

# CONRAD 30 WAIVER PROGRAM 2017 -2019 GUIDELINES

Developed by:

Virginia Department of Health  
Office of Health Equity



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## 1. PURPOSE

Improving access to primary health care, and needed specialty care, in medically underserved areas is an important goal of the Virginia Department of Health (VDH). The purpose of the Commonwealth of Virginia's (Commonwealth) Conrad 30 Waiver Program is to increase access by sponsoring J-1 Physicians who agree to serve in medically underserved areas of the Commonwealth to waive the "two-year home country physical presence requirement" (the "J-1 visa waiver") which would otherwise be required. The Commonwealth's participation in the Conrad 30 Waiver Program enables VDH to act on behalf of the Commonwealth and request waivers for eligible J-1 Physicians. VDH may act as an interested state agency to request up to thirty (30) J-1 visa waivers per year.

## 2. BACKGROUND

Federal law requires that International Medical Graduates (IMGs), defined as individuals who are not United States (U.S.) citizens but are accepted to pursue graduate medical education or residency training in the U.S., shall obtain a J-1 exchange visitor visa or an H-1B visa. The J-1 visa allows the IMGs to remain in the U.S. until they complete their studies. Upon completion of their studies, the IMGs on J-1 visas (the "J-1 Physicians") shall return to their home country for at least two years before they can return to the U.S.

Under certain circumstances, a J-1 Physician may request the U.S. Citizenship and Immigrations Service (USCIS) to waive the "two-year home country physical presence requirement." The waiver may be requested under any one of the following circumstances:

- Extreme hardship to his/her spouse or children who are citizens or permanent residents of the U.S.
- Persecution if forced to return to his/her home country
- A U.S. government agency makes a request for the waiver on the basis that the J-1 Physician's work is in the national and/or public interest
- A state department of health makes a request for the waiver on the condition that the physician agrees to practice in an area having a shortage of health care professionals. This provision allows state departments of health to sponsor up to thirty J-1 Physicians per federal fiscal year (September 1-September 30) under the Conrad 30 Waiver Program

## 3. POLICY

Given the need for improving access to primary health care, preference for J-1 visa waivers is given to physicians trained in the specialties of Family Practice, Internal Medicine, Pediatrics, Obstetrics and Gynecology and general Psychiatrists. Non-primary care physicians who fill a documented community health care need may also be considered for J-1 visa waivers with appropriate documentation. There is likewise, a preference given to J-1 Physicians being recruited for placement in Health Professional Shortage Areas (HPSAs) over

Medically Underserved Areas (MUAs) or Medically Underserved Populations (MUPs). The J-1 Physicians who wish to receive waivers shall meet both the federal eligibility criteria and VDH qualifications for J-1 visa waivers and shall provide required supporting documents. Prioritizing applications for waiver recommendations is done on a first come first serve basis; however VDH may make discretionary waiver recommendation as appropriate.

The Commonwealth of Virginia's participation in the Conrad 30 Waiver Program is completely discretionary, voluntary and may be modified or terminated at any time. In all instances, VDH reserves the right to support or deny support for any request for a waiver. A total of 30 slots are allotted each year.

#### **4. GEOGRAPHIC COMPONENTS**

In efforts to increase the availability of medical care in underserved areas and improve access to Primary Care in Virginia, VDH acts as an interested government agency for the Conrad 30 Waiver Program to meet the needs of the community. The proposed practice location shall be located in a federally designated setting described below. Designation status will be determined by the actual physical address of the practice site. See exception in sec.4-4

##### **4-1. Federally Designated Health Professional Shortage Area (HPSA)**

HPSA is defined by the Federal Health Resources and Services Administration as a geographic area, population, or facility with a shortage of physicians, dentists, or mental health professionals that is designated by the Secretary of Health and Human Services. These include:

- Mental Health Professional Shortage Area
- Primary Care Health Professional Shortage Area
- Dental Care Health professional Shortage Area (*Currently not considered*)

Please visit the website to receive the most accurate designation information at:

<http://datawarehouse.hrsa.gov/GeoAdvisor/ShortageDesignationAdvisor.aspx>

Please enter:

1. Street address + city + state or Street address + ZIP code  
✓ Check the box above "Submit"

\*Please be sure to use "Find Shortage Area" on the left hand side ONLY.

