

**WAC 246-562-060 Criteria for applicants.** (1) Applicants and physicians must meet all federal criteria for international medical graduates seeking a visa waiver including the criteria established in 8 U.S.C. Sec. 1182(e), 8 U.S.C. Sec. 1184(1), and 22 C.F.R. Sec. 41.63(e).

(2) Except for state psychiatric or correctional facilities, the applicant must:

(a) Currently serve:

- (i) Medicare clients;
- (ii) Medicaid clients;
- (iii) Low-income clients; and
- (iv) Uninsured clients.

(b) Accept all patients regardless of the ability to pay.

(c) Demonstrate that during the 12 months prior to submitting the application, the practice location(s) where the physician will work provided a minimum of 15 percent of total patient visits to medicaid and other low-income clients. Clients dually enrolled for medicare and medicaid may be included in this total.

(d) Implement and maintain a sliding fee discount schedule for each practice location(s) in which the J-1 visa waiver physician will work. The schedule must be:

(i) Available in any language spoken by more than 10 percent of the population in the practice location's service area;

(ii) Posted or prominently displayed within public areas of the practice location(s);

(iii) Distributed in hard copy upon patient request; and

(iv) Updated annually to reflect the most recent federal poverty guidelines.

(3) If the applicant does not charge patients, then subsection (2)(d) of this section does not apply.

(4) Applicants must demonstrate that they engaged in active recruitment, specific to the location and physician specialty, a total or aggregate of at least six months in the 12-month period immediately prior to signing an employment contract with the J-1 visa waiver physician.

(5) Applicants must have a signed employment contract with the physician that meets state and federal requirements throughout the period of obligation, regardless of physician's visa status. The employment contract must:

(a) Identify the physician's name.

(b) Identify the name and address of the proposed practice location(s).

(c) Identify the nature of services to be provided by the physician.

(d) Describe duties to be provided by the physician.

(e) Specify the wages, working conditions, and benefits.

(f) Include a statement of the federal HPSA to be served.

(g) Specify a minimum three-year period of full-time employment.

(h) State that the physician agrees to begin employment within 90 days of visa waiver approval.

(i) Not prevent the physician from providing medical services in the designated HPSA after the term of employment including, but not limited to, noncompetition clauses.

(j) State that the physician:

(i) Will provide care to medicaid, medicare, and other low-income patients;

(ii) Must see all patients regardless of ability to pay based on sliding fee scale; and

(iii) Meets all requirements set forth in 8 C.F.R. Sec. 214.1 of the Immigration Nationality Act.

(6) Applicants must pay the physician at least the required wage rate as referenced by the federal Department of Labor at 20 C.F.R. Sec. 655.731(a) for the specialty in the area or as set by negotiated union contract.

(7) If the applicant has previously requested sponsorship of a physician, WAC 246-562-020(5) will apply.

(8) Applicants must cooperate in providing the department with clarifying information, verifying information already provided, or in any investigation of the applicant's financial status.

(9) Applications for a specialist physician must include a letter from the applicant. The letter must:

(a) Be on the organization's letterhead;

(b) Identify the physician by name;

(c) Demonstrate a need for the nonprimary care specialty by using available data to show how the physician specialty is needed to address a major health problem in the practice location service area, address a population to provider ratio imbalance, or meet government requirements such as trauma designation regulations;

(d) Describe how this specialty will link patients to primary care physicians;

(e) Describe how the demand for the specialty has been handled in the past;

(f) Be signed and dated by the head of the organization; and

(g) Describe the practice location's referral system that includes:

(i) On-call sharing; and

(ii) How patients from other health care entities in the service area, specifically publicly funded employers, will be able to access the sponsored physician's services.

(10) Applicants applying for a specialist physician must provide written notice to the department and all publicly funded employers in the applicant's HPSA within 30 days of the sponsored physician's start-date of employment. The notice must include:

(a) The employer and physician's name, employment start date, and practice location;

(b) Specialty and services to be provided; and

(c) Identification of accepted patients, such as medicaid, medicare, and the availability of a sliding fee schedule.

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