

Georgia J-1 Visa Waiver Program

The purpose of the Georgia J-1 Visa Waiver Program is to improve access to quality healthcare in underserved communities of Georgia by sponsoring international medical graduates holding J-1 Visas. The Program is designed to be consistent with other laws, regulations, health care programs and policies of the state of Georgia, the United States Department of State (DOS), the United States Citizenship and Immigration Services (USCIS) and the Appalachian Regional Commission (ARC).

Upon completion of medical training in the home country, a physician may enter the United States on a J-1 Visa in order to serve his/her residency in a fully accredited United States medical facility. Upon completion of the residency program, the physician is required by law to return to his/her home country for a period of two years before being allowed to apply for an immigrant visa, permanent residence, or change to a new non-immigrant status. Physicians who do not wish to comply with the two-year home country residence requirement may apply for a waiver under five applicable grounds including a request by a United States Government Agency or a State Department of Health. This is known as a J-1 Visa Waiver.

The Department of Community Health/State Office of Rural Health (DCH/SORH) is responsible for the interpretation of this Policy. The factors that will determine recommendation of a Waiver will be made on, but are not limited to, the following:

- Compliance with State and Federal laws and regulations;
- Need for the service;
- Community support for the placement;
- Employer's commitment to treating patients regardless of their ability to pay;
- Physician's intent to work with the medically underserved on a long-term basis;
- Effect of placement on other programs and policies of Georgia.

A Georgia health care facility wishing to hire a J-1 physician must meet the following requirements:

- Be located in a currently designated Health Professional Shortage Area (HPSA) or a currently designated Medically Underserved Area (MUA) or be a Federally Qualified Health Center (FQHC). Facilities wishing to recruit a J1 psychiatrist must be located in a Mental Health Professional Shortage Area (MHPSA). Note: If the practice site loses its shortage designation area status before the application has been recommended by SORH, it will be denied and returned to petitioner;
- Be currently in operation or ready to operate when the J1 physician commences employment;
- Agree to charge patients at the usual and customary rate prevailing in that area, unless a patient is indigent;

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- Agree to have a written policy of non-discrimination of patients posted where patients can easily see it;
- Agree to charge indigent patients on a sliding fee scale schedule, based on current Federal poverty guidelines and post notice of fee scale where patients can easily see it;
- Agree to accept assignment under Section 1842(b)(3)(ii) of the Social Security Act as full payment for all services for which payment may be made under Part B of Title XVII of such Act (Medicare) and post notice where patients can easily see it;
- Agree to enter into an agreement with the Georgia Department of Community Health, the agency which administers the State plan for medical assistance under Title XIX of the Social Security Act (Medicaid) to provide services to individuals entitled to medical assistance under the plan and post notice where patients can easily see it;
- Recruit for United States medical graduates at least six months before signing a contract with a J1 physician and submitting J1 Visa Waiver application;
- Agree to sponsor the J1 physician's H1B visa for three years and to execute an appropriate employment contract;
- Agree to notify SORH, in writing, of physician start date within 30 days of said date;
- Agree to submit semiannual reports to SORH;
- Agree to notify SORH, in writing, of any change in the employment contract within 30 days of said change;
- Agree to site visits by SORH staff; and
- Agree to uphold this policy in its entirety.

A J1 physician wishing to waive the foreign residency requirement by working in Georgia must meet the following requirements:

- Have current immigration status. For J1 visa holders admitted under duration of status, preference will be given to applicants with current IAP-66. Applicants whose IAP-66 has expired must submit their application within 180 days of IAP-66 expiration date; beyond 180 days the application will be denied;
- Have completed residency/fellowship training from a United States medical school;
- Be certified or eligible for certification by a medical specialty board headquartered in the United States and that is acceptable to the SORH as a certifying organization;
- Be already licensed or in the process of applying for licensure to practice medicine in Georgia;
- Agree to practice for 40 hours per week at the approved site(s) in the approved discipline;
- Agree to charge patients at the usual and customary rate prevailing in the shortage designated area, unless the patient is indigent;
- Agree to not discriminate against patients based on ability to pay for services;

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- Agree to charge patients who are indigent on a sliding fee scale schedule based on current Federal poverty guidelines;
- Agree to accept assignment under Section 1842(b)(3)(ii) of the Social Security Act as full payment for all services for which payment may be made under Part B of Title XVII of such Act (Medicare);
- Agree to enter into an agreement with the Georgia Department of Community Health, the agency which administers the State plan for medical assistance under Title XIX of the Social Security Act (Medicaid) to provide services to individuals entitled to medical assistance under the plan;
- Agree to notify SORH, in writing, of physician start date within 30 days of said date;
- Agree to submit semiannual reports to SORH;
- Agree to notify SORH, in writing, of any change in the employment contract within 30 days of said change;
- Agree to site visits by SORH staff; and
- Agree to uphold this policy in its entirety.

The Georgia Conrad State 30 Program slots are divided as follows:

1. **20 Primary Care slots:** open to physicians who completed a residency program in internal medicine, family practice, pediatrics, obstetrics/gynecology, or psychiatry.
2. **10 Specialty slots:** open to physicians who completed a residency program or fellowship in any specialty.

Conrad State 30 Application Process:

1. Applicant sends completed application to SORH.
2. Upon favorable review by SORH, the application is forwarded to the United States Department of State (DOS).
3. Upon favorable review by DOS, the application is forwarded to the United States Citizenship and Immigration Services (USCIS) for final approval.

J-1 Visa Waiver Program Monitoring:

Within 30 days of the physician's start date, physician and employer are responsible for submitting a Placement Verification form.

Written reports from the physician to SORH will be due on a semi-annual basis for the duration of the 3-year obligation period.

Site visits will be made periodically throughout the 3-year obligation. The purpose of the site visit is to verify that the physician and employer meet the eligibility requirements and that semi-annual reports contain accurate information. Participants will be notified, in

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writing, of any J-1 Policy breaches uncovered during the site visit and will have 30 days to rectify the situation before disciplinary action is taken. Serious violations may warrant the initiation of deportation procedures against the J-1 physician and/or limit the participation of the employer in the J-1 Program.

SORH does not have the authority to mediate between employer and employees participating in the J-1 Program; to investigate allegations for wrong doing from either party, or to enforce labor standards. If SORH becomes aware of such issues, we may recommend seeking advice from an attorney or contacting the appropriate agency (i.e. Medicaid Fraud & Abuse, Department of Labor, and USCIS).