##### **4-2. Medically Underserved Area (MUA)/Medically Underserved Population for primary care (MUP)**

MUA/MUP is defined by the Health Resources and Services Administration as a geographic area or population that lacks medical services as indicated by poverty, low birth weight or infant mortality, age of the population and lack of primary care providers and is designated by the Secretary of Health and Human Services.

Please visit the website to receive the most accurate designation information at:  
<http://muafind.hrsa.gov/>

Please select:

1. State
2. County or city
3. Click "Find MUAs/MUPs"

#### **4-3. SLOT ALLOCATION**

A total of 30 slots are allotted each year for the Conrad 30 Waiver Program. After the 30 available waiver slots have been filled, applications will be returned without being reviewed. Returned applications shall be resubmitted by the attorney or legal practice to be considered during the following federal fiscal year. The federal fiscal year begins on September 1 and ends on September 30. Of the 30 slots, 20 are designated; up to five shall be used for flex and up to five shall be reserved for VDH's discretion taking into account unique current needs for specific health care professionals. (see definition below)

#### **4-4. DISCRETIONARY SLOTS/FLEX SLOTS**

The Virginia Conrad 30 Waiver Program will reserve five slots to use as discretionary slots for J-1 Physician waivers each year. The discretionary slots will be allotted at the discretion of VDH based on the prevailing critical needs for specific health care professionals. The prioritized needs will be evaluated on an annual basis and will be posted on the website prior to the commencement of each application cycle.

The Virginia Conrad 30 Waiver Program will begin accepting Non-designated (flex) slots February 1 of each year. Please see website for available slots.

#### **4-5. APPALACHIAN REGIONAL COMMISSION (ARC)**

In addition to its participation in the Conrad 30 Waiver Program, the Commonwealth also participates in the Appalachian Regional Commission's (ARC) J-1 Visa Waiver Program. ARC is a federal government agency that considers J-1 visa waiver requests by state governors on behalf of medical facilities located in Health Professional Shortage Areas (HPSAs) in the respective state's Appalachian Region. If the employer is located in an Appalachian region of the Commonwealth, VDH will forward the application for processing by the ARC as an interested government agency.

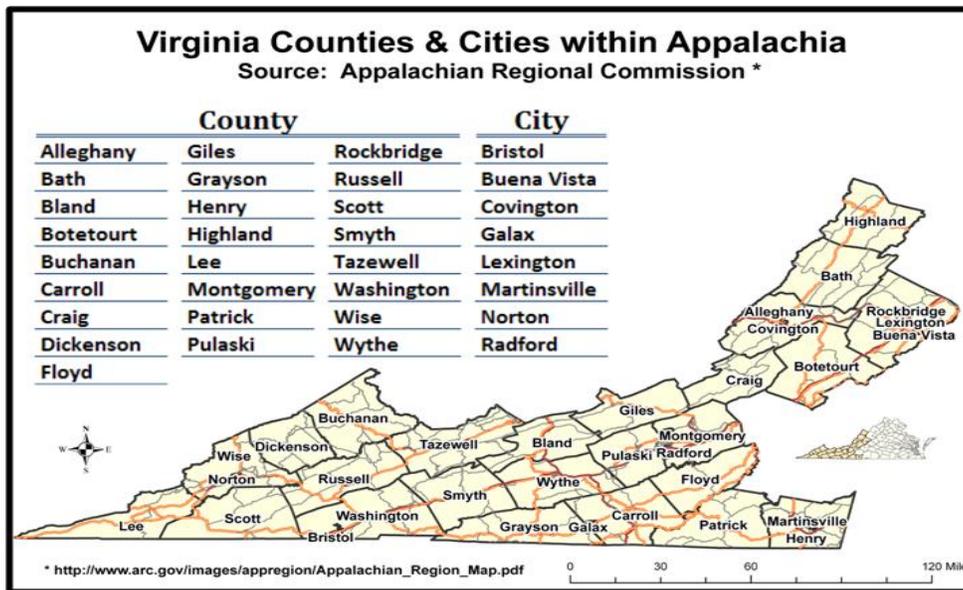
In an effort to maximize available resources, and improve access to health care for residents of underserved areas, applicants that are eligible for the Appalachian Regional Commission (ARC) J-1 Wavier program should utilize the ARC J-1 Waiver program. In Virginia, there are 25 counties and eight independent cities that are eligible for the ARC J-1 Wavier program. Below is a detailed map of the Appalachian Region counties and cities.

