

State of Connecticut  
Regulation of  
Department of Public Health  
Concerning  
J1 Visa Waiver Program

Sec 1. Sections 19a-2a-24 through 19a-2a-26 of the Regulations of Connecticut State Agencies are amended to read as follows:

**Sec. 19a-2a-24. Definitions**

As used in sections 19a-2a-24 to 19a-2a-26, inclusive, of the Regulations of Connecticut State Agencies:

[(1) “Department” means the Department of Public Health.]

[(2)](1) “Application” means an application for waiver of a two-year foreign residence requirement for a foreign medical graduate holding a J-1 VISA, in accordance with 22 C.F.R. § 41.63, 8 U.S.C. § 1182 (e) and 8 U.S.C. § 1184 (l) as amended from time to time[.];

[(3)](2) “Applicant” means a foreign medical graduate physician or surgeon licensed pursuant to Chapter 370 of the Connecticut General Statutes [ , on whose behalf an application is being filed.];

(3) “Commissioner” means the Commissioner of Public Health or the Commissioner’s designee;

(4) “Department” means the Department of Public Health;

(5) “Director” means the Director of the Department of State Waiver Review Division;

[(4)](6) “Federal Fiscal Year” means the period October [1<sup>st</sup>] 1 through September [30<sup>th</sup>.] 30; and

[(5)](7) “Health Care Facility” means a medical facility, as defined in 42 C.F.R. [Section] § 5.2, as amended from time to time.

[(6) “Director” means the Director of the United States Information Agency (USIA).]

**Sec. 19a-2a-25. Applications**

[(a)] An application form for a J-1 VISA waiver shall be developed by the Department and [shall be disseminated by] published on the [Department] Department’s internet website[upon request to health care facilities or applicants]. Such application form shall request all information and documentation deemed necessary by the Department, in accordance with federal laws and the requirement of these regulations, to ensure that the Department will be able to submit the completed application materials to the Director on behalf of an applicant.

[(b) A health care facility shall submit a completed application to the Department on behalf of an applicant]

**Sec. 19a-2a-26. Eligibility determination**

(a) An applicant may submit an application to the Department for its consideration. To the extent permitted by federal law and these regulations, the Department may recommend a waiver of the foreign country residence requirement for an applicant who agrees to practice medicine in accordance with 8 U.S.C. § 1184 (l) and these regulations, as amended from time to time.

[(a)] (b)[If an application] The Department shall not deem a submitted application complete unless the application:

(1) is submitted in a form and manner as prescribed by the Department on its internet website;

(2) is received between October 1 and by end of business on October 15, unless October 15 falls on a weekend or holiday, in which event, the Department will accept applications until the end of business on the next business day;

(3) at the time of the Department's review, contains all of the necessary information and documentation, as set forth in the application and as required by federal regulation, 22 C.F.R. [section]§ 41.63 and 8 U.S.C. § 1184 (I), and these regulations as amended from time to time; and

(4) at the time of the Department's review, the applicant holds a license pursuant to Chapter 370 of the Connecticut General Statutes[, the application may be approved by the Department. If information is missing from the application, the Department shall not approve the application].

(c) Any application deemed incomplete by the Department shall not be eligible for recommendation to the Director.

[(b)] (d) If the number of applications deemed complete by the Department are less than or equal to the maximum number permitted under federal law, [The]the Department [shall]may forward and recommend to the Director the said[first thirty approved] applications [in the fiscal year]. [The Department shall recommend that the United States Attorney General grant J-1 VISA waivers to such thirty applicants.]In the event the Department receives more than the maximum number of applications permitted under federal law, which the Department deems complete in accordance with subsection (b) of this section, a randomized selection system shall determine the applications that may be forwarded to the Director. The date, time, and place of the randomized selection system process, prescribed by the Commissioner, shall be posted on the Department's internet website.

[(d)] (e)[Each application] Applications submitted in accordance with subsection [(a)](b) of this section [prior to April 1 of each fiscal year, shall be taken in order of submission if deemed complete, thereafter if the total number of applications has not reached thirty, applications shall be considered in order of submission and may]shall include applications from a physician or surgeon who:

(1) agrees to practice medicine in a health care facility that is located in a geographic area designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals[,]; or

(2) agrees to practice medicine in a health care facility that serves patients who reside in one or more geographic areas designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals without regard to whether such facility is located within such a designated area, provided that in addition to the requirements of [Section]§ 19a-2a-25[(a)] of the Regulations of Connecticut State Agencies, all of the following conditions are met:

(A) the health care facility where the applicant intends to work shall [document]attest that a minimum of thirty percent [(30%)]of the [applicant physician's]health care facility's patients reside in an area designated by the United States Secretary of Health and Human Services as having a shortage of health care professionals; and

(B) the health care facility where the applicant intends to work shall provide a description of why the physician's services are required and how the applicant physician's work will benefit the indigent and medically underserved[; and].

