

## Indiana J-1 Visa Waiver Program

The Indiana State Department of Health  
in Collaboration with  
The Indiana Primary Health Care Association

The Bureau of Citizenship and Immigration Services (BCIS) of the U.S. Department of Homeland Security, successor to the Immigration and Naturalization Services of the U.S. Department of Justice, is the federal agency that grants J-1 Visa Waivers.

The goal of the Indiana J-1 Visa Waiver Program is to improve accessibility to health care for underserved areas by supporting J-1 Visa Waiver requests on behalf of foreign medical graduates who have obtained a J-1 Visa for graduate medical studies in the United States ("J-1 physicians"). Based on the information provided with a request, the Indiana State Department of Health may recommend a waiver of the requirement that a J-1 physician must return to the physician's home country for a period of two years after completing the graduate medical studies.

The Indiana J-1 Visa Waiver Program gives first preference to primary care physicians (family or general practice, pediatrics, obstetrics/gynecology and general internal medicine) and psychiatrists in federally designated Primary Care Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP). Psychiatrists can be in any of these shortage areas or in Mental Health Professional Shortage Areas (MH HPSA). Consideration will be given to J-1 Waiver specialists who practice in these areas. Consideration for recommendation will be given to up to ten (10) applicants who do not work in a designated underserved area but who serve patients from a designated area. Documentation of service to patients from designated areas must be given for those site requests that are not in a designated area.

The Indiana Primary Health Care Association (IPHCA) is under contract with the Indiana State Department of Health (ISDH) to handle the initial processing of the J-1 Visa Waiver Applications for Indiana. Prior to November 1, 2009 and not before October 1, 2009, send 3 copies of your application to the following:

Natalie Brown  
Shortage Designations and National Health Service Corps Program Director  
Indiana Primary Health Care Association  
1006 E. Washington Street, Suite 200  
Indianapolis, IN 46202  
Ph: 317-630-0845  
Fax: 317-630-0849  
[nbrown@indianapca.org](mailto:nbrown@indianapca.org)

If you are interested in submitting a J-1 Visa Waiver Application after October 31st you may contact Natalie Brown after January 1, 2010 to determine if Indiana has any vacancies.

## Indiana J-1 Visa Waiver Program

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### ELIGIBILITY

#### PHYSICIAN:

To be eligible, a J-1 physician must:

- Have an offer of full-time employment (at least 40 hours per week) at an eligible service site located in a federally designated Health Professional Shortage Area (HPSA) or in a federally designated Medically Underserved Area (MUA), or serving in a federally designated Medically Underserved Population (MUP).
- Sign a contract to work at the approved service site full-time for a period of not less than three years. The contract may not include a non-compete clause. Nor can it have a mutual termination clause without cause.
- Must have an Indiana medical license before the application will be approved.

#### SERVICE SITE:

To be eligible, a service site must:

- Be located in a federally designated HPSA or federally designated MUA, or in a federally designated MUP or Mental Health HPSA;
- Have been operational and providing care for at least six months as of the date of the request for an ISDH recommendation;
- Have tried to recruit a U.S. citizen physician for a minimum of six months before submission of the application and must be able to document recruitment efforts;
- Provide similar salary for local recruit and J-1 physicians;
- Use a sliding fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines;
- The sliding-discount-to-fee-scale must be based on the current U.S. Department of Health and Human Services Federal Poverty Guidelines as published in the Federal Register. See <http://aspe.hhs.gov/POVERTY/>.
- Consideration will be given for up to ten (10) applicants who are not in a designated area but who serve patients from a designated area. Documentation of service to patients from designated areas must be provided.

**THE EMPLOYER AND THE J-1 PHYSICIAN MUST:**

- Accept all patients regardless of method of payment, including Medicaid, Medicare assignment and ability to pay;
- Provide services to those who have no health insurance coverage;
- Charge patients at the usual and prevailing rates in this area; and
- Use a sliding fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines

If a service site does not meet all the requirements listed above, the site is not eligible, and an application **WILL NOT** be processed.

