

**WAC 246-562-135 Requirements for letters of attestation. (1)**

The department may provide letters of attestation for visa waiver applications sponsored by federal agencies, including the Physician National Interest Waiver Program and the United States Department of Health and Human Services Waiver Program.

(2) Requests for a letter of attestation must be sent electronically to the department for consideration.

(3) The physician named in the request 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 to receive a letter of attestation from the department. The physician named in the request for an attestation letter for the United States Department of Health and Human Services Waiver Program 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 request for the attestation letter.

(4) The practice location(s) provided in the request must be located in a primary care HPSA, or a mental health HPSA for psychiatrists.

(5) Requests for a letter of attestation must include a letter from the employer. The letter from the employer must:

(a) Be on employer letterhead;

(b) Identify the waiver program;

(c) Describe how the physician's practice is in the public interest;

(d) State that the employer treats all patients regardless of their ability to pay, accepts medicare, medicaid, and S-CHIP assignment, uses a sliding fee discount, and may charge no more than the usual customary rate prevailing in the geographic area in which the services are provided; and

(e) Be signed and dated by the head of the organization.

(6) To receive a letter of attestation for a Physician National Interest Waiver application, the request must include an employment contract. The employment contract must:

(a) Include a total of five years of employment obligation;

(b) Identify the practice location(s) and HPSA identification number; and

(c) Not include a noncompete clause that prohibits the physician from providing services within the community at the end of their three-year period of obligation.

(7) If the physician received a J-1 visa waiver in Washington state, all currently due annual reports must be completed by the physician and employer prior to requesting a letter of attestation.

(8) The department may credit prior employment years served by the physician toward the five-year service obligation under the following conditions.

(a) The previous employment must not be served during fellowship or residency training.

(b) The previous employment must not be served while under J-1 visa status.

(c) The previous employment must be served in a health care facility in an area with a HPSA designation.

(9) To receive a letter of attestation for a U.S. Department of Health and Human Services waiver application, the request must be for

a primary care physician and include an employment contract. The employment contract must:

- (a) Include a minimum of three years employment obligation;
  - (b) Identify the practice location and HPSA identification number;
  - (c) State that the physician agrees to start employment within 90 days of receiving the waiver;
  - (d) Obligate the physician to work 40 hours per week providing primary care services;
  - (e) Include a clause that the contract can only be terminated for cause until the completion of the three-year commitment; and
  - (f) Not contain a noncompete clause or restrictive covenant.
- (10) The physician must complete their training no more than 12 months prior to the start date of employment under a U.S. Department of Health and Human Services waiver.

[Statutory Authority: RCW 70.185.040. WSR 24-18-072, § 246-562-135, filed 8/29/24, effective 10/1/24.]