Click the link for information on ARC J-1 Waiver program:  
 Please contact: ARC J-1 Visa Waiver: (804) 371-7029  
 Virginia Department of Housing and Community Development  
 Main Street Center  
 600 East Main Street, Suite 300  
 Richmond, VA 23219

Email: [Tamarah.Holmes@dhcd.virginia.gov](mailto:Tamarah.Holmes@dhcd.virginia.gov)  
 Website: <http://www.arc.gov/j1visawaiver>

Specialist physicians are **NOT** eligible for the ARC J-1 Waiver program and should seek a Specialist slot through Virginia's J-1 Waiver program. Please see Table 1 for a list of the Cities and counties located within the Appalachia.

Table 1



## 5. APPLICATION RESTRICTION

- An employer is limited to five applicants per practice site. (Employers with multiple practice sites are not limited to five per employer, but five per practice site)
- Employers cannot be a relative of the J-1 Physicians.
- Applications shall be completed and submitted by an attorney or a legal practice.
- Only complete applications with alphabetical insertable tabs will be reviewed.

## 6. EMPLOYER'S ELIGIBILITY AND REQUIREMENTS

### Employers shall:

- Be licensed to do business in the Commonwealth of Virginia.

- Provide a practice site located in a federally designated Health Professional Shortage Area (HPSA) or a whole county designated Medically Underserved Area (MUA).
- Serve both Medicare and Medicaid patients, with at least 10% of the total patient visits in the 12 months prior to application coming from Medicaid and/or other low-income patients (such as subsidized basic health plan enrollees, sliding fee discount, no pay, etc.).
- Have a sliding fee scale schedule posted and available for patient use.
- Have a signed three year employment contract with the J-1 physician
- Contracts containing non-compete language will not be approved.
- Pay the physician prevailing wage and provide benefits
- Submit the Health Care Facility letter with the waiver application
- Have a “for cause” or “just cause” termination policy

## **7. J-1 PHYSICIAN’S ELIGIBILITY AND REQUIREMENTS**

### **J-1 Physicians shall:**

- Have completed, or be in the final year of an Accreditation Council of Graduate Medical Education (ACGME) approved residency program.
- Begin practice within 90 days of receiving the waiver and employment authorization from the USCIS ( Department of State (DOS) letter)
- Have an Educational Commission for Foreign Medical Graduates (ECFMG) certificate
- Have passed all three steps of the United States Medical Licensing Examination (USMLE) or equivalent and show proof of all three scores
- Have a Virginia license to practice medicine or have applied for one
- Provide a Curriculum Vitae (CV), which shall reflect current contact information
- Practice for a period of not less than three years in a federally designated shortage area (HPSA, MUA/P, or MHPSA)

## **8. APPLICATION PROCESS**

Applications shall be completed and submitted by an attorney or legal practice. VDH does not assist or recommend any attorneys for this process. Applications are reviewed on a first come-first served basis; however, VDH may make discretionary waiver recommendations as appropriate beginning September 1 of each year. Please allow at least 12-15 weeks to process all Conrad 30 Waiver Program applications. After the 30 available waiver slots have been filled, applications will be returned without being reviewed. Returned applications shall be resubmitted by the attorney or legal practice to be considered during the next federal fiscal year.

