaper ~~and a state newspaper~~ of general circulation in accordance with the following format in Rule 1.4.7. through Rule 1.4.9. The Proof of Publication of this notice must be submitted with the Site Predetermination Application.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.8. Letters of support or opposition may be sent to ~~(name of J-1 sponsoring facility, or to~~ the Director, Office of Rural Health and Primary Care, Mississippi State Department of Health, P.O. Box 1700, Jackson, MS 39215-1700. Any interested party ~~should submit their letter within 21 calendar days after~~ has 21 calendar days from the date of this publication: to submit letters.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.4.9. Copies of letters may be obtained from ~~(name of J-1 sponsoring facility) or~~ the Office of Rural Health and Primary Care at the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 5. PROHIBITIONS:

Rule 1.5.1. MSDH will not consider recommendations when the provisions of Subchapter 2 ~~Section 101.01 through 21~~ have not been met and under the following circumstances:

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 6. TRANSFERS:

Rule 1.6.1. ~~The following guidelines apply for J-1 Visa physicians transferring from one HPSA to another, from one organization to another, or within the same HPSA. A “Transfer Notification Form” is included in this application packet. A minimum two-year commitment by the J-1 Visa physician to practice in the new site is required. The J-1 Visa waiver physician must remain in employment for a total of not less than three (3) years, at the site(s) listed in the Mississippi Conrad State 30 J-1 Visa Waiver Application and for which the waiver is approved, unless the physician petitions the United States Citizen and Immigration Services for early~~

termination of the 3-year period because the practice site closes or due to extenuating circumstances.

1. The J-1 Visa Waiver physician must notify the MSDH in writing as soon as possible of their intent to petition the United States Citizen and Immigration Services for early termination of the 3-year period because the practice site closes or due to extenuating circumstances.
2. To work at another facility the J-1 Visa Waiver physician must amend or file a new H-1B petition with the United States Citizen and Immigration Services.

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.2. ~~The proposed transfer site must meet all of the eligibility and program requirements. Completion of a Site Predetermination Application will be required for those transferring to a HPSA (if not the same HPSA) or to a new sponsoring facility organization.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.3. ~~The foreign physician shall make no plans for a transfer or moving of personal possessions until the Mississippi Office of Rural Health and Primary Care has reviewed and/or approved the request.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.4. ~~The J-1 physician retains sole responsibility for notifying their current employer of the intent to transfer petition the United States Citizen and Immigration Services for early termination of the 3-year period, and payment of any financial penalty caused by a breach of contract, as determined by the original or current employer or as specified in their employment contract.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.5. ~~If the foreign provider is being retained by the original employer, and is being transferred to another HPSA to better serve the residents of Mississippi, the new community's population to patient ratio must exceed the 3000:1 threshold requirement, and need for the foreign provider in the community must be documented.~~

1. ~~Responsibility of the J-1 Visa Physician:~~
2. ~~Notify the Mississippi Office of Rural Health and Primary Care, in writing, of the intent to transfer, detailing the reason for the transfer; and a statement acknowledging agreement to the proposed transfer, if applicable.~~

3. ~~Provide the Mississippi Office of Rural Health and Primary Care with the new practice site, address, telephone number, employer, hours of work, and proposed date of transfer; and~~
4. ~~The new site must meet all requirements of the Mississippi Conrad State 30 J-1 Visa Waiver Program Guidelines.~~
5. ~~Responsibility of First Employer:~~
6. ~~Provide a letter to the Mississippi Office of Rural Health and Primary Care releasing the J-1 Visa physician from employment; and/or~~
7. ~~Provide an explanation for transfer or termination of contract.~~
8. ~~Responsibility of Second Employer:~~
9. ~~Provide a letter to the Mississippi Office of Rural Health and Primary Care of the intent to employ the J-1 Visa physician;~~
10. ~~Provide the Mississippi Office of Rural Health and Primary Care with a copy of the employment contract; and~~
11. ~~Provide in writing, with documentation, that the new site meets the eligibility requirements in the Mississippi Conrad State 30 J-1 Visa Waiver Guidelines and the federal agency sponsoring the J-1 visa waiver.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.6.6. For the foreign physician transferring from another state to a HPSA in Mississippi, the following must be provided:

1. ~~A Site Predetermination Application must be completed. If an approval is provided, a complete J-1 Visa Waiver Application must be submitted, to include a four (4) year employment contract.~~
2. ~~The foreign provider must obtain a Mississippi medical license prior to commencing practice.~~

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 7. FOREIGN PHYSICIANS RELEASED DUE TO TERMINATION, MUTUAL RELEASE, OR DEATH:

Rule 1.7.4. J-1 Visa Waiver physicians who are released from the sponsoring medical facility prior to the completion of the federally required three (3) year full-time service obligation must amend or file a new H-1B petition with the United States Citizen

and Immigration Services to complete the service obligation at another facility. The J-1 Visa Waiver physician must notify the MSDH that he/she is petitioning.