**APPLICATION REVIEW PROCESS**

Requests for an ISDH recommendation will be reviewed for completeness, inclusion of all documents, appropriateness of the service site, the J-1 physician's type of practice or specialty, and adherence to the Indiana J-1 Visa Wavier Program and to federal guidelines and need for doctor in area.

A decision for a letter of support typically takes about eight – twelve weeks. The J-1 physician's attorney, the physician or the employer will be notified as to the decision.

**ISDH HELD HARMLESS**

The ISDH reserves the right to deny support of a J-1 visa waiver application. If support is denied, ISDH will not forward the application to the U.S. Department of State (DOS) Waiver Review Division. The ISDH does not bear any liability for the denial of support of a J-1 visa wavier application, which includes but is not limited to, the consequences arising from any practice arrangements or contracts entered into by the J-1 physician or proposed employer before or after requesting an ISDH J-1 wavier recommendation.

In the event that an application is denied, the ISDH will notify the J-1 physician of the denial via mail or e-mail.

**PROCEDURE**

**Your case number is very important.** Be sure to write the full case number on any documentation submitted and on the outside envelope of all future correspondence.

**STEP 1.** Apply for a case number from the United States Department of State (DOS) (Please refer to Requirement #1).

**STEP 2.** Receive your case number and instruction sheet from DOS.

The instruction sheet from DOS may include a list of documents that are required by the Waiver Review Division (ISDH requires items 1-13 of the Requirements in order to consider the request for a letter of support). *If the DOS Waiver Review Division asks for an item that is not on the Indiana requirement list, be sure to include that item.*

**STEP 3.** Submit requirements 1-16 to the Indiana Primary Health Care Association (IPHCA).

**STEP 4.** If IPHCA and the ISDH decide to support a J-1 visa waiver application, the ISDH will submit all required documents and letters relating to the application to the DOS Waiver Review Division. At this point, the ISDH is no longer directly involved in the process. The ISDH will inform the J-1 physician or the lawyer of record when this happens. The J-1 physician may check on application status by accessing this web site:

<http://169.253.2.79/>

In the event that an application is denied, the ISDH will notify the J-1 physician of the denial via mail or e-mail the lawyer of record.

**STEP 5.** The DOS Waiver Review Division will send its recommendation directly to BCIS. The J-1 physician should receive a copy of that recommendation at the address listed on the J-1 physician's data sheet.

**The J-1 physician must provide to the ISDH J-1 Waiver Program Manager a copy of the J-1 Visa Waiver approval from BCIS.**

## REQUIREMENTS

The Indiana J-1 Visa Waiver Program requires the following documentation:

Please submit three copies of all items, in the order and quantity listed, to:

Natalie Brown  
 Shortage Designations and National Health Service Corps Program Director  
 Indiana Primary Health Care Association  
 1006 E. Washington St, Suite 200  
 Indianapolis, IN 46202

**Please Note: WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.**

1. An Indiana J-1 Visa Wavier Application Sheet
2. DS-3035, Review Application Form, Date Sheet (current edition)  
 Refer to <http://www.state.gov/m/a/dir/forms/>. Click "DS-3035 J-1 Visa Waiver Review Application" for the current data sheet and processing instructions. Please note: DOS WILL ACCEPT ONLY CURRENT DATA SHEET APPLICATIONS. Applications with other versions of the Data Sheet will be returned to the sender without processing.
3. A "letter of need" from the head of the facility at which the physician will be employed that:
  - Describes the facility, including the nature and extent of its medical services; it's need for a J-1 physician
  - Describes the effects a wavier denial will have on the area.
4. Valid contract of full-time employment from the time BCIS grants a waiver of the two year home-country residency requirement.
  - The contract must specify the service site where the J-1 physician will provide services.
  - The contract must be for at least three (3) years, 40 hours per week.
  - The physician must agree to begin employment at the approved service site within 90 days of receiving a J-1 visa wavier.
  - Both the J-1 physician and the employer must sign the contract.
  - The contract may not include a Non-Compete Clause.
  - The contract my only be terminated for cause and may not be terminated by mutual agreement.
  - The contract must state that the J-1 physician and the employer may not change, by contractual amendment or otherwise, the essential terms of the employment contract.
  - Until the J-1 physician completes the three-year commitment, the J-1 physician must provide services:
    - At the service site specified in the employment contract,
    - To the patients specified in the employment contract, and
    - In the manner specified in the employment contract.
5. Evidence that the facility is in a federally designated Health Professional Shortage Area (HPSA) or federally designated Medically Underserved Area/Population (MUA/P). The site census tract number and the HPSA and/or MUA/P name and ID are sufficient proof.

