

**WAC 246-562-120 Department review and action.** (1) The department will review applications for completeness in the date order received.

(2) Applications must be mailed, sent by commercial carrier, or delivered in person as long as the U.S. Department of State requires a paper application.

(3) The department may limit the time period during which applications may be submitted including cutting off applications after the state has sponsored all applications allowed in a given federal fiscal year.

(4) If the department receives more complete applications than the number of available waiver slots, priority will be given in the following order:

(a) Applications submitted by state psychiatric or correctional facilities;

(b) Applications for physicians working in outpatient primary care practice locations that:

(i) Are located in a HPSA;

(ii) Serve the highest percentage of medicaid and other low-income patients; and

(iii) Are not eligible for another visa waiver program.

(c) Applications for physicians working in outpatient specialty care practice locations that:

(i) Are located in a HPSA; and

(ii) Serve the highest percentage of medicaid and other low-income patients.

(5) The department will review applications within ten working days of receipt of the application to determine if the application is complete.

(6) The department will notify the applicant if the application is incomplete and will provide an explanation of what items are missing.

(7) Applicants with incomplete applications can submit additional documentation; however, the application will not be considered for approval until missing items are received and the application will not retain the date order.

(8) The department will return applications that are received after the maximum number of sponsorships have been approved. This does not apply to copies of other federal visa waiver applications.

(9) If an applicant who has already received three sponsorships submits additional applications before June 1st, the department will return the applications. Starting on June 1st these additional applications will be accepted for consideration if the department still has waiver sponsorships available.

(10) If the Washington state license under chapter 18.71 or 18.57 RCW is pending at the time the application is submitted to the department, the department may:

(a) Sponsor or concur;

(b) Hold the application in order received; or

(c) Return the application as incomplete.

(11) The department will review complete applications against the criteria specified in this chapter.

(12) The department may:

(a) Request additional clarifying information;

(b) Verify information presented;

(c) Investigate financial status of the applicant;

(d) Return the application as incomplete if the applicant does not supply requested clarifying information within thirty days of request. Incomplete applications must be resubmitted. Resubmitted applications will be considered new applications and will be reviewed in date order received.

(13) The department will notify the applicant in writing of action taken. If the decision is to decline sponsorship, the department will provide an explanation of how the application failed to meet the stated criterion or criteria.

(14) The department may deny a visa waiver request or, prior to U.S. Department of State approval, may withdraw a visa waiver recommendation for cause, when the department finds the applicant has engaged in conduct contrary to the intent of the J-1 visa waiver program identified in WAC 246-562-020 including, but not limited to, the following:

- (a) Application is not consistent with state or federal criteria;
- (b) Dishonesty;
- (c) Evasion or suppression of material facts in the visa waiver application or in any of its required documentation and supporting materials;
- (d) Fraud;
- (e) History of noncompliance for applicants who benefited from previous department sponsorship;
- (f) Misrepresentation; or
- (g) Violation of Washington state laws and rules related to charity care.

(15) Applications denied may be resubmitted with concerns addressed. Resubmitted applications will be considered new applications and will be reviewed in date order received.

[Statutory Authority: RCW 70.185.040 and P.L. 110-362. WSR 16-17-060, § 246-562-120, filed 8/12/16, effective 10/1/16. Statutory Authority: Chapter 70.185 RCW and Public Law 108-441. WSR 06-07-035, § 246-562-120, filed 3/8/06, effective 4/8/06. Statutory Authority: Chapter 70.185 RCW. WSR 03-19-054, § 246-562-120, filed 9/11/03, effective 10/12/03; WSR 00-15-082, § 246-562-120, filed 7/19/00, effective 8/19/00; WSR 98-20-067, § 246-562-120, filed 10/2/98, effective 11/2/98.]