[(C) the health care facility shall provide letters of community support from at least three (3) community agencies stating that the J-1 placement is critical and will help alleviate health care access problems for the underserved population of the community.]

[(c)] (f) Notwithstanding [the above procedures]subsection (d) of this section, if the [Department]Commissioner determines on or before June first before the new Federal Fiscal Year, that there is a shortage of physicians or surgeons in a specific specialty [or]in a specific geographic location within the area designated by the Secretary of Health and Human Services as having a shortage of health care professionals, the Department may forward to the Director [an]up to three [approved application] applications deemed complete by the Department for such specialty [or]in a

geographic location, even though such application may not be one of the [first thirty] applications within the maximum number permitted under federal law and selected by the randomized selection system pursuant to subsection (d) of this section[approved by the Department during the fiscal year. The Department shall document the basis for its decision to forward and recommend an application that is not among the first thirty applications approved during the fiscal year].

[(e) In no event shall the number of applications approved pursuant to subsection (d)(2) of this section exceed the federally designated maximum for Conrad Flex spots per fiscal year. In no event shall more than two waivers approved pursuant to subsection (d)(2) be recommended per health care facility in each fiscal year, unless by April 30 of that fiscal year the number of applications approved pursuant to subsection (d)(2) and recommended from all institutions do not reach the maximum for Conrad Flex spots for that fiscal year.]

(g) The number of applications recommended pursuant to subsection (e)(2) of this section shall not exceed the federally designated maximum number per Federal Fiscal Year. Pursuant to subsection (e)(2) of this section, no more than three waivers may be recommended per health care facility in each Federal Fiscal Year.

(h) Notwithstanding subsection (g) of this section, in the event that the total number of applications recommended pursuant to subsection (d) of this section is fewer than the maximum number permitted under federal law, any applicant who only qualifies for a waiver pursuant to subsection (e)(2) of this section may apply for any remaining available waivers up to the maximum number permitted under federal law for that Federal Fiscal Year.

(i) If the Department receives and deems complete less than the maximum number of applications permitted under federal law, in accordance with subsection (b) of this section, the Department shall post a notice on its internet website that it will continue to receive applications until April 1 of that Federal Fiscal Year, or until the number of applications deemed complete reaches the maximum permitted under federal law, whichever occurs first. Any applications received after October 15 under this section shall be evaluated by the Department in the order of their receipt and deemed complete pursuant to subsection (b) of this section without regard to the time frame specified in subsection (b)(2) of this section. Any such application received and deemed complete before April 1 shall take precedence over any applicant seeking waiver under subsection (h) of this section.

(j) No applicant eligible for the Health and Human Services Exchange Visitor Program shall be considered as an applicant under this section.

(k) Submission of a waiver application does not ensure that the Department shall recommend such applicant for a waiver. Notwithstanding subsections (a) through (i), inclusive, of this section, the Department reserves the right to decline to recommend any request for a waiver.

(l) Notwithstanding the provisions of subsections (b)(2) and (i) of this section, for purposes of the 2018-2019 Federal Fiscal Year, the Commissioner shall publish the time frame for submission of applications on the Department's internet website.

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**Statement of Purpose:** The amendment to § 19a-2a-24 through 19a-2a-26 is to revise the process for the Department's receipt of Federal J1 Visa program applications. The current process is outdated and doesn't provide the Department with the ability to process the applications in an equitable manner. The Department committed to addressing Connecticut's evolving health care needs and address the rapidly changing needs of the underserved population in Connecticut as authorized by the federal regulations, 22 C.F.R. § 41.63, (8) U.S.C. § 1182 (e) and 8 U.S.C. § 1184 (I). Under the current J1 Visa program, each state's Department of Health is authorized to recommend up to thirty international medical graduates per year to work in areas designated as Health Professional Shortage Areas, Medically Unserved Areas, or Medically Underserved Populations. Over the past few years, the Department has received over thirty applications for this program and it has been determined that a new process is necessary.