If the site is not in a designated area, documentation should be given that patients are served from designated areas.

Refer to <http://bhpr.hrsa.gov/shortage> for official listings of designated HPSAs and MUA/Ps.

6. Legible copies of the physician's IAP-66/DS-2019, Certificate of Eligibility for Exchange Visitor (1-1) Status forms, covering every period the physician was in J-1 status.

IAP-66/DS-2019 forms must be submitted in chronological order with "Begin a new program" first.

7. Proof of passage of examinations required by Immigration and Naturalization Services (i.e., Flex and ECFMG) Scores should be included.
8. Curriculum Vitae.
9. Two letters of recommendations from the physician's current residency program.
10. Form G-28, Notice of Entry of Appearance as Attorney or Representative.

11. A description of the J-1 physician's proposed responsibilities and schedule (hours per day and days per week).

Provide a statement of how the J-1 physician's employment will satisfy important unmet needs, including the health care needs of the specific community and preventive programs the physician will initiate or continue that address health problems prevalent in the specific community, etc.

12. Recruitment documentation. Copies of advertisements or announcements and copies of description of recruitment efforts.

Documentation demonstrating that the employer made a good faith effort to recruit a United States citizen primary care physician for the job opportunity in the same salary range for at least six (6) months before the request for an ISDH J-1 visa waiver recommendation and that the effort was not successful. The documentation may include advertisements or announcements in newspapers or professional journals, residency programs, etc. The employer must describe the recruitment efforts including the number of United States citizen physicians interviewed, and outcome of any interviews. The description of recruitment efforts must clearly demonstrate that the employer could not find a United States citizen primary care physician through traditional recruitment methods.

13. A sliding discount-to-fee schedule (SFS) and the procedure in place for its use.

The sliding discount-to-fee schedule must be based on current Federal Poverty Guidelines available at <http://aspe.hhs.gov/POVERTY/09poverty.shtml>.

**Please note: Discounts must be offered to all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines.**

14. Three (3) current letters of community support. – Please provide original copies.

Letters of support for employing the J-1 physician to provide primary care services at the service site. Examples of letters of support include: Letters from the county medical society and/or from a representative sample of providers in the service site area; and letters of support from any federally funded program (community health center) or state funded program in the service site verifying that employment of the J-1 physician will benefit delivery of primary care services in the area.

15. Copies of the J-1 physician's Indiana Medical License

A J-1 waiver request will not be processed without a current Indiana Medical License.

16. License copy in other States, even if it has expired.

**WRITE YOUR DOS CASE (DEPARTMENT OF STATE) CASE NUMBER ON EACH PAGE  
SUBMITTED.**

To ensure that a request for an Indiana J-1 Visa Waiver will be considered ALL required items should be received by The Indiana Primary Health Care Association or be post-marked on or before the established deadline of October 31, 2009. If you are interested in submitting a J-1 Visa Waiver Application for Indiana after October 31, 2009 you may contact Natalie Brown at (317) 630-0845 after January 1, 2010 to see if Indiana will accept any more applications.

*Thank you for your interest in serving the medically underserved in Indiana.*

### **IMPORTANT RESOURCES**

- **For information regarding primary care HPSAs, MUAs, MUPs, and mental health HPSA's refer to:**  
<http://bhpr.hrsa.gov/shortage/>
- **For information on the J-1 Visa Waiver Federal Program:**  
<http://www.globalhealth.gov/exchangevisitorprogram/index.html>
- **Department of State:**  
[http://travel.state.gov/visa/tempvisitors\\_info\\_waivers.html](http://travel.state.gov/visa/tempvisitors_info_waivers.html)
- **2009 HHS Poverty Guidelines**  
<http://aspe.hhs.gov/POVERTY/09poverty.shtml>