

WAC 246-562-060 Criteria for applicants. (1) Applicants must:

(a) Be licensed to do business in Washington state; and
(b) Have provided medical care in Washington state for a minimum of twelve months prior to submitting the application.

(2) Applicants may be for-profit, nonprofit, or government organizations.

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

(a) Currently serve:

(i) Medicare clients;

(ii) Medicaid clients;

(iii) Low-income clients;

(iv) Uninsured clients; and

(v) The population of the federal designation, if applicable.

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

(c) Have or agree to implement a sliding fee discount schedule for the practice location(s) in the J-1 visa waiver application. The schedule must be:

(i) Available in the client's principal language and English;

(ii) Posted conspicuously;

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

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

(4) Applicants must provide documentation demonstrating that the employer made a good faith effort to recruit a qualified graduate of a United States medical school for a physician vacancy in the same salary range.

(a) Active recruitment, specific to the location and physician specialty, must be for a period of not less than six months in the twelve months prior to signing an employment contract with the J-1 visa waiver physician. Active recruitment documentation can include one or more of the following:

(i) Listings in national publications;

(ii) Web-based advertisements;

(iii) Contractual agreement with a recruiter or recruitment firm;

or

(iv) Listing the position with the department recruitment and retention program.

(b) In-house job postings and word-of-mouth recruitment are not considered active recruitment for the purpose of the J-1 physician visa waiver program.

(5) Applicants must have a signed employment contract with the physician. The employment contract must:

(a) Meet state and federal requirements throughout the period of obligation, regardless of physician's visa status;

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

(c) Specify the three year period of employment.

(6) Any amendments made to the required elements of the employment contract under subsection (5) of this section during the first three years of contracted employment must be reported to the depart-

ment for review and approval. The department will complete review and approval of such amendments within thirty calendar days of receipt.

(7) 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.

(8) If the applicant has previously requested sponsorship of a physician, WAC 246-562-020 (4)(c) will apply.

(9) Applicants must submit status reports to the department every twelve months, with required supporting documentation, during the initial term of employment.

(10) Physicians with a J-1 visa waiver must submit annual surveys to the department during their obligation period and a final survey one year after they complete their obligation so that the department can evaluate physician retention.

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

[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.]