### **8-1: FIVE STEPS TO OBTAIN A J-1 VISA WAIVER:**

- Step1:** Obtain a J-1 visa waiver case number from the U.S. DOS (See descriptions below)

- Step 2:** Identify practice sites in Virginia eligible to employ J-1 Physicians and agree to follow the J-1 visa waiver requirements
- Step 3:** Seek employment at an eligible practice site located in federally designated areas. (Please see section 4-1 and 4-2)
- Step 4:** Obtain an employment contract. This is contingent on securing the J-1 visa waiver
- Step 5:** Submit application to VDH

## **8-2: REQUIRED DOCUMENTS**

### **The J-1 Physician shall provide the following to VDH:**

- A completed J-1 Physician Assurances form
- A current Curriculum Vitae
- At least three letters of recommendation in support of the waiver applicant's professional abilities and qualifications. Letters may be from community leaders such as the Mayor, the County Commissioners, Court, school board members, hospital administrators, local health department, residency program director or other supervisory authority who can attest to the J-1 physicians' professional abilities and qualifications, etc.
- A copy of current Virginia license to practice medicine or proof of application to obtain one
- Documentation of Board Certification or a letter from the director of the J-1 Physician's residency program attesting to Board eligibility
- A copy of the completed Waiver Review Application Data Sheet, including the case number issued by the U.S. DOS
- All copies of the Certificates of Eligibility for Exchange Visitor (J-1) Status
- All copies of the IAP-66/DS-2019 sheets issued by the U.S. Information Agency for each year the J-1 Physician maintained the J-1 visa status with no time gaps
- A copy of his/her passport including all visa entries
- A copy of the U.S. DOS letter assigning the case number
- Copies of any I-94 Entry and Departure Cards
- An explanation of any period spent in some other visa status, out of status, or outside of the U.S

### **STEP 1: OBTAINING A J-1 VISA WAIVER CASE NUMBER**

The first step in the application process involves the J-1 Physician obtaining a J-1 visa waiver case number from the U.S. DOS. This step shall be completed before submission of the application to VDH. VDH will not process any application without a J-1 visa waiver case number. To obtain the information needed to apply for the case number, the J-1 Physician can go to: <http://travel.state.gov/>. (Click on Visas) or request the application packet by writing to:

U.S. Department of State Waiver Review Division  
P.O. Box 952137 St. Louis, MO 63195-2137

To obtain a J-1 visa waiver case number, the J-1 Physician should send a completed Waiver Review Application Data Sheet to the Waiver Review Division of the U.S. DOS with the required fee and two self-addressed stamped legal-size envelopes (see instructions posted on the above web site).

Once the Waiver Review Division of the U.S. DOS has received the Application Data Sheet, it will send the J-1 Physician a J-1 visa waiver case number and instructions on how to proceed with the application. The instructions will include a list of documents that shall be submitted to complete the waiver review application. After the case number is received, it shall be affixed to all documents included in waiver-related correspondence with the Waiver Review Division and VDH. If the case number is not affixed to all documents when communicating to VDH, the documents will be returned to the applicant.

## **STEP 2: IDENTIFYING PRACTICE SITES ELIGIBLE TO EMPLOY J-1 PHYSICIANS**

The practice site shall be physically located in a currently designated federal Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA) or Medically Underserved Population (MUP). If a facility has its own unique designation, the facility specific designation status will apply. The practice site for general psychiatry shall be physically located in a current federal Mental Health Professional Shortage Area (MHPSA). The practice site for primary care shall be physically located in a current federal Health Professional Shortage Area (HPSA). A list of all currently designated Primary Health Care and Mental Health HPSAs and Medically Underserved Areas/Populations (MUA/Ps) designation can be found at the U.S. Dept. of Health and Human Services, Health Resources and Services Administration (HRSA) Shortage Designation. The practice site shall be located in a HPSA or MUA/P approved site that is current.

The designation shall be current on the date VDH reviews the application. In the event that the designation expires after eligibility has been determined, the J-1 Physician will continue to be eligible for the remainder of the obligation.

## **STEP 3: SEEKING EMPLOYMENT AT ELIGIBLE PRACTICE SITES**

The J-1 Physician is responsible for finding practice sites that would be willing to offer employment. J-1 Physician applicants who have completed a residency program within the Commonwealth are encouraged to contact their residency program coordinator or utilize the National Rural Recruitment and Retention Network recruitment website for placement assistance, [www.3RNet.org](http://www.3RNet.org). During the recruitment phase, the J-1 Physician and the potential employer should become familiar with the obligations and responsibilities outlined in the Conrad 30 Waiver Program Guidelines.