SOURCE: Miss. Code Ann. §41-3-17

Subchapter 8. NATIONAL INTEREST WAIVER (NIW) SUPPORT LETTERS REQUESTS:

Rule 1.8.1. Please refer to the Mississippi State Department of Health National Interest Waiver Guidelines for the requirements for consideration of a support letter for a NIW application. The following policies apply to foreign medical physicians applying for National Interest Waiver Letter Recommendations. The Office of the State Health Officer maintains the responsibility within the state of recommending and processing, through its Mississippi Office of Rural Health and Primary Care, NIW requests. Requests will only be considered for primary care physicians.

- ~~1. The facility or geographical area in which the foreign physician's placement will occur must be currently designated as a Mississippi health professional shortage area (HPSA) by the federal government. A NIW support letter for a foreign-trained physician will be given consideration when a physician has completed the original contract agreement or has been in the employment contract with the sponsoring medical facility or medical provider for a minimum of two years of the obligation period.~~
- ~~2. The waiver request must include a HIV test result and evidence of screening for latent and active tuberculosis. The tuberculosis screening must include: a tuberculosis signs and symptom assessment by a licensed physician or nurse practitioner; testing for infection performed by an interferon gamma release assay (IGRA) when reasonably available or a Mantoux tuberculin skin test (TST) when the IGRA is not available; and a chest x ray with a written interpretation. Both the HIV test result and tuberculosis screening must have occurred within the past 6 months prior to the submission date of the waiver request, with the exception, of the IGRA and TST if documentation of current or previous tuberculosis treatment completion is provided with the submission.~~
- ~~3. A MSDH approved plan for treatment and an approved provision for payment of testing, treatment, and follow up for a J-1 physician showing signs of active tuberculosis.~~
- ~~4. A current letter of support from the health facility or medical provider who has sponsored the original J-1 or H1-B Visa Waiver must be provided which indicates that the foreign physician placement has resulted in an acceptable or satisfactory condition to support the delivery of primary care services. The letter must also provide the start and ending dates of the service obligation.~~

5. ~~A copy of the proposed contract to meet the five-year full-time employment service obligation required by the NIW regulations.~~
6. ~~If the foreign physician seeking a NIW support letter has not completed the original contract terms, the foreign physician must provide a statement, dated and signed by the foreign physician, that he/she agrees to meet the original obligations of the employment contract entered as PL-106-95 does not change the foreign physician's obligation of the original contract terms. The statement must include the start and ending dates of the original service obligation.~~
7. ~~Foreign physicians requesting a NIW support letter that have completed the original contract terms and who will be working at a new sponsoring facility must provide a support letter from the new sponsoring facility. The letter must include information about the proposed start and end date to meet the five-year full-time employment service obligation required by the NIW regulations.~~
8. ~~These foreign physicians must also submit support letters from the local medical community of the area of the new sponsoring facility.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.8.2. ~~Foreign physicians (including those not processed through the Mississippi Office of Rural Health and Primary Care) must receive NIW support letters through the Office of the State Health Officer, through its Mississippi Office of Rural Health and Primary Care.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.8.3. ~~In addition to items 1 through 5, J-1 and H1-B physicians (who were not processed through the Mississippi Office of Rural Health and Primary Care) seeking NIW support letters must submit a copy of their CV, license and board certification.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.8.4. ~~In addition to items 1 through 5, 7 and 8, J-1 and H1-B physicians (who were not processed through the Mississippi Office of Rural Health and Primary Care) must provide a support letter from the sponsoring facility for the NIW in Mississippi. The letter must include information about the proposed start and end date to meet the five-year full-time employment service obligation required by the NIW regulations.~~

1. ~~These foreign physicians must also submit support letters from the local medical community of the area of the new sponsoring facility in Mississippi.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.8.5. ~~In addition to items 1 through 5, 7, 8 and 9, J-1 physicians (who were not processed through the Mississippi Office of Rural Health and Primary Care) seeking NIW support letters must submit a copy of the waiver approval recommendation letter from the Waiver Review Division of the United States Department of State and a letter of support from the interested government agency that sponsored the foreign medical graduate. The support letter should state that the foreign medical graduate's service was in the public interest and that his/her placement resulted in acceptable (or satisfactory) conditions to support the delivery of primary or specialty care.~~

Rule 1.8.6. ~~In addition to items 1 through 5, 7, 8 and 9, H1-B physicians (who were not processed through the Mississippi Office of Rural Health and Primary Care) seeking NIW support letters must submit a copy of the approval of the Petition for Nonimmigrant Worker form for the foreign physician.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.8.7. ~~A NIW support letter will not be provided when circumstances present that a foreign physician has transferred to a work site other than the original placement without notification to the appropriate interested government agency.~~

SOURCE: Miss. Code Ann. §41-3-17

Rule 1.8.8. ~~The NIW support letter will be addressed to the entity who requests the letter, either the individual foreign physician or the designated representative.~~

SOURCE: Miss. Code Ann. §41-3-17