

Regulations of Connecticut State Agencies
J-1 Visa Waiver

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

- (a) "Department" means the Department of Public Health.
- (b) "Application" means an application for waiver of a two-year foreign residence requirement for a foreign medical graduate holding a J-1 VISA.
- (c) "Applicant" means a physician or surgeon licensed pursuant to Chapter 370 of the Connecticut General Statutes, on whose behalf an application is being filed.
- (d) "Fiscal Year" means the period October 1st through September 30th.
- (e) "Health Care Facility" means a medical facility, as defined in 42 C.F.R. Section 5.2. as amended from time to time.
- (f) "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 the Department 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, 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) If an application 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 514.44, the application may be approved by the Department. If information is missing from the application, the Department shall not approve the application.
- (b) The Department shall forward to the Director the 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.
- (c) Notwithstanding the above procedures, if the Department determines that there is a shortage of physicians or surgeons or osteopathic physicians in a specific specialty or in a specific geographic location within the area designated by the Secretary of Health and Human Services, the Department may forward to the Director an approved application for such specialty or geographic location, even though such application may not be one of the first thirty applications 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.
- (d) Each application submitted in accordance with subsection (a) 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 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), all of the following conditions are met:

- (A) the health care facility shall document that a minimum of thirty percent (30%) of the applicant physician'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;
- (B) the health care facility 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.

(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.

(Revised 12/22/09)