

WSR 23-12-089  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
[Filed June 6, 2023, 4:55 p.m.]

Subject of Possible Rule Making: Chapter 246-562 WAC, Physician visa waivers. The department of health (department) is considering amending rules regarding J-1 physician visa waivers and establishing an application fee for the J-1 visa waiver applications. The department is considering changing these rules to help meet the greatest needs across Washington state. The department is considering amending the application, requirements for letters of support, and establishing an application fee for J-1 visa waivers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.185.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules in chapter 246-562 WAC were last revised in 2016. The department uses these rules to help determine which physicians are eligible for the J-1 physician visa waiver program, and which sites can employ these physicians. The department is considering amending rules pertaining to the J-1 visa waiver requirements and process for physicians to benefit health systems with the greatest need. The J-1 visa waiver program has become increasingly competitive, and the department wants to work with interested parties to consider changing the criteria for J-1 visa waiver applicants, revise the deadlines for receiving applications, and create scoring methodology for reviewing applications to meet the areas of greatest need. The rule changes will also address the criteria for providing letters of support for the United States Health and Human Services' Waiver Program and the National Interest Waiver Program. Lastly, the department is considering establishing an application fee to cover the costs of administration of the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of State and United States Citizenship and Immigration Services conduct final review and final approval of J-1 visa waivers. If applications meet the minimum federal standards, states are given leeway to administer the programs to meet the greatest need.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Shaw, P.O. Box 47856, Olympia, WA 98504-7856, phone 360-480-8693, TTY 711, email [J1VisaWaiver@doh.wa.gov](mailto:J1VisaWaiver@doh.wa.gov), website <https://doh.wa.gov/public-health-healthcare-providers/rural-health/workforce-recruitment-and-retention>.

Additional comments: Interested parties should visit the website to join the distribution list for rule-making notifications.

June 6, 2023  
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