## **STEP 4: OBTAINING AN EMPLOYMENT CONTRACT**

It is the responsibility of the J-1 Physician to obtain an employment contract with the hiring employer to practice in approved site(s). VDH assumes no responsibility for negotiations, content of, or termination of the employment contracts.

**The contract shall:**

- Be for a period of three years or longer
- Include the full street address(s) and telephone number(s) of all the site(s) where the J-1 Physician will practice
- Contain a statement by the J-1 Physician agreeing to meet the requirements set forth in Section 214(l) of the Immigration and Nationality Act
- Indicate the schedule and the number of hours per week that the J-1 Physician will practice providing direct patient care
  - Shall be at least 40 hours per week
  - At least four days per week
  - Excluding administrative, travel and/or on-call time
  - Other cases will be reviewed at on case by case basis
- State the type and amount of leave
- List the discipline
- State that termination can only be for cause or just cause, not mutual agreement
- List of benefits and insurance to be provided to J-1 Physicians
- State that employment will start within 90 days of receiving waiver, and employment authorization from the USCIS (DOS letter)
- Include the fixed salary
- Not include a non-compete clause or restrictive covenant preventing or discouraging the J-1 Physician from continuing to practice in the Commonwealth after the period of obligation has expired
- Employment contract cannot include an at will policy

**STEP 5: SUBMITTING AN APPLICATION TO VDH**

The J-1 Visa Waiver application submitted to VDH shall meet all the requirements mentioned in this guideline. The attorney or a legal practice shall submit an original and one hard-copy of the application using insertable alphabetical tabs with dividers to clearly identify each section. Incomplete, faxed or electronic applications will not be reviewed.

Note: In order to avoid possible conflicts of interest, VDH recommends that applicants work with their own attorney or legal practice, not an employer's attorney or legal practice.

**Information to request from the employer prior to submitting the application:**

Please include all the documents below in application package.

- An original and one hard copy of the employment contract signed by both the employer and the J-1 Physician;
- A letter requesting that VDH act as an “interested government agency” and recommend a waiver on behalf of the J-1 Physician. The letter shall also include:
  - The full name and medical specialty of the J-1 Physician
  - Qualifications of the J-1 Physician and medical specialty
  - A work schedule for the J-1 Physician and a statement that the J-1 Physician will provide direct patient care for at least 40 hours per week during normal office hours at least four days per week (on-call and travel times and administrative duties) do not count toward the 40-hour minimum), 160 hours for hospitalists or 40% of the 160 hours in an outpatient setting for surgical specialists
  - A description providing justification for the physician based on the community needs and the effect on the community if a J-1 Physician waiver is approved
- A completed “Medical Practice Site and Program Description” form (Use attachment 1 for existing practice site or attachment 2 for a practice site under development);
- A copy of the employer’s Medicaid and Medicare Provider Agreements
- Proof of the practice site’s willingness to treat patients of all income levels. Such proof shall include, at a minimum, a copy of the sliding fee scale and evidence of charitable care provided.
- A statement from the employer indicating that the staff and its principals, such as owners, administrators, or medical directors are not under investigation, indictment or conviction for violations of federal, state, or local laws, J-1 visa waiver requirements, or ordinances related to the medical practice. In addition, the statement should identify that the employer is not the subject of any financial legal or regulatory proceedings that could reasonably result in the practice site’s inability to function as an employer.

The employer shall not charge patients more than the usual and customary rate prevailing in the federally designated shortage area in which services are provided including charity care policy.

If the practice site is located in a special population HPSA, the employer shall also provide the following information on the patients served by the practice, unless the practice is a Community Health Center or a Federally Qualified Health Center:

- The percentage of patients who are provided health services at a reduced rate

- The percentage of Medicare patients
- The percentage of Medicaid patients

### **8-3. APPLICATION FEE**

- The application fee for 2019 (September 1, 2018 to August 31, 2019) is currently \$0.
- In 2020 (September 1, 2019 to August 31, 2020), the fee may be between \$1,500 and \$3,000. VDH may charge a fee to cover the costs incurred by VDH in administering the Conrad 30 Program.

