

WAC 246-562-080 Criteria for physician. (1) The physician seeking a recommendation for a J-1 visa waiver from Washington state must not have a J-1 visa waiver application pending for any other employment offer and must provide a letter attesting that no other applications are pending.

(2) The physician must have the qualifications described in recruitment efforts for the specific vacancy.

(3) The physician is considered eligible to apply for a waiver when:

(a) The physician has successfully completed a residency or fellowship program; or

(b) The physician is in the final year of a residency or fellowship program, and the physician provides a letter from their training program that:

(i) Is on the program's letterhead;

(ii) Identifies the date the physician will complete the residency or fellowship program;

(iii) Confirms the physician is in good standing with the program;

(iv) Is signed and dated by the head of the program; and

(v) Includes contact information for signee.

(4) The physician must provide full-time direct patient care.

(5) The physician must comply with all provisions of the employment contract set out in WAC 246-562-060.

(6) The physician must:

(a) Accept medicaid assignment; post and implement a sliding fee discount schedule; serve the low-income population; serve the uninsured population; and serve the HPSA designation population; or

(b) Serve the population of a local, state, or federal governmental psychiatric or corrections facility as an employee of the institution.

(7) The physician must have an active medical license under chapter 18.71 or 18.57 RCW without any pending enforcement action cases and without any restrictions due to disciplinary action or unprofessional conduct. The applicant may substitute a copy of the license application and request an exception if the application was submitted to the Washington medical commission or Washington state board of osteopathic medicine and surgery prior to submission of the visa waiver application.

(8) The physician must be an active candidate for board certification on or before the start date of employment.

(9) The physician must provide the following documentation:

(a) A current Curriculum Vitae;

(b) U.S. Department of State Data Sheet, Form DS-3035;

(c) All U.S. Department of State DS-2019 Forms (Certificate of Exchange visitor status);

(d) A physician attestation statement described in subsection (1) of this section;

(e) A no objection statement or statement that the physician is not contractually obligated to return to their home country;

(f) A personal statement from the physician regarding the reason for requesting a waiver;

(g) All U.S. Citizenship and Immigration Services (USCIS) I-94 Entry and Departure cards; and

(h) USCIS Form G-28 Notice of Entry of Appearance from an attorney, when applicable.

(10) The statements required in subsection (9)(e) and (f) of this section may be on a form provided by the department or other format that provides the same information as the department form.

(11) Physicians who have completed additional subspecialty training are not eligible for a primary care waiver, except for geriatric medicine, obstetrics, and psychiatry. Continuing medical education (CME) will not be considered subspecialty training for the purposes of this rule.

[Statutory Authority: RCW 70.185.040. WSR 24-18-072, § 246-562-080, filed 8/29/24, effective 10/1/24. Statutory Authority: RCW 70.185.040 and P.L. 110-362. WSR 16-17-060, § 246-562-080, filed 8/12/16, effective 10/1/16. Statutory Authority: Chapter 70.185 RCW and Public Law 108-441. WSR 06-07-035, § 246-562-080, filed 3/8/06, effective 4/8/06. Statutory Authority: Chapter 70.185 RCW. WSR 03-19-054, § 246-562-080, filed 9/11/03, effective 10/12/03; WSR 02-19-084, § 246-562-080, filed 9/16/02, effective 10/17/02; WSR 00-15-082, § 246-562-080, filed 7/19/00, effective 8/19/00; WSR 98-20-067, § 246-562-080, filed 10/2/98, effective 11/2/98.]