

## **Title 15 - Mississippi State Department of Health**

### **Part IX – Office of Health Policy and Planning**

#### **Subpart 95 – APPALACHIAN REGIONAL COMMISSION “ARC” J-1 VISA WAIVER GUIDELINES**

##### **Chapter 1. MISSISSIPPI STATE DEPARTMENT OF HEALTH APPALACHIAN REGIONAL COMMISSION “ARC” J-1 VISA WAIVER GUIDELINES**

Rule 1.1.1. The Mississippi State Department of Health (MSDH) is committed to assuring that all Mississippi residents have access to quality, affordable health care. The Mississippi Office of Rural Health and Primary Care reviews applications and makes recommendations to the Appalachian Regional Commission, hereafter referred to as the “ARC”, in regards to the primary care J-1 visa waiver placements within that region of the state. The applications will be reviewed for completeness, and inclusion of all appropriate documentation, as required by the federal agency.

8. HPSA designations must be current on the date the U.S. Department of State reviews the application and on the date the INS approves the J-1 visa waiver. Therefore, any application that is being submitted to the Mississippi State Department of Health at the end of the three-year HPSA designation cycle may be summarily denied if the renewal of the HPSA designation is not obtained.

*SOURCE: Miss. Code Ann. §41-3-17*

Rule 1.1.2. [RESERVED]

Rule 1.1.3. [RESERVED]

Rule 1.1.4. [RESERVED]

Rule 1.1.5. An Employer/Medical Facility eligible to recruit and hire J-1 Visa physicians through the Program must be a facility that meets one of the following criteria:

- a. A public health facility, an ambulatory medical facility, a community health center, a community mental health center; or
- b. A hospital or state mental hospital.

*SOURCE: Miss. Code Ann. §41-3-17*

##### **Subchapter 2. GENERAL GUIDELINES:**

Rule 1.2.1. The State of Mississippi is prepared to make recommendations to the ARC on behalf of Mississippi health care facilities for physicians holding J-1 Visas for the purpose of

waiving the two-year foreign residency requirement. All conditions of the following ARC and Mississippi J-1 Visa Waiver policies/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 to be primary care physicians. Psychiatrists are also considered for the program. Physicians with other specialties are not considered to be primary care physicians for the purpose of this program.
2. The medical facility or practice must be located in a county or portion of county currently designated by the United States Department of Health and Human Services as a HPSA for primary medical care or mental health, in the case of the recruitment of psychiatrists.
3. All requests must at a minimum, include the following:
  - a. The ARC Federal Co-Chair Cover Letter.
  - b. The ARC J-1 Visa Waiver Policy Affidavit and Agreement.
  - c. Attestation of the ARC J-1 Visa Liquidated Damages Clause.
  - d. Information describing the public benefit of approval of the placement.
  - e. 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.
  - f. Proof that practice site is located in a HPSA or the documentation required to prove the practice is serving patients from a nearby HPSA.
  - g. 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 must have occurred prior to submission of the Site Predetermination Application.
  - h. Information about the home government "No Objection" requirement.
  - i. 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.
  - j. Information about the applying physician.
  - k. Attestation that the physician will start employment within 90 days of receiving the waiver.
  - l. Attestation to submit the MSDH Annual J-1 Visa Waiver Physician Employment Verification Form.
  - m. The required documentation for specialist applicants.

- n. 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. 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 1.2.2. [RESERVED]

- Rule 1.2.6. 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 1.2.10. [RESERVED]

- Rule 1.2.14. 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 ARC 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.

*SOURCE: Miss. Code Ann. §41-3-17*

- Rule 1.2.15. The Site Predetermination Application 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 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 1.2.16. [RESERVED]

**Subchapter 3. EMPLOYMENT CONTRACT:**

Rule 1.3.8. For the statutorily-required 3 years, 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 contract of resulting transfer has been submitted to the MSDH and approved by the ARC.

*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 must have occurred prior to submission of the Site Predetermination Application.

*SOURCE: Miss. Code Ann. §41-3-17*

Rule 1.4.2. Recruitment efforts must have regional and national reach. Recruitment information must state the position available and the practice site location.

*SOURCE: Miss. Code Ann. §41-3-17*

Rule 1.4.4. Documentation of recruitment efforts may include:

1. Copies of the regional and national print advertising ads (copies of ads must show publication date).
2. On line 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 ARC 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. 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. The Proof of Publication of this notice must be submitted with the Site Predetermination Application.

1. (Name of J-1 sponsoring facility and complete mailing address) is requesting that the Mississippi State Department of Health support a J-1 Visa waiver of the two-year foreign residency requirement of (physician discipline) in exchange for (Primary Care or Specialty Care) health services to (name of underserved area), an underserved area of the state, if approved by the U.S. Department of State.
2. Letters of support or opposition can be sent to 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.
3. 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 any of the provisions of Subchapter 2 have not been met and under the following circumstances:
3. Medical facilities located in counties which are not a part of the Appalachian Region may only recruit psychiatrists and specialists through this Program.

*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 ARC 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. [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.

*SOURCE: Miss. Code Ann. §41-3-17*

**Title 15 - Mississippi State Department of Health**

**Part IX – Office of Health Policy and Planning**

**Subpart 95 – APPALACHIAN REGIONAL COMMISSION “ARC” J-1 VISA WAIVER GUIDELINES**

**Chapter 1. MISSISSIPPI STATE DEPARTMENT OF HEALTH  
APPALACHIAN REGIONAL COMMISSION “ARC” J-1 VISA WAIVER  
GUIDELINES**

**Subchapter 3. EMPLOYMENT CONTRACT:**

Rule 1.3.8. For the statutorily-required 3 years, 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 contract of resulting transfer has been submitted to the MSDH and approved by the ARC.

*SOURCE: Miss. Code Ann. §41-3-17*