### **8-4. VDH PROCEDURAL GUIDELINES**

- All submitted documents shall be on standard 8.5 by 11-inch white paper. VDH will notify the applicant's attorney or legal practice if the application is incomplete or additional information is required. A substantial review will not proceed unless all required documentation is received.
- VDH will forward complete applications receiving favorable recommendations to the U.S. DOS and VDH will notify the practice site in writing (via attorney or a legal practice) that the application has been submitted to the USCIS for approval.
- Once a waiver is approved, the USCIS will send notification directly to the J-1 Physician after it approves the application recommended by the U.S. DOS.

### **8-5. VDH APPLICATION EVALUATION STANDARDS**

When reviewing each J-1 visa waiver application, VDH will make an effort to ensure that the proposed placement of the J-1 Physician will not adversely affect or compromise the delivery of health care in the medically underserved area.

When reviewing applications, VDH will:

- Negatively view any past or current disciplinary actions or proceedings taken by the Virginia Board of Health Professions (or comparable professional medical review boards in other states) against the employer in cases where the employer is a medical professional.
- Negatively view the J-1 visa waiver applications from any employer whose principals such as owners, administrators, or medical directors are under investigation, indictment, or conviction for violations of federal, state, or local laws, J-1 visa waiver requirements, or ordinances related to medical practice.

When considering J-1 Physicians for employment, employers may choose to impose additional requirements than provided for in these guidelines to assure that the delivery of healthcare services is consistent with their practices' policies. During the contractual period, failure to meet any of the criteria requirements shall result in a retraction of the Commonwealth's support. Such action will affect the physician's visa status and the employer's eligibility to participate in the program in the future.

## **8-6. TIME FRAMES**

Please allow at least 12-15 weeks to process all Conrad 30 Waiver Program applications which include an 8-12 week processing time by USCIS.

## **8-7. MAILING ADDRESS**

Applications should be mailed to:  
Virginia Department of Health  
Office of Health Equity  
ATTN: Conrad 30 Waiver Program  
109 Governor Street  
Suite 714 - West (7<sup>th</sup> floor)  
Richmond, Virginia 23219

## **9. ONCE YOU BECOME A J-1 PHYSICIAN**

### **9-1. J-1 PHYSICIAN'S REQUIREMENTS**

- Three years of service obligation in an approved practice site(s).
- Submitting of Verification of Employment (VOE) form to VDH
  - Within 30 days of employment
  - Every six months from the employment contract execution date until the completion of the three year service commitment
- Notification to VDH of contact information changes have to be made within 10 business days of change

### **9-2. PRIMARY CARE PHYSICIANS**

1. J-1 Physicians shall provide direct patient care for at least 40 hours per week for at least four days not including travel and/or on-call and administrative duties. To be considered a primary care physician for the Virginia Conrad 30 Waiver Program a Hospitalist shall undergo residency training in Internal Medicine or Family Medicine and is required to work full-time providing primary care services for the obligated time. The definition of full-time as defined by the USCIS is 40 hours per week providing direct patient care.
2. Hospitalists shall provide direct patient care for at least 160 hours per month not including travel and/or on-call and administrative duties. If this requirement is met along with the other eligibility requirements, the hospitalist will be classified as Primary Care for the Virginia Conrad 30 Waiver Program.

### **9-3. SPECIALIST PHYSICIANS:**

Surgical specialists shall provide 160 hours per month of direct patient care; at least 40% of the time should be provided in an approved outpatient setting. Inpatient and surgical duties may account for the remainder of the time.

All other specialists shall provide direct patient care for at least 40 hours per week for at least four days not including travel and/or on-call and administrative duties.

#### **9-4. MOONLIGHTING**

Please discuss moonlighting with your employer. If you decide to take a moonlighting position, you shall fulfill your 40 hour per week requirement for Primary Care Physicians or (at least 160 hours per month for Specialists and Hospitalists) service obligation at your approved practice site. However, you are not allowed to moonlight outside the Commonwealth of Virginia.

#### **9-5. AMENDED CONTRACT**

If the contract is amended, it shall still reflect the J-1 waiver requirements and J-1 Physician shall complete the full three years of service obligation to reflect the new employment contract.

- An addendum to the original employment contract shall reflect any approved leave taken such as short - term disability, maternity leave, etc. and the J-1 Physician, attorney or legal practice shall submit the amended contract to VDH.

#### **9-6. VERIFICATION OF EMPLOYMENT (VOE)**

- Submitting of Verification of Employment (VOE) form to VDH;
  - Within 30 days of employment
  - Every six months from the contract execution date until the date of completion of the three-year commitment
- The employer of a J-1 Physician that transfers to another medical facility within Virginia shall submit a final VOE form upon termination of the contract to show proof of their last date of service.

**Failure on the part of the J-1 Physician to submit accurate and truthful VOE forms (semi-annual) will result in a report of non-compliance to the USCIS.**

**Failure on the part of the Chief Executive Officer or Administrator of the employing entity to submit accurate and truthful semi-annual reports will jeopardize future eligibility for J-1 placement at the practice site and may result in an out-of-compliance report for the J-1 Physician in the Commonwealth of Virginia.**

#### **9-7. SITE VISITS**

The J-1 Physician and his employer may be subject to at least one unscheduled oversight phone call, email or site visit during the three years in the Conrad 30 Waiver Program by VDH.

## **10. EARLY EMPLOYMENT TERMINATION**

If the employment contract is terminated prior to its scheduled end date, the J-1 Physician and Employer shall provide written notification within 30 days of termination. Notification should include an explanation to VDH as well as the VOE form indicating the last date of the employment. Specify time period for the submission (such as within 30 days of termination notification).

### **J-1 Physician Requirements:**

- Notify VDH, in writing, of the intent to leave the position and the reasons for the early termination of the three year service commitment at least 30 days in advance
- Affix the U.S. DOS J-1 visa waiver case number to all documents included in waiver-related correspondence with VDH
- Assume the sole responsibility for notifying the employer of the intent to terminate contract
- Assume all legal and/or financial obligations that may accrue from a breach of contract or the establishment of “reasonable cause” for the termination of the employment contract.

### **Original employer requirements:**

- Affix the U.S. DOS assigned J-1 visa waiver case number to all documents included in waiver-related correspondence with VDH;
- Provide a letter to VDH releasing the J-1 Physician from the employment contract and explanation for the release (early termination).
- Complete VDH Reporting Requirements as set forth in Section 9-6 of the Conrad 30 Waiver Program Guidelines.
- Provide VDH the VOE form indicating the last date of the employment.

## **11. TRANSFERS**

Under no circumstance should a relocation of a J-1 physician occur without prior written authorization by VDH. The same review criteria used in VDH Conrad 30 Waiver Program Guidelines for new applicants will be applied in recommending a transfer request.

- Please provide all transfer documents sent to USCIS (transfer petition)
- Please submit the last VOE form

### **11-1. TRANSFER TO VIRGINIA FROM ANOTHER STATE**

The new employer of a J-1 Physician who has transferred from within Virginia or another state shall file the first VOE form within 30 days of the transfer. Subsequent reports shall be submitted every six months from the employment contract execution date with a final report due upon completion of the three-year commitment

### **Original employer requirements**

*Please provide all transfer documents sent to USCIS (transfer petition) and*

- Affix the U.S. DOS assigned J-1 visa waiver case number to all documents included in waiver-related correspondence with VDH
- Provide a letter to VDH releasing the J-1 Physician from the employment contract and explanation for the release (early termination).
- Complete VDH Reporting Requirements as set forth in Section 9-6 of the J-1 Visa Waiver Program Guidelines.
- Provide the VOE form to VDH indicating the last date of the employment.

### **J-1 Physician requirements**

*Please provide all transfer documents sent to USCIS (transfer petition) and*

- Affix the U.S. DOS assigned J-1 visa waiver case number to all documents included in waiver-related correspondence with VDH
- Notify VDH, in writing, of the intent to transfer and the reasons for the transfer at least 30 days in advance
- Provide VDH with the proposed new employer, practice site name, address, telephone number, and date of transfer
- Assume the sole responsibility for notifying the employer of the intent to transfer to another practice site
- Assume all legal and/or financial obligations that may accrue from a breach of contract or the establishment of “reasonable cause” for the termination of the employment contract.
- A copy of your current Virginia license to practice medicine or proof of application to obtain one
- A current Curriculum Vitae
- A copy of the completed Waiver Review Application Data Sheet
- All copies of the Certificates of Eligibility for Exchange Visitor (J-1) Status
- All copies of the IAP-66/DS-2019 sheets issued by the U.S. Information Agency for each year the J-1 Physician maintained the J-1 visa status with no time gaps
- A copy of his/her passport including all visa entries
- A copy of the U.S. DOS letter assigning the case number
- Copies of any I-94 Entry and Departure Cards
- An explanation of any period spent in some other visa status, out of status, or outside of the U.S.

### **New Employer Requirements**

*Please provide all transfer documents sent to USCIS (transfer petition) and*

- Affix the U.S. DOS J-1 visa waiver case number to all documents included in waiver-related correspondence with VDH
- Provide a letter to VDH of the intent to employ the J-1 Physician
- Provide VDH with a signed original of the employment contract
- Complete the Transfer Notification form

- Provide at least 40hrs/week at least four days direct patient care setting to physicians at the approved practice site(s) or at least 160 hrs per month as applicable.
- Reporting Requirements:
  - o Within 30 days of employment
  - o Every six months from the employment contract execution date until completion of the three-year commitment

## **11-2. TRANSFER FROM VIRGINIA TO ANOTHER STATE**

### **Original Employer Requirements**

*Please provide all transfer documents sent to USCIS (transfer petition) and*

- The employer of a J-1 Physician that transfers from Virginia to another state shall submit a final VOE form upon termination of the contract.
- Provide a letter to VDH releasing the J-1 Physician from the employment contract and explanation for the release.

### **New Employer Requirements**

*Please provide all transfer documents sent to USCIS (transfer petition) and*

The J- 1 Physician's attorney or legal practice shall contact VDH that he/she is transferring to obtain the most current reporting requirements.

### **J-1 Physician Requirements**

*Please provide all transfer documents sent to USCIS (transfer petition) and*

- Transfer Notification Form signed by the new employer
- Information of New Employer and the practice sites (Address and Phone number)
- Employment Offer letter signed by the Employer and Physician, which include the work sites, HPSA designations and proof that the J-1 Physician will work for at least 40 hours per week for remainder of the contract
- VDH Reporting Requirements as set forth in Conrad 30 Waiver Program Guidelines signed by the employer and physician. (Complete VOE form)
- An employment contract from the employer that meets J-1 waiver requirements

## **11-3. TRANSFER WITHIN VIRGINIA**

### **Original Employer Requirements**

- The employer of a J-1 Physician that transfers from one practice site to another within Virginia shall submit a final VOE form upon termination of the contract.
- Provide a letter to VDH releasing the J-1 Physician from the employment contract and explanation for the release.

### **New Employer Requirements**

- The J-1 Physician shall contact VDH that he/she is transferring to obtain the most current reporting requirements.

Please note: If the J-1 Physician changes practice sites, but does not switch employers, the employer shall provide proof of practice site eligibility to VDH.

### **J-1 Physician requirements**

- Transfer Notification Form signed by the new employer
- Information of New Employer and the practice sites
- Employment Offer letter signed by the Employer and Physician, which include the practice sites, HPSA designations and proof that the J-1 Physician will work for at least 40 hours per week at least four days a week for remainder of the contract
- VDH Reporting Requirements as set forth in Conrad 30 Waiver Program Guidelines signed by the employer and physician. (Complete VOE form)
- An employment contract from the employer that meets the Conrad 30 Waiver Program requirements

## **12. J-1 PHYSICIAN/EMPLOYER ORIENTATION**

VDH will be providing orientation information to ALL J-1 Physicians and their employers on specific program requirements in one of these three formats:

- PowerPoint Presentation
- Email
- Web link

VDH will require a signature from the J-1 Physician and his employer acknowledging receipt and that he /she has read and understands the requirements.

## **13. CONTACT US**

### Address

Virginia Department of Health  
Office of Health Equity  
ATTN: Conrad 30 Waiver Program  
109 Governor Street  
Suite 714 West (7<sup>th</sup> floor)  
Richmond, Virginia 23219

### Email

[olivette.burroughs@vdh.virginia.gov](mailto:olivette.burroughs@vdh.virginia.gov)

### Phone

804-864-7435  
804-864-7431

### Fax